

contrary to the public interest if the Commission did not act to protect the PLMR spectrum from potential harmful interference. This action is effective August 22, 1995.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

[FR Doc. 95-22293 Filed 9-11-95; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF ENERGY

### 48 CFR Chapter 9

#### Acquisition Regulation; Regulatory Reduction

**AGENCY:** Department of Energy.

**ACTION:** Final rule.

**SUMMARY:** The Department of Energy (DOE) today issues a final rule to amend the Department of Energy Acquisition Regulation (DEAR) in its continuing effort to achieve the goals of several Executive Orders (EO), including: EO 12861, Elimination of One-Half of Executive Branch Internal Regulations; EO 12931, Federal Procurement Reform; and EO 12866, Regulatory Planning and Review. This rule deletes existing regulatory material that has been determined to be unnecessary. Specific material deleted from the DEAR is summarized in the "Section-by-Section Analysis" appearing later in this document.

**EFFECTIVE DATE:** This final rule will be effective October 12, 1995.

**FOR FURTHER INFORMATION CONTACT:** Kevin M. Smith, Office of Policy (HR-51), Office of Procurement and Assistance Management, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 586-8189.

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#### I. Background

Executive Order (EO) 12861, dated September 11, 1993, Elimination of One-Half of Executive Branch Internal Regulations, was issued by the President to streamline Government operations,

improve productivity, and improve customer service. EO 12931, dated October 13, 1994, Federal Procurement Reform, calls for significant changes to make the Government procurement process more effective and efficient. EO 12866, dated September 30, 1993, Regulatory Planning and Review, requires agencies to review regulations to improve effectiveness and to reduce regulatory burden. This rule eliminates existing regulatory material that is unnecessary. In promulgating this rule, the Department will further the objectives of the EOs by reducing the volume of the DEAR; streamlining operations; reducing constraints, prescriptive requirements, and administrative processes; making requirements outcome oriented vs. process oriented; and, defining roles and responsibilities at the lowest appropriate level within the procurement organization by lowering certain responsibilities from the Head of the Contracting Activity to the contracting officer. The DEAR coverage removed includes material that is for informational purposes only and nonregulatory in nature; internal guidance and procedures; regulations that constrain the Department's own procuring activities; coverage that is more restrictive than the Federal Acquisition Regulation (FAR); and coverage that is repetitive of the FAR or of other regulations. A Notice of Proposed Rulemaking was published in the **Federal Register** on June 8, 1995 (60 FR 30258). Interested persons were invited to participate in this rulemaking by submitting data, views or arguments with respect to the DEAR amendments set forth in the Notice of Proposed Rulemaking. The public comment period closed on August 7, 1995, a period of 60 days. During that period, no comments were received by DOE.

#### II. Section-by-Section Analysis

The following sections of the DEAR are eliminated:

1. Section 901.103, second sentence, addressing the applicability of the DEAR to procurements using nonappropriated funds; this is recommended guidance and is nonregulatory in nature.
2. Subsection 901.103-70, identifying those types of actions excluded from the scope of the DEAR; this is for informational purposes only and is nonregulatory in nature.
3. Subsection 901.104-3, third sentence of paragraph (a), and paragraph (b), identifying distribution procedures of the DEAR; this is for informational purposes only and is nonregulatory in nature.

4. Section 901.170, explaining references to organizations within DOE; this is for informational purposes only and is nonregulatory in nature.

5. Subsection 901.301-71, addressing the amendment procedure; this is internal procedural information and is nonregulatory in nature.

6. Subsection 901.301-72, paragraphs (a), (b), and (c), detailing other issuances related to acquisition; this is for informational purposes only and is nonregulatory in nature.

7. Subsection 901.601-70, prescribing the use of internal controls for DOE activities; this is internal oversight procedure and is nonregulatory in nature.

8. Subsection 901.603-70, addressing modification to existing contracting officer authority; this is internal oversight procedure and is nonregulatory in nature.

9. Subsection 901.603-71, addressing the responsibility of other Government personnel; this is internal oversight procedure and is nonregulatory in nature.

10. Subsection 901.603-72, paragraph (b), addressing contracting officer subordinates; this is for informational purposes only and is nonregulatory in nature.

11. Subpart 902.1, providing definitions; this is for informational purposes only and is nonregulatory in nature.

12. Subsection 903.101-3, last four sentences, requiring a standards of conduct notebook to be maintained at all contracting activities; this is unduly constrictive oversight of the Department's contracting offices.

13. Section 904.402, paragraph (b), second and third sentences, and paragraphs (c) through (k), providing cross-reference information on security issues; this is for informational purposes only and is nonregulatory in nature.

14. Section 904.403, providing cross-reference information on restricted data; this is for informational purposes only and is nonregulatory in nature.

15. Section 904.601, providing information on contract reporting; this is for informational purposes only and is nonregulatory in nature.

