

This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

**EFFECTIVE DATE:** June 20, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeremy F. Olson at (202) 501-3221 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 90-39, FAR case 95-027.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

This final rule amends FAR 15.805-1 to replace the Armed Services Pricing Manual, as the reference guide for pricing and negotiation personnel, with five desk references jointly prepared by the Air Force Institute of Technology and the Federal Acquisition Institute.

**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 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.* (FAC 90-39, FAR case 95-027), 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 Part 15**

Government procurement.

Dated: June 4, 1996.

Edward C. Loeb,  
Director, Federal Acquisition Policy Division.

Therefore, 48 CFR Part 15 is amended as set forth below:

1. The authority citation for 48 CFR Part 15 continues to read as follows:

**PART 15—CONTRACTING BY NEGOTIATION**

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

2. Section 15.805-1 is amended by revising paragraph (d) to read as follows:

**15.805-1 General.**

\* \* \* \* \*

(d) The Air Force Institute of Technology (AFIT) and the Federal Acquisition Institute (FAI) jointly prepared a series of five desk references to guide pricing and negotiation personnel. The five desk references are: Price Analysis, Cost Analysis, Quantitative Techniques for Contract Pricing, Advanced Issues in Contract Pricing, and Federal Contract Negotiation Techniques. The references provide detailed discussion and examples applying pricing policies to pricing problems. They are to be used for instruction and professional guidance. However, they are not directive and should be considered informational only. Copies of the desk references are available on CD-ROM which also contains the FAR, the FIRMR, the FTR and various other regulatory and training materials. The CD-ROM may be purchased by annual subscription (updated quarterly), or individually (reference "List ID GSAFF," Stock No. 722-009-0000-2). The individual CD-ROMs or subscription to the CD-ROM may be purchased from the Superintendent of Documents, U.S. Government Printing Office, by telephone (202) 512-1800 or facsimile (202) 512-2550, or by mail order from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954. Free copies of the desk references are available on the World Wide Web, Internet address: <http://www.gsa.gov/staff/v/training.htm>

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**48 CFR Parts 16, 42, and 52**

**[FAC 90-39; FAR Case 94-011; Item VII]**

**RIN 9000-AG92**

**Federal Acquisition Regulation; Predetermined Indirect Cost Rates**

**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 Federal Acquisition Regulation (FAR) to implement revisions to OMB Circular A-21 that permit predetermined

indirect cost rates for educational institutions to be established for periods of up to four years. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

**EFFECTIVE DATE:** August 19, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ralph De Stefano at (202) 501-1758 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 90-39, FAR case 94-011.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

On July 26, 1993, the Office of Management and Budget published revisions to OMB Circular A-21 (58 FR 39996) which include an increase in the period of time for which predetermined indirect cost rates for educational institutions may be applicable. The FAR is amended to permit use of predetermined indirect cost rates for educational institutions for periods of up to four years, in accordance with OMB circular A-21.

**B. Regulatory Flexibility Act**

This final rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Public Law 98-577, and publication for public comment is not required. Therefore, the Regulatory Flexibility Act does not apply. However, comments from small entities concerning the affected FAR subparts 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 90-39, FAR case 94-011), in correspondence.

**C. Paperwork Reduction Act**

The final rule does not impose any additional information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.* However, a request for approval of an extension of the existing information collection requirement concerning 9000-0069, Indirect Cost Rates, is being submitted to the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 16, 42, and 52

Government procurement.

Dated: June 4, 1996.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, 48 CFR Parts 16, 42, and 52 are amended as set forth below:

1. The authority citation for 48 CFR Parts 16, 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 16—TYPES OF CONTRACTS

2. Section 16.307 is amended by adding a sentence to the end of paragraph (i) to read as follows:

### 16.307 Contract clauses.

\* \* \* \* \*

(i) \* \* \* If the contract is a facilities contract, modify paragraph (c) by deleting the words "Subpart 31.1" and substituting for them "section 31.106."

## PART 42—CONTRACT ADMINISTRATION

3. Section 42.705-3 is amended by revising paragraphs (b)(4)(i) and (b)(6) to read as follows:

### 42.705-3 Educational institutions.

\* \* \* \* \*

(b) \* \* \*

(4)(i) If predetermined rates are to be used and no rates have been previously established for the institution's current fiscal year, the agency shall obtain from the institution a proposal for predetermined rates.

\* \* \* \* \*

(6) Predetermined indirect cost rates shall be applicable for a period of not more than four years. The agency shall obtain the contractor's proposal for new predetermined rates sufficiently in advance so that the new rates, based on current data, may be promptly negotiated near the beginning of the new fiscal year or other period agreed to by the parties (see paragraphs (b) and (d) of the clause at 52.216-15, Predetermined Indirect Cost Rates).

\* \* \* \* \*

## PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Section 52.216-15 is amended by revising the introductory text and date of the clause; in the first sentence of paragraph (b) by removing the comma after the word "year" and adding "(or other period specified in the Schedule)"; in the second sentence by revising the word "rate" to read "rates" and removing the period at the end of

the sentence and inserting in its place "or other period specified in the Schedule."; in the third sentence by revising the word "Negotiations" to read "Negotiation"; revising paragraph (d)(3); and in paragraph (g) by inserting after the word "year" the parenthetical "(or other period specified in the Schedule)". The revised text read as follows:

### 52.216-15 Predetermined Indirect Cost Rates.

As prescribed in 16.307(i), insert the following clause:

PREDETERMINED INDIRECT COST RATES (AUG 1996)

\* \* \* \* \*

(d) \* \* \*

(3) the period for which the rates apply, and

\* \* \* \* \*

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## 48 CFR Part 19

[FAC 90-39; FAR Case 94-600; Item VIII]

## Federal Acquisition Regulation; Small Business Size Standards

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

**ACTION:** Final rule.

**SUMMARY:** Amendments in this document will bring the Federal Acquisition Regulation into conformance with revised small business size standards published by the Small Business Administration (SBA). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.

**EFFECTIVE DATE:** June 20, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. Linda Klein at (202) 501-3775. For general information, contact the FAR Secretariat, Room 4037, GS Building, Washington, DC 20405, (202) 501-4755. Please cite FAC 90-39 (FAR case 94-600).

### SUPPLEMENTARY INFORMATION:

#### A. Background

SBA has revised its size standards regulations at 13 CFR Part 121 (61 FR 3280, January 31, 1996), effective March 1, 1996. Corrections were published (61 FR 6412, February 20, 1996; 61 FR 7306,

February 27, 1996; and 61 FR 7986, March 1, 1996). As a result, the table of *Size Standards* shown in the FAR at 19.102 has been revised to reflect the changes made by SBA through March 1996.

SBA currently has two size standards publications available via the Internet on SBA ONLINE. They are the table of *Size Standards*, which currently appears in the FAR, and a copy of 13 CFR 121, the *Size Regulations*, published in the Federal Register on January 31, 1996.

#### B. Regulatory Flexibility Act

These changes derive directly from SBAs regulations, without substantive change. Therefore, 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. 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 90-39, FAR case 94-600), 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 Part 19

Government procurement.

Dated: June 4, 1996.

Edward C. Loeb,

Director, Federal Acquisition Policy Division.

Therefore, 48 CFR Part 19 is amended as set forth below:

## PART 19—SMALL BUSINESS PROGRAMS

1. The authority citation for 48 CFR Part 19 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 19.102 is amended by revising the table consisting of industry size standards and revising the footnotes to read as follows:

### 19.102 Size standards.

\* \* \* \* \*