

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]

BILLING CODE 6820-34-M

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

included recommendations to: (1) Revise the beginning of the first sentence of 45.505-14(a); (2) Revise 45.505-14(a)(6) to exempt material issued from stock; (3) establish a standard reporting date for reports of Government property; (4) revise 45.506(b) to delete the reference to \$5,000; and (5) revise subparagraphs (a)(4) and (a)(6) of 45.505-14, to include the phrase "not required for nonprofit organizations." After the comments were evaluated, the Councils agreed to publish the 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 rule, while an expanded version of that now in the FAR, is currently in effect in regulations used by the agencies (DOD and NASA) who are accountable for the majority of Government property in the possession of contractors. The rule, therefore, will have a negligible increased effect on small businesses in custody of Government property.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Public Law 96-511) is deemed to apply because the final rule contains information collection requirements. Accordingly, a request for approval of a new information collection requirement concerning Office of Management and Budget (OMB) Control Number 9000-0075, Government-furnished property requirements, was submitted to OMB under 44 U.S.C. 3501, *et seq.* On March 2, 1992, OMB cleared this information collection through March 31, 1995. A revised OMB clearance for all of part 45, including this burden, was submitted to OMB on October 18, 1993, for approval. No public comments concerning this request were received.

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 45.505-14 is amended by revising paragraph (a) to read as follows:

45.505-14 Reports of Government property.

(a) The contractor's property control system shall provide annually the total acquisition cost of Government property for which the contractor is accountable under each contract with each agency, including Government property at subcontractor plants and alternate locations. The following classifications (property classifications may be varied to meet individual agency needs) shall be reported:

- (1) Land and rights therein.
- (2) Other real property, including utility distribution systems, buildings, structures, and improvements thereto.
- (3) Plant equipment.
- (4) Special tooling.
- (5) Special test equipment.
- (6) Material.
- (7) Agency peculiar property.

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48 CFR Parts 47 and 52

[FAC 90-20; FAR Case 91-10; Item XVII]

RIN 9000-AE66

Federal Acquisition Regulation; Returnable Cylinders

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 that amends the Federal Acquisition Regulation (FAR) by adding a clause entitled Returnable Cylinders, with its prescriptive language. The clause prescribes the Government's responsibilities relating to the return and accountability of contractor-furnished returnable cylinders.

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 91-10.

SUPPLEMENTARY INFORMATION:

A. Background

This change was recommended as a result of the Defense Management Review Regulatory Reform initiative. The Councils determined that language in FAR supplements would be useful for all Federal contracting activities. The proposed rule was published in the Federal Register at 56 FR 14298, April 8, 1991. Five substantive comments were received. After evaluating the comments, the coverage has been amended (1) to apply only to cylinders; (2) by adding a definition of the term "cylinder" in the clause; (3) by revising paragraphs (a) and (b) of the clause to eliminate inconsistencies; and (4) to refer to a "loan period" in place of the debit/credit concept previously referenced.

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 it prescribes Government responsibilities related to the return and accountability of returnable cylinders without imposing an additional burden on contractors.

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 47 and 52

Government procurement.

Dated: February 15, 1994.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore 48 CFR parts 47 and 52 be amended as set forth below:

1. The authority citation for 48 CFR parts 47 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 47—TRANSPORTATION

2. Section 47.305-17 is added to read as follows:

47.305-17 Returnable cylinders.

The contracting officer shall insert the clause at 52.247-66, Returnable Cylinders, in a solicitation and contract whenever the contract involves the purchase of gas in contractor-furnished returnable cylinders and the contractor retains title to the cylinders.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 52.247-66 is added to read as follows:

52.247-66 Returnable Cylinders.

As prescribed in 47.305-17, insert the following clause:

Returnable Cylinders (May 1994)

(a) Cylinder, referred to in this clause, is a pressure vessel designed for pressures higher than 40 psia and having a circular cross section excluding a portable tank, multitank car tank, cargo tank or tank car.

