



# Federal Register

---

**Monday,  
October 31, 2005**

---

**Part XLV**

**Department of  
Defense  
General Services  
Administration  
National Aeronautics  
and Space  
Administration**

---

**Federal Acquisition Regulation;  
Semiannual Regulatory Agenda**

**DEPARTMENT OF DEFENSE/GENERAL SERVICES  
ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATION (FAR)**

**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES  
ADMINISTRATION**

**NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION**

**48 CFR Ch. 1**

**Semiannual Regulatory Agenda**

**AGENCIES:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in

compliance with Executive Order 12866 “Regulatory Planning and Review.” This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process.

The Regulatory and Federal Assistance Publication Division has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions; however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

Published proposed rules may be reviewed in their entirety at the

Government’s rulemaking Web site at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Laurieann Duarte, Regulatory and Federal Assistance Division, Room 4035, GS Building, Washington, DC 20405, (202) 501-4755.

**SUPPLEMENTARY INFORMATION:** DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the FAR through periodic issuance of changes published in the **Federal Register** and produced electronically as Federal Acquisition Circulars (FACs).

The electronic version of the FAR, including changes, can be accessed on the FAR Web site at <http://www.acqnet.gov/FAR>.

**Dated:** September 9, 2005.

**Julia B. Wise,**  
*Director, Contract Policy Division.*

**DOD/GSA/NASA (FAR)—Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3735	FAR Case 2003-027, Additional Commercial Contract Types .....	9000-AK07
3736	FAR Case 2004-025, Government Property .....	9000-AK30

**DOD/GSA/NASA (FAR)—Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3737	FAR Case 2000-305, Commercially Available Off-the-Shelf Items .....	9000-AJ55
3738	FAR Case 1999-402, FAR Part 27 Rewrite in Plain Language .....	9000-AJ64
3739	FAR Case 2003-008, Share-in-Savings Contracting .....	9000-AJ74
3740	FAR Case 2002-005, Transportation: Standard Industry Practices .....	9000-AJ84
3741	FAR Case 2003-018, Performance-Based Service Acquisition .....	9000-AK00
3742	FAR Case 2004-007, Federal Technical Data Solution .....	9000-AK08
3743	FAR Case 2003-024, Elimination of Certain Subcontract Notification Requirements .....	9000-AK10
3744	FAR Case 2002-004, Labor Standards for Contracts Involving Construction .....	9000-AK13
3745	FAR Case 2004-019, Earned Value Management System (EVMS) .....	9000-AK16
3746	FAR Case 2004-014, Buy-Back of Assets .....	9000-AK19
3747	FAR Case 2004-031, Fast Payment Procedures .....	9000-AK24
3748	FAR Case 2005-002, Expiration of the Price Evaluation Adjustment .....	9000-AK28
3749	FAR Case 2004-018, Information Technology Security .....	9000-AK29

**DOD/GSA/NASA (FAR)—Long-Term Actions**

Sequence Number	Title	Regulation Identifier Number
3750	FAR Case 1998-020, Hazardous Material Safety Data .....	9000-AJ21
3751	FAR Case 2003-023, Purchases From Federal Prison Industries—Requirement for Market Research .....	9000-AJ91

**FAR**

**DOD/GSA/NASA (FAR)—Long-Term Actions (Continued)**

Sequence Number	Title	Regulation Identifier Number
3752	FAR Case 2004-027, Free Trade Agreements—Australia and Morocco .....	9000-AK09
3753	FAR Case 2004-035, Submission of Cost or Pricing Data on Noncommercial Modifications of Commercial Items ..	9000-AK17
3754	FAR Case 2004-017, Small Business Credit for Alaskan Native Corporations and Indian Tribes .....	9000-AK18
3755	FAR Case 2004-012, Past Performance Evaluation of Orders .....	9000-AK20
3756	FAR Case 2004-030, Definition of Information Technology .....	9000-AK21
3757	FAR Case 2005-009, Confirmation of HUBZone Certification .....	9000-AK22
3758	FAR Case 2004-021, OMB Circular A-76 .....	9000-AK25
3759	FAR Case 2004-033, Inflation Adjustment of Acquisition-Related Thresholds .....	9000-AK26

