



# Federal Register

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**Monday,  
October 31, 2005**

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**Part XXVIII**

**National Aeronautics  
and Space  
Administration**

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**Semiannual Regulatory Agenda**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**14 CFR Ch. V**

**Regulatory Agenda**

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** NASA's regulatory agenda describes those regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone

number of the knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported. This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions includes The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. NASA's Statement of Regulatory Priorities is included in part II.

**ADDRESSES:** Director, Management Systems Division, Office of Infrastructure and Administration, Office of Institutions and Management, NASA Headquarters, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Cheryl E. Parker, (202) 358-0252.

**SUPPLEMENTARY INFORMATION:** OMB guidelines dated June 21, 2005, "Fall 2005 Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions" require a regulatory agenda of those regulations under development and review to be published in the **Federal Register** each April and October.

**Dated:** August 30, 2005.

**John D. Werner,**  
*Director, Management Systems Division.*

**National Aeronautics and Space Administration—Prerule Stage**

Sequence Number	Title	Regulation Identifier Number
3453	Tracking and Data Relay Satellite System (TDRSS) .....	2700-AD15

**National Aeronautics and Space Administration—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3454	NASA Science and Technology Scholarship (STSP) .....	2700-AD08
3455	Astronaut Health Care Provision .....	2700-AD09
3456	Small Business Innovation Research and Small Business Technology Transfer Contractor Recertification of Program Compliance .....	2700-AD17

**National Aeronautics and Space Administration—Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3457	Cross-Waiver of Liability .....	2700-AB51
3458	Code of Conduct for International Space Station Crew .....	2700-AC40
3459	NASA Federal Acquisition Regulation (FAR) Supplement—Research and Development Abstracts .....	2700-AC64
3460	Development Work for Industry in NASA Wind Tunnels .....	2700-AC81
3461	Research and Development Abstracts—NASA Grant and Cooperative Agreement Handbook .....	2700-AC82
3462	Federal Policy for the Protection of Human Subjects, Technical Amendment .....	2700-AC99
3463	NASA Research Announcements—Small Business Subcontracting Plans and Publication Acknowledgement and Disclaimers .....	2700-AD03
3464	Safety and Health—Alternate 1 to Major Breach of Safety or Security Clause .....	2700-AD12

**National Aeronautics and Space Administration—Completed Actions**

Sequence Number	Title	Regulation Identifier Number
3465	Contractor Access to Confidential Information .....	2700-AC60
3466	Availability of Agency Records to Members of the Public .....	2700-AD01
3467	Head of Contracting Activity (HCA) Change for Exploration Systems Mission Directorate .....	2700-AD10
3468	Research Misconduct in Grants and Cooperative Agreements .....	2700-AD11
3469	Head of Contracting (HCA) Change for the NASA Shared Services Center (NSSC) .....	2700-AD13
3470	NASA Grant and Cooperative Agreement Handbook—Intellectual Property Required Reports and Publications .....	2700-AD14

NASA

National Aeronautics and Space Administration—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3471	Packaging, Handling, and Transportation Clause .....	2700-AD16
3472	Announcement of Contract Awards .....	2700-AD18

National Aeronautics and Space Administration (NASA)

Prerule Stage

**3453. ● TRACKING AND DATA RELAY SATELLITE SYSTEM (TDRSS)**

**Priority:** Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** 42 USC 2473; 48 FR 9845, 3/9/83, unless otherwise noted; 56 FR 28049, 6/19/91; 61 FR 46714, 9/5/96

**CFR Citation:** 14 CFR 1215; 14 CFR 1215.1; 14 CFR 1215.100; 14 CFR 1215.101; 14 CFR 1215.102; 14 CFR 1215.103; 14 CFR 1215.104; 14 CFR 1215.105; 14 CFR 1215.106

