

NUCLEAR REGULATORY COMMISSION

48 CFR Parts 2012, 2015, 2030, AND 2052

RIN 3150 - AC01

Nuclear Regulatory Commission Acquisition Regulation;

Minor Amendments

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule: Minor corrective and conforming amendments.

SUMMARY: This final rule makes a number of minor corrective and conforming amendments to the NRC's acquisition regulation. The final rule is necessary to correct recently discovered errors in the text of the acquisition regulation and to conform portions of regulatory text to recodified regulations of the Cost Accounting Standards Board.

EFFECTIVE DATE: (Upon publication).

FOR FURTHER INFORMATION CONTACT: Edward L. Halman, Director, Division of Contracts and Property Management, U.S. Nuclear Regulatory Commission. Washington, DC 20555, telephone (301) 492-4347.

SUPPLEMENTARY INFORMATION:

On December 23, 1992 (57 FR 61152), the Nuclear Regulatory Commission (NRC) published a final rule which expanded the existing Nuclear Regulatory Commission Acquisition Regulation (NRCAR) to implement and supplement the government-wide Federal Acquisition Regulation. The final rule established requirements for the procurement of goods and services within the NRC that were necessary to satisfy the particular needs of the agency.

This document makes minor corrections and conforming changes to the NRCAR. The necessary changes are as follows:

Section 2012.104-70 is amended to correct a typographical error.

Section 2015.407-70 is revised to correct and expand the references to appropriate contract clauses.

Section 2030.201-5 is revised to reflect the authorization contained in the recodified regulations of the Cost Accounting Standards Board.

In Part 2052, a number of contract clauses are redesignated to correct inconsistencies in the contract provisions numbering system. Clauses are added concerning "Project Officer Authority - Alternate 2" and "Travel Reimbursement - Alternate 1." The clause concerning "Proposal Presentation and Format - Alternate 1 (language for negotiated task order contracts)" is revised to correct references to other contract provisions.

Administrative Procedure Act: Waiver

Because these amendments make minor corrective and conforming changes to an existing regulation pertaining to the acquisition of goods and services by contract, the NRC has determined pursuant to 5 U.S.C. §553(a)(2), that the rulemaking provisions of the Administrative Procedure Act do not apply.

Environmental Impact: Categorical Exclusion

The NRC has determined that this rule is the type of action described in the categorical exclusion set forth in 10 CFR 51.22(c)(5) and (6). Therefore, neither an environmental impact

statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C.3501 et seq.). Existing requirements were approved by the Office of Management and Budget, approval number 3150-0169.

Regulatory Analysis

This final rule is administrative in that it corrects and conforms the text of an existing regulation. These amendments will not have a significant impact. Therefore, the NRC has not prepared a regulatory analysis for this final rule. The regulatory analysis for the NRCAR was contained in the final rule published December 23, 1992 (57 FR 61152).

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule, and therefore, that a backfit analysis is not required for this final rule because these amendments do not involve any provision which would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects

48 CFR Part 2012 - Government procurement, Nuclear Regulatory Commission Acquisition Regulation.

48 CFR Part 2015 - Government procurement, Nuclear Regulatory Commission Acquisition Regulation, Reporting and recordkeeping requirements.

48 CFR Part 2030 - Government procurement, Nuclear Regulatory Commission Acquisition Regulation.

48 CFR Part 2052 - Government procurement, Nuclear Regulatory Commission Acquisition Regulation, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following corrective and conforming amendments to 48 CFR Parts 2012, 2015, 2030, and 2052.

PART 2012 - CONTRACT DELIVERY AND PERFORMANCE

1. The authority citation for Part 2012 continues to read as follows:

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; and 41 U.S.C. 418(b).

2012.104-70 [Amended]

2. In 2012.104-70(b)(1), the word "and" is revised to read "or."

PART 2015 - CONTRACTING BY NEGOTIATION

3. The authority citation for Part 2015 continues to read as follows:

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; and 41 U.S.C. 418(b).

4. Section 2015.407-70 is revised to read as follows:
2015.407-70 Solicitation provisions and contract clauses.

(a) The contracting officer shall insert in Requests for Proposals (RFPs) the provisions at:

(1) Section 2052.215-70, Key Personnel;

(2) (i) Section 2052.215-71, Project Officer Authority (for solicitations for cost-reimbursement, cost-plus-fixed-fee, cost-plus-award-fee, cost-sharing, labor-hour or time-and-materials, including task order contracts);

(ii) Section 2052.215-72, Project Officer Authority - Alternate 1 (for solicitations for issuance of delivery orders for specific products/services).

