

• **Fax:** Comments may be faxed to 202-566-0272; Attention Docket ID No. EPA-HQ-SFUND-2009-0834.

• **Mail:** Send your comments to the Identification of Additional Classes of Facilities for Development of Financial Responsibility Requirements under CERCLA Section 108(b) Docket, Attention Docket ID No., EPA-HQ-SFUND-2009-0834, Environmental Protection Agency, Mailcode: 5305T, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please include a total of two copies.

• **Hand Delivery:** Deliver two copies of your comments to the Identification of Additional Classes of Facilities for Development of Financial Responsibility Requirements under CERCLA Section 108(b) Docket, Attention Docket ID No., EPA-HQ-SFUND-2009-0834, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-HQ-SFUND-2009-0834. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information

about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

**Docket:** All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the Identification of Additional Classes of Facilities for Development of Financial Responsibility Requirements under CERCLA Section 108(b) Docket, Docket ID No. EPA-HQ-SFUND-2009-0834, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC 20460. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (202) 566-0276. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744.

**FOR FURTHER INFORMATION CONTACT:** For more information on this notice, contact Ben Lesser, U.S. Environmental Protection Agency, Office of Resource Conservation and Recovery, Mail Code 5302P, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone (703) 308-0314; or (e-mail) [lesser.ben@epa.gov](mailto:lesser.ben@epa.gov); or Barbara Foster, U.S. Environmental Protection Agency, Office of Resource Conservation and Recovery, Mail Code 5303P, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone (703) 308-7057; or (e-mail) [foster.barbara@epa.gov](mailto:foster.barbara@epa.gov).

**SUPPLEMENTARY INFORMATION:** On January 6, 2010, the Agency published in the **Federal Register** (75 FR 816) an Advance Notice of Proposed Rulemaking (ANPRM) that identified the classes of facilities within three industries—the Chemical Manufacturing industry (NAICS 325), the Petroleum and Coal Products Manufacturing industry (NAICS 324), and the Electric Power Generation, Transmission, and Distribution industry (NAICS 2211)—as those for which the Agency plans to develop, as necessary, proposed regulations identifying appropriate financial responsibility requirements under section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). In addition, the Agency

identified the Waste Management and Remediation Services industry (NAICS 562), the Wood Product Manufacturing industry (NAICS 321), the Fabricated Metal Product Manufacturing industry (NAICS 332), the Electronics and Electrical Equipment Manufacturing industry (NAICS 334 and 335), as well as facilities engaged in the recycling of materials containing CERCLA hazardous substances as requiring further study before EPA decides whether to begin the regulatory development process.

Following publication of the ANPRM, several members of the public requested that the Agency extend the comment period. The Agency received extension requests for 30 days, 45 days, and 60 days. In response to these requests, the Agency is extending the comment period for 60 days, until April 6, 2010. Members of the public also will be able to provide additional comments to EPA after it publishes any proposed rules.

In addition, the Agency wants to clarify the proper Docket Identification Number (Docket ID No.) associated with the January 2010 ANPRM. The heading of the ANPRM included an incorrect Docket Identification Number. Subsequent references to the docket, within the text of the ANPRM, were correct; the correct Docket ID No. (EPA-HQ-SFUND-2009-0834) is included in this extension notice of the comment period.

Dated: January 29, 2010.

**Matthew Hale,**

*Director, Office of Resource Conservation and Recovery.*

[FR Doc. 2010-2385 Filed 2-3-10; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**48 CFR Parts 1, 2, 3, 5, 6, 7, 8, 12, 13, 15, 16, 17, 19, 22, 23, 28, 32, 36, 42, 43, 50, and 52**

**[FAR Case 2008-024; Docket 2010-0079, Sequence 1]**

**RIN 9000-AL51**

#### **Federal Acquisition Regulation; FAR Case 2008-024, Inflation Adjustment of Acquisition-Related Thresholds**

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

**ACTION:** Proposed rule.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to implement Section 807 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005. The Act requires an adjustment every 5 years of acquisition-related thresholds for inflation using the Consumer Price Index for all urban consumers, except for Davis-Bacon Act, Service Contract Act, and trade agreements thresholds. The Councils are also proposing to use the same methodology to change nonstatutory FAR acquisition-related thresholds for adjustment in 2010.

**DATES:** Interested parties should submit written comments to the Regulatory Secretariat on or before April 5, 2010 to be considered in the formulation of a final rule.

**ADDRESSES:** Submit comments identified by FAR case 2008–024 by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by inputting “FAR Case 2008–024” under the heading “Comment or Submission.” Select the link “Send a Comment or Submission” that corresponds with FAR Case 2008–024. Follow the instructions provided to complete the “Public Comment and Submission Form.” Please include your name, company name (if any), and “FAR Case 2008–024” on your attached document.

- *Fax:* 202–501–4067.

- *Mail:* General Services Administration, Regulatory Secretariat (MVPF), 1800 F Street, NW., Room 4041, ATTN: Hada Flowers, Washington, DC 20405.