**DOD/GSA/NASA (FAR)—Completed Actions**

Sequence Number	Title	Regulation Identifier Number
3760	FAR Case 1989-093, Implementation of the Anti-Lobbying Statute .....	9000-AD76
3761	FAR Case 2001-021, Training and Education Cost Principle .....	9000-AJ38
3762	FAR Case 2001-031, Deferred Compensation and Postretirement Benefits Other Than Pensions .....	9000-AJ67
3763	FAR Case 2002-004, Labor Standards for Contracts Involving Construction .....	9000-AJ79
3764	FAR Case 2003-002, Reimbursement of Relocation Costs on a Lump-Sum Basis .....	9000-AJ81
3765	FAR Case 2004-005, Gains and Losses .....	9000-AJ93
3766	FAR Case 2004-003, Payment Withholding .....	9000-AJ94
3767	FAR Case 2004-004, Incentives for Use of Performance-Based Contracting for Services .....	9000-AJ97
3768	FAR Case 2002-015, Government Property Rental and Special Tooling .....	9000-AJ99
3769	FAR Case 2003-029, Powers of Attorney for Bid Bonds .....	9000-AK01
3770	FAR Case 2003-015, Applicability of SDB and HUBZone Price Evaluation Factor .....	9000-AK02
3771	FAR Case 2003-025, Telecommuting for Federal Contractors .....	9000-AK03
3772	FAR Case 2004-010, Notification of Employee Rights—Union Dues and Fees .....	9000-AK04
3773	FAR Case 2004-006, Accounting for Unallowable Costs .....	9000-AK06
3774	FAR Case 2004-037, Increased Justification and Approval Threshold for DoD, NASA, and Coast Guard .....	9000-AK12
3775	FAR Case 2004-036, Landscaping and Pest Control Services .....	9000-AK14
3776	FAR Case 2004-001, Improvements in Contracting for Architect-Engineer Services .....	9000-AK15
3777	FAR Case 2005-004, Documentation Requirement for Limited Sources Under Federal Supply Schedules .....	9000-AK23
3778	FAR Case 2005-010, Title 40 of United States Code Reference Corrections .....	9000-AK27

**DEPARTMENT OF DEFENSE/GENERAL SERVICES  
ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATION (FAR)**

**Proposed Rule Stage**

**3735. FAR CASE 2003-027, ADDITIONAL COMMERCIAL CONTRACT TYPES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137 ; 42 USC 2473(c)

**CFR Citation:** 48 CFR 2; 48 CFR 10; 48 CFR 12; 48 CFR 16; 48 CFR 52; ...

**Legal Deadline:** None

**Abstract:** This advance notice of proposed rulemaking is being issued to solicit comments that can be used to assist in the implementation of section 1432 of the National Defense

Authorization Act for Fiscal Year 2004 (Pub. L. 108-136) in the Federal Acquisition Regulation (FAR). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/20/04	69 FR 56316
ANPRM Comment Period End	11/19/04	
NPRM	09/26/05	70 FR 56318

Action	Date	FR Cite
NPRM Comment Period End	11/25/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405  
Phone: 202 501-4225

## FAR

## Proposed Rule Stage

Email: laurieann.duarte@gsa.gov

RIN: 9000-AK07

**3736. • FAR CASE 2004-025,  
GOVERNMENT PROPERTY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 1 ; 48 CFR 2; 48 CFR 17 ; 48 CFR 31 ; 48 CFR 32; 48 CFR 35; 48 CFR 42; 48 CFR 45; 48 CFR 49 ; 48 CFR 51 ; 48 CFR 52 ; 48 CFR 53