(b) Returnable cylinders shall remain the Contractor's property but shall be loaned without charge to the Government for a period of ____ days [Contracting Officer shall insert number of days] (hereafter referred to as loan period) following the day of delivery to the f.o.b. point specified in the contract. Any cylinder not returned within the loan period shall be charged a daily rental beginning with the first day after the loan period expires, to and including the day the cylinders are delivered to the Contractor (if the original delivery was f.o.b. origin) or are delivered or made available for delivery to the Contractor's designated carrier (if the original delivery was f.o.b. destination). The Government shall pay the Contractor a rental of \$ ____ [Contracting Officer shall insert dollar amount for rental, after evaluation of offers] per cylinder, per day, computed separately for cylinders by type, size, and capacity and for each point of delivery named in the contract. No rental shall accrue to the Contractor in excess of replacement value per cylinder specified in paragraph (c) of this clause.

(c) For each cylinder lost or damaged beyond repair while in the Government's possession, the Government shall pay to the Contractor the replacement value, less the allocable rental paid for that cylinder as follows: ____ [Contracting Officer shall insert the cylinder types, sizes, capacities, and associated replacement values.] These cylinders shall become Government property.

(d) If any lost cylinder is located within ____ [Contracting Officer shall insert number of days] calendar days after payment by the Government, it may be returned to the Contractor by the Government, and the Contractor shall pay to the Government an amount equal to the replacement value, less rental computed in accordance with paragraph (b) of this clause, beginning at the expiration of the loan period specified in paragraph (b) of this clause, and continuing to the date on which the cylinder was delivered to the Contractor.

(End of clause)

[FR Doc. 94-4399 Filed 3-9-94; 8:45 am]

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48 CFR Part 52

[FAC 90-20; FAR Case 93-305; Item XIX]

Federal Acquisition Regulation; Small Business Innovation Research Rights in Data

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 that amends the Federal Acquisition Regulation (FAR) under the clause Rights in Data—Small Business Innovation Research Program, to increase the small business concern's data rights retention period from 2 to 4 years. This amendment implements Section 15(f) of the revised Small Business Innovation Research (SBIR) Program Policy Directive, published by the Small Business Administration (SBA) in the *Federal Register* at 58 FR 6144, January 26, 1993.

DATES: Effective Date: March 10, 1994.

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 93-305 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 93-305.

SUPPLEMENTARY INFORMATION:**A. Background**

This rule implements subsection 15(f) of the revised SBIR Program Policy Directive, published by the SBA in the *Federal Register* at 58 FR 6144, January 26, 1993. Subsection 15(f) implements subsection 103(f)(4) of Public Law 102-

564, Small Business Research and Development Enhancement Act of 1992, which increases the small business concern's data rights retention period from 2 to 4 years.

B. Regulatory Flexibility Act

The changes 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 it is expected that this interim rule will benefit small businesses as it increases the small business concern's data rights retention period under the SBIR program from 2 to 4 years. As Initial Regulatory Flexibility Analysis (IRFA) has, therefore, not been prepared. 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 93-305), 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 to implement subsection 15(f) of the revised SBIR Program Policy Directive, published by the SBA in the *Federal Register* at 58 FR 6144, January 26, 1993, and subsection 103(f)(4) of Public Law 102-564, Small Business Research and Development Enhancement Act of 1992. Pursuant to Public Law 98-577 and FAR 1.501, public comments received in response to this notice will be considered in formulating the final rule.

List of Subjects in 48 CFR Part 52

Government procurement.

Dated: February 15, 1994.

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).

§ 52.227-20 [Amended]

2. Section 52.227-20 is amended by revising the date of the clause to read "(MAR 1994)"; in paragraph (d) of the clause, the "SBIR Rights Notice" is amended in the title by revising the date to read "(MAR 1994)"; by amending in the second sentence of the Notice "2 years" to read "4 years"; and by amending in the third sentence of the Notice "2-year period" to read "4-year period".

