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**National Aeronautics
and Space
Administration**

Semiannual Regulatory Agenda

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Semiannual regulatory agenda.

SUMMARY: NASA's regulatory agenda describes those regulations being considered for development or amendment by NASA, the need and legal basis for the actions being

considered, the name and telephone number of the knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported. This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions includes The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. NASA's Statement of Regulatory Priorities is included in part II.

ADDRESSES: Director, Management Assessment Division (Code JM), Office of Management Systems, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Nanette Jennings, (202) 358-0819.

SUPPLEMENTARY INFORMATION: OMB guidelines dated July 10, 2001, "October 2001 Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions" require a regulatory agenda of those regulations under development and review to be published in the **Federal Register** each April and October.

Dated: September 13, 2001.

John D. Werner,
Director, Management Assessment Division.

National Aeronautics and Space Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3824	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)	2700-AC43
3825	NASA Grant and Cooperative Agreement Handbook—Rewrite of Section D—Cooperative Agreements With Commercial Firms and Implementation of Section 319 of Public Law 106-391, Buy American Encouragement	2700-AC44
3826	Research Misconduct	2700-AC50

National Aeronautics and Space Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3827	Cross-Waiver of Liability	2700-AB51
3828	Meritorious Claims Arising From the Conduct of NASA Functions Under 42 U.S.C. 2473(c)(13)	2700-AC35
3829	NASA Standards of Conduct	2700-AC37
3830	Code of Conduct for International Space Station Crew	2700-AC40
3831	Supplemental Standards of Ethical Conduct for Employees of the National Aeronautics and Space Administration	2700-AC45
3832	Boards and Committees	2700-AC46
3833	Inventions and Contributions	2700-AC47
3834	Patents and Other Intellectual Property Rights	2700-AC48

National Aeronautics and Space Administration—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3835	Tracking and Data Relay Satellite System; Use and Reimbursement Policy for Non-U.S. Government Users	2700-AA29
3836	Miscellaneous Administrative Changes to the NASA Federal Acquisition Regulation Supplement (NFS)	2700-AC33
3837	Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs and Activities Receiving Federal Financial Assistance	2700-AC41
3838	National Environmental Policy Act Implementing Procedures	2700-AC49

National Aeronautics and Space Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
3839	Use of Small Self-Contained Payload	2700-AC39
3840	NASA Grant and Cooperative Agreement Handbook—Miscellaneous Changes	2700-AC51

National Aeronautics and Space Administration (NASA)

Proposed Rule Stage

3824. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)**Priority:** Substantive, Nonsignificant**Legal Authority:** 41 USC 701 et seq; 42 USC 2473c; 31 USC 6101 note**CFR Citation:** 14 CFR 1265**Legal Deadline:** None

Abstract: NASA is participating in a proposed common rule that proposes substantive changes and amendments to the Governmentwide nonprocurement common rule for debarment and suspension and the Governmentwide rule implementing the Drug-Free Workplace Act of 1988. The purpose of these proposed changes are as follows:

1. Resolve unnecessary technical differences between the procurement and nonprocurement debarment rules;
2. Make improvements to the existing common rule consistent with the purpose of the suspension and debarment system;
3. Revise the current approach to the style and format to use plain language; and
4. Move the drug-free workplace requirements currently in subpart F of the Debarment and Suspension Nonprocurement Common Rule to a new section.

Timetable:

Action	Date	FR Cite
NPRM	12/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Diane S. Thompson, National Aeronautics and Space

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RIN: 2700-AC43**3825. NASA GRANT AND COOPERATIVE AGREEMENT HANDBOOK—REWRITE OF SECTION D—COOPERATIVE AGREEMENTS WITH COMMERCIAL FIRMS AND IMPLEMENTATION OF SECTION 319 OF PUBLIC LAW 106-391, BUY AMERICAN ENCOURAGEMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 6301-6308**CFR Citation:** 14 CFR 1260 and 1274**Legal Deadline:** None

Abstract: NASA's Grant and Cooperative Agreement Handbook will be revised to clarify and provide additional guidance on the award and administration of cooperative agreements with commercial firms. This includes incorporating appropriate guidance on risk-centered approaches to acquisitions under cooperative agreements.

Timetable:

Action	Date	FR Cite
NPRM	10/29/01	66 FR 54468
NPRM Comment	12/28/01	
Period End		
Final Action	03/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Eugene Johnson, Procurement Analyst, National Aeronautics and Space Administration, NASA Headquarters (Code HC), 300 E Street SW, Washington, DC 20546
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RIN: 2700-AC44**3826. • RESEARCH MISCONDUCT****Priority:** Other Significant**Legal Authority:** 42 USC 2473**CFR Citation:** 14 CFR 1275**Legal Deadline:** None

Abstract: The proposed rule implements the "Federal Policy on Research Misconduct," issued by the Office of Science and Technology Policy in the Federal Register (FR) on December 6, 2000 (65 FR 76260). The proposed rule sets out the definition of research misconduct and the procedures for determining whether research misconduct has occurred and for recommending administrative action by NASA pursuant to applicable laws.

