



# Federal Register

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**Monday,  
May 16, 2005**

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**Part XLV**

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

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**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 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 website 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 website at <http://www.acqnet.gov/FAR>.

**Dated:** March 21, 2005.

**Rodney P. Lantier,**  
*Director, Contract Policy Division.*

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

Sequence Number	Title	Regulation Identifier Number
3605	FAR Case 2004-019, Earned Value Management System (EVMS) .....	9000-AK16

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

Sequence Number	Title	Regulation Identifier Number
3606	FAR Case 2003-023, Purchases From Federal Prison Industries—Requirement for Market Research .....	9000-AJ91

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

Sequence Number	Title	Regulation Identifier Number
3607	FAR Case 1989-093, Implementation of the Anti-Lobbying Statute .....	9000-AD76
3608	FAR Case 1998-020, Hazardous Material Safety Data .....	9000-AJ21
3609	FAR Case 2001-021, Training and Education Cost Principle .....	9000-AJ38
3610	FAR Case 2000-305, Commercially Available Off-the-Shelf Items .....	9000-AJ55
3611	FAR Case 1999-402, FAR Part 27 Rewrite in Plain Language .....	9000-AJ64
3612	FAR Case 2001-031, Deferred Compensation and Post-Retirement Benefits Other Than Pensions .....	9000-AJ67
3613	FAR Case 2003-008, Share-in-Savings Contracting .....	9000-AJ74
3614	FAR Case 2002-004, Labor Standards for Contracts Involving Construction .....	9000-AJ79
3615	FAR Case 2003-002, Reimbursement of Relocation Costs on a Lump-Sum Basis .....	9000-AJ81
3616	FAR Case 2002-005, Transportation: Standard Industry Practices .....	9000-AJ84
3617	FAR Case 2004-005, Gains and Losses .....	9000-AJ93
3618	FAR Case 2004-003, Payment Withholding .....	9000-AJ94
3619	FAR Case 2004-004, Incentives for Use of Performance-Based Contracting for Services .....	9000-AJ97
3620	FAR Case 2002-015, Government Property Rental and Special Tooling .....	9000-AJ99
3621	FAR Case 2003-018, Performance-Based Service Acquisition .....	9000-AK00
3622	FAR Case 2003-029, Powers of Attorney for Bid Bonds .....	9000-AK01

## FAR

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

Sequence Number	Title	Regulation Identifier Number
3623	FAR Case 2003-015, Applicability of SDB and HUBZone Price Evaluation Factor .....	9000-AK02
3624	FAR Case 2003-025, Telecommuting for Federal Contractors .....	9000-AK03
3625	FAR Case 2004-010, Notification of Employee Rights—Union Dues and Fees .....	9000-AK04
3626	FAR Case 2004-006, Accounting for Unallowable Costs .....	9000-AK06
3627	FAR Case 2003-027, Additional Commercial Contract Types .....	9000-AK07
3628	FAR Case 2004-007, Federal Technical Data Solution .....	9000-AK08
3629	FAR Case 2004-027, Free Trade Agreements — Australia and Morocco .....	9000-AK09
3630	FAR Case 2003-024, Elimination of Certain Subcontract Notification Requirements .....	9000-AK10
3631	FAR Case 2004-037, Increased Justification and Approval Threshold for DoD, NASA, and Coast Guard .....	9000-AK12
3632	FAR Case 2002-004, Labor Standards for Contracts Involving Construction .....	9000-AK13
3633	FAR Case 2004-036, Landscaping and Pest Control Services .....	9000-AK14
3634	FAR Case 2004-001, Improvements in Contracting for Architect-Engineer Services .....	9000-AK15