**Legal Deadline:** None

**Abstract:** The TDRSS represents a major investment by the U.S. Government with the primary goal of providing improved tracking and data acquisition services to spacecraft in low

earth orbit or to mobile terrestrial users such as aircraft or balloons. It is the objective of NASA to operate as efficiently as possible with the TDRSS. This is to the mutual benefit of all users. Such user consideration will permit NASA and non-NASA service to be delivered without compromising the mission objectives of any individual users. To encourage users toward achieving efficient TDRSS usage, this reimbursement policy has been established to purposely influence users to operate with TDRSS in the most efficient and orderly manner possible. Additionally, the reimbursement policy is designed to comply with the Office of Management and Budget Circular A-25 on User Charges, which requires that a reasonable charge should be made to each identifiable recipient for a

measurable unit or amount of Government service or property from which a special benefit is derived.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

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**RIN:** 2700-AD15

National Aeronautics and Space Administration (NASA)

Proposed Rule Stage

**3454. NASA SCIENCE AND TECHNOLOGY SCHOLARSHIP (STSP)**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** PL 108-201, sec 9809; PL 108-201, sec 9803; PL 108-201, sec 9815; 42 USC 2451

**CFR Citation:** 14 CFR 1200

**Legal Deadline:** None

**Abstract:** The STSP is a competitive scholarship program intended to guide U.S. students toward NASA-related science and engineering careers. The program will provide scholarships to U.S. citizens and permanent residents of diverse geographic and demographic backgrounds, enrolled in accredited institutions of higher education (university, college, or community college) degree programs in engineering, science, and other

technology fields. Scholarship recipients will enter into an agreement to serve as full-time employees with NASA upon graduation. The service obligation equates to serving a 2-year appointment with NASA for each academic year under scholarship. Students under scholarship for 2 or more academic years will have a maximum service obligation of 4 years. Participation in STSP is limited to 4 academic years. NASA may also elect to defer the obligation to allow students to pursue graduate level studies in a NASA-approved field of study. The regulations will capture program aspects defined by the authorizing legislation. The regulations must also establish the dollar amount of the scholarship, determine the authorized expenses the scholarship funding covers, define the terms and conditions

for deferral of the service obligation, define academic standing required to obtain the scholarship, determine appropriate repayment period extension, and provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual.

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/06	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Dr. Diane Clayton, National Aeronautics and Space Administration, Higher Education Division, Suite 1800M-A, 300 E Street SW, Washington, DC 20546

NASA

Proposed Rule Stage

Phone: 202 358-1582  
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RIN: 2700-AD08

**3455. ASTRONAUT HEALTH CARE PROVISION**

**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.

**Legal Authority:** Not Yet Determined

**CFR Citation:** 14 CFR 1205

**Legal Deadline:** None

**Abstract:** The Astronaut Health Care for Life Provision initiative responds to a critical need identified by NASA, with concurrence by the Institute of Medicine, to create a comprehensive health care system for astronauts and their families that enables the capture and study of all relevant data necessary to ameliorate the risks of space flight. The Astronaut Care Provision effort focuses on the best means to develop a responsible, complete, and comprehensive health insurance program for astronauts and their dependents. If successfully designed and implemented, such a program should enhance understanding of how humans can travel safely and live longer in space and, as an additional benefit, how humans can live longer on earth. In order to provide this

comprehensive health care for the dependents of active astronauts, retired astronauts, and their dependents, NASA needs the appropriate authority stipulated in legislation.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Richard S. Williams, Chief Medical Officer, National Aeronautics and Space Administration, Chief Health and Medical Office, 300 E Street SW, Washington, DC 20546  
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RIN: 2700-AD09

**3456. • SMALL BUSINESS INNOVATION RESEARCH AND SMALL BUSINESS TECHNOLOGY TRANSFER CONTRACTOR RECERTIFICATION OF PROGRAM COMPLIANCE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 2473(c)(1)

**CFR Citation:** 48 CFR 1819; 48 CFR 1832; 48 CFR 1852

**Legal Deadline:** None

**Abstract:** This proposed rule is to amend the NASA FAR Supplement to include a requirement for NASA's Small Business Innovation Research and the Small Business Technology Transfer contractors to complete a recertification of program compliance prior to final payment. This requirement is being established to facilitate the Government's ability to hold contractors accountable for compliance with Federal statute, regulation, and program requirements as outlined in the Office of Inspector General's Management Alert Memorandum dated April 28, 2004.