Timetable:

Action	Date	FR Cite
NPRM	01/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Mayra N. Montrose, National Aeronautics and Space Administration, Office of the NASA Chief Scientist, Code AS, 300 E Street, SW, Washington, DC 20744
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RIN: 2700-AC50

National Aeronautics and Space Administration (NASA)

Final Rule Stage

3827. CROSS-WAIVER OF LIABILITY**Priority:** Info./Admin./Other**Legal Authority:** 42 USC 2473**CFR Citation:** 14 CFR 1266**Legal Deadline:** None

Abstract: This provides technical amendments to implement the cross-waiver of liability provision of the intergovernmental agreement of the International Space Station and to refine and clarify contractual cross-

waivers in NASA agreements involving launch services.

Timetable:

Action	Date	FR Cite
Final Action	05/00/02	

NASA

Final Rule Stage

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

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RIN: 2700-AB51
3828. MERITORIOUS CLAIMS ARISING FROM THE CONDUCT OF NASA FUNCTIONS UNDER 42 U.S.C. 2473(C)(13)
Priority: Substantive, Nonsignificant**Legal Authority:** 42 USC 2473; 31 USC 3104**CFR Citation:** 14 CFR 1267**Legal Deadline:** None

Abstract: This rule would establish NASA policies and procedures for meritorious claims, other than Federal Tort Claims Act claims or claims otherwise covered under 14 CFR part 1261, arising from the conduct of NASA functions and pursuant to 203(c)(13) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(c)(13)).

Timetable:

Action	Date	FR Cite
NPRM	12/21/99	64 FR 71339
NPRM Comment Period End	02/22/00	
Final Action	04/00/02	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Bernard J. Roan, Senior Attorney, National Aeronautics and Space Administration, Office of Associate General Counsel (Contracts), 300 E Street SW, Washington, DC 20546
 Phone: 202 358-2072

RIN: 2700-AC35
3829. NASA STANDARDS OF CONDUCT
Priority: Info./Admin./Other**Legal Authority:** 42 USC 2473(c)(1), 5 USC appendix (Ethics in Government

Act of 1978, as amended); 5 USC 7301; 18 USC 208; 5 CFR part 2640

CFR Citation: 14 CFR 1207.102; 5 CFR 6901**Legal Deadline:** None

Abstract: Changes in references that are obsolete because of superseding Office of Government Ethics regulations and internal Agency reorganization.

Deletion of section to conform with superseding regulation (5 CFR 2640); revision of remainder to reflect organization changes.

This action is not required by action or court order. The changes are being made to rescind or amend NASA regulations that have already been published, pursuant to 42 U.S.C. 2473(c)(1).

Because the Agency is conforming with Office of Government Ethics regulations (5 CFR 2640), there are no alternatives to revision.

Timetable:

Action	Date	FR Cite
Final Rule	12/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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RIN: 2700-AC37
3830. CODE OF CONDUCT FOR INTERNATIONAL SPACE STATION CREW
Priority: Other Significant**Legal Authority:** 42 USC 2455, 2473, 2475; 18 USC 799**CFR Citation:** 14 CFR 1214, subpart 1214.4**Legal Deadline:** None

Abstract: NASA is amending 14 CFR part 1214 by adding subpart 1214.4 to implement certain provisions of the International Space Station Intergovernmental Agreement regarding crew members' observance of a Code of Conduct.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	10/01/00	
Interim Final Rule Final Rule	12/21/00	65 FR 80302
	08/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: E. Jason Steptoe, Associate General Counsel, National Aeronautics and Space Administration, Office of General Counsel (Code GS), 300 E Street SW, Washington, DC 20546

Phone: 202 358-2432

RIN: 2700-AC40
3831. • SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Priority: Info./Admin./Other

Legal Authority: 5 USC 7301; 5 USC app (Ethics in Government Act of 1978); 42 USC 2473(c)(1); EO 12674, as modified by EO 12731; 5 CFR 2635.105, 2635.403(a), 2635.802(a), 2635.803

CFR Citation: 5 CFR 6901; 14 CFR 1207**Legal Deadline:** None

Abstract: The National Aeronautics and Space Administration, with the concurrence of the Office of Government Ethics, is amending its supplemental standards of ethical conduct to revise the designations of officials authorized to perform ethics related-functions and move those designations from 5 CFR part 6901 to 14 CFR part 1207, subpart A.

Timetable:

Action	Date	FR Cite
Final Rule	12/00/01	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

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NASA

Final Rule Stage

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RIN: 2700-AC45

3832. ● BOARDS AND COMMITTEES

Priority: Info./Admin./Other

Legal Authority: 42 USC 2457f and 2458; secs 305 and 306 of the National Aeronautics and Space Act of 1958, as amended

CFR Citation: 14 CFR 1209**Legal Deadline:** None

Abstract: NASA is amending 14 CFR part 1209 to provide for a change in responsibilities and an organizational change. Moves responsibility from Code I (External Relations) to Code R (Aerospace Technology).