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

Sequence Number	Title	Regulation Identifier Number
3635	FAR Case 1999-025, Cost Accounting Standards Administration .....	9000-AI70
3636	FAR Case 2002-021, Subcontracts for Commercial Items and Commercial Components .....	9000-AJ75
3637	FAR Case 2001-018, Applicability of the Cost Principles and Penalties for Unallowable Costs .....	9000-AJ77
3638	FAR Case 2002-023, Excluded Parties System Enhancement .....	9000-AJ78
3639	FAR Case 2002-024, Electronic Representations and Certifications .....	9000-AJ80
3640	FAR Case 2003-022, Special Emergency Procurement Authority .....	9000-AJ88
3641	FAR Case 2003-010, Mentor-Protege Program—Delegation of Approval Authority for Mentor-Protege Agreements .....	9000-AJ90
3642	FAR Case 2004-002, Service-Disabled Veteran-Owned Small Business Concerns .....	9000-AJ92
3643	FAR Case 2003-021, Nonavailable Articles—Policy .....	9000-AJ95
3644	FAR Case 2004-020, Section 508 Micropurchases Exemption .....	9000-AK05
3645	FAR Case 2004-034, Extension of Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items, Test Program .....	9000-AK11

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

Proposed Rule Stage

**3605. • 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	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AK16

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

Final Rule Stage

**3606. 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 F of the Consolidated Appropriations Act, 2004. Section 637 provides that no fiscal year 2004 funds 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. 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

Action	Date	FR Cite
Interim Final Rule Effective	04/11/05	
Interim Final Rule Comment Period End	06/10/05	

**Regulatory Flexibility Analysis Required:** Yes

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ91

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

Long-Term Actions

**3607. FAR CASE 1989-093,  
IMPLEMENTATION OF THE  
ANTI-LOBBYING STATUTE**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** PL 101-121, sec 319

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

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement section 319 of Public Law 101-121, which added a new section 1352 to title 31 U.S.C. entitled "Limitation on Use of Appropriated Funds To Influence Certain Federal Contracting and Financial Transactions." Section 319 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan. Section 319 also requires that each person who requests or receives a Federal contract, grant, or cooperative agreement, in excess of \$100,000, or a loan or Federal commitment to insure or guarantee a loan, in excess of \$150,000, must disclose lobbying with other than appropriated funds.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	01/30/90	55 FR 3190
Interim Final Rule Comment Period End	04/02/90	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

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

**Government Levels Affected:** Federal

**URL For More Information:**

www.regulations.gov

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**RIN:** 9000-AD76

**3608. 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 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
NPRM	01/04/02	67 FR 632
NPRM Comment Period End	03/05/02	
NPRM	03/03/04	69 FR 10118
NPRM Comment Period End	05/03/04	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

## FAR

## Long-Term Actions

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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

**RIN:** 9000-AJ21

### 3609. FAR CASE 2001-021, TRAINING AND EDUCATION COST PRINCIPLE

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 40 USC 486(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 "Training and Education Costs" cost principle. 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
NPRM	05/15/02	67 FR 34810
Correction	06/11/02	67 FR 40136
NPRM Comment Period End	07/15/02	
NPRM	01/29/04	69 FR 4436
NPRM Comment Period End	03/29/04	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ38

### 3610. FAR CASE 2000-305, COMMERCIALY 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	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ55

### 3611. 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	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ64

### 3612. FAR CASE 2001-031, DEFERRED COMPENSATION AND POST-RETIREMENT BENEFITS OTHER THAN PENSIONS

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) by revising the paragraphs of the "compensation for personal services" cost principle relating to deferred compensation and post-retirement benefits other than pensions. This is not a significant regulatory action and, therefore, 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	06/03/03	68 FR 33326
NPRM Comment Period End	08/04/03	
Final Action	To Be Determined	

## FAR

## Long-Term Actions

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte, FAR Secretariat (MVA), DOD/GSA/NASA (FAR), Room 4033, 1800 F Street NW, Washington, DC 20405

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**RIN:** 9000-AJ67**3613. 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 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	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte, FAR Secretariat (MVA), DOD/GSA/NASA (FAR), Room 4033, 1800 F Street NW, Washington, DC 20405

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**RIN:** 9000-AJ74**3614. FAR CASE 2002-004, LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION****Priority:** Substantive, Nonsignificant**Legal Authority:** 49 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. In addition, the Councils are proposing to clarify several definitions relating to labor standards for contracts involving construction and make requirements for flow down of labor clauses more precise. This rule was not subject to review under 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	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte, FAR Secretariat (MVA), DOD/GSA/NASA (FAR), Room 4033, 1800 F Street NW, Washington, DC 20405

