

copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 31, 1999.

Richard P. Keigwin, Jr.,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a), and 371.

2. Section 180.449 is amended by revising paragraph (a) to read as follows:

§ 180.449 Avermectin B₁ and its delta-8,9-isomer; tolerances for residues.

(a) *General.* Tolerances are established for the combined residues of the insecticide avermectin B₁ (a mixture of avermectins containing greater than or equal to 80% avermectin B_{1a} (5-*O*-demethyl avermectin A₁) and less than or equal to 20% avermectin B_{1b} (5-*O*-demethyl-25-de(1-methylpropyl)-25-(1-methylethyl) avermectin A₁)) and its delta-8,9-isomer in or on the following commodities:

Commodity	Parts per million
Almonds	0.005
Almond, hulls	0.10
Apples	0.020
Apples, pomace (wet)	0.10
Cattle, fat	0.015
Cattle, mbyp	0.02
Cattle, meat	0.02
Celery	0.05
Citrus, dried pulp	0.10
Citrus, oil	0.10
Citrus whole fruit	0.02
Cotton gin by-products	0.15
Cotton seed	0.005
Cucurbits (cucumbers, mellons, and squashes)	0.005
Grapes	0.02
Hops, dried	0.20
Lettuce, head	0.05

Commodity	Parts per million
Milk	0.005
Pears	0.02
Peppers	0.02
Potatoes	0.005
Strawberry	0.02
Tomatoes, fresh	0.01
Walnuts	0.005

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[FR Doc. 99-23194 Filed 9-3-99; 8:45 am]

BILLING CODE 6560-50-F

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1806, 1813, 1815, 1835, 1852, and 1872

Implementing Foreign Proposals to NASA Research Announcements on a No-Exchange-of-Funds Basis

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comments.

SUMMARY: This is an interim rule to revise the NASA FAR Supplement (NFS) to conform the handling of foreign proposals under NASA Research Announcements (NRAs) with that under Announcements of Opportunity (AOs).

DATES: *Effective Date:* This rule is effective September 7, 1999.

Applicability Date: This rule applies to NRAs and AOs issued on or after September 7, 1999.

Comment Date: Comments should be submitted to NASA at the address shown below on or before November 8, 1999.

ADDRESSES: Interested parties should submit written comments to: Celeste Dalton, NASA Headquarters Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546. Comments may also be submitted by email to celeste.dalton@hq.nasa.gov.

FOR FURTHER INFORMATION CONTACT: Celeste Dalton, (202) 358-1645, email: celeste.dalton@hq.nasa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

NASA uses NRAs and AOs to solicit research proposals from both U.S. and non-U.S. sources. Because of NASA's policy to conduct research with foreign entities on a cooperative, no-exchange-of-funds basis, NASA does not normally fund foreign research proposals or foreign research efforts that are part of U.S. research proposals. Rather,

cooperative research efforts are normally implemented via international agreements between NASA and the foreign entity involved. Thus, foreign proposers, whether as primary proposers or as participants in U.S. research efforts, are expected to arrange for financing for their portion of the research. This rule will implement NASA's policy for NRAs and make it consistent with the existing policy for AOs contained in NASA FAR Supplement (NFS) Part 1872, which requires foreign research to be implemented on a no-exchange-of-funds basis. Additional changes are made to NFS Part 1872 for consistency in the treatment of foreign proposals under NRAs and AOs. Treatment of late proposals under NRAs and AOs is clarified and subcontracting plans (when applicable) are added to the items required of selectees under NRAs. Other editorial changes are made to revise several references to the NASA Office of External Relations.

B. Regulatory Flexibility Act

NASA certifies that this interim rule will not have a significant economic impact on a substantial number of small business entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), because it only affects small business entities in the rare circumstance when such entities team with a foreign entity in response to an NRA.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the NFS do not impose any recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Interim Rule

In accordance with 41 U.S.C. 418(d), NASA has determined that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary to ensure that NRAs reflect NASA's policy that foreign research be implemented on a no-exchange-of-funds basis, and that foreign proposals received in response to NRAs are handled in accordance with the existing policy for AOs contained in NFS Part 1872. However, pursuant to Public Law 98-577 and FAR 1.501, public comments received in response to this interim rule will be considered in the formation of the final rule.