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Marilyn Seppi, National Aeronautics and Space Administration, Office of Procurement, Contract Management Division, 300 E Street SW, Washington, DC 20546  
 Phone: 703 553-2551  
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RIN: 2700-AD17

National Aeronautics and Space Administration (NASA)

Final Rule Stage

**3457. CROSS-WAIVER OF LIABILITY**

**Priority:** Info./Admin./Other

**Legal Authority:** 42 USC 2473

**CFR Citation:** 14 CFR 1266

**Legal Deadline:** None

**Abstract:** This provides technical amendments to implement the cross-waiver of liability provision of the intergovernmental agreement of the International Space Station and to refine and clarify contractual cross-waivers in NASA agreements involving launch services.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Steven Mirmina, Attorney Advisor, National Aeronautics and Space Administration, NASA Headquarters, General Counsel, 300 E Street SW, Washington, DC 20546  
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RIN: 2700-AB51

**3458. CODE OF CONDUCT FOR INTERNATIONAL SPACE STATION CREW**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 42 USC 2455, 2473, and 2475; 18 USC 799

**CFR Citation:** 14 CFR 1214, subpart 1214.4

**Legal Deadline:** None

**Abstract:** NASA is amending 14 CFR part 1214 by adding subpart 1214.4 to

implement certain provisions of the International Space Station Intergovernmental Agreement regarding crew members' observance of a Code of Conduct.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/21/00	65 FR 80302
Interim Final Rule Effective	10/01/00	
Direct Final Rule	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** E. Jason Steptoe, Associate General Counsel, National Aeronautics and Space Administration, Office of General Counsel, 300 E Street SW, Washington, DC 20546  
 Phone: 202 358-2432

## NASA

## Final Rule Stage

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RIN: 2700-AC40

**3459. NASA FEDERAL ACQUISITION REGULATION (FAR) SUPPLEMENT—RESEARCH AND DEVELOPMENT ABSTRACTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2473(c)(1)**CFR Citation:** 48 CFR 1835; 48 CFR 1852**Legal Deadline:** None

**Abstract:** This rule amends the NASA FAR Supplement to include a requirement for the electronic submission of an abstract of the planned research to be conducted under contract containing research and development effort valued at over \$25,000. This requirement is being established to support NASA's implementation of section 207(g) of the E-Government Act of 2002.

**Timetable:**

Action	Date	FR Cite
NPRM	10/31/03	68 FR 62048
NPRM Comment Period End	12/31/03	
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** None

**Agency Contact:** Tom Sauret, National Aeronautics and Space Administration, Office of Procurement, 300 E Street NW, Washington, DC 20546  
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RIN: 2700-AC64

**3460. DEVELOPMENT WORK FOR INDUSTRY IN NASA WIND TUNNELS****Priority:** Info./Admin./Other**Legal Authority:** 50 USC 511 to 515; 42 USC 2473(c)(5) and (6)**CFR Citation:** 14 CFR 1210**Legal Deadline:** None

**Abstract:** The regulations set forth in 14 CFR 1210 detail the policies and procedures by which NASA makes certain of its wind tunnel facilities available for use in development work by industry. NASA is in the process of updating these regulations to more accurately reflect current accounting policies and operating procedures.

**Timetable:**

Action	Date	FR Cite
Final Action	04/00/06	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

**Agency Contact:** Jay M. Henn, Director, Research Support Division, National Aeronautics and Space Administration, Aeronautics Research Mission Directorate, 300 E Street SW, Washington, DC 20546  
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RIN: 2700-AC81

**3461. RESEARCH AND DEVELOPMENT ABSTRACTS—NASA GRANT AND COOPERATIVE AGREEMENT HANDBOOK****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2473(c)(1)**CFR Citation:** 14 CFR 1260**Legal Deadline:** None

**Abstract:** The rule amends the NASA Grant and Cooperative Handbook to include a requirement for the electronic submission of an abstract of the planned research to be conducted on contracts containing research and development effort valued at over \$25,000. This requirement is being established to support NASA's implementation of section 207(g) of the E-Government Act of 2002.