(iii) Section 2052.215-73, Project Officer Authority - Alternate 2 with paragraph (b)(1) deleted and the remainder of the clause renumbered (for solicitations for firm fixed price contracts);

(iv) The provision, 2052.215-71, and Alternates 1 and 2 are intended for experienced, trained project officers, and may be altered to delete duties where appropriate.

(3) Section 2052.215-74, Timely Receipt of Proposals;

(4) Section 2052.215-75, Award Notification and Commitment of Public Funds; and

(5) Section 2052.215-76, Disposition of Proposals.

(b) The contracting officer shall insert in all solicitations for negotiated procurements for cost type contracts that do not provide for task orders or delivery orders, the provision at

2052.215-77, Proposal Presentation and Format, except that:

(1) For all solicitations for negotiated task order contracts, paragraphs (e)(4)(xi) and (xii) must be deleted (and the remainder renumbered), and the paragraph found at 2052.215-78 - Alternate 1, must be substituted for paragraph (d)(2).

(2) 2052.215-79 - Alternate 2. For all negotiated procurements for a fixed-price, labor-hour, or time-and-materials contract, paragraph (d)(2) shall be deleted from the provision 2052.215-77.

These provisions must be tailored to assure that all sections, but in particular paragraph (e), Technical and Management Proposal, reflect a one-to-one relationship to the evaluation criteria.

(c) The contracting officer shall insert the provision at 2052.215-80, Preproposal Conference, in RFPs where there will be a preproposal conference. This provision may be altered to fit the circumstances of the requirement.

(d) The contracting officer shall insert the clauses at 2052.215-81, Travel Reimbursement, and 2052-215-83, Travel Approvals, in RFPs where there will be travel. For contracts where there is no ceiling amount on domestic travel, the provision found at 2052.215-82, Travel Reimbursement - Alternate 1 shall be used with paragraph (a) deleted and the remainder of the clause renumbered.

5. Section 2015.670 is revised to read as follows:
2015.670 Contract provisions.

(a) The contracting officer shall include the provision found at 2052.215-84, Contract Award and Evaluation of Proposals, in all solicitations where technical is more important than cost:

(1) The contracting officer shall substitute the paragraph found at 2052.215-85 for paragraph (b) in all solicitations for negotiated competitive procurements where cost is more important than technical merit.

(2) The contracting officer shall substitute the paragraph found at 2052.215-86 for paragraph (b) in all solicitations for negotiated competitive procurements where cost and technical merit are of equal significance.

(b) The contracting officer may make appropriate changes to the provision to accurately reflect other evaluation procedures, such as evaluation of proposals against mandatory criteria and benchmarking criteria for ADP procurements.

PART 2030 - COST ACCOUNTING STANDARDS

6. The authority citation for Part 2030 continues to read as follows:

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; and 41 U.S.C. 418(b).

7. Section 2030.201-5 is revised to read as follows:
2030.201-5 Waiver.

Requests to waive Cost Accounting Standards (CAS) requirements must be submitted to the Chairman, CAS Board, by the Procurement Executive. The requests for waivers must be forwarded through the Head of the Contracting Activity with supporting documentation and rationale.

PART 2052 - SOLICITATION PROVISIONS AND CONTRACT CLAUSES

8. The authority citation for Part 2052 continues to read as follows:

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; and 41 U.S.C. 418(b).

2052.212-72 [Amended]

9. In 2052.212-72, in the first paragraph under the "Financial Status Report" heading, the phrase "Financial Identification Number (FIN)" is revised to read "Job Code."

2052.215-81 - 2052.215-84 [Redesignated]

10. Sections 2052.215-81 through 2052.215-84 are redesignated as 2052.215-83 through 2052.215-86 respectively.

2052.215-73 - 2052.215-80 [Redesignated]

11. Sections 2052.215-73 through 2052.215-80 are redesignated as 2052.215-74 through 2052.215-81 respectively.

12. A new 2052.215-73 is added to read as follows:
2052.215-73 Project officer authority - Alternate 2.

As prescribed at 2015.407-70(a) for solicitations for fixed price contracts, the clause at 2052.215-72 - Alternate 1 must be used with paragraph (b)(1) deleted and the remainder of the clause renumbered.