List of Subjects in 48 CFR Parts 1806, 1813, 1815, 1835, 1852, and 1872

Government procurement.

Tom Luedtke,

Associate Administrator for Procurement.

Accordingly, 48 CFR Parts 1806, 1813, 1815, 1835, 1852, and 1872 are amended as follows:

1. The authority citation for 48 CFR Parts 1806, 1813, 1815, 1835, 1852, and 1872 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1806—COMPETITION REQUIREMENTS

2. In paragraph (d) to section 1806.303-1, "International Relations Division (Code IR)" is revised to read "Office of External Relations (Code I)".

PART 1813—SIMPLIFIED ACQUISITION PROCEDURES

3. Section 1813.000 is revised to read as follows:

1813.000 Scope of part.

FAR Part 13 and 1813 do not apply to NASA Research Announcements and Announcements of Opportunity. These acquisitions shall be conducted in accordance with the procedures in 1835.016-71 and 1872, respectively. If awards are to be made as procurement instruments, they shall be made as bilateral contracts rather than purchase orders.

PART 1815—CONTRACTING BY NEGOTIATIONS

4. In paragraph (b)(3) to section 1815.300-70, the reference "(see 1835.016-70)" is revised to read "(see 1835.016-71)".

5. In the introductory text to section 1815.606-70, the reference "(see 1835.016-70)" is revised to read "(see 1835.016-71)".

PART 1835—RESEARCH AND DEVELOPMENT CONTRACTING

6. In paragraph (a)(i)(B) to section 1835.016, the reference "(see 1835.016-70)" is revised to read "(see 1835.016-71)".

7. Section 1835.016-70 is redesignated as section 1835.016-71 and a new section 1835.016-70 is added to read as follows:

1835.016-70 Foreign participation under broad agency announcements (BAAs).

(a) Policy.

(1) NASA seeks the broadest participation in response to broad agency announcements, including foreign proposals or proposals including

foreign participation. NASA's policy is to conduct research with foreign entities on a cooperative, no-exchange-of-funds basis (see NPD 1360.2, Initiation and Development of International Cooperation in Space and Aeronautics Programs). NASA does not normally fund foreign research proposals or foreign research efforts that are part of U.S. research proposals. Rather, cooperative research efforts are implemented via international agreements between NASA and the sponsoring foreign agency or funding/sponsoring institution under which the parties agree to each bear the cost of discharging their respective responsibilities.

(2) In accordance with the National Space Transportation Policy, use of a non-U.S. manufactured launch vehicle is permitted only on a no-exchange-of-funds basis.

(3) NASA funding may not be used for subcontracted foreign research efforts. The direct purchase of supplies and/or services, which do not constitute research, from non-U.S. sources by U.S. award recipients is permitted.

(b) Procedure. When a foreign proposal or a U.S. proposal with foreign participation is received in response to a BAA, the NASA sponsoring office shall determine whether the proposal conforms to the no-exchange-of-funds policy in 1835.016-70(a).

(1) If the proposal conforms to the policy in 1835.016-70(a), the NASA sponsoring office shall evaluate the proposal and make selection in accordance with 1835.016-71(d). In conjunction with the notification of successful foreign proposers, the NASA sponsoring office shall notify the Headquarters Office of External Relations, Code I. Code I will negotiate the agreement with the sponsoring foreign agency or funding institution for the proposed participation.

(2) If the proposal does not conform to the policy in 1835.016-70(a), the NASA sponsoring office shall:

(i) Determine whether the proposal merits further consideration;

(ii) If further consideration is warranted, refer the proposal to Code I; and

(iii) Complete the evaluation of the proposal. However, no notification of selection, whether tentative or final, shall be made without Code I approval.

(3) Notification to Code I required by paragraphs (b)(1) and (b)(2)(ii) of this section, shall address the items contained in 1872.504(c), and shall be coordinated through the Office of Procurement, Code HS.

