

necessary because it is essential that uniform guidance on application of the board decision be issued in the FAR.

List of Subjects in 48 CFR Parts 32 and 52

Government procurement.

Dated: February 15, 1994.

Albert A. Vicchiolla,
Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR parts 32 and 52 are amended as set forth below:

1. The authority citation for 48 CFR parts 32 and 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).

PART 32—CONTRACT FINANCING

2. Section 32.901 is revised to read as follows:

32.901 Applicability.

This subpart applies to all Government contracts (including small purchases as defined in subpart 13.1), except contracts with payment terms and late payment penalties established by other governmental authority (e.g., tariffs).

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

52.232-25 [Amended]

3. Section 52.232-25 is amended in the clause heading by removing "(SEP 1992)" and inserting "(MAR 1994)" in its place; removing the last sentence of the introductory text of the clause and the last sentence of the introductory text of paragraph (a)(5) of the clause.

52.232-26 [Amended]

4. Section 52.232-26 is amended in the clause heading by removing "(APR 1989)" and inserting "(MAR 1994)" in its place; removing the last sentence of the introductory text of the clause and the last sentence of the introductory text in paragraph (a)(4) of the clause.

52.232-27 [Amended]

5. Section 52.232-27 is amended in the clause heading by removing "(APR 1989)" and inserting "(MAR 1994)" in its place; removing the last sentence of the introductory text of the clause and the last sentence of the introductory text in paragraph (a)(3) of the clause.

[FR Doc. 94-4394 Filed 3-9-94; 8:45 am]

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48 CFR Parts 33, 42, and 52

[FAC 90-20; FAR Case 92-301/91-62; Item XIV]

RIN 9000-AF35/9000-AE96

Federal Acquisition Regulation; Federal Courts Administration Act

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

ACTION: Interim rule with request for comment.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed to an interim rule revising the claim certification procedures and the Alternative Means of Dispute Resolution (ADR) procedures in the FAR. The rule also implements subsection 907(a) of the Federal Courts Administration Act of 1992 and further revises existing ADR coverage. Accordingly, the interim rule published as FAR case 91-62, Item III, in the Federal Register at 56 FR 67412, December 30, 1991, concerning Alternative Dispute Resolution, is hereby closed and superseded by this rule.

DATES: Effective date: March 10, 1994, except (FAR) 48 CFR 33.201, 33.207(c), (e), and (f), 33.208, and 33.211(e) which are effective as of October 29, 1992.

Applicability dates: The revisions to FAR 33.201 (definition of "defective certification"), 33.207(e) and (f), and 33.211(e) are applicable with respect to all claims filed before, on, or after October 29, 1992. However, these revisions do not apply to claims that were the subject of an appeal to an agency board of contract appeals or a suit filed in the United States Claims Court prior to October 29, 1992, unless the claim is dismissed without prejudice and is subsequently refiled. Section 33.207(c) is applicable to those certifications executed more than 60 days after publication of this rule in the Federal Register. For certifications executed prior to that date, the reference to 33.207(c) in the revised 33.210 definition of "defective certification" shall be deemed to be a reference to prior 33.207(a). **Comment date:** Comments should be submitted to the FAR Secretariat at the address shown below on or before May 9, 1994 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW.,

room 4035, Attn: Ms. Beverly Fayson, Washington, DC 20405.

Please cite FAC 90-20, FAR case 92-301 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: Mr. Jack O'Neill at (202) 501-3856 in reference to this FAR case. For general information, contact the FAR Secretariat, room 4035, GS Building, Washington, DC 20405 (202) 501-4755. Please cite FAC 90-20, FAR case 92-301.

SUPPLEMENTARY INFORMATION:

A. Background

Subsection 907(a) of the Federal Courts Administration Act of 1992 (Pub. L. 102-572) requires that the person certifying a claim under the Contract Disputes Act (CDA) (41 U.S.C. 601-613) be duly authorized to bind the contractor; specifies the conditions under which a contracting officer does not have to issue a final decision; provides that certifications are not jurisdictional; and provides for payment of interest from the date of initial receipt of the claim or enactment of Public Law 102-572, whichever is later. Public Law 102-572 was enacted on October 29, 1992. This rule revises FAR 33.201, 33.207, 33.208, 33.211, and the clause at 52.233-1, and further revises ADR coverage at 33.202, 33.204, 33.210, 33.214, and 42.302.

