number of contractors have questioned the need and value to the Government of furnishing the data required by 42.1205(a)(3) (iii) and (iv); *i.e.*, the total dollar value as amended and the remaining unpaid balance. It is felt that this data is not needed in all cases and in most, if not all cases, it is out of date shortly after receipt. This is especially true of contractors having a number of purchase orders or contracts near physical completion.

The proposed rule was published in the Federal Register together with a request for comments on March 7, 1991 (see 56 FR 9832). Comments were requested on or before May 6, 1991. Ten responses were received consisting of no comments and concurrences.

B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the revision is considered to be less burdensome than the existing requirement. Comments were invited from small businesses and other interested parties (see 56 FR 9832, March 7, 1991) and none were received concerning this subject.

C. Paperwork Reduction Act

Since this rule is considered to reduce the burden on the contractor, a request for a decrease in burden hours for OMB Control No. 9000–0076, Novation/Change of Name Requirements, was submitted to OMB for approval. The Notice of OMB Request for Clearance appeared in the Federal Register on March 7, 1991 (see 56 FR 9690). An approval, valid through May 31, 1994, was received from OMB on May 16, 1991.

List of Subjects in 48 CFR Part 42

Government procurement.

Dated: December 19, 1991.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR part 42 is amended as set forth below:

PART 42—CONTRACT ADMINISTRATION

1. The authority citation for 48 CFR part 42 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Section 42.1205 is amended by revising paragraph (a)(3) to read as follows:

42.1205 Agreement to recognize contractor's change of name.

(a) * * *

(3) A list of all affected contracts and purchase orders remaining unsettled between the contractor and the Government, showing for each the contract number and type, and name and address of the contracting office. The contracting officer may request the total dollar value as amended and the remaining unpaid balance for each contract.

* * * * *

[FR Doc. 91–30761 Filed 12–26–91; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 49

[FAC 90–9; FAR Case 91–43; Item X]

Federal Acquisition Regulation; Termination of Contracts

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

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed to the following changes to FAR part 49: FAR 49.101(f) is added to clearly establish that the release of excess funds after termination is the responsibility of the contracting officer unless specifically delegated to the termination contracting officer (TCO). A corresponding change is made to 49.105–2. FAR 49.110 is amended by revising its heading to read "Settlement Negotiation Memorandum" to differentiate from the memorandum developed under 15.800, Price Negotiation. Revisions to paragraph (a) clarify the responsibilities and duties of the contracting officer and the TCO and the document used in termination of contracts.

EFFECTIVE DATE: February 25, 1992.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Klein at (202) 501–3775 in reference to this FAR case. For general information, contact the FAR Secretariat, room 4041, GS Building, Washington, DC 20405, (202) 501–4755. Please cite FAC 90–9, FAR case 91–43.

SUPPLEMENTARY INFORMATION:

A. Background

These changes arose as a result of the Defense Management Review Regulatory Reform initiative.

B. Regulatory Flexibility Act

The rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Public Law 98–577 and publication for public comment is not required. Therefore, the Regulatory Flexibility Act (RFA) does not apply. However, comments from small entities concerning the affected FAR subpart will be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite RFA section 610, FAR case 91–43 (FAC 90–9) in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Public Law 96–511) does not apply because the rule does not impose any reporting or recordkeeping requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 49

Government procurement.

Dated: December 19, 1991.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR part 49 is amended as set forth below:

PART 49—TERMINATION OF CONTRACTS

1. The authority citation for 48 CFR part 49 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Section 49.101 is amended by adding paragraph (f) to read as follows:

49.101 Authorities and responsibilities.

* * * * *

(f) The contracting officer is responsible for the release of excess funds resulting from the termination unless this responsibility is specifically delegated to the TCO.

3. Section 49.105–2 is revised to read as follows:

49.105–2 Release of excess funds.

(a) The TCO shall estimate the funds required to settle the termination, and within 30 days after the receipt of the termination notice, recommend the release of excess funds to the contracting officer. The initial deobligation of excess funds should be

accomplished in a timely manner by the contracting officer, or the TCO, if delegated the responsibility. The TCO shall not recommend the release of amounts under $1,000, unless requested by the contracting officer.