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to simplify procedures, clarify language,

and eliminate obsolete requirements related to the management and disposition of Government property in the possession of contractors. Various FAR parts are amended to implement a policy that fosters efficiency, flexibility, innovation, and creativity, while continuing to protect the Government's interest in the public's property. The proposed rule specifically impacts contracting officers, property administrators, and contractors responsible for the management of Government property. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866. This is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	09/19/05	70 FR 54878
NPRM Comment Period End	11/18/05	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

RIN: 9000-AK30

**DEPARTMENT OF DEFENSE/GENERAL SERVICES  
ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATION (FAR)**

## Final Rule Stage

**3737. FAR CASE 2000-305,  
COMMERCIALLY AVAILABLE  
OFF-THE-SHELF ITEMS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 2; 48 CFR 3; 48 CFR 12; 48 CFR 22; 48 CFR 23; 48 CFR 25; 48 CFR 27; 48 CFR 44; 48 CFR 47; 48 CFR 52; ...

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement section 4203 of the Federal Acquisition Reform Act (Pub. L. 104-106) (the Act) with respect to Commercially Available Off-the-Shelf Item Acquisitions. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
ANPRM	01/30/03	68 FR 4874
ANPRM Comment Period End	03/31/03	
NPRM	01/15/04	69 FR 2448
NPRM Comment Period End	03/15/04	
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

RIN: 9000-AJ55

**3738. FAR CASE 1999-402, FAR PART  
27 REWRITE IN PLAIN LANGUAGE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 2; 48 CFR 12; 48 CFR 19; 48 CFR 27; 48 CFR 52; ...

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to clarify, streamline, and update guidance and clauses on patents, data, and copyrights to provide a more logical presentation of this complex material. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	05/28/03	68 FR 31790
NPRM Comment Period End	07/28/03	
Final Action	10/00/05	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

RIN: 9000-AJ64

**3739. FAR CASE 2003-008,  
SHARE-IN-SAVINGS CONTRACTING**

**Priority:** Other Significant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c); PL 107-347, sec 210

**CFR Citation:** 48 CFR 16; 48 CFR 39

**Legal Deadline:** NPRM, Statutory, September 16, 2003.

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement section 210 of the E-Government Act of 2002, Public Law

## FAR

## Final Rule Stage

107-347. Section 210 authorizes Governmentwide use of share-in-saving (SIS) contracts for information technology (IT). This regulatory action is subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
ANPRM	10/01/03	68 FR 56613
Correction	10/15/03	68 FR 59447
ANPRM Comment Period End	10/31/03	68 FR 56613
NPRM	07/02/04	69 FR 40514
NPRM Comment Period End	08/31/04	
Final Action	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AJ74

**3740. FAR CASE 2002-005, TRANSPORTATION: STANDARD INDUSTRY PRACTICES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 42; 48 CFR 47; 48 CFR 52; 48 CFR 53

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement changes to the Interstate Transportation Act, which abolished tariff-filing requirements for motor carriers of freight and the Interstate Commerce Commission (ICC). Also, the rule implements changes to the Federal Management Regulation that require use of commercial bills of lading for domestic shipments. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	01/27/04	69 FR 4004
NPRM Comment Period End	03/29/04	
Final Action	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AJ84

**3741. FAR CASE 2003-018, PERFORMANCE-BASED SERVICE ACQUISITION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 2; 48 CFR 7; 48 CFR 11; 48 CFR 16; 48 CFR 37; 48 CFR 39; 48 CFR 12; ...