8. In the newly redesignated section 1836.016-71, paragraph (e)(3) is revised to read as follows:

1835.016-71 NASA Research Announcements.

* * * * *

(e) * * *

(3) Request the offeror to complete and return certifications and representations and Standard Form 33, Solicitation, Offer, and Award, or other appropriate forms. If FAR 52.219-9, Small Business Subcontracting Plan, is required for the resultant contract, request the offeror to provide a subcontracting plan.

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9. Section 1835.016-72 is added to read as follows:

1835.016-72 Foreign participation in NRA proposals.

Foreign proposals or U.S. proposals with foreign participation shall be treated in accordance with 1835.016-70. Additional guidelines applicable to foreign proposers are contained in the provision at 1852.235-72, Instructions for responding to NASA Research Announcements.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

10. In Section 1852.235-72, the date of the provision is revised, paragraph (c)(8) heading is revised, paragraph (c)(8)(iv) is added, paragraph (g) is revised, paragraph (l) is redesignated as paragraph (m) and a new paragraph (l) is added to read as follows:

1852.235-72 Instructions for responding to NASA Research Announcements.

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Instructions for Responding to NASA Research Announcements (Aug. 1999)

* * * * *

(c) * * *

(8) Proposed Costs (U.S. Proposals Only).

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(iv) Use of NASA funds—NASA funding may not be used for foreign research efforts at any level, whether as a collaborator or a subcontract. The direct purchase of supplies and/or services, which do not constitute research, from non-U.S. sources by U.S. award recipients is permitted. Additionally, in accordance with the National Space Transportation Policy, use of a non-U.S. manufactured launch vehicle is permitted only on a no-exchange-of-funds basis.

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(g) Late Proposals. Proposals or proposal modifications received after the latest date specified for receipt may be considered if a significant reduction in cost to the Government is probable or if there are

significant technical advantages, as compared with proposals previously received.

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(l) Additional Guidelines Applicable to Foreign Proposals and Proposals Including Foreign Participation.

(1) NASA welcomes proposals from outside the U.S. However, foreign entities are generally not eligible for funding from NASA. Therefore, proposals from foreign entities should not include a cost plan unless the proposal involves collaboration with a U.S. institution, in which case a cost plan for only the participation of the U.S. entity must be included (unless otherwise noted in the NRA). Proposals from foreign entities and proposals from U.S. entities that include foreign participation must be endorsed by the respective government agency or funding/sponsoring institution in the country from which the non-U.S. participant is proposing. Such endorsement should indicate that the proposal merits careful consideration by NASA, and if the proposal is selected, sufficient funds will be made available to undertake the activity as proposed.

(2) When a "Notice of Intent" to propose is required, prospective foreign proposers should write directly to the NASA official designated in the NRA and send a copy of this letter to NASA's Office of External Relations at the address in paragraph (l)(3) of this provision.

(3) In addition to sending the requested number of copies of the proposal to the designated address, one copy of the proposal, along with the Letter of Endorsement from the sponsoring non-U.S. government agency or funding/sponsoring institution must be forwarded to: National Aeronautics and Space Administration, Code I, Office of External Relations, (NRA Number), Washington, DC 20546-0001, USA.

(4) All foreign proposals must be typewritten in English and comply with all other submission requirements stated in the NRA. All foreign proposals will undergo the same evaluation and selection process as those originating in the U.S. All proposals must be received before the established closing date. Those received after the closing date will be treated in accordance with paragraph (g) of this provision. Sponsoring foreign government agencies or funding institutions may, in exceptional situations, forward a proposal without endorsement to the above address if endorsement is not possible before the announced closing date. In such cases, NASA's Office of External Relations should be advised when a decision on endorsement can be expected.

(5) Successful and unsuccessful non-U.S. proposers will be contacted directly by the NASA sponsoring office. Copies of these letters will be sent to the sponsoring government agency or funding institution. Should a foreign proposal or a U.S. proposal with foreign participation be selected, NASA's Office of External Relations will arrange with the foreign sponsoring agency or funding institution for the proposed participation on a no-exchange-of-funds basis, in which NASA and the non-U.S. sponsoring agency or funding institution will each bear the cost of discharging their respective responsibilities.