*Instructions:* Please submit comments only and cite FAR case 2008–024 in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Jackson, Procurement Analyst, at (202) 208–4949 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at (202) 501–4755. Please cite FAR case 2008–024.

**SUPPLEMENTARY INFORMATION:****A. Background**

This rule proposes to amend multiple FAR parts to implement Section 807 of the Ronald W. Reagan National Defense

Authorization Act for Fiscal Year (FY) 2005 (Pub. L. 108–375). Section 807 requires an adjustment every 5 years (in years evenly divisible by 5) of acquisition-related thresholds for inflation using the Consumer Price Index for all urban consumers, except for Davis-Bacon Act, Service Contract Act, and trade agreements thresholds (see FAR 1.109). The Councils are also proposing to use the same methodology to change nonstatutory FAR acquisition-related thresholds for adjustment in 2010.

This is the second review of FAR acquisition-related thresholds. The last review was conducted under FAR case 2004–033 during FY 2005. The final rule was published in the **Federal Register** on September 28, 2006 (71 FR 57363).

**B. Analysis***1. What is an acquisition-related threshold?*

This case builds on the review of FAR thresholds in FY 2005 and uses the same interpretation of the statutory definition of acquisition-related threshold. The statute defines an acquisition-related dollar threshold as a dollar threshold that is specified *in law* as a factor in defining the scope of the applicability of a policy, procedure, requirement, or restriction provided *in that law* to the procurement of property or services by an executive agency, as determined by the FAR Council.

There are other thresholds in the FAR that, while not meeting this statutory definition of “acquisition-related,” nevertheless meet all the other criteria. These thresholds may have their origin in executive order or regulation.

Therefore, as used in this case, an acquisition-related threshold is a threshold that is specified *in law*, *executive order*, or *regulation* as a factor in defining the scope of the applicability of a policy, procedure, requirement, or restriction provided *in that law*, *executive order*, or *regulation* to the procurement of property or services by an executive agency, as determined by the FAR Council. The Councils conclude from this definition that acquisition-related thresholds are generally tied to the value of a contract, subcontract, or modification.

Examples of thresholds that are not viewed as “acquisition-related” as defined in this case are thresholds relating to claims, penalties, withholding, payments, required levels of insurance, small business size standards, liquidated damages, *etc.* This report does not address thresholds that are not acquisition-related.

*2. What acquisition-related thresholds are not subject to escalation adjustment under this case?*

The statute does not permit escalation of acquisition-related thresholds established by the Davis-Bacon Act, the Service Contract Act, or the United States Trade Representative pursuant to the authority of the Trade Agreements Act of 1979.

The statute does not authorize the FAR to escalate thresholds originating in executive order or the implementing agency (such as the Department of Labor or the Small Business Administration), unless the executive order or agency regulations are first amended.

*3. How do the Councils analyze a statutory acquisition-related threshold?*

If an acquisition-related threshold is based on statute, the matrix at <http://www.regulations.gov> (search FAR case 2008–024) identifies the statute, and the statutory threshold, both the original threshold and any revision to it in 2006.

With the exception of thresholds set by the Davis-Bacon Act, Service Contract Act, and the United States Trade Representative pursuant to the authority of the Trade Agreements Act of 1979, the statute requires that the FAR Council adjust the acquisition-related thresholds for inflation using the Consumer Price Index (CPI) for all-urban consumers. Acquisition-related thresholds in statutes that were in effect on October 1, 2000 are only subject to escalation from that date forward. For purposes of this proposed rule, the matrix includes calculation of escalation based on the CPI from October 2000 to April 2010. Inflation from the average CPI value for 2007 to the average value for 2008 was 3.8 percent. The Councils have currently estimated the inflation for the next year at 4.2 percent, but will subsequently adjust as necessary before issuance of the final rule. Acquisition-related thresholds in statutes that took effect after October 1, 2000 are escalated from the date that they took effect.

Once the escalation factor is applied to the acquisition-related threshold, then the threshold must be rounded as follows:

< \$10,000 .....	Nearest \$500.
\$10,000–< \$100,000	Nearest \$5,000.
\$100,000– < \$1,000,000.	Nearest \$50,000.
\$1,000,000 or more ...	Nearest \$500,000.

The calculations in this proposed rule are all based on the base year amount, because escalated amounts in the 2005 rule were subject to rounding and using them as the base would distort future calculations.

In 2005, thresholds of \$1,000, \$10,000, \$100,000, and \$1,000,000, although subject to inflation calculation, did not actually change, because the inflation in 2005 was insufficient to overcome the rounding requirements—the escalation factor, when applied, did not cause the escalated values to be high enough to round to the next higher value. However, in FY 2010, these thresholds will now escalate because of 5 additional years of inflation.

Section 807(c) of the statute states that this statute supersedes the applicability of any other provision of law that provides for the adjustment of any acquisition-related threshold that is adjustable under this statute.

The thresholds for defining a major system were previously stated in Fiscal Year 1990 constant dollars for DoD and in Fiscal Year 1980 constant dollars for civilian agencies. The 2005 rule converted these major system thresholds to current year dollars, as of the date that the statute was enacted, that will now be adjusted every 5 years and both DoD and civilian agencies now abide by these thresholds.