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to change the terms performance-based contracting (PBC) and performance-based service contracting (PBSC) to performance-based acquisition (PBA) or performance-based service acquisition (PBSA) in areas of the FAR where appropriate. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	07/21/04	69 FR 43712
NPRM Comment Period End	09/20/04	
Final Action	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AK00

**3742. FAR CASE 2004-007, FEDERAL TECHNICAL DATA SOLUTION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 2; 48 CFR 5; 48 CFR 7

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to provide for the access and distribution of solicitation requirements or other documents (e.g., technical specifications, maps, building designs, schedules, etc.) when controls are necessary according to agency procedures through the Federal Technical Data Solution (FedTeds) website in lieu of the Governmentwide Point of Entry (GPE). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	11/01/04	69 FR 63436
NPRM Comment Period End	01/03/05	
Final Action	10/00/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AK08

**3743. FAR CASE 2003-024, ELIMINATION OF CERTAIN SUBCONTRACT NOTIFICATION REQUIREMENTS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 44

**Legal Deadline:** None

**Abstract:** The Civilian Agency Acquisition Council and the Defense

## FAR

## Final Rule Stage

Acquisition Regulations Council (the Councils) have agreed to amend the Federal Acquisition Regulation language regarding advance notification requirements. This change is required to implement section 842 of the National Defense Authorization Act for Fiscal Year 2004, Public Law 108-136, which resulted in revisions to 10 U.S.C. 2306(e). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/09/05	70 FR 11761
Interim Final Rule Effective	03/09/05	
Interim Final Rule Comment Period End	05/09/05	
Final Action	10/00/05	

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

**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

RIN: 9000-AK10

**3744. FAR CASE 2002-004, LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION****Priority:** Other Significant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 22; 48 CFR 52; 48 CFR 53**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement the revised definitions of "construction" and "site of the work" in the Department of Labor (DOL) regulations and definitions relating to labor standards for contracts involving construction and made requirements for flow down of labor clauses more precise. This regulatory action was subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	12/23/03	68 FR 74404
NPRM Comment Period End	02/23/04	
Final Action	10/00/05	

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

**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

RIN: 9000-AK13

**3745. FAR CASE 2004-019, EARNED VALUE MANAGEMENT SYSTEM (EVMS)****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 2; 48 CFR 7; 48 CFR 34; 48 CFR 42; 48 CFR 52; ...**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement earned value management system (EVMS) policy. FAR coverage is essential to help standardize the use of EVMS across the Government. The rule specifically impacts contracting officers, program managers, and contractors with earned value management systems. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	04/08/05	70 FR 17946
NPRM Comment Period End	06/07/05	
Final Action	10/00/05	

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

**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

RIN: 9000-AK16

**3746. • FAR CASE 2004-014, BUY-BACK OF ASSETS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 31**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to revise the contract cost principle regarding depreciation. The rule adds language that addresses the allowability of depreciation costs of re-acquired assets involved in a sales and leaseback arrangement. This regulatory action was not subject to review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	06/13/05	70 FR 34080
NPRM Comment Period End	08/12/05	
Final Action	10/00/05	

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

**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

RIN: 9000-AK19

**3747. • FAR CASE 2004-031, FAST PAYMENT PROCEDURES****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 52**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) by revising fast payment procedures. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.

## FAR

## Final Rule Stage

**Timetable:**

Action	Date	FR Cite
NPRM	07/13/05	
Comment Period End	09/12/05	70 FR 40279
Final Action	10/00/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AK24**3748. • FAR CASE 2005-002, EXPIRATION OF THE PRICE EVALUATION ADJUSTMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 19; 48 CFR 52**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to cancel for civilian agencies (except National Aeronautics and Space Administration (NASA) and Coast Guard) the Small Disadvantaged Business (SDB) price evaluation adjustment which was originally authorized under the Federal