Timetable:

Action	Date	FR Cite
Final Rule	12/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** Federal

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RIN: 2700-AC46

3833. ● INVENTIONS AND CONTRIBUTIONS

Priority: Info./Admin./Other

Legal Authority: 42 USC 2458, sec 306 of the National Aeronautics and Space

Act of 1958; 15 USC 3710b(1), sec 12 of the Federal Technology Transfer Act of 1986

CFR Citation: 14 CFR 1240**Legal Deadline:** None

Abstract: NASA is amending 14 CFR part 1240 to provide definitions (including a software definition), add a new category of initial awards for release of software, provide initial awards for the issuance of patents based upon continuation-in-part and divisional patent applications, increase the amount of certain awards and change delegations of authority from the NASA Administrator.

Award amounts have not been changed since 1985, and this updates to current day dollars. This includes significant increases in initial awards for technical briefs from \$150 to \$350, multiple author software and patents from \$250 to \$500, and single author software and patents from \$500 to \$1,000. Any award of an amount less than \$2,000 no longer requires the Administrator's signature.

Timetable:

Action	Date	FR Cite
Final Rule	12/00/01	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** Federal

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RIN: 2700-AC47

3834. ● PATENTS AND OTHER INTELLECTUAL PROPERTY RIGHTS

Priority: Info./Admin./Other

Legal Authority: 42 USC 2457 and 2458; 35 USC 202 and 203; 37 CFR 401.6

CFR Citation: 14 CFR 1245**Legal Deadline:** None

Abstract: NASA will be proposing to amend 14 CFR part 1245 to designate the Armed Services Board of Contract Appeals to conduct fact finding in march-in proceedings. NASA no longer has a Board of Contract Appeals, so designating another Board is necessary.

Timetable:

Action	Date	FR Cite
Final Rule	04/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** Federal

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RIN: 2700-AC48

National Aeronautics and Space Administration (NASA)

Long-Term Actions

3835. TRACKING AND DATA RELAY SATELLITE SYSTEM; USE AND REIMBURSEMENT POLICY FOR NON-U.S. GOVERNMENT USERS

Priority: Info./Admin./Other

CFR Citation: 14 CFR 1215**Timetable:**

Action	Date	FR Cite
Final Action for CY 1993 Rate Change	05/15/92	57 FR 20746

Action	Date	FR Cite
Final Action for CY 1994 Rate Change	09/28/93	58 FR 50515
Final Action for CY 1995 Rate Change	10/31/94	59 FR 54385
Final Action for CY 1997 Rate Change	05/15/95	60 FR 25843
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None**Agency Contact:** Joseph LaCurto

Phone: 202 358-2764

RIN: 2700-AA29

3836. MISCELLANEOUS ADMINISTRATIVE CHANGES TO THE NASA FEDERAL ACQUISITION REGULATION SUPPLEMENT (NFS)

Priority: Info./Admin./Other

CFR Citation: 48 CFR 1801 to 1872

NASA

Long-Term Actions

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 2700-AC33

3837. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Priority: Substantive, Nonsignificant

CFR Citation: 14 CFR 1250; 14 CFR 1251; 14 CFR 1252

Timetable:

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76460

Action	Date	FR Cite
NPRM Comment	01/05/01	
Period End		
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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RIN: 2700-AC41

3838. • NATIONAL ENVIRONMENTAL POLICY ACT IMPLEMENTING PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 4332(2)

CFR Citation: 14 CFR 1216.3

Legal Deadline: None

Abstract: NASA will be revising its procedures for implementing the National Environmental Policy Act of 1969, as amended, and its procedures under Executive Order 12114, Environmental Effects Abroad of Major Federal Actions.

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ann Hooker, National Aeronautics and Space Administration, Office of Management Systems, Environmental Management Division, Code JE, 300 E Street SW, Washington, DC 20744

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RIN: 2700-AC49

National Aeronautics and Space Administration (NASA)

Completed Actions

3839. USE OF SMALL SELF-CONTAINED PAYLOAD

Priority: Other Significant

CFR Citation: 14 CFR 1214.9

Completed:

Reason	Date	FR Cite
Final Rule	07/18/01	66 FR 37410
Comment Period End	08/17/01	
Final Rule Effective	09/17/01	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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RIN: 2700-AC39

3840. • NASA GRANT AND COOPERATIVE AGREEMENT HANDBOOK—MISCELLANEOUS CHANGES

Priority: Info./Admin./Other

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1260; 14 CFR 1274

Legal Deadline: None

Abstract: The Grant and Cooperative Agreement Handbook will be amended as necessary to reflect administrative and editorial changes to clarify internal procedures and amplify Governmentwide regulations for awarding and administering grants and cooperative agreements.

Timetable:

Action	Date	FR Cite
Final Action	10/26/01	66 FR 54120

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

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RIN: 2700-AC51

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