This proposed rule has been coordinated with the Department of Labor and the Small Business Administration in areas of the regulation for which they are the lead agency. As appropriate, changes to cost accounting standards (CAS) thresholds will be dealt with under a separate case.

#### 4. How do the Councils analyze a nonstatutory acquisition-related threshold?

No statutory authorization is required to escalate thresholds that were set as policy within the FAR. Escalation of the FAR policy acquisition-related thresholds is recommended using the same formula applied to the statutory thresholds, unless a reason has been provided for not doing so. Escalation is calculated using the same procedures as were explained for the statutory thresholds, to provide consistency.

In one case where a non-acquisition-related threshold was intended to equal the micro-purchase threshold, the Councils have revised it to specifically reference the micro-purchase threshold, in order to provide future escalation under follow-on cases (FAR 52.209–5).

#### 5. What is the effect of this proposed rule on the most heavily-used thresholds?

This rule includes the following proposed changes to heavily-used thresholds:

- The micro-purchase base threshold of \$3,000 (FAR 2.101) will not be changed.

- The simplified acquisition threshold (FAR 2.101) will be raised from \$100,000 to \$150,000.
- The FedBizOpps preaward and post-award notices (FAR Part 5) remain at \$25,000 because of trade agreements.
- Commercial items test program ceiling (FAR 13.500) will be raised from \$5,500,000 to \$6,500,000.
- The cost and pricing data threshold (FAR 15.403–4) will be raised from \$650,000 to \$700,000.
- The prime contractor subcontracting plan (FAR 19.702) floor will be raised from \$550,000 to \$650,000, and the construction threshold of \$1,000,000 increases to \$1,500,000.

This proposed rule is based on a projected CPI of 222 in April 2010. If the actual CPI in April 2010 is higher than 222, then additional statutory thresholds will be subject to escalation in the final rule, even though not included in the proposed rule. For example, if the CPI is 224 in April 2010 (an inflation rate of about 5 percent), the following statutory thresholds will increase as indicated in the table, although not included in the text of this proposed rule:

FAR 2.101(b) “micro-purchase threshold” .....	\$15,000	\$20,000
FAR 2.101(b) “small business subcontractor” .....	10,000	15,000
FAR 13.003(b), FAR 13.201(g), and FAR 19.502–1(b) ..	15,000	20,000

This proposed rule is a significant regulatory action and, therefore, was subject to 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.

#### C. Regulatory Flexibility Act

The Councils do not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the adjustment of acquisition-related thresholds for inflation is intended to maintain the status quo. The Councils note that the set-aside threshold of \$100,000 increases to \$150,000, which is not believed to be a detriment to small business. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. The Councils invite comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

The Councils will also consider comments from small entities concerning the existing regulations in parts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (FAR Case 2008–024) in correspondence.

#### D. Paperwork Reduction Act

The Paperwork Reduction Act does apply. The proposed changes to the FAR do not impose new information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.* By adjusting the thresholds for inflation, they maintain at the status quo the current information collection requirements under the following OMB clearance numbers: 9000–0006, Subcontracting Plans/Subcontracting Report for Individual Contract (SF 294)—Sections Affected: Subpart 19.7, 52.219–9; 9000–0007, Summary Subcontract Report—FAR Sections Affected: Subpart 19.7, 53.219, SF 295; 9000–0013, Cost or Pricing Data Exemption—FAR Sections Affected: Subparts 15.4, 42.7, 52.214–28, 52.215–12, 52.215–13, 52.215–20, 52.215–21; 9000–0018, Certification of Independent Price Determination and Parent Company and Identifying Data—Sections Affected: 3.103, 3.302; 9000–0022, Duty-Free Entry—FAR 48 CFR 52.225–8—FAR Section Affected: 52.225–8; 9000–0026, Change Order Accounting—43.205(f), 52.243–6; 9000–0027, Value Engineering Requirements—FAR Sections Affected: Subparts 48.1 and 48.2, 52.248–1, 52.248–2, 52.248–3; 9000–0034, Examination of Records 5 CFR 1320.5(b) by Comptroller General and Contract Audit—Sections Affected: 52.215–2, 52.212–5, 52.214–26; 9000–0045, Bid, Performance, and Payment Bonds—FAR Sections Affected: Subparts 28.1 and 28.2, 52.228–1, 52.228–2, 52.228–13, 52.228–15, 52.228–16; 9000–0058, Schedules for Construction Contracts—FAR Section Affected: 52.236–15; 9000–0060, Accident Prevention 48 CFR, 52.236–13, Plans and Recordkeeping—FAR Section Affected: 52.236–13; 9000–0065, Overtime—FAR Sections Affected: 22.103, 52.222–2; 9000–0066, Professional Employee Compensation Plan, Subpart 22.11, 52.222–46; 9000–0073, Advance Payments—FAR Sections Affected: Subpart 32.4 and 52.232–12; 9000–0077, Quality Assurance Requirements—FAR Sections Affected: Subparts 46.1 through 46.3, 52.246–2 through 52.246–8, 52.246–10, 52.246–12, 52.246–15; 9000–0080, Integrity of Unit Prices—Sections Affected: 15.408(f) and 52.215–14;