B. Regulatory Flexibility Act

The interim revisions may have a significant beneficial 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 they simplify existing policies and procedures for the certification of claims submitted by contractors and are intended to reduce the need for costly litigation which has arisen under the existing regulations. Moreover, the regulatory impact on small entities flows directly from subsection 907(a) of the Federal Courts Administration Act of 1992 (Pub. L. 102-572) which serves as the basis for this interim rule. Comments are invited. Comments from small entities concerning the affected FAR subpart will be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and cite 5 U.S.C. 601, *et seq.* (FAR Case 92-301), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose recordkeeping or information collection requirements, or collections of information from offerors,

contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Determination to Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DOD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary because subsection 907(a) of the Federal Courts Administration Act of 1992 (Pub. L. 102-572), which amended the certification requirements for contractor claims filed pursuant to the Contract Disputes Act (CDA), is intended to resolve many of the problems that have arisen under existing CDA procedures. Subsection 907(a) also contains specific effective dates for implementation. However, pursuant to Public Law 98-577 and FAR 1.501, public comments received in response to this interim rule will be considered in formulating the final rule.

List of Subjects in 48 CFR Parts 33, 42, and 52

Government procurement.

Dated: February 15, 1994.

Albert A. Vicchiola,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR parts 33, 42, and 52 are amended as set forth below:

1. The authority citation for 48 CFR parts 33, 42, and 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).

PART 33—PROTESTS, DISPUTES, AND APPEALS

2. Section 33.201 is amended by revising the definition title "Alternative dispute resolution" to read "Alternative means of dispute resolution (ADR)", and inserting the word "assisted" before "settlement" in the second sentence; adding, in alphabetical order, the definition "Defective certification"; and revising the definition "Issue in controversy" to read as follows:

33.201 Definitions.

* * * * *

Defective certification, as used in this subpart, means a certificate which alters or otherwise deviates from the language in 33.207(c) or which is not executed by a person duly authorized to bind the contractor with respect to the claim.

Failure to certify shall not be deemed to be a defective certification.

Issue in controversy means a material disagreement between the Government and the contractor which (1) may result in a claim or (2) is all or part of an existing claim.

* * * * *

3. Section 33.202 is amended by revising the first sentence of the paragraph to read as follows:

33.202 Contract Disputes Act of 1978.

The Contract Disputes Act of 1978, as amended (41 U.S.C. 601-613) (the Act), establishes procedures and requirements for asserting and resolving claims subject to the Act. * * *

4. Section 33.204 is revised to read as follows:

33.204 Policy.

The Government's policy is to try to resolve all contractual issues in controversy by mutual agreement at the contracting officer's level. Reasonable efforts should be made to resolve controversies prior to the submission of a claim. Agencies are encouraged to use ADR procedures to the maximum extent practicable. Certain factors, however, may make the use of ADR inappropriate (see 5 U.S.C. 572(b)). Except for arbitration conducted pursuant to the Administrative Dispute Resolution Act (ADRA), Public Law 100-522, agencies have authority which is separate from that provided by the ADRA to use ADR procedures to resolve issues in controversy. Agencies may also elect to proceed under the authority and requirements of the ADRA.

5. Sections 33.207 and 33.208 are revised to read as follows:

33.207 Contractor certification.

(a) Contractors shall provide the certification specified in 33.207(c) when submitting any claim—

- (1) Exceeding \$50,000; or
- (2) Regardless of the amount claimed when using—

- (i) Arbitration conducted pursuant to 5 U.S.C. 575-580; or
- (ii) Any other ADR technique that the agency elects to handle in accordance with the ADRA.

(b) The certification requirement does not apply to issues in controversy that have not been submitted as all or part of a claim.

