



Federal Register

**Monday,
May 11, 2009**

Part XVI

**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 Secretariat 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. Hada Flowers, Supervisor, Regulatory Secretariat Division, 1800 F Street, NW, Room 4041, 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 are 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.acquisition.gov/far>.

Dated: February 25, 2009.
Rodney P. Lantier,
*Acting Senior Procurement Executive,
Office of the Chief Acquisition Officer.*

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

Sequence Number	Title	Regulation Identifier Number
293	FAR Case 2006-005, HUBZone Program Revisions	9000-AL18

DOD/GSA/NASA (FAR)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
294	FAR Case 2009-009, American Recovery and Reinvestment Act—Reporting Requirements	9000-AL21

DOD/GSA/NASA (FAR)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
295	FAR Case 2006-034, Socioeconomic Program Parity	9000-AK92

DOD/GSA/NASA (FAR)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
296	FAR Case 2006-032, Small Business Size Rerepresentation	9000-AK78
297	FAR Case 2001-004, Exemption of Certain Service Contracts From the Service Contract Act (SCA)	9000-AK82
298	FAR Case 2006-030, Electronic Products Environmental Assessment Tool	9000-AK85

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

Proposed Rule Stage

293. • FAR CASE 2006–005, HUBZONE PROGRAM REVISIONS

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

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to implement revisions to the Small Business Administration's HUBZone Program as a result of revisions to the Small Business Administration's

regulations. This was not a significant regulatory action and, therefore, was not subject to review under section 6 of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	04/13/09	74 FR 16823
NPRM Comment Period End	06/12/09	
Final Rule	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

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RIN: 9000–AL18

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

Final Rule Stage

294. • FAR CASE 2009–009, AMERICAN RECOVERY AND REINVESTMENT ACT—REPORTING REQUIREMENTS

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

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) are issuing an interim rule amending the Federal Acquisition Regulation (FAR) to implement section 1512 of the American Recovery and Reinvestment Act of 2009, which requires contractors to report on their use of Recovery Act funds. This is a

significant regulatory action and, therefore, was subject to Office of Management and Budget (OMB) review under section 6(b) of Executive Order 12866 “Regulatory Planning and Review,” 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	03/31/09	74 FR 14639
Interim Final Rule Comment Period End	06/01/09	
Final Action	12/00/09	

Regulatory Flexibility Analysis Required: Yes

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

Long-Term Actions

295. FAR CASE 2006–034, SOCIOECONOMIC PROGRAM PARITY

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

Abstract: This rule proposes to amend the Federal Acquisition Regulation to ensure that the FAR reflects the Small Business Administration's (SBA) interpretation of the Small Business Act and SBA regulations with regard to the

relationship among various small business programs.

Timetable:

Action	Date	FR Cite
NPRM	03/10/08	73 FR 12699
NPRM Comment Period End	05/09/08	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: Yes

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RIN: 9000–AK92

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

Completed Actions

**296. FAR CASE 2006-032, SMALL
BUSINESS SIZE REREPRESENTATION**

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

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to implement the Small Business Administration's (SBA) final rule published on November 15, 2006 (71 FR 66434) entitled, Small Business Size Regulations; Size for Purposes of Governmentwide Acquisition Contracts, Multiple Award Schedule Contracts and Other Long-Term Contracts; 8(a) Business Development/Small Disadvantaged Business; Business Status Determinations. The purpose of the SBA rule is to improve the accuracy of small business size status reporting over the life of certain contracts. This is a significant regulatory action and, therefore, was subject to Office of Management and Budget review under section 6 of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Completed:

Reason	Date	FR Cite
Final Action	03/19/09	74 FR 11821
Final Rule Effective	04/20/09	

**Regulatory Flexibility Analysis
Required:** Yes

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RIN: 9000-AK78

**297. FAR CASE 2001-004,
EXEMPTION OF CERTAIN SERVICE
CONTRACTS FROM THE SERVICE
CONTRACT ACT (SCA)**

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

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed to adopt as final, with changes, the interim rule that amending the Federal Acquisition Regulation (FAR) to revise the current SCA exemption and to add a SCA exemption for contracts for certain additional services that meet specific criteria. This was not a significant regulatory action and, therefore, was not subject to review under section 6 of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Completed:

Reason	Date	FR Cite
Final Rule	01/15/09	74 FR 2724
Final Rule Effective	02/17/09	

**Regulatory Flexibility Analysis
Required:** Yes

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RIN: 9000-AK82

**298. FAR CASE 2006-030,
ELECTRONIC PRODUCTS
ENVIRONMENTAL ASSESSMENT
TOOL**

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

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed to adopt as

final, without change, the interim rule published in the Federal Register at 72 FR 73215, December 26, 2007. The interim rule amended the Federal Acquisition Regulation (FAR) to provide regulations for purchasing environmentally preferable products and services when acquiring personal computer products such as desktops, notebooks (also known as laptops) and monitors with the use of the Electronic Products Environmental Assessment Tool (EPEAT) pursuant to the Energy Policy Act of 2005 and Executive Order 13423, Strengthening Federal Environmental, Energy, Transportation Management. This was not a significant regulatory action and, therefore, was not subject to review under section 6 of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Completed:

Reason	Date	FR Cite
Final Rule	01/15/09	74 FR 2740
Final Rule Effective	02/17/09	

**Regulatory Flexibility Analysis
Required:** Yes

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RIN: 9000-AK85

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