Acquisition Streamlining Act of 1994 (Pub. L. 103-355, sec. 7102). Civilian agencies (except NASA and Coast Guard) are not authorized to apply the price evaluation adjustment to their acquisitions. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/30/05	70 FR 57462
Interim Final Rule	11/29/05	
Comment Period		
End		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AK28**3749. • FAR CASE 2004-018, INFORMATION TECHNOLOGY SECURITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 1; 48 CFR 2; 48 CFR 7; 48 CFR 11; 48 CFR 39; ...**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement the Information Technology (IT) Security provisions of the Federal Information Security Management Act of 2002 (FISMA) (title III of Pub. L. 107-347) and the E-Government Act of 2002 (E-Gov Act). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	09/30/05	70 FR 57450
Interim Final Rule	11/29/05	
Comment Period		
End		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AK29**DEPARTMENT OF DEFENSE/GENERAL SERVICES  
ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATION (FAR)**

## Long-Term Actions

**3750. FAR CASE 1998-020, HAZARDOUS MATERIAL SAFETY DATA****Priority:** Other Significant**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 23; 48 CFR 52**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to revise the policies and procedures for contractor submission of Material Safety Data Sheets (MSDSs). This regulatory action was subject to Office

of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	01/04/02	67 FR 632
NPRM Comment	03/05/02	
Period End		
NPRM	03/03/04	69 FR 10118
NPRM Comment	05/03/04	
Period End		
Next Action Undetermined		

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

**Related RIN:** Previously reported as 9000-AI87**RIN:** 9000-AJ21

## FAR

## Long-Term Actions

**3751. FAR CASE 2003-023, PURCHASES FROM FEDERAL PRISON INDUSTRIES—REQUIREMENT FOR MARKET RESEARCH****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 8; 48 CFR 19; 48 CFR 42; 48 CFR 52**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement section 637 of Division H of the Consolidated Appropriations Act, 2005. Section 637 provides that no funds made available under the Consolidated Appropriations Act for fiscal year 2005, or under any other Act for fiscal year 2005 and each fiscal year thereafter, shall be expended for purchase of a product or service offered by Federal Prison Industries, Inc., unless the agency making the purchase determines that the offered product or service provides the best value to the buying agency, pursuant to Governmentwide procurement regulations issued pursuant to 41 U.S.C. 421(c)(1) that impose procedures, standards, and limitations of 10 U.S.C. 2410n. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/26/04	69 FR 16148
Interim Final Rule Effective	03/26/04	
Interim Final Rule Comment Period End	05/25/04	
Interim Final Rule	04/11/05	70 FR 18954
Interim Final Rule Effective	04/11/05	
Interim Final Rule Comment Period End	06/10/05	

Next Action Undetermined

**Regulatory Flexibility Analysis****Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AJ91**3752. FAR CASE 2004-027, FREE TRADE AGREEMENTS—AUSTRALIA AND MOROCCO****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 5; 48 CFR 6; 48 CFR 9; 48 CFR 12; 48 CFR 14; 48 CFR 17; 48 CFR 22; 48 CFR 25; 48 CFR 52; ...

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement new Free Trade Agreements with Australia and Morocco as approved by Congress (Pub. L. 108-286 and 108-302). These Free Trade Agreements are scheduled to go into effect January 1, 2005. This was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	12/28/04	69 FR 77870
Interim Final Rule Effective	01/01/05	
Interim Final Rule Comment Period End	02/28/05	

Next Action Undetermined

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

**Additional Information:** The Paperwork Reduction Act of 1995 (Pub. L. 104-13) does apply.

**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AK09**3753. • FAR CASE 2004-035, SUBMISSION OF COST OR PRICING DATA ON NONCOMMERCIAL MODIFICATIONS OF COMMERCIAL ITEMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 15**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement section 818 of Public Law 108-375, the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005. This regulatory action was not subject to Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/08/05	70 FR 33659
Interim Final Rule Effective	06/08/05	
Interim Final Rule Comment Period End	08/08/05	

Next Action Undetermined

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

**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AK17**3754. • FAR CASE 2004-017, SMALL BUSINESS CREDIT FOR ALASKAN NATIVE CORPORATIONS AND INDIAN TRIBES****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 19; 48 CFR 52; 48 CFR 53**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement section 702 of Public Law 107-117, as amended by section 3003 of Public Law 107-206 (43 U.S.C. 1626). The law permits subcontracts awarded