(c) The certification shall state as follows:

I certify that the claim is made in good faith; that the supporting data are accurate and complete to the best of my knowledge and belief; that the amount requested accurately reflects the contract adjustment for which the contractor believes the

Government is liable; and that I am duly authorized to certify the claim on behalf of the contractor.

(d) The aggregate amount of both the increased and decreased costs shall be used in determining when the dollar thresholds requiring certification are met (see example in 15.804-2(a)(1)(ii) regarding cost or pricing data).

(e) The certification may be executed by any person duly authorized to bind the contractor with respect to the claim.

(f) A defective certification shall not deprive a court or an agency BCA of jurisdiction over that claim. Prior to the entry of a final judgment by a court or a decision by an agency BCA, however, the court or agency BCA shall require a defective certification to be corrected.

33.208 Interest on claims.

(a) The Government shall pay interest on a contractor's claim on the amount found due and unpaid from the date that—

(1) The contracting officer receives the claim (certified if required by 33.207(a)); or

(2) Payment otherwise would be due, if that date is later, until the date of payment.

(b) Simple interest on claims shall be paid at the rate, fixed by the Secretary of the Treasury as provided in the Act, which is applicable to the period during which the contracting officer receives the claim and then at the rate applicable for each 6-month period as fixed by the Treasury Secretary during the pendency of the claim. (See 32.614 for the right of the Government to collect interest on its claims against a contractor).

(c) With regard to claims having defective certifications, as defined in 33.201, interest shall be paid from either the date that the contracting officer initially receives the claim or October 29, 1992, whichever is later. However, if a contractor has provided a proper certificate prior to October 29, 1992, after submission of a defective certificate, interest shall be paid from the date of receipt by the Government of a proper certificate.

6. Section 33.210 is amended by revising the introductory text to read as follows:

33.210 Contracting officer's authority.

Except as provided in this section, contracting officers are authorized, within any specific limitations of their warrants, to decide or resolve all claims arising under or relating to a contract subject to the Act. In accordance with agency policies and 33.214, contracting officers are authorized to use ADR procedures to resolve claims. The

authority to decide or resolve claims does not extend to—

7. Section 33.211 is amended by revising paragraph (a)(4)(v); redesignating paragraphs (e), (f), and (g) as (f), (g), and (h); and adding a new paragraph (e) to read as follows:

33.211 Contracting officer's decision.

(a) * * *

(4) * * *

(v) Paragraph substantially as follows: "This is the final decision of the Contracting Officer. You may appeal this decision to the agency board of contract appeals. If you decide to appeal, you must, within 90 days from the date you receive this decision, mail or otherwise furnish written notice to the agency board of contract appeals and provide a copy to the Contracting Officer from whose decision this appeal is taken. The notice shall indicate that an appeal is intended, reference this decision, and identify the contract by number. With regard to appeals to the agency board of contract appeals, you may, solely at your election, proceed under the board's small claim procedure for claims of \$10,000 or less or its accelerated procedure for claims of \$50,000 or less. Instead of appealing to the agency board of contract appeals, you may bring an action directly in the United States Court of Federal Claims (except as provided in the Contract Disputes Act of 1978, 41 U.S.C. 603, regarding Maritime Contracts) within 12 months of the date you receive this decision"; and

(e) The contracting officer shall have no obligation to render a final decision on any claim exceeding \$50,000 which contains a defective certification, if within 60 days after receipt of the claim, the contracting officer notifies the contractor, in writing, of the reasons why any attempted certification was found to be defective.

8. Section 33.214 is amended by revising the section heading, the first sentence of the introductory text of paragraph (a), paragraphs (a)(5) and (b), and by adding paragraph (d) to read as follows:

33.214 Alternative dispute resolution (ADR).

(a) The objective of using ADR procedures is to increase the opportunity for relatively inexpensive and expeditious resolution of issues in controversy. * * *

(5) Certification by the contractor in accordance with 33.207 when using ADR procedures to resolve all or part of

a claim under the authority of the ADRA.

(b) ADR procedures may be used at any time that the contracting officer has authority to resolve the issue in controversy. If a claim has been submitted, ADR procedures may be applied to all or a portion of the claim. When ADR procedures are used subsequent to the issuance of a contracting officer's final decision, their use does not alter any of the time limitations or procedural requirements for filing an appeal of the contracting officer's final decision and does not constitute a reconsideration of the final decision.