9000–0091, Anti-Kickback Procedures—FAR Sections Affected: 3.502, 52.203–7; 9000–0094, Debarment and Suspension, FAR Sections Affected: 9.1, 9.4, 52.209–5, 52.212–3(h); 9000–0101, Drug-Free Workplace—FAR Section Affected: 52.223–6(b)(5); 9000–0115, Notification of Ownership Changes—FAR Sections Affected: 15.408(k), 52.215–19; 9000–0133, Defense Production Act Amendments—FAR Sections Affected: 34.1 and 52.234–1; 9000–0134, Environmentally Sound Products—FAR Sections Affected: 23.406 and 52.223–4; 9000–0135, Prospective Subcontractor Requests for Bonds, FAR 28.106–4(b), 52.228–12; 1215–0072, OFCCP Recordkeeping and Reporting Requirements—Supply and Service; and 1215–0119, Requirements of a Bona Fide Thrift or Savings Plan (29 CFR part 547) and Requirements of a Bona Fide Profit-Sharing Plan or Trust (29 CFR part 549).

**List of Subjects in 48 CFR Parts 1, 2, 3, 5, 6, 7, 8, 12, 13, 15, 16, 17, 19, 22, 23, 28, 32, 36, 42, 43, 50, and 52**

Government procurement.

Dated: January 29, 2010.

**Al Matera,**

*Director, Acquisition Policy Division.*

Therefore, DoD, GSA, and NASA propose amending 48 CFR parts 1, 2, 3, 5, 6, 7, 8, 12, 13, 15, 16, 17, 19, 22, 23, 28, 32, 36, 42, 43, 50, and 52 as set forth below:

1. The authority citation for 48 CFR parts 1, 2, 3, 5, 6, 7, 8, 12, 13, 15, 16, 17, 19, 22, 23, 28, 32, 36, 42, 43, 50, and 52 continues to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

**PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM**

**1.109 [Amended]**

2. Amend section 1.109 by removing from paragraph (d) “<http://acquisition.gov/far/facsframe.html>” and adding “<http://www.regulations.gov> (search FAR case 2008–024)” in its place.

**PART 2—DEFINITIONS OF WORDS AND TERMS**

**2.101 [Amended]**

3. Amend section 2.101 in paragraph (b) by—  
a. Amending the definition “Major system” by removing from paragraph (1) “\$173.5 million” and adding “\$193.5 million” in its place, removing “\$814.5 million” and adding “\$907.5 million” in its place; and removing from paragraph (2) “\$1.8 million” and adding “\$2 million” in its place;

b. Amending the definition “Micro-purchase threshold” by removing from paragraph (3)(ii) “\$25,000” and adding “\$30,000” in its place; and

c. Amending the definition “Simplified acquisition threshold” by removing from the introductory paragraph “\$100,000” and adding “\$150,000” in its place; and removing from paragraph (1) “\$250,000” and adding “\$300,000” in its place.

**PART 3—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST**

**3.502–2 [Amended]**

4. Amend section 3.502–2 by removing from paragraph (i) “\$100,000” and adding “\$150,000” in its place.

**3.804 [Amended]**

5. Amend section 3.804 by removing “\$100,000” and adding “\$150,000” in its place.

**3.808 [Amended]**

6. Amend section 3.808 by removing from paragraphs (a) and (b) “\$100,000” and adding “\$150,000” in its place.

**PART 5—PUBLICIZING CONTRACT ACTIONS**

**5.101 [Amended]**

7. Amend section 5.101 by removing from the introductory text of paragraph (a)(2) “\$10,000” and adding “\$15,000” in its place.

**5.205 [Amended]**

8. Amend section 5.205 by removing from paragraph (d)(2) “\$10,000” and adding “\$15,000” in its place.

**5.206 [Amended]**

9. Amend section 5.206 by—  
a. Removing from paragraph (a)(1) “\$100,000” and adding “\$150,000” in its place; and  
b. Removing from paragraph (a)(2) “\$100,000” and adding “\$150,000” in its place, and removing “\$10,000” and adding “\$15,000” in its place.

**5.303 [Amended]**

10. Amend section 5.303 by removing from the introductory text of paragraph (a) “\$3.5 million” and adding “\$4 million” in its place.

**PART 6—COMPETITION REQUIREMENTS**

**6.304 [Amended]**

11. Amend section 6.304 by—  
a. Removing from paragraph (a)(1) “\$550,000” and adding “\$650,000” in its place;  
b. Removing from paragraph (a)(2) “\$550,000” and adding “\$650,000” in its

place, and removing “\$11.5 million” and adding “\$13 million” in its place;

c. Removing from the introductory text of paragraph (a)(3) “\$11.5 million” and adding “\$13 million” in its place, removing “\$57 million” and adding “\$64 million” in its place, and removing “\$78.5 million” and adding “\$87 million” in its place; and

d. Removing from paragraph (a)(4) “\$57 million” and adding “\$64 million” in its place, and removing “\$78.5 million” and adding “\$87 million” in its place.