## FAR

## Long-Term Actions

to certain Alaskan Native Corporations (ANCs) to be counted towards a contractor's goals for subcontracting with small business (SB) and small disadvantaged business (SDB) concerns. The law also permits Indian tribes to be counted towards a contractor's goal for subcontracting with SB. This regulatory action was not subject to Office of Management Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	06/03/05	70 FR 32553
NPRM Comment Period End	08/02/05	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225  
Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AK18

**3755. • FAR CASE 2004-012, PAST PERFORMANCE EVALUATION OF ORDERS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 42

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to require past performance evaluation of certain orders and to ensure that subcontracting management is addressed during evaluation of a contractor's past performance. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	06/21/05	70 FR 35601
NPRM Comment Period End	08/22/05	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225  
Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AK20

**3756. • FAR CASE 2004-030, DEFINITION OF INFORMATION TECHNOLOGY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 486(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 2

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to revise the definition of "information technology" to reflect the changes to the definition resulting from the enactment of Public Law 108-199, Consolidated Appropriations Act, 2004. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/27/05	70 FR 43577
Interim Final Rule Effective	07/27/05	
Interim Final Rule Comment Period End	09/26/05	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225  
Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AK21

**3757. • FAR CASE 2005-009, CONFIRMATION OF HUBZONE CERTIFICATION**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 19; 48 CFR 52

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to clarify that prime contractors must confirm that a small business concern representing itself as a Historically Underutilized Business Zone (HUBZone) small business concern is certified, consistent with the requirements of 15 U.S.C. 632 et seq., as amended. This regulatory action was not subject to Office of Management Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/27/05	70 FR 43582
Interim Final Rule Comment Period End	09/26/05	

Next Action Undetermined

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225  
Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AK22

**3758. • FAR CASE 2004-021, OMB CIRCULAR A-76**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 2; 48 CFR 5; 48 CFR 7; 48 CFR 14; 48 CFR 37; 48 CFR 52

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to provide language that is consistent with OMB Circular A-76 (Revised), Performance of Commercial Activities, dated May 29, 2003. This regulatory

## FAR

## Long-Term Actions

action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	07/26/05	70 FR 43107
NPRM Comment Period End	09/26/05	
Next Action	Undetermined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AK25

**3759. • FAR CASE 2004-033, INFLATION ADJUSTMENT OF ACQUISITION-RELATED THRESHOLDS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 1 to 2; 48 CFR 4 to 9; 48 CFR 12 to 13; 48 CFR 15 to 17; 48 CFR 19; 48 CFR 22; 48 CFR 25; 48 CFR 28; 48 CFR 30; 48 CFR 32; 48 CFR 36; 48 CFR 42; 48 CFR 48; 48 CFR 49 to 50; 48 CFR 52 to 53

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to adjust acquisition-related thresholds for inflation. Section 807 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Pub. L. 108-375) requires that the FAR Council periodically adjust all statutory acquisition-related dollar thresholds in the FAR for inflation, except the statute does not permit escalation of acquisition-related dollar thresholds established by the Davis-Bacon Act, the Service Contract Act, or trade agreements. This rule also proposes to

amend other acquisition-related thresholds that are based on policy rather than statute. Inflation adjustment of Cost Accounting Standards (CAS) thresholds in the CAS regulations is simultaneously addressed in a separate case.