(b) The TCO shall maintain continuous surveillance of required funds to permit timely release of any additional excess funds (a recommended format for release of excess funds is in 49.604). If previous releases of excess funds result in a shortage of the amount required for settlement, the TCO shall promptly inform the contracting officer, who shall reinstate the funds within 30 days.

4. Section 49.110 is amended by renaming the section heading and revising paragraph (a) to read as follows:

49.110 Settlement negotiation memorandum.

(a) The TCO shall, at the conclusion of negotiations, prepare a settlement negotiation memorandum describing the principal elements of the settlement for inclusion in the termination case file and for use by reviewing authorities. Pricing aspects of the settlement shall be documented in accordance with 15.808(a). The memorandum shall be distributed in accordance with 15.808(b).

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[FR Doc. 91-30762 Filed 12-26-91; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 50

[FAC 90-9; FAR Case 91-15; Item XI]

RIN 9000-AE56

Federal Acquisition Regulation; (FAR); Extraordinary Contractual Actions

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

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed on a final rule revising FAR 50.203(b)(4) by removing the words "and neither House of Congress has adopted a resolution disapproving the obligation." The revisions are the result of amendments to Public Law 85-804 (50 U.S.C. 1431), by Public Law 101-510 (title XIII, section 1313), and Public Law 102-25 (title VII, section 705(f)).

EFFECTIVE DATE: February 25, 1992.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Klein at (202) 501-3775 in reference to this FAR case. For general information, contact the FAR Secretariat, room 4041, GS Building, Washington, DC 20405 (202) 501-4755. Please cite FAC 90-9, FAR case 91-15.

SUPPLEMENTARY INFORMATION:

A. Background

FAR 50.203(B)(4) currently requires advance notice to Congress and a subsequent 60-day waiting period for any contract, amendment, or modification executed under the authority of Public Law 85-804 which will obligate the Government for an amount in excess of $25 million.

Section 1313 of title XIII of the National Defense Authorization Act for Fiscal Year 1991 (Pub. L. 101-510) amended Public Law 85-804 (50 U.S.C. 1431) by revising the third sentence to eliminate the 60 days of continuous session and the remainder of the sentence.

Section 705(f) of title VII of Public Law 102-25 further amended Public Law 85-804 (50 U.S.C. 1431) by revising the third sentence by inserting "and 60 days of continuous session of Congress have expired following the date on which such notice was transmitted to such Committees" before the period.

FAR 50.203(b)(4) has been revised accordingly. Because the revisions concern internal agency procedures only, a decision was made by the Councils to issue the rule as a final rule and not a proposed rule.

B. Regulatory Flexibility Act

The final rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Public Law 98-577 and publication for public comment is not required. Therefore, the Regulatory Flexibility Act does not apply. However, comments from small entities concerning the affected FAR subpart will be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite FAC 90-9, FAR case 91-15 in all correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96-511) does not apply because the final rule does not impose any recordkeeping requirements or information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 50

Government procurement.

Dated: December 19, 1991.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR part 50 is amended as set forth below:

PART 50—EXTRAORDINARY CONTRACTUAL ACTIONS

1. The authority citation for 48 CFR part 50 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

2. Section 50.203 is amended by revising paragraph (b)(4) to read as follows:

50.203 Limitations on exercise of authority.

* * * * *

(b) * * *

(4) That will obligate the Government for any amount over $25 million, unless the Senate and the House Committees on Armed Services are notified in writing of the proposed obligation and 60 days of continuous session of Congress have passed since the transmittal of such notification. However, this paragraph (b)(4) does not apply to indemnification agreements authorized under 50.403.

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[FR Doc. 91-30763 Filed 12-26-91; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 52

[FAC 90-9; FAR Case 90-58; Item XII]

RIN 9000-AE27

Federal Acquisition Regulation; Inspection of Services—Fixed-Price

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

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Agency Regulations Council have agreed on a final rule amending 52.246-4, Inspection of Services—Fixed-Price,

by adding a new paragraph (d) which will allow the Government to inspect or test at the contractor's or subcontractor's facility and requires the contractor to furnish, without additional charge, all reasonable facilities and assistance for the safe and convenient performance of these duties.