**PART 7—ACQUISITION PLANNING**

**7.104 [Amended]**

12. Amend section 7.104 by—  
a. Removing from paragraph (d)(2)(i)(A) “\$7.5 million” and adding “\$8 million” in its place;

b. Removing from paragraph (d)(2)(i)(B) “\$5.5 million” and adding “\$6 million” in its place; and

c. Removing from paragraph (d)(2)(i)(C) “\$2 million” and adding “\$2.5 million” in its place.

**7.107 [Amended]**

13. Amend section 7.107 by—  
a. Removing from paragraph (b)(1) “\$86 million” and adding “\$95.5 million” in its place; and

b. Removing from paragraph (b)(2) “\$8.6 million” and adding “\$9.5 million” in its place, and removing “\$86 million” and adding “\$95.5 million” in its place.

**PART 8—REQUIRED SOURCES OF SUPPLIES AND SERVICES**

**8.405–6 [Amended]**

14. Amend section 8.405–6 by—  
a. Removing from paragraph (h)(1) “\$550,000” and adding “\$650,000” in its place;

b. Removing from paragraph (h)(2) “\$550,000” and adding “\$650,000” in its place, and removing “\$11.5 million” and adding “\$13 million” in its place;

c. Removing from the introductory text of paragraph (h)(3) “\$11.5 million” and adding “\$13.5 million” in its place, removing “\$57 million” and adding “\$64 million” in its place, and removing “\$78.5 million” and adding “\$87 million” in its place; and

d. Removing from paragraph (h)(4) “\$57 million” and adding “\$64 million” in its place, and removing “\$78.5 million” and adding “\$87 million” in its place.

**PART 12—ACQUISITION OF COMMERCIAL ITEMS**

**12.102 [Amended]**

15. Amend section 12.102 by removing from the introductory text of

paragraph (f)(2) “\$16 million” and adding “\$18 million” in its place; and removing from paragraph (g)(1)(ii) “\$27 million” and adding “\$30 million” in its place.

#### **12.203 [Amended]**

16. Amend section 12.203 by removing “\$5.5 million” and adding “\$6.5 million” in its place, and removing “\$11 million” and adding “\$12 million” in its place.

### **PART 13—SIMPLIFIED ACQUISITION PROCEDURES**

#### **13.000 [Amended]**

17. Amend section 13.000 by removing “\$5.5 million” and adding “\$6.5 million” in its place, and removing “\$11 million” and adding “\$12 million” in its place.

#### **13.003 [Amended]**

18. Amend section 13.003 by—  
a. Removing from paragraph (b)(1) “\$100,000” and adding “\$150,000” in its place, and removing “\$250,000” and adding “\$300,000” in its place;

b. Removing from paragraph (c)(1)(ii) “\$5.5 million” and adding “\$6.5 million” in its place, and removing “\$11 million” and adding “\$12 million” in its place; and

c. Removing from paragraph (g)(2) “\$5.5 million” and adding “\$6.5 million”, and removing “\$11 million” and adding “\$12 million” in its place.

#### **13.005 [Amended]**

19. Amend section 13.005 by removing from paragraph (a)(5) “\$100,000” and adding “\$150,000” in its place.

#### **13.201 [Amended]**

20. Amend section 13.201 by removing from paragraph (g)(1)(ii) “\$25,000” and adding “\$30,000” in its place.

#### **13.303–5 [Amended]**

21. Amend section 13.303–5 by—  
a. Removing from paragraph (b)(1) “\$5.5 million” and adding “\$6.5 million” in its place, and removing “\$11 million” and adding “\$12 million” in its place; and

b. Removing from paragraph (b)(2) “\$5.5 million” and adding “\$6.5 million” in its place, and removing “\$11 million” and adding “\$12 million” in its place.

#### **13.500 [Amended]**

22. Amend section 13.500 by—  
a. Removing from paragraph (a) “\$5.5 million” and adding “\$6.5 million” in its place, and removing “\$11 million” and adding “\$12 million” in its place; and

b. Removing from the introductory text of paragraph (e) “\$11 million” and adding “\$12 million” in its place.

#### **13.501 [Amended]**

23. Amend section 13.501 by—

a. Removing from paragraph (a)(2)(i) “\$100,000” and adding “\$150,000” in its place, and removing “\$550,000” and adding “\$650,000” in its place;

b. Removing from paragraph (a)(2)(ii) “\$550,000” and adding “\$650,000” in its place, and removing “\$11.5 million” and adding “\$13 million” in its place;

c. Removing from paragraph (a)(2)(iii) “\$11.5 million” and adding “\$13 million” in its place, removing “\$57 million” and adding “\$64 million” in its place, and removing “\$78.5 million” and adding “\$87 million” in its place; and

d. Removing from paragraph (a)(2)(iv) “\$57 million” and adding “\$64 million” in its place, and removing “\$78.5 million” and adding “\$87 million” in its place.