This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AK26

**DEPARTMENT OF DEFENSE/GENERAL SERVICES  
ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATION (FAR)**

## Completed Actions

**3760. FAR CASE 1989-093, IMPLEMENTATION OF THE ANTI-LOBBYING STATUTE**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 3; 48 CFR 52

**Completed:**

Reason	Date	FR Cite
Final Action	09/30/05	70 FR 57455

**Regulatory Flexibility Analysis**

**Required:** Yes

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AD76

**3761. FAR CASE 2001-021, TRAINING AND EDUCATION COST PRINCIPLE**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 31

**Completed:**

Reason	Date	FR Cite
Final Action	09/30/05	70 FR 57470
Final Action Effective	10/31/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AJ38

**3762. FAR CASE 2001-031, DEFERRED COMPENSATION AND POSTRETIREMENT BENEFITS OTHER THAN PENSIONS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 31; 48 CFR 52

**Completed:**

Reason	Date	FR Cite
Final Action	06/08/05	70 FR 33671
Final Action Effective	07/08/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AJ67

## FAR

## Completed Actions

**3763. FAR CASE 2002-004, LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION****Priority:** Other Significant**CFR Citation:** 48 CFR 22; 48 CFR 52; 48 CFR 53**Completed:**

Reason	Date	FR Cite
Final Action	06/08/05	70 FR 33662
Final Action Effective	07/08/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte  
Phone: 202 501-4225  
Email: laurieann.duarte@gsa.gov**RIN:** 9000-AJ79**3764. FAR CASE 2003-002, REIMBURSEMENT OF RELOCATION COSTS ON A LUMP-SUM BASIS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 31**Completed:**

Reason	Date	FR Cite
Final Action	09/30/05	70 FR 57467
Final Action Effective	10/31/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte  
Phone: 202 501-4225  
Email: laurieann.duarte@gsa.gov**RIN:** 9000-AJ81**3765. FAR CASE 2004-005, GAINS AND LOSSES****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 31**Completed:**

Reason	Date	FR Cite
Final Action	06/08/05	70 FR 33673
Final Action Effective	07/08/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte  
Phone: 202 501-4225  
Email: laurieann.duarte@gsa.gov**RIN:** 9000-AJ93**3766. FAR CASE 2004-003, PAYMENT WITHHOLDING****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 14; 48 CFR 32; 48 CFR 52**Completed:**

Reason	Date	FR Cite
Final Action	07/27/05	70 FR 43580
Final Action Effective	08/26/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte  
Phone: 202 501-4225  
Email: laurieann.duarte@gsa.gov**RIN:** 9000-AJ94**3767. FAR CASE 2004-004, INCENTIVES FOR USE OF PERFORMANCE-BASED CONTRACTING FOR SERVICES****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 2; 48 CFR 4; 48 CFR 12; 48 CFR 37; 48 CFR 52; ...**Completed:**

Reason	Date	FR Cite
Final Action	06/08/05	70 FR 33657
Final Action Effective	06/08/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte  
Phone: 202 501-4225  
Email: laurieann.duarte@gsa.gov**RIN:** 9000-AJ97**3768. FAR CASE 2002-015, GOVERNMENT PROPERTY RENTAL AND SPECIAL TOOLING****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 45; 48 CFR 52**Completed:**

Reason	Date	FR Cite
Final Action	07/27/05	70 FR 43583
Final Action Effective	08/26/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AJ99**3769. FAR CASE 2003-029, POWERS OF ATTORNEY FOR BID BONDS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 28; 48 CFR 19**Completed:**

Reason	Date	FR Cite
Final Action	09/30/05	70 FR 57459

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses, Governmental Jurisdictions**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte  
Phone: 202 501-4225  
Email: laurieann.duarte@gsa.gov**RIN:** 9000-AK01**3770. FAR CASE 2003-015, APPLICABILITY OF SDB AND HUBZONE PRICE EVALUATION FACTOR****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 19; 48 CFR 52**Completed:**

Reason	Date	FR Cite
Final Action	06/08/05	70 FR 33661
Final Action Effective	07/08/05	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte  
Phone: 202 501-4225  
Email: laurieann.duarte@gsa.gov**RIN:** 9000-AK02**3771. FAR CASE 2003-025, TELECOMMUTING FOR FEDERAL CONTRACTORS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 7; 48 CFR 11; 48 CFR 13; 48 CFR 15**Completed:**