2052.215-77 [Amended]

13. In 2052.215-77, paragraph (d)(1) under the heading "Proposal Presentation and Format" the word "Contracting" is revised to read "Contract."

14. Section 2052.215-78 is revised to read as follows:

2052.215-78 Proposal presentation and format - Alternate 1 (language for negotiated task order contracts).

As prescribed at 2015.407-70(b)(1), paragraphs e(4)(xi) and 2(xii) must be deleted (and the remainder renumbered) and the following paragraph must be substituted for (d)(2) in provision 2052.215-77.

(d) Cost proposal.

(.) The offeror shall provide a cost proposal based on the estimated level of effort. The total estimated cost proposed by the offeror is used for evaluation purposes only. Any resultant contract, except a requirements contract, contains an overall cost ceiling whereby individual task orders may be issued. The cost and fee, if any, for each task order is individually negotiated and also contains a cost ceiling.

(End of Provision)

15. A new 2052.215-82 is added to read as follows:

2052.215-82 Travel reimbursement - Alternate 1.

16. Section 2052.215-83 is revised as follows:

2052.215-83 Travel approvals.

As prescribed in 2015.407-70(d), insert the following clause in applicable solicitations and contracts:

Travel Approvals

(a) All domestic travel requires the prior approval of the project officer.

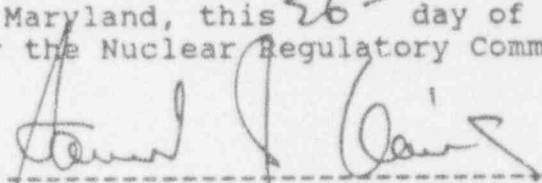
(b) All foreign travel must be approved in advance by the NRC on NRC Form 445 and must be in compliance with FAR 52.247-63, Preference for U.S. Flag Air Carriers. Foreign travel approval must be communicated in writing through the contracting officer.

(End of Clause)

As prescribed at 2015.407-70(d) for contracts where there is no ceiling amount on domestic travel, delete paragraph (a) of 2052.215-81 and renumber the remainder of the clause.

(End of Provision)

Dated at Rockville, Maryland, this ¹⁶26 day of April, 1993.
For the Nuclear Regulatory Commission.



Samuel J. Chirk,
Secretary of the Commission.

Notes ACCO-2
PDR

Corrections

Federal Register

Vol. 58, No. 43

Monday, March 8, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Financial Reporting by Introducing
Brokers; Valuation of Investments of
Customer Funds by Futures
Commission Merchants

Correction

In rule document 93-4019 beginning on page 10949 in the issue of Tuesday, February 23, 1993 make the following corrections:

1. On page 10949, in the first column, in the first paragraph, under SUMMARY, in the third line, "amended" should read "amending".
2. On page 10951, in the 1st column, in the 1st full paragraph, in the 19th line, "Ble" should read "BI".

§ 1.10 [Corrected]

3. On page 10952, in the third column, in § 1.10(b)(2)(ii)(B), in the third line from the bottom, insert "the" after "following".

BILLING CODE 3399-01-8

NUCLEAR REGULATORY COMMISSION

48 CFR Chapter 20

RIN 3150-AC01

Acquisition Regulation (NRCAR)

Correction

In rule document 92-30419 beginning on page 61152 in the issue of Wednesday, December 23, 1992, make the following correction:

- On page 61169, in the second column, in the subchapter heading above part 2027, "Subchapter 3" should read "Subchapter E".

BILLING CODE 3399-01-8

1001-2
PDR 8449

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposer, Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[G-810-G3-0009-4210-04; NMNM 71324]

Notice of Realty Action-Exchange; New Mexico

Correction

In notice document 92-29346 beginning on page 57508 in the issue of Friday, December 4, 1992, make the following corrections:

On page 57508, in the third column:
(a) In the first land description, T. 30 N., R. 12 W., in Sec. 19, in the second line "SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ " should read "SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ".

(b) In the second land description, T. 32 N., R. 13 W., in Sec. 15, in the first line, insert "NE $\frac{1}{4}$ " before "SW $\frac{1}{4}$," each time it appears.