16. Subsection 904.601-70, providing information on contract reporting; this is for informational purposes only and is nonregulatory in nature.

17. Subsection 904.601-71, paragraphs (a) and (b), providing information on contract reporting; this is for informational purposes only and is nonregulatory in nature.

18. Section 904.702, paragraph (b), second sentence, explaining the need for longer retention periods of certain

records; this is for informational purposes only and is nonregulatory in nature.

19. Subpart 905.2, addressing research and development advance notices; coverage at FAR 5.205 is sufficient.

20. Subpart 905.3, providing cross-reference information on notices of awards; this is for informational purposes only and is nonregulatory in nature.

21. Subsection 906.303-1, first sentence, which references FAR justification requirements for other than full and open competition; coverage at FAR 6.303-1 is sufficient.

22. Subpart 907.1, addressing acquisition plans; coverage at FAR 7.102 is sufficient.

23. Subpart 907.4, addressing Lease or Purchase requirements; coverage at FAR 7.4 and Federal Property Management Regulation (FPMR) 101-25.5 is sufficient.

24. Section 908.802, last sentence, addressing forms and instructions to contractors on the acquisition of printing and related supplies; this is procedural information that is already addressed within the section.

25. Subpart 908.70, addressing the use of excess materials from General Services Administration inventories; this is internal procedural information and is nonregulatory in nature.

26. Subpart 908.72, addressing Nevada Test Site support services; this is site-specific policy and is not appropriate for DOE-wide regulations.

27. Section 909.404, addressing debarment, suspension and ineligibility procedures; the separate DOE List of Debarred, Suspended, Ineligible and Voluntarily Excluded Awardees is no longer maintained.

28. Part 910, addressing specifications, standards and other purchase descriptions; this is internal oversight procedure and is nonregulatory in nature.

29. Subpart 912.5, addressing approval of stop work orders; this requirement is more restrictive than the requirement at FAR 12.503(b).

30. Subsection 913.505-3, addressing the use of SF 44's; the coverage at FAR 13.505-3 is sufficient.

31. Subpart 914.2, addressing solicitation of bids; this is for informational purposes only and is nonregulatory in nature.

32. Section 914.401, addressing the opening and receipt of bids; the coverage at FAR 14.401 is sufficient.

33. Subsection 914.402-1, addressing unclassified bids; the coverage at FAR 14.402-1 is sufficient.

34. Subsection 915.406-5, addressing representations and instructions; the coverage at FAR 15.406-5 is sufficient.

35. Section 915.610, addressing written or oral discussions; the coverage at FAR 15.610 is sufficient.

36. Section 915.801, providing a definition of field pricing support; the coverage at FAR 15.801 is sufficient.

37. Subsection 915.804-8, prescribing the use of FAR clauses; the coverage at FAR 15.804-8 is sufficient.

38. Subsection 915.804-70, addressing the submission of uncertified cost or pricing data; the coverage at FAR 15.804-6 is sufficient.

39. Subsection 915.805-70, paragraphs (a), (b), (c), and (f), addressing the use of audits; this is for informational purposes only and is nonregulatory in nature.

40. Section 915.807, addressing prenegotiation plans; coverage at FAR 15.807 is sufficient.

41. Section 915.808, addressing the price negotiation memorandum; coverage at FAR 15.808 is sufficient.

42. Section 916.207, addressing approval for the use of firm-fixed-price, level-of-effort contracts; this requirement is more restrictive than the requirement at FAR 16.207.

43. and 44. Section 916.303, providing a cross-reference within DEAR; this is for informational purposes only and is nonregulatory in nature.

45. Subpart 916.6 addressing letter contract definitization and funding requirements; these requirements are more restrictive than the requirements at FAR 16.603-2.

46. Subsection 919.705-2, addressing subcontracting plans; coverage at FAR 19.705-2 is sufficient.

47. Subsection 919.705-5, addressing awards involving subcontracting plans; coverage at FAR 19.705-5 is sufficient.

48. Section 919.708, addressing the use of incentives for subcontracting; this is more restrictive than the requirement at FAR 19.708(c).

49. Part 920, addressing labor surplus area concerns; coverage at FAR Part 20 is sufficient.

50. Subpart 922.4, addressing construction contract labor standards; coverage at FAR 22.4 is sufficient.

51. Part 924, providing cross-reference information on protection of privacy and Freedom of Information policies; this is for informational purposes only and is nonregulatory in nature.

52. Subpart 925.5, addressing payment in foreign currency; coverage at FAR 25.5 is sufficient.

53. Subsection 928.103-2, addressing the need for performance bonds; coverage at FAR 28.103-2 is sufficient.

54. Subpart 928.2, addressing sureties; coverage at FAR 28.2 is sufficient.

55. Subpart 933.2, addressing the contracting officer's written findings in

a dispute; coverage at FAR 33.211 is