EFFECTIVE DATE: February 25, 1992.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Klein at (202) 501–3775 in reference to this FAR case. For general information, contact the FAR Secretariat, room 4041, GS Building, Washington, DC 20405 (202) 501–4755. Please cite FAC 90–9, FAR case 90–58.

SUPPLEMENTARY INFORMATION:

A. Background

This rule is the result of a recommendation made by the Defense Management Review Regulatory Relief Task Force after its review of DOD regulations. It reflects language which is being removed from a component level regulation for more appropriate placement in the FAR.

The amendment to 52.246–4, Inspection of Services—Fixed Price, was published in the **Federal Register** as a proposed rule, together with a request for comments on December 19, 1990 (see 55 FR 52158). The 12 responses that were received consisted of 11 concurrences and no comments and one comment. The respondent recommended removing the phrase "without additional charge" from paragraph (d) of the clause. The Councils approved a recommendation to publish the proposed rule as a final rule without change.

B. Regulatory Flexibility Act

The Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the existing language in 52.246–4 is being clarified and is consistent with the coverage in 52.246–2.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose recordkeeping information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 52

Government procurement.

Dated: December 19, 1991.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR part 52 is amended as set forth below:

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

1. The authority citation for 48 CFR part 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Section 52.246–4 is amended by revising the introductory text; revising the date of the clause to read "(FEB 1992)"; redesignating existing paragraphs (d) and (e) as paragraph (e) and (f), and adding a new paragraph (d); and removing the derivation line following "(End of clause)" to read as follows:

52.246–4 Inspection of Services—Fixed-Price.

As prescribed in 46.304, insert the following clause:

Inspection of Services—Fixed-Price (Feb. 1992)

* * * * *

(d) If the Government performs inspections or tests on the premises of the Contractor or a subcontractor, the Contractor shall furnish, and shall require subcontractors to furnish, without additional charge, all reasonable facilities and assistance for the safe and convenient performance of these duties.

* * * * *

[FR Doc. 91–30764 Filed 12–26–91; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 8, 22, 33, 45, 52, and 53

[Federal Acquisition Circular 90–9; Item XIII]

Federal Acquisition Regulation; Technical Amendments

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

ACTION: Technical amendments and corrections.

SUMMARY: Technical amendments or corrections have been made to FAR sections 8.705–2, 8.705–4(a), 22.1003–5(k), 33.103(b)(1), 45.608–8(b), 52.202–1, 52.203–4, 52.215–39, 52.228–11(b)(1), and 53.203(b) to correct inaccuracies and update information. The authorization for use and local reproduction of Optional Form 333 requires a pen-and-ink change by revising the date to read "March 31, 1992".

EFFECTIVE DATE: February 25, 1992.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, room 4037, GS Building, Washington, DC 20405, (202) 501–4755. Please cite FAC 90–9.

Dated: December 19, 1991.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR parts 8, 22, 33, 45, 52, and 53 are amended as set forth in the technical amendments appearing below:

1. The authority citation for 48 CFR parts 8, 22, 33, 45, 52, and 53 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

PART 8—[AMENDED]

8.705–2 and 8.705–4 [Technical correction]

2. Section 8.705–2 is corrected in the last two sentences by removing the words "leadtime" and inserting in their place the words "lead time"; section 8.705–4 is corrected in paragraph (a) by removing the word "leadtime" and inserting in its place the words "lead time".

PART 22—[AMENDED]

22.1003–5 [Technical amendment]

3. Section 22.1003–5 is amended in paragraph (k) by removing the word "telecommunication,".

PART 33—[AMENDED]

33.103 [Technical correction]

4. Section 33.103 is corrected in paragraph (b)(1) by removing the word "clause" and inserting in its place the word "provision".

5. Section 45.608–8(b) is amended by revising Item 5 to read as follows:

PART 45—[AMENDED]

45.608–8 Report of excess personal property (SF 120).

* * * * *

(b) * * *

Item 5, To. Enter the name(s) and address(es) of the screening agencies or the GSA regional office serving the geographic area in which the property is located.

* * * * *