(d) The confidentiality of ADR proceedings shall be protected consistent with 5 U.S.C. 574.

PART 42—CONTRACT ADMINISTRATION

9. Section 42.302 is amended by revising paragraph (a)(10) to read as follows:

42.302 Contract administration functions.

(a) * * *

(10) Attempt to resolve issues in controversy, using ADR procedures when appropriate (see subpart 33.2); prepare findings of fact and issue decisions under the Disputes clause on matters in which the administrative contracting officer (ACO) has the authority to take definitive action.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

10. Section 52.233-1 is amended by revising the date of the clause to read "(MAR 1994)" and revising paragraphs (d) through (h) to read as follows:

52.233-1 Disputes.

* * * * *

Disputes (Mar 1994)

* * * * *

(d)(1) A claim by the Contractor shall be made in writing and submitted to the Contracting Officer for a written decision. A claim by the Government against the Contractor shall be subject to a written decision by the Contracting Officer.

(2)(i) Contractors shall provide the certification specified in subparagraph (d)(2)(iii) of this clause when submitting any claim—

(A) Exceeding \$50,000; or
(B) Regardless of the amount claimed, when using—

(1) Arbitration conducted pursuant to 5 U.S.C. 575-580; or

(2) Any other alternative means of dispute resolution (ADR) technique that the agency elects to handle in accordance with the

Administrative Dispute Resolution Act (ADRA).

(ii) The certification requirement does not apply to issues in controversy that have not been submitted as all or part of a claim.

(iii) The certification shall state as follows: "I certify that the claim is made in good faith; that the supporting data are accurate and complete to the best of my knowledge and belief; that the amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable; and that I am duly authorized to certify the claim on behalf of the Contractor."

(3) The certification may be executed by any person duly authorized to bind the Contractor with respect to the claim.

(e) For Contractor claims of \$50,000 or less, the Contracting Officer must, if requested in writing by the Contractor, render a decision within 60 days of the request. For Contractor-certified claims over \$50,000, the Contracting Officer must, within 60 days, decide the claim or notify the Contractor of the date by which the decision will be made.

(f) The Contracting Officer's decision shall be final unless the Contractor appeals or files a suit as provided in the Act.

(g) At the time a claim by the Contractor is submitted to the Contracting Officer or a claim by the Government is presented to the Contractor, the parties, by mutual consent, may agree to use ADR. When using arbitration conducted pursuant to 5 U.S.C. 575-580, or when using any other ADR technique that the agency elects to handle in accordance with the ADRA, any claim, regardless of amount, shall be accompanied by the certification described in subparagraph (d)(2)(iii) of this clause, and executed in accordance with subparagraph (d)(3) of this clause.

(h) The Government shall pay interest on the amount found due and unpaid from (1) the date that the Contracting Officer receives the claim (certified, if required); or (2) the date that payment otherwise would be due, if that date is later, until the date of payment. With regard to claims having defective certifications, as defined in (FAR) 48 CFR 33.201, interest shall be paid from the date that the Contracting Officer initially receives the claim. Simple interest on claims shall be paid at the rate, fixed by the Secretary of the Treasury as provided in the Act, which is applicable to the period during which the Contracting Officer receives the claim and then at the rate applicable for each 6-month period as fixed by the Treasury Secretary during the pendency of the claim.

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[FR Doc. 94-4395 Filed 3-9-94; 8:45 am]

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48 CFR Parts 42 and 47

[FAC 90-20; FAR Case 92-53; Item XV]

RIN 9000-AF32

Federal Acquisition Regulation; Defense Traffic Management Regulation

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 to amend the coverage "Traffic and Transportation Management" of the Federal Acquisition Regulation (FAR) to update the title of the Defense Traffic Management Regulation and to add references to the Military Departments' and Defense Logistics Agency's regulations concerning traffic and transportation management. Cross references were also revised to update the title of the Defense Traffic Management Regulation.