### **PART 15—CONTRACTING BY NEGOTIATION**

#### **15.304 [Amended]**

24. Amend section 15.304 by removing from paragraph (c)(4) “\$550,000” and adding “\$650,000” in its place, and by removing “\$1,000,000” and adding “\$1.5 million” in its place.

#### **15.403–1 [Amended]**

25. Amend section 15.403–1 by removing from paragraph (c)(3)(iv) “\$16 million” and adding “\$18 million” in its place.

#### **15.403–4 [Amended]**

26. Amend section 15.403–4 by removing from the introductory texts of paragraphs (a)(1) and (a)(1)(iii) “\$650,000” and adding “\$700,000” in its place.

#### **15.404–3 [Amended]**

27. Amend section 15.404–3 by removing from paragraph (c)(1)(i) “\$11.5 million” and adding “\$13 million” in its place.

#### **15.407–2 [Amended]**

28. Amend section 15.407–2 by removing from paragraph (c)(1) and the introductory text of paragraph (c)(2) “\$11.5 million” and adding “\$13 million” in its place.

#### **15.408 [Amended]**

29. Amend section 15.408 in Table 15–2, “II. Cost Elements” which follows paragraph (n)(2)(iii), by removing from paragraph “A(2)” “\$11.5 million” and adding “\$13 million”.

### **PART 16—TYPES OF CONTRACTS**

#### **16.206–2 [Amended]**

30. Amend section 16.206–2 by removing from the introductory paragraph “\$100,000” and adding “\$150,000” in its place.

#### **16.206–3 [Amended]**

31. Amend section 16.206–3 by removing from paragraph (a) “\$100,000” and adding “\$150,000” in its place.

#### **16.207–3 [Amended]**

32. Amend section 16.207–3 by removing from paragraph (d) “\$100,000” and adding “\$150,000” in its place.

#### **16.503 [Amended]**

33. Amend section 16.503 by removing from paragraph (b)(2) “\$100 million” and adding “\$105 million” in its place; and removing from paragraph (d)(1) “\$11.5 million” and adding “\$13 million” in its place.

#### **16.504 [Amended]**

34. Amend section 16.504 by removing from the introductory texts of paragraphs (c)(1)(ii)(D)(1) and (c)(1)(ii)(D)(3) “\$100 million” and adding “\$105 million” in its place; and removing from the introductory text of paragraph (c)(2)(i) “\$11.5 million” and adding “\$13 million” in its place.

#### **16.505 [Amended]**

35. Amend section 16.505 by—

a. Removing from the introductory text of paragraph (b)(1)(ii) “\$5 million” and adding “\$5.5 million” in its place;

b. Removing from the heading of paragraph (b)(1)(iii) “\$5 million” and adding “\$5.5 million” in its place, and removing “\$5 million” and adding “\$5.5 million” in its place; and

c. Removing from the heading of paragraph (b)(4) “\$5 million” and adding “\$5.5 million” in its place, and removing “\$5 million” and adding “\$5.5 million” in its place.

#### **16.506 [Amended]**

36. Amend section 16.506 by removing from paragraphs (f) and (g) “\$11.5 million” and adding “\$13 million” in its place.

### **PART 17—SPECIAL CONTRACTING METHODS**

#### **17.108 [Amended]**

37. Amend section 17.108 by removing from paragraph (a) “\$11.5 million” and adding “\$13 million” in its place; and removing from paragraph (b) “\$114.5 million” and adding “\$127.5 million” in its place.

**PART 19—SMALL BUSINESS PROGRAMS****19.502–2 [Amended]**

38. Amend section 19.502–2 by—  
a. Removing from paragraph (a) “\$100,000” and adding “\$150,000” in its place each time it appears (twice), and removing “\$250,000” and adding “\$300,000” in its place; and  
b. Removing from paragraph (b) “\$100,000” and adding “\$150,000” in its place.

**19.508 [Amended]**

39. Amend section 19.508 by removing from paragraph (e) “\$100,000” and adding “\$150,000” in its place.

**19.702 [Amended]**

40. Amend section 19.702 by—  
a. Removing from paragraph (a)(1) “\$550,000” and adding “\$650,000” in its place, and removing “\$1,000,000” and adding “\$1.5 million” in its place; and  
b. Removing from paragraph (a)(2) “\$550,000” and adding “\$650,000” in its place, and removing “\$1,000,000” and adding “\$1.5 million” in its place.

**19.704 [Amended]**

41. Amend section 19.704 by removing from paragraph (a)(9) “\$550,000” and adding “\$650,000” in its place, and removing “\$1,000,000” and adding “\$1.5 million” in its place.

**19.708 [Amended]**

42. Amend section 19.708 by removing from paragraph (b)(1) “\$550,000” and adding “\$650,000” in its place, and removing “\$1,000,000” and adding “\$1.5 million” in its place.

**19.805–1 [Amended]**

43. Amend section 19.805–1 by removing from paragraph (a)(2) “\$5.5 million” and adding “\$6.5 million” in its place, and removing “\$3.5 million” and adding “\$4 million” in its place.

**19.1202–2 [Amended]**

44. Amend section 19.1202–2 by removing from paragraph (a) “\$550,000” and adding “\$650,000” in its place, and removing “\$1,000,000” and adding “\$1.5 million” in its place.