[FR Doc. 94-4400 Filed 3-9-94; 8:45 am]

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48 CFR Parts 1, 3, 5, 15, 16, 19, 31, 42, 48, 52, and 53

[Federal Acquisition Circular 90-20; Item XX]

Federal Acquisition Regulation; Corrections and Technical Amendments

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

ACTION: Final rule; Technical corrections.

SUMMARY: Technical corrections are being made to FAR parts 1, 3, 5, 15, 16, 19, 31, 42, 48, 52, and 53 to correct errors, omissions, inconsistencies, references, and terms.

DATES: Effective Date: March 10, 1994.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4041, GS Building, Washington, DC 20405, (202) 501-4755. Please cite FAC 90-20, Corrections and Technical Amendments.

List of Subjects in 48 CFR Parts 1, 3, 5, 15, 16, 19, 31, 42, 48, 52 and 53

Government procurement.

Dated: Feb. 15, 1994.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR parts 1, 3, 5, 15, 16, 19, 31, 42, 48, 52, and 53 are amended

as set forth in the technical corrections appearing below:

1. The authority citation for 48 CFR parts 1, 3, 5, 15, 16, 19, 31, 42, 48, 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 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

1.404 [Nomenclature change]

2. Section 1.404(c) is amended by revising "Assistant Administrator for Procurement" to read "Associate Administrator for Procurement".

PART 3—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

3.104-9 [Corrected]

3. Section 3.104-9(c)(2) is amended in item 1 of the certificate entitled "Contracting Officer Certificate of Procurement Integrity" by adding "I" after "certificate,".

PART 5—PUBLICIZING CONTRACT ACTIONS

5.207 [Nomenclature change]

4. Section 5.207(b) is amended in the last sentence of Item 4 of "Format Item and Explanation/Description of Entry" by removing the words "National Bureau of Standards" and inserting "National Institute of Standards and Technology (NIST)" in its place.

PART 15—CONTRACTING BY NEGOTIATION

15.804-6

[Corrected]

5. Section 15.804-6 is corrected in the second sentence of paragraph 1 of Table 15-2 by revising "7A" to read "8A".

PART 16—TYPES OF CONTRACTS

6. Section 16.204 is amended by revising the third sentence and adding a fourth sentence to read as follows:

16.204 Fixed-price incentive contracts.

* * * See 16.403 for more complete descriptions, application, and limitations for these contracts. Prescribed clauses are found at 16.405.

PART 19—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

7. Section 19.102 is amended in the table consisting of industry size standards in Major Group 73, by revising SIC codes 7371 through 7379 to read as follows:

19.102 Size standards.

* * * * *

MAJOR GROUP 73—BUSINESS SERVICES

7371	Computer Programming Services.	\$14.5
7372	Prepackaged Software	14.5
7373	Computer Integrated Systems Design.	14.5
7374	Computer Processing and Data Preparation and Processing Services.	14.5
7375	Information Retrieval Services.	14.5
7376	Computer Facilities Management Services.	14.5
7377	Computer Rental and Leasing.	14.5
7378	Computer Maintenance and Repair.	14.5
7379	Computer Related Services, N.E.C.	14.5

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

31.205-38 [Corrected]

8. Section 31.205-38 is corrected in paragraph (c)(2)(iii) by revising "December 22" to read "December 15".

PART 42—CONTRACT ADMINISTRATION

42.701 [Corrected]

9. Section 42.701 is corrected in the definition "business unit" by revising the parenthetical to read "(see 31.001)".

PART 48—VALUE ENGINEERING

48.104-1 [Corrected]

10. Section 48.104-1 is corrected in paragraph (a)(2)(i) by removing the word "new" and inserting "net" in its place.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

11. Section 52.210-1 is amended by revising the heading and paragraph (a) of the provision to read as follows:

52.210-1 Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.

* * * * *

(a) A single copy of each specification cited in this solicitation is available without charge from the GSA Federal Supply Service Bureau Specifications Section (3FBP-W), 470 East L'Enfant Plaza, SW., suite 8100, Washington, DC 20407 (Tel. 202-755-0325 or 755-0326), or from any of the General Services