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**RIN:** 9000-AJ79**3615. FAR CASE 2003-002, REIMBURSEMENT OF RELOCATION COSTS ON A LUMP-SUM BASIS****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 expand the use of reimbursement on a lump-sum basis to certain types of employee relocation costs. 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	12/11/03	68 FR 69264
NPRM Comment Period End	02/09/04	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte, FAR Secretariat (MVA), DOD/GSA/NASA (FAR), Room 4033, 1800 F Street NW, Washington, DC 20405

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**RIN:** 9000-AJ81**3616. 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	To Be	Determined

**Regulatory Flexibility Analysis****Required:** No

## FAR

## Long-Term Actions

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ84

### 3617. FAR CASE 2004-005, GAINS AND LOSSES

**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 to revise cost principle at FAR 31.205-16, Gains and Losses, on disposition or impairment of depreciable property or other capital assets. 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	05/21/04	69 FR 29380
NPRM Comment Period End	07/20/04	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ93

### 3618. FAR CASE 2004-003, PAYMENT WITHHOLDING

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 48 CFR 14; 48 CFR 32; 48 CFR 52

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation by removing the requirement that a contracting officer withhold 5 percent of the payments due under a time-and-materials or labor-hour contract, unless otherwise prescribed in the contract schedule. 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	05/25/04	69 FR 29838
NPRM Comment Period End	07/26/04	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ94

### 3619. FAR CASE 2004-004, INCENTIVES FOR USE OF PERFORMANCE-BASED CONTRACTING FOR SERVICES

**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 12; 48 CFR 37; 48 CFR 52; . . .

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement sections 1431 and 1433 of the National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108-136). 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	06/18/04	69 FR 34226
Interim Final Rule Effective	06/18/04	

Action	Date	FR Cite
Interim Final Rule	08/17/04	
Comment Period End		
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ97

### 3620. FAR CASE 2002-015, GOVERNMENT PROPERTY RENTAL AND SPECIAL TOOLING

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 48 CFR 45; 48 CFR 52

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to incorporate Class Deviation 98-00010, Use and Charges, which has been applicable to the Department of Defense since 1998. This deviation is appropriate for application across the Federal Government. The change clarifies the basis for determining the rental charges for the use of Government property and is intended to promote the dual use of such property. 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. The Paperwork Reduction Act (Pub. L. 104-13) does apply.

#### Timetable:

Action	Date	FR Cite
NPRM	07/15/04	69 FR 42544
NPRM Comment Period End	09/13/04	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurie Duarte, FAR Secretariat (MVA), DOD/GSA/NASA

## FAR

## Long-Term Actions

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**RIN:** 9000-AJ99

### 3621. 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	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AK00

### 3622. FAR CASE 2003-029, POWERS OF ATTORNEY FOR BID BONDS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 48 CFR 28

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to establish that a copy of an original power of attorney, including a photocopy or facsimile copy, when submitted in support of a bid bond, is sufficient evidence of the authority to bind the surety. The authenticity and enforceability of the power of attorney at the time of the bid opening will be treated as a matter of responsibility. 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	08/23/04	69 FR 51936
NPRM Comment Period End	10/22/04	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AK01

### 3623. FAR CASE 2003-015, APPLICABILITY OF SDB AND HUBZONE PRICE EVALUATION FACTOR

**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) at the request of the Small Business Administration, in order to remove some of the exceptions to the applicability of the Small Disadvantaged Business (SDB) and HUBZone price evaluation factor. 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	09/02/04	69 FR 53780
NPRM Comment Period End	11/01/04	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AK02

### 3624. FAR CASE 2003-025, TELECOMMUTING FOR FEDERAL CONTRACTORS

**Priority:** Substantive, Nonsignificant

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

**CFR Citation:** 48 CFR 7; 48 CFR 11; 48 CFR 13; 48 CFR 15

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement section 1428 of the Services Acquisition Reform Act of 2003, title XIV of Public Law 108-136, Authorization of Telecommuting for Federal Contractors. 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
Interim Final Rule	10/05/04	69 FR 59701
Interim Final Rule Effective	10/05/04	
Interim Final Rule Comment Period End	12/06/04	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Laurie Duarte, FAR Secretariat (MVA), DOD/GSA/NASA (FAR), Room 4033, 1800 F Street NW, Washington, DC 20405

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## FAR

## Long-Term Actions

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 RIN: 9000-AK03

### 3625. FAR CASE 2004-010, NOTIFICATION OF EMPLOYEE RIGHTS—UNION DUES AND FEES

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement Executive Order 13201, Notification of Employee Rights Concerning Payment of Union Dues or Fees. 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.