**19.1306 [Amended]**

45. Amend section 19.1306 by removing from paragraph (a)(2)(i) “\$5.5 million” and adding “\$6.5 million” in its place; and removing from paragraph (a)(2)(ii) “\$3.5 million” and adding “\$4 million” in its place.

**19.1406 [Amended]**

46. Amend section 19.1406 by removing from paragraph (a)(2)(i) “\$5.5 million” and adding “\$6 million” in its

place; and removing from paragraph (a)(2)(ii) “\$3 million” and adding “\$3.5 million” in its place.

**PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS****22.305 [Amended]**

47. Amend section 22.305 by removing from paragraph (a) “\$100,000” and adding “\$150,000” in its place.

**22.602 [Amended]**

48. Amend section 22.602 by removing “\$10,000” and adding “\$15,000” in its place.

**22.603 [Amended]**

49. Amend section 22.603 by removing from paragraph (b) “\$10,000” and adding “\$15,000” in its place.

**22.605 [Amended]**

50. Amend section 22.605 by removing from paragraphs (a)(1), (a)(2), (a)(3), and (a)(5) “\$10,000” and adding “\$15,000” in its place each time it appears (six times).

**22.1103 [Amended]**

51. Amend section 22.1103 by removing “\$550,000” and adding “\$650,000” in its place.

**22.1402 [Amended]**

52. Amend section 22.1402 by removing from paragraph (a) “\$10,000” and adding “\$15,000” in its place.

**22.1408 [Amended]**

53. Amend section 22.1408 by removing from the introductory text of paragraph (a) “\$10,000” and adding “\$15,000” in its place.

**PART 23—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE****23.406 [Amended]**

54. Amend section 23.406 by removing from paragraph (d) “\$100,000” and adding “\$150,000” in its place.

**PART 28—BONDS AND INSURANCE****28.102–1 [Amended]**

55. Amend section 28.102–1 by removing from paragraphs (a) and (b)(1) “\$100,000” and adding “\$150,000” in its place.

**28.102–2 [Amended]**

56. Amend section 28.102–2 by removing from the headings of paragraphs (b) and (c) “\$100,000” and adding “\$150,000” in its place.

**28.102–3 [Amended]**

57. Amend section 28.102–3 by removing from paragraphs (a) and (b) “\$100,000” and adding “\$150,000” in its place.

**PART 32—CONTRACT FINANCING****32.404 [Amended]**

58. Amend section 32.404 by removing from paragraph (a)(7)(i) “\$10,000” and adding “\$15,000” in its place.

**PART 36—CONSTRUCTION AND ARCHITECT—ENGINEER CONTRACTS****36.501 [Amended]**

59. Amend section 36.501 by removing from paragraph (b) “\$1,000,000” and adding “\$1.5 million” in its place each time it appears (twice).

**PART 42—CONTRACT ADMINISTRATION AND AUDIT SERVICES****42.709 [Amended]**

60. Amend section 42.709 by removing from paragraph (b) “\$650,000” and adding “\$700,000” in its place.

**42.709–6 [Amended]**

61. Amend section 42.709–6 by removing “\$650,000” and adding “\$700,000” in its place.

**42.1502 [Amended]**

62. Amend section 42.1502 by removing from paragraph (e) “\$550,000” and adding “\$650,000” in its place each time it appears (twice).

**PART 50—EXTRAORDINARY CONTRACTUAL ACTIONS AND THE SAFETY ACT****50.102–1 [Amended]**

63. Amend section 50.102–1 by removing from paragraph (b) “\$55,000” and adding “\$65,000” in its place.

**50.102–3 [Amended]**

64. Amend section 50.102–3 by removing from paragraph (b)(4) “\$28.5 million” and adding “\$32 million” in its place; and removing from paragraphs (e)(1)(i) and (e)(1)(ii) “\$55,000” and adding “\$65,000” in its place.

**PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES****52.203–7 [Amended]**

65. Amend section 52.203–7 by removing from the clause heading “(Jul 1995)” and adding “(Date)” in its place; and removing from paragraph (c)(5) “\$100,000” and adding “\$150,000” in its place.

**52.203–12 [Amended]**

66. Amend section 52.203–12 by removing from the clause heading “(Sep 2007)” and adding “(Date)” in its place; and removing from paragraphs (g)(1) and (g)(3) “\$100,000” and adding “\$150,000” in its place.

**52.204–8 [Amended]**

67. Amend section 52.204–8 by removing from the provision heading “(Feb 2009)” and adding “(Date)” in its place; and removing from paragraph (c)(1)(ii) “\$100,000” and adding “\$150,000” in its place.

**52.212–3 [Amended]**

68. Amend section 52.212–3 by removing from the provision heading “(Aug 2009)” and adding “(Date)” in its place; and removing from paragraph (e) “\$100,000” and adding “\$150,000” in its place.