**Timetable:**

Action	Date	FR Cite
NPRM	10/31/03	68 FR 62031
NPRM Comment Period End	12/30/03	
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Additional Information:** Rule was published as RIN 2700-AC63

**Agency Contact:** Tom Sauret, National Aeronautics and Space Administration, Office of Procurement, 300 E Street NW, Washington, DC 20546  
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RIN: 2700-AC82

**3462. FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS, TECHNICAL AMENDMENT****Priority:** Info./Admin./Other**Legal Authority:** 5 USC 301; 42 USC 289; 42 USC 300v-1(b)**CFR Citation:** 14 CFR 1230**Legal Deadline:** None

**Abstract:** This final rule amends the National Aeronautics and Space Administration (NASA) regulations for the protection of human subjects by changing all references to the Office for Protection from Research Risks (OPRR) to the Office of Human Research Protections (OHRP) and revising the footnote at the end of 45 CFR 46.101(i) by deleting the references to research involving fetuses, pregnant women, or human in vitro fertilization and subpart B of 45 CFR part 46. This technical amendment is being made in conjunction with the other Federal departments and agencies that have promulgated the Federal Policy for the Protection of Human Subjects.

**Timetable:**

Action	Date	FR Cite
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

**Agency Contact:** Richard S. Williams, Chief Medical Officer, National Aeronautics and Space Administration, Chief Health and Medical Office, 300 E Street SW, Washington, DC 20546  
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RIN: 2700-AC99

**3463. NASA RESEARCH ANNOUNCEMENTS—SMALL BUSINESS SUBCONTRACTING PLANS AND PUBLICATION ACKNOWLEDGEMENT AND DISCLAIMERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2473(c)(1)**CFR Citation:** 48 CFR 1835**Legal Deadline:** None

**Abstract:** This is a proposed rule to (1) revise 1835.016-71, NASA Research Announcement, and the corresponding clause at 1852-235-72, Instructions for

## NASA

## Final Rule Stage

Responding to NASA Research Announcement, to require submission of small business subcontracting plans with any proposal whose value exceeds \$500,000 and has subcontracting possibilities that may result in the award of a contract and (2) amend 1852.235-73 Final Scientific and Technical Reports, Alternate II, to include an acknowledgement that materials were based on or developed under NASA-sponsored projects and a disclaimer, which states that the material does not necessarily reflect the views of the Agency.

**Timetable:**

Action	Date	FR Cite
NPRM	09/27/04	69 FR 57664
NPRM Comment Period End	11/26/04	
Final Action	10/00/05	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Mr. Patrick Flynn, Procurement Analyst, National Aeronautics and Space Administration, Office of Procurement, 300 E Street SW, Washington, DC 20546  
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RIN: 2700-AD03

**3464. • SAFETY AND HEALTH—ALTERNATE 1 TO MAJOR BREACH OF SAFETY OR SECURITY CLAUSE**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 1823; 48 CFR 1852

Legal Deadline: None

**Abstract:** This proposed rule amends the NASA FAR Supplement (NFS) to add an Alternate to the "Major Breach of Safety or Security Clause." This Alternate deletes references to termination for default and makes other

changes to be consistent with the FAR termination clauses prescribed for use with educational or nonprofit institutions performing research and development work on a nonprofit or no-fee basis and in contracts for commercial items.

**Timetable:**

Action	Date	FR Cite
NPRM	06/09/05	70 FR 33726
NPRM Comment Period End	08/08/05	
Final Action	10/00/05	

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

**Agency Contact:** Carl C. Weber, National Aeronautics and Space Administration, 300 E Street NW, Washington, DC 20546  
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RIN: 2700-AD12

## National Aeronautics and Space Administration (NASA)

## Completed Actions

**3465. CONTRACTOR ACCESS TO CONFIDENTIAL INFORMATION**

Priority: Other Significant

CFR Citation: 48 CFR 1809; 48 CFR 1852

**Completed:**

Reason	Date	FR Cite
Final Action	06/21/05	70 FR 35549

**Regulatory Flexibility Analysis**

Required: No

Government Levels Affected: None

**Agency Contact:** David Forbes  
Phone: 202 358-2051  
Fax: 202 358-3083

RIN: 2700-AC60

**3466. AVAILABILITY OF AGENCY RECORDS TO MEMBERS OF THE PUBLIC**

Priority: Info./Admin./Other

CFR Citation: 14 CFR 1206; 14 CFR 1206, 65 FR 19646

**Completed:**

Reason	Date	FR Cite
Withdrawn	10/06/05	

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

**Agency Contact:** Stephen L. McConnell

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RIN: 2700-AD01

**3467. HEAD OF CONTRACTING ACTIVITY (HCA) CHANGE FOR EXPLORATION SYSTEMS MISSION DIRECTORATE**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 1802