The Paperwork Reduction Act of 1995 (Pub. L. 104-13) is deemed to apply because the rule contains information collection requirements already covered by DOL rulemaking at 69 FR 16376.

#### Timetable:

Action	Date	FR Cite
Interim Final Rule	12/20/04	69 FR 76352
Interim Final Rule Effective	12/20/04	
Interim Final Rule Comment Period End	02/18/05	
Next Action	Undetermined	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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RIN: 9000-AK04

### 3626. FAR CASE 2004-006, ACCOUNTING FOR UNALLOWABLE COSTS

**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) by revising FAR 31.201-6, Accounting for Unallowable Costs. 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	09/28/04	69 FR 58014
NPRM Comment Period End	11/29/04	
Final Action	To Be Determined	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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RIN: 9000-AK06

### 3627. 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	
Final Action	To Be Determined	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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RIN: 9000-AK07

### 3628. 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	To Be Determined	

#### Regulatory Flexibility Analysis

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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RIN: 9000-AK08

## FAR

## Long-Term Actions

**3629. • 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:** Laurie Duarte, FAR Secretariat (MVA), DOD/GSA/NASA (FAR), Room 4033, 1800 F Street NW, Washington, DC 20405

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**RIN:** 9000-AK09**3630. • 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 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).**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 To Be Determined

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte, FAR Secretariat (MVA), DOD/GSA/NASA (FAR), Room 4033, 1800 F Street NW, Washington, DC 20405

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**RIN:** 9000-AK10**3631. • FAR CASE 2004–037, INCREASED JUSTIFICATION AND APPROVAL THRESHOLD FOR DOD, NASA, AND COAST GUARD****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 6**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to increase the justification and approval thresholds for DoD, NASA, and the U.S. Coast Guard. 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 11739
Interim Final Rule Effective	03/09/05	

Action	Date	FR Cite
Interim Final Rule Comment Period End	05/09/05	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte, FAR Secretariat (MVA), DOD/GSA/NASA (FAR), Room 4033, 1800 F Street NW, Washington, DC 20405

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**RIN:** 9000-AK12**3632. • 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	To Be Determined	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte, FAR Secretariat (MVA), DOD/GSA/NASA (FAR), Room 4033, 1800 F Street NW, Washington, DC 20405

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## FAR

## Long-Term Actions

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**RIN:** 9000-AK13

**3633. • FAR CASE 2004-036,  
LANDSCAPING AND PEST CONTROL  
SERVICES**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to add landscaping and pest control services to FAR subpart 19.10, the Small Business Competitiveness Demonstration Program. This revision implements section 821 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Public Law 108-375, which amends section 717 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note). 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 11740
Interim Final Rule Comment Period End	05/09/05	
Interim Final Rule Effective	03/09/05	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AK14

**3634. • FAR CASE 2004-001,  
IMPROVEMENTS IN CONTRACTING  
FOR ARCHITECT-ENGINEER  
SERVICES**

**Priority:** Substantive, Nonsignificant

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

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

**Legal Deadline:** None

**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement section 1427(b) of the Services Acquisition Reform Act of 2003 (title XIV of Pub. L. 108-136). 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 11737
Interim Final Rule Effective	03/09/05	
Interim Final Rule Comment Period End	05/09/05	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AK15

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

**Completed Actions**

**3635. FAR CASE 1999-025, COST  
ACCOUNTING STANDARDS  
ADMINISTRATION**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 30; 48 CFR 52

**Completed:**

Reason	Date	FR Cite
Final Action	03/09/05	70 FR 11743
Final Action Effective	04/08/05	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AI70

**3636. FAR CASE 2002-021,  
SUBCONTRACTS FOR COMMERCIAL  
ITEMS AND COMMERCIAL  
COMPONENTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 44; 48 CFR 52