Reason	Date	FR Cite
Final Action	06/08/05	70 FR 33656
Final Action Effective	06/08/05	

**Regulatory Flexibility Analysis Required:** No

## FAR

## Completed Actions

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte  
Phone: 202 501-4225  
Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AK03

**3772. FAR CASE 2004-010,  
NOTIFICATION OF EMPLOYEE  
RIGHTS—UNION DUES AND FEES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 22; 48 CFR 52

**Completed:**

Reason	Date	FR Cite
Final Action	06/08/05	70 FR 33655
Final Action Effective	06/08/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte  
Phone: 202 501-4225  
Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AK04

**3773. FAR CASE 2004-006,  
ACCOUNTING FOR UNALLOWABLE  
COSTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 31

**Completed:**

Reason	Date	FR Cite
Final Action	09/30/05	70 FR 57463
Final Action Effective	10/31/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte  
Phone: 202 501-4225  
Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AK06

**3774. FAR CASE 2004-037,  
INCREASED JUSTIFICATION AND  
APPROVAL THRESHOLD FOR DOD,  
NASA, AND COAST GUARD**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 6

**Completed:**

Reason	Date	FR Cite
Interim Final Rule Comment Period End	05/09/05	
Final Action	09/30/05	70 FR 57457

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte  
Phone: 202 501-4225  
Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AK12

**3775. FAR CASE 2004-036,  
LANDSCAPING AND PEST CONTROL  
SERVICES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 19; 48 CFR 52

**Completed:**

Reason	Date	FR Cite
Interim Final Rule Comment Period End	05/09/05	
Final Action	09/30/05	70 FR 57458

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte  
Phone: 202 501-4225  
Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AK14

**3776. FAR CASE 2004-001,  
IMPROVEMENTS IN CONTRACTING  
FOR ARCHITECT-ENGINEER  
SERVICES**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 2; 48 CFR 8; 48 CFR 16; 48 CFR 36

**Completed:**

Reason	Date	FR Cite
Interim Final Rule Comment Period End	05/09/05	
Final Action	09/30/05	70 FR 57452

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte  
Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AK15

**3777. • FAR CASE 2005-004,  
DOCUMENTATION REQUIREMENT  
FOR LIMITED SOURCES UNDER  
FEDERAL SUPPLY SCHEDULES**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 8

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to make editorial and restructuring changes to clarify the procedures when an ordering activity limits consideration of schedule contractors. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

Action	Date	FR Cite
Final Action	07/27/05	70 FR 43578
Final Action Effective	07/27/05	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurieann Duarte,  
Supervisor, DOD/GSA/NASA (FAR),  
1800 F Street NW, Washington, DC  
20405

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AK23

**3778. • FAR CASE 2005-010, TITLE 40  
OF UNITED STATES CODE  
REFERENCE CORRECTIONS**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

**CFR Citation:** 48 CFR 2; 48 CFR 4; 48 CFR 6; 48 CFR 7; 48 CFR 8; 48 CFR 12; 48 CFR 13; 48 CFR 22; 48 CFR 28; 48 CFR 36; 48 CFR 37; 48 CFR 39; 48 CFR 41; 48 CFR 47; 48 CFR 52; ...

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to reflect the most recent codification of title 40 of the United States Code. This regulatory action was not subject to

---

**FAR****Completed Actions**

---

Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**Timetable:**

<b>Action</b>	<b>Date</b>	<b>FR Cite</b>
Final Action	09/30/05	70 FR 57453

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Supervisor, DOD/GSA/NASA (FAR),

1800 F Street NW, Washington, DC 20405

Phone: 202 501-4225

Email: laurieann.duarte@gsa.gov

**RIN:** 9000-AK27

[FR Doc. 05-18776 Filed 10-28-05; 8:45 am]

**BILLING CODE 6820-EP-S**