**Completed:**

Reason	Date	FR Cite
Final Action	05/23/05	70 FR 29456

**Regulatory Flexibility Analysis**

Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2700-AD10

**3468. • RESEARCH MISCONDUCT IN GRANTS AND COOPERATIVE AGREEMENTS**

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 1260; 48 CFR 1273; 48 CFR 1274

Legal Deadline: None

**Abstract:** NASA published a final rule in the Federal Register at 69 FR 42102 on July 14, 2005 (14 CFR part 1275), which defined and established policy and procedures regarding research misconduct. That rule stated that it would be reflected in 14 CFR part 1250 and 14 CFR 1274. This rule implements those policies and procedures for grants and cooperative agreements by referencing 14 CFR part 1275, and includes 14 CFR part 1273 in the coverage.

**Timetable:**

Action	Date	FR Cite
Final Action	05/19/05	70 FR 28808

## NASA

## Completed Actions

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

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**RIN:** 2700-AD11**3469. • HEAD OF CONTRACTING (HCA) CHANGE FOR THE NASA SHARED SERVICES CENTER (NSSC)****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2473(c)(1)**CFR Citation:** 48 CFR 1802**Legal Deadline:** None

**Abstract:** This final rule revises the NASA FAR Supplement (NFS) by amending the definition of "Head of the Contracting Activity (HCA)" consistent with the mission of the NASA Shared Services Center (NSSC), which is to provide selected services in support of Human Resources, Procurement, Financial Management, and Information Technology operations across the Agency.

**Timetable:**

Action	Date	FR Cite
Final Action	09/06/05	70 FR 52940

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Sheryl Goddard,  
National Aeronautics and Space  
Administration, NASA Office of  
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**RIN:** 2700-AD13**3470. • NASA GRANT AND COOPERATIVE AGREEMENT HANDBOOK—INTELLECTUAL PROPERTY REQUIRED REPORTS AND PUBLICATIONS****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 2437(c)(1)**CFR Citation:** 48 CFR 1260**Legal Deadline:** None

**Abstract:** This rule amends the NASA Grant and Cooperative Agreement Handbook to clarify intellectual property provisions and report requirements. The changes are administrative in nature and no change is being made to the actual reporting requirements.

**Timetable:**

Action	Date	FR Cite
Final Action	08/09/05	70 FR 46079

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Monique Sullivan,  
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**RIN:** 2700-AD14**3471. • PACKAGING, HANDLING, AND TRANSPORTATION CLAUSE****Priority:** Info./Admin./Other**Legal Authority:** 42 USC 2473(c)(1)**CFR Citation:** 48 CFR 1852**Legal Deadline:** None

**Abstract:** This is a final rule to amend the NASA FAR Supplement (NFS) to delete the "alpha" and "date" associated with NASA's Procedural Requirements (NPR) 6000.1 referred to in clause 1852.211-70 entitled "Packaging, Handling, and Transportation" (November 2004).

**Timetable:**

Action	Date	FR Cite
Final Action	09/06/05	70 FR 52941

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Marilyn Seppi,  
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**RIN:** 2700-AD16**3472. • ANNOUNCEMENT OF CONTRACT AWARDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 2473(c)(1)**CFR Citation:** 48 CFR 1805**Legal Deadline:** None

**Abstract:** This final rule revises the NASA FAR Supplement (NFS) by amending the anticipated value at which public announcements are required from \$25 million or greater to \$5 million or greater.

**Timetable:**

Action	Date	FR Cite
Final Action	09/29/05	70 FR 56856

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** None

**Agency Contact:** Sheryl Goddard,  
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**RIN:** 2700-AD18

[FR Doc. 05-18120 Filed 10-28-05; 8:45 am]

**BILLING CODE 7510-13-S**