EFFECTIVE DATE: May 9, 1994.

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 4037, GS Building, Washington, DC 20405 (202) 501-4755. Please cite FAC 90-20, FAR case 92-53.

SUPPLEMENTARY INFORMATION:

A. Background

The title of the Military Traffic Management Regulation was revised several years ago but has not been updated, where referenced, in the FAR.

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 comments is not required. Therefore, the Regulatory Flexibility Act does not apply. However, comments from small entities concerning the affected subpart will be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and cite 5 U.S.C. 601, *et seq.* (FAC 90-20, FAR case 92-53), in correspondence.

C. Paperwork Reduction Act

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

List of Subjects in 48 CFR Parts 42 and 47

Government procurement.

Dated: February 15, 1994.

Albert A. Vicchiolla,
Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR parts 42 and 47 are amended as set forth below:

PART 42—CONTRACT ADMINISTRATION

1. The authority citation for 48 CFR parts 42 and 47 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 42.1401 is amended by revising paragraph (b)(11) to read as follows:

42.1401 General.

* * * * *

(b) * * *

(11) Recommending, when appropriate, the use of commercial forms and procedures for small shipments of a recurring nature if transportation costs do not exceed \$100, as authorized in 41 CFR 101-41.304-2 and, for the Department of Defense (DOD), in Chapter 32, Defense Traffic Management Regulation (DTMR) (AR 55-355, NAVSUPINST 4600.70, AFM 75-2, MCO P-4600.14A, DLAR 4500.3);

* * * * *

42.1402 [Amended]

3. Section 42.1402 is amended in the second sentence of paragraph (a)(2) by removing the words "Military Traffic Management Regulation (MTMR)" and inserting in their place "Defense Traffic Management Regulation (DTMR)".

4. Section 42.1403 is amended by revising paragraph (c)(2) to read as follows:

42.1403 Shipping documents covering f.o.b. origin shipments.

* * * * *

(c) * * *

(2) For DOD shipments, corresponding guidance is in Chapter 32 of the DTMR.

42.1405 [Amended]

5. Section 42.1405 is amended in the last sentence of paragraph (a) by removing "P4610.19" and inserting "P4610.19D" in its place.

PART 47—TRANSPORTATION

6. Section 47.103 is amended by revising paragraph (b)(2) to read as follows:

47.103 Transportation Documentation and Audit Regulation (TDA).

* * * * *

(b) * * *

(2) For DOD shipments, corresponding guidance is in Chapter 32 of the Defense Traffic Management Regulation (DTMR).

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47.200 and 47.305 [Amended]

7. In section 47.200(e) remove the words "Military Traffic Management Regulation" and in 47.305-6(f)(1)(ii), remove the words "Military Traffic Management Regulation (MTMR)" and insert "Defense Traffic Management Regulation" in each place.

[FR Doc. 94-4396 Filed 3-9-94; 8:45 am]

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48 CFR Part 45

[FAC 90-20; FAR Case 91-73; Item XVI]

RIN 9000-AF02

Federal Acquisition Regulation; Records of Plant Equipment

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 (CAAC) and the Defense Acquisition Regulations Council (DARC) have agreed on a final rule to amend the Federal Acquisition Regulation (FAR) under Management of Government Property in the Possession of Contractors, to add language on the use of summary records and expand the use of summary records to special tooling and special test equipment costing less than \$5,000.

EFFECTIVE DATE: May 9, 1994.

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 4037, GS Building, Washington, DC 20405 (202) 501-4755. Please cite FAC 90-20, FAR case 91-73.

SUPPLEMENTARY INFORMATION:

A. Background

The CAAC and the DARC have approved a final rule changing FAR Subpart 45.5, originating from a proposal from industry, to expand the use of summary records for recording and controlling plant equipment to special tooling and special test equipment. A proposed rule was published in the Federal Register at 57 FR 40891, September 8, 1992. Under this rule, summary records are permitted to account for multiple quantities of a line item of plant

equipment, special tooling and special test equipment costing less than \$5,000, except when the contracting officer determines that individual records are necessary for effective control, calibration, or maintenance. Industry has advised that control and recordkeeping burden is a problem on certain items of individual equipment below \$5,000, because of the need to alter property records each time an item in this category is moved within the contractor's facilities. This rule will permit listing only a general location in the summary record for multiple quantities of plant equipment, special tooling, and special test equipment costing less than \$5,000 per unit, provided the contractor can locate the property within a reasonable period of time.