BILLING CODE 1506-01-D

NATIONAL INDIAN GAMING COMMISSION

25 CFR Parts 501, 519, 522, 523, 524, 556, 558

RIN 3141-AA01

Purpose and Scope; Service; Approval of Class II and Class III Gaming Ordinances; Background Investigations and Gaming Licenses Under the Indian Gaming Regulatory Act

Correction

In rule document 93-1062 beginning on page 5802 in the issue of Friday, January 22, 1993, make the following corrections:

1. On page 5803, in the third column, in the ninth line, insert a period after "2702(2)".

2. On the same page, in the same column, in the 15th and 16th lines, "(the IGRA)." should read "[the IGRA]."

3. On page 5805, in the second column, in the eighth line, "o(f)" should read "o(f)".

4. On the same page, in the same column, in the second full paragraph, in the ninth and tenth lines, the phrase "concerning individually owned gaming operations" should appear in brackets, not parentheses.

5. On page 5807, in the 1st column, in the 1st full paragraph, in the 15th line, "with" should read "such".

6. On page 5808, in the first column, in the second line, "(operation)" should read "[operation]".

7. On the same page, in the same column, in the fourth line, "(a) tribe" should read "[a] tribe".

BILLING CODE 1505-01-D

NATIONAL INDIAN GAMING COMMISSION

25 CFR Parts 531, 533, 535, 537 and 539

RIN 3141-AA03

Management Contract Requirements and Procedures Under the Indian Gaming Regulatory Act

Correction

In rule document 93-1064 beginning on page 5818 in the issue of Friday, January 22, 1993, make the following correction:

On page 5819, in the second column, in the fourth full paragraph, in the seventh line, "dies" should read "does".

BILLING CODE 1506-01-D

NATIONAL INDIAN GAMING COMMISSION

25 CFR Part 515

RIN 3141-AA01

Privacy Act Procedures

Correction

In rule document 93-1063 beginning on page 5814 in the issue of Friday, January 22, 1993, make the following correction:

On page 5815, in the 1st column, in the 11th line, "complied" should read "compiled".

BILLING CODE 1506-01-D

NATIONAL INDIAN GAMING COMMISSION

25 CFR Parts 571, 573, 575, 577

RIN 3141-AA02

Compliance and Enforcement Procedures Under the Indian Gaming Regulatory Act

Correction

In rule document 93-1065 beginning on page 5833 in the issue of Friday, January 22, 1993, make the following corrections:

1. On page 5838, in the second column, in the eighth full paragraph, in the fifth line, "of" should read "or".

§ 571.2 [Corrected]

2. On page 5842, in the second column, in § 571.2, in the eighth paragraph, in the first line, "Respondent" was misspelled.

BILLING CODE 1505-01-D

NUCLEAR REGULATORY COMMISSION

48 CFR Chapter 20

RIN 3150-AC01

Acquisition Regulation (NRCAR)

Correction

In rule document 92-30419 beginning on page 61152 in the issue of Wednesday, December 23, 1992, make the following corrections:

1. On page 61153, in the first column, in the first line, before "requirement" insert the beginning of paragraph "Another section of the proposed COI policy on which the Commission received objections related to the".

2001.602-3 [Corrected]

2. On page 61159, in the first column, in section 2001.602-3(c), in the first line, "Request" should read "Requests".

2009.570-2 [Corrected]

3. On page 61162, in the first column, in section 2009.570-2, in the second full paragraph, in the sixth line, and in the fourth paragraph, in the seventh line, "director" should read "directors".

2015.604 [Corrected]

4. On page 61167, in the first column, in section 2015.604(b), in the fourth line, "or" should read "of".

2015.605 [Corrected]

5. On the same page, in the same column, in section 2015.605, in the second line from the end of the paragraph, "go/on go", should read "go/no go".

2015.611 [Corrected]

6. On page 61167, in the second column, in section 2015.611, in the first line, "evaluations" should read "evaluates".

PART 2052—[CORRECTED]

7. On page 61171, in the third column, in part 2052, in the table of contents, in the 18th line, "2052.216-84" should read "2052.215-84".

2052.216-74 [Corrected]

8. On page 61179, in the third column, in section 2052.216-74, in the contract, in paragraph (b)(2), in the fourth line, "Contracting" should read "Contract".

2052.231-70 [Corrected]

9. On page 61180, in the first column, in section 2052.231-70, in the contract, in the first paragraph, in the fifth line, "data" should read "date".

BILLING CODE 1505-01-D