**Completed:**

Reason	Date	FR Cite
Final Action	03/09/05	70 FR 11762
Final Action Effective	03/09/05	

**Regulatory Flexibility Analysis  
Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

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**RIN:** 9000-AJ75

**3637. FAR CASE 2001-018,  
APPLICABILITY OF THE COST  
PRINCIPLES AND PENALTIES FOR  
UNALLOWABLE COSTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 48 CFR 15; 48 CFR 31; 48 CFR 42

## FAR

## Completed Actions

**Completed:**

Reason	Date	FR Cite
Final Action	12/20/04	69 FR 76356
Final Action Effective	01/19/05	

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

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**RIN:** 9000-AJ77**3638. FAR CASE 2002-023, EXCLUDED PARTIES SYSTEM ENHANCEMENT****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 2; 48 CFR 9; 48 CFR 22; 48 CFR 28; 48 CFR 44; 48 CFR 52**Completed:**

Reason	Date	FR Cite
Final Action	12/20/04	69 FR 76347
Final Action Effective	01/19/05	

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

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**RIN:** 9000-AJ78**3639. FAR CASE 2002-024, ELECTRONIC REPRESENTATIONS AND CERTIFICATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 12; 48 CFR 14; 48 CFR 15; 48 CFR 52**Completed:**

Reason	Date	FR Cite
Final Action	12/20/04	69 FR 76341
Final Action Effective	01/01/05	

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

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**RIN:** 9000-AJ80**3640. FAR CASE 2003-022, SPECIAL EMERGENCY PROCUREMENT AUTHORITY****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 2; 48 CFR 10; 48 CFR 12; 48 CFR 13; 48 CFR 15; 48 CFR 19; 48 CFR 25; ...**Completed:**

Reason	Date	FR Cite
Final Action	12/20/04	69 FR 76350
Final Action Effective	01/19/05	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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**RIN:** 9000-AJ88**3641. FAR CASE 2003-010, MENTOR-PROTEGE PROGRAM—DELEGATION OF APPROVAL AUTHORITY FOR MENTOR-PROTEGE AGREEMENTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 19**Completed:**

Reason	Date	FR Cite
Final Action	12/20/04	69 FR 76355
Final Action Effective	01/19/05	

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

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**RIN:** 9000-AJ90**3642. FAR CASE 2004-002, SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CONCERNS****Priority:** Other Significant**CFR Citation:** 48 CFR 2; 48 CFR 5; 48 CFR 6; 48 CFR 13; 48 CFR 14; 48 CFR 15; 48 CFR 19; 48 CFR 33; 48 CFR 36; 48 CFR 52**Completed:**

Reason	Date	FR Cite
Final Action	03/23/05	70 FR 14950
Final Action Effective	03/23/05	

**Regulatory Flexibility Analysis Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte

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**RIN:** 9000-AJ92**3643. FAR CASE 2003-021, NONAVAILABLE ARTICLES—POLICY****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 25**Completed:**

Reason	Date	FR Cite
Final Action	03/09/05	70 FR 11742
Final Action Effective	04/08/05	

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

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**RIN:** 9000-AJ95**3644. FAR CASE 2004-020, SECTION 508 MICROPURCHASES EXEMPTION****Priority:** Substantive, Nonsignificant**CFR Citation:** 48 CFR 39**Completed:**

Reason	Date	FR Cite
Interim Final Rule	10/05/04	69 FR 59702
Interim Final Rule Effective	10/05/04	
Interim Final Rule Comment Period End	12/06/04	
Final Action	04/11/05	70 FR 18958
Final Action Effective	04/11/05	

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

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**RIN:** 9000-AK05

## FAR

## Completed Actions

**3645. • FAR CASE 2004-034, EXTENSION OF AUTHORITY FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS, TEST PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 13**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to extend

the timeframe to use the test program for commercial items. 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	03/09/05	70 FR 11740
Final Action Effective	04/08/05	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Laurie Duarte, FAR Secretariat (MVA), DOD/GSA/NASA (FAR), Room 4033, 1800 F Street NW, Washington, DC 20405

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**RIN:** 9000-AK11

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