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 rule expands the use of summary records to special tooling and special test equipment, thus reducing administrative burden on contractors. We received no comments on the Regulatory Flexibility Act statement in the proposed rule during the public comment period.

C. Paperwork Reduction Act

This rule reduces existing recordkeeping requirements or collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501 *et seq.* It reduces the information collection hours by extending use of the summary records to special tooling and special test equipment. Therefore, the Paperwork Reduction Act (Pub. L. 96-511) is deemed to apply because the final rule contains information collection requirements. This reduction in burden has been reflected in a revised clearance for Control Number 9000-0075 submitted under 44 U.S.C. 3501 *et seq.* on October 18, 1993, for approval. Public comments concerning this request will be invited through a subsequent Federal Register notice.

List of Subjects in 48 CFR Part 45

Government procurement.

Dated: February 15, 1994.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR part 45 is amended as set forth below:

PART 45—GOVERNMENT PROPERTY

1. The authority citation for 48 CFR part 45 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 45.501 is amended by adding "Summary record" in alphabetical order to read as follows:

§ 45.501 Definitions.

Summary record, as used in this subpart, means a separate card, form, document or specific line(s) of computer data used to account for multiple quantities of a line item of special tooling, special test equipment, or plant equipment costing less than \$5,000 per unit.

3. Section 45.505-1 is amended by designating the introductory paragraph as paragraph (a); redesignating paragraphs (a) through (g) as (1) through (7); amending the new paragraph (a) by removing the reference "45.505-5a(a)" and inserting "paragraph (b) of this section"; and adding paragraph (b) to read as follows:

§ 45.505-1 Basic Information.

(b) Summary records are normally adequate for special tooling, special test equipment, and plant equipment costing less than \$5,000 per unit, except where the contract administration office determines that individual item records are necessary for effective control, calibration, or maintenance. Summary records shall provide the information listed in paragraphs (a)(1) through (a)(7) of this section, but may reference a general location, provided the contractor can locate the property within a reasonable period of time.

4. Section 45.505-4 is amended by revising paragraph (a) to read as follows:

§ 45.505-4 Records of special tooling and special test equipment.

(a) Unless summary records are used as authorized under 45.505-1(b), the contractor's property control system shall provide the basic information listed in 45.505-1(a) regarding each item of Government-owned special tooling and special test equipment, including any general purpose test equipment incorporated as components

in such a manner that removal and reuse may be feasible and economical.

5. Section 45.505-5 is amended by revising paragraph (a) to read as follows:

§ 45.505-5 Records of plant equipment.

(a) Unless summary records are used as authorized under 45.505-1(b), the contractor shall maintain individual item records for each item of plant equipment.

[FR Doc. 94-4397 Filed 3-9-94; 8:45 am]
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48 CFR Part 45

[FAC 90-20; FAR Case 91-58; Item XVII]

RIN 9000-AE88

Federal Acquisition Regulation; Reports of Government Property

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 amend the coverage under Reports of Government Property, to require contractors to report annually all classifications of Government property in their possession. The amendment expands the list of property classifications to be reported to include special tooling, special test equipment, material, and agency peculiar property. The amendment is considered necessary to ensure that the classes of property reported are the same as those defined and to improve the Federal Government's visibility of Government property in the hands of contractors.

EFFECTIVE DATE: May 9, 1994.

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 4037, GS Building, Washington, DC 20405 (202) 501-4755. Please cite FAC 90-20, FAR case 91-58.

SUPPLEMENTARY INFORMATION:

A. Background

An amendment to FAR 45.505-14, Reports of Government Property, was published in the Federal Register as a proposed rule, with a request for comments (see 57 FR 2818, January 23, 1992). The five responses that were received consisted of one no comment and four comments. Comments