**52.212–5 [Amended]**

69. Amend section 52.212–5 by—
- Removing from the clause heading “(Dec 2009)” and adding “(Date)” in its place;
  - Removing from paragraph (b)(11)(i) “(Apr 2008)” and adding “(Date)” in its place;
  - Removing from paragraph (b)(24) “(Jun 1998)” and adding “(Date)” in its place;
  - Removing from paragraph (e)(1)(ii) “\$550,000” and adding “\$650,000” in its place, and removing “\$1,000,000” and adding “\$1.5 million” in its place;
  - Removing from paragraph (e)(1)(vi) “(Jun 1998)” and adding “(Date)” in its place; and
  - In Alternate II by—
    - Removing from the Alternate heading “(Dec 2009)” and adding “(Date)” in its place;
    - Removing from paragraph (e)(1)(ii)(C) “\$550,000” and adding “\$650,000” in its place, and removing “\$1,000,000” and adding “\$1.5 million” in its place; and
    - Removing from paragraph (e)(1)(ii)(F) “(June 1998)” and adding “(Date)” in its place.

**52.213–4 [Amended]**

70. Amend section 52.213–4 by—
- Removing from the clause heading “(Dec 2009)” and adding “(Date)” in its place;
  - Removing from paragraph (a)(2)(vi) “(Dec 2009)” and adding “(Date)” in its place;
  - Removing from paragraph (b)(1)(ii) “(Dec 1996)” and adding “(Date)” in its place, and removing “\$10,000” and adding “\$15,000” in its place; and
  - Removing from paragraph (b)(1)(iv) “(June 1998)” and adding “(Date)” in its

place, and removing “\$10,000” and adding “\$15,000” in its place.

**52.219–9 [Amended]**

71. Amend section 52.219–9 by—
- Removing from the clause heading “(Apr 2008)” and adding “(Date)” in its place;
  - Removing from paragraph (d)(9) “\$550,000” and adding “\$650,000” in its place, and removing “\$1,000,000” and adding “\$1.5 million” in its place;
  - Removing from the introductory text of paragraph (d)(11)(iii) “\$100,000” and adding “\$150,000” in its place; and
  - Removing from paragraph (l)(2)(i)(C) “\$550,000” and adding “\$650,000” in its place, and removing “\$1,000,000” and adding “\$1.5 million” in its place.

**52.222–20 [Amended]**

72. Amend section 52.222–20 by removing from the clause heading “(Dec 1996)” and adding “(Date)” in its place; and removing from the introductory paragraph “\$10,000” and adding “\$15,000” in its place.

**52.222–36 [Amended]**

73. Amend section 52.222–36 by removing from the clause heading “(Jun 1998)” and adding “(Date)” in its place; and removing from paragraph (d) “\$10,000” and adding “\$15,000” in its place.

**52.225–8 [Amended]**

74. Amend section 52.225–8 by removing from the clause heading “(Feb 2000)” and adding “(Date)” in its place; and removing from the introductory texts of paragraphs (c)(1) and (j)(2) “\$10,000” and adding “\$15,000” in its place.

**52.228–15 [Amended]**

75. Amend section 52.228–15 by removing from the clause heading “(Nov 2006)” and adding “(Date)” in its place; and removing from the introductory text of paragraph (b) “\$100,000” and adding “\$150,000” in its place.

**52.244–6 [Amended]**

76. Amend section 52.244–6 by—
- Removing from the clause heading “(Dec 2009)” and adding “(Date)” in its place;
  - Removing from paragraph (c)(1)(iii) “\$550,000” and adding “\$650,000” in its place, and removing “\$1,000,000” and adding “\$1.5 million” in its place; and
  - Removing from paragraph (c)(1)(vi) “(Jun 1998)” and adding “(Date)” in its place.

**52.248–1 [Amended]**

77. Amend section 52.248–1 by removing from the clause heading “(Feb

2000)” and adding “(Date)” in its place; and removing from paragraph (l) “\$100,000” and adding “\$150,000” in its place.

**52.248–3 [Amended]**

78. Amend section 52.248–3 by removing from the clause heading “(Sep 2006)” and adding “(Date)” in its place; and removing from paragraph (h) “\$55,000” and adding “\$65,000” in its place.

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**DEPARTMENT OF TRANSPORTATION****Office of the Secretary****49 CFR Part 40**

[Docket OST–2010–0026]

RIN 2105–AD95

**Procedures for Transportation Workplace Drug and Alcohol Testing Programs**

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Department of Transportation is proposing to amend certain provisions of its drug testing procedures dealing with laboratory testing of urine specimens. Some of the proposed changes will also affect the roles and standards applying to collectors and Medical Review Officers. The proposed changes are intended to create consistency with new requirements established by the U.S. Department of Health and Human Services Mandatory Guidelines.

**DATES:** Comments to the notice of proposed rulemaking should be submitted by April 5, 2010. Late-filed comments will be considered to the extent practicable.

**ADDRESSES:** To ensure that you do not duplicate your docket submissions, please submit them by only one of the following means:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave., SE., West Building Ground Floor Room W12–140, Washington, DC 20590–0001;
- *Hand Delivery:* West Building Ground Floor, Room W–12–140 1200 New Jersey Ave., SE., between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329;