(6) Depending on the nature and extent of the proposed cooperation, this arrangement may entail:

- (i) A letter of notification by NASA;
- (ii) An exchange of letters between NASA and the sponsoring foreign governmental agency; or
- (iii) A formal Agency-to-Agency Memorandum of Understanding (MOU).

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PART 1872—ACQUISITION OF INVESTIGATIONS

11. Section 1872.306 is revised to read as follows:

1872.306 Announcement of opportunity soliciting foreign participation.

Foreign proposals or U.S. proposals with foreign participation shall be treated in accordance with 1835.016-70. Additional guidelines applicable to foreign proposers are contained in the Management Plan Section of Appendix B and must be included in any Guidelines for Proposal Preparation or otherwise furnished to foreign proposers.

12. In paragraphs (b)(6), (c) introductory text, and (d) to section 1872.504, the phrase "International Affairs Division," is removed.

13. In section 1872.705-1, paragraph VII is revised to read as follows:

1872.705-1 Appendix A: General Instructions and Provisions.

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VII. Late Proposals

Proposals or proposal modifications received after the latest date specified for receipt may be considered if a significant reduction in cost to the Government is probable or if there are significant technical advantages, as compared with proposals previously received.

14. In section 1872.705-2, paragraphs (a)(3)(i), (ii), (iv), (vi) and the introductory text of paragraph (a)(3)(viii) of the Management Plan and Cost Plan are revised, paragraph (b)(e) is redesignated as (b)(3) and paragraph (b)(4) is added to read as follows.

1872.705-2, Appendix B: Guidelines for Proposal Preparation

* * * * *

Management Plan and Cost Plan

- (a) * * *
- (3) * * *

(i) Where a "Notice of Intent" to propose is requested, prospective foreign proposers should write directly to the NASA official designated in the AO and send a copy of this letter to NASA, Code I, Office of External Relations, Washington, DC 20546, U.S.A.

(ii) Unless otherwise indicated in the AO, proposals will be submitted in accordance with this Appendix. Proposals should be typewritten and written in English. Foreign

entities are generally not eligible for funding from NASA. Therefore, proposals from foreign entities should not include a cost plan unless the proposal involves collaboration with a U.S. institution, in which case a cost plan for only the participation of the U.S. entity must be included (unless otherwise noted in the AO).

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(iv) Proposals including the requested number of copies and letters of endorsement from the foreign governmental agency must be forwarded to NASA in time to arrive before the deadline established for each AO. These documents should be sent to: National Aeronautics and Space Administration, Code I, Office of External Relations, Washington, DC 20546, U.S.A.

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(vi) Shortly after the deadline for each AO, NASA's Office of External Relations will advise the appropriate sponsoring agency which proposals have been received and when the selection process should be completed. A copy of this acknowledgment will be provided to each proposer.

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(viii) NASA's Office of External Relations will then begin making the arrangements to provide for the selectee's participation in the appropriate NASA program. Depending on the nature and extent of the proposed cooperation, these arrangements may entail:

* * * * *

(b) * * *

(4) Use of NASA funds. NASA funding may not be used for foreign research efforts at any level, whether as a collaborator or a subcontract. The direct purchase of supplies and/or services, which do not constitute research, from non-U.S. sources by U.S. award recipients is permitted. Additionally, in accordance with the National Space Transportation Policy, use of a non-U.S. manufactured launch vehicle is permitted only on a no-exchange-of-funds basis.

[FR Doc. 99-23065 Filed 9-3-99; 8:45 am]

BILLING CODE 7510-01-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA-99-6185]

RIN 2127-AH70

Federal Motor Vehicle Safety Standards; Stopping Distance Table

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule; technical amendment.

SUMMARY: On March 10, 1995, we published in the **Federal Register** (60 FR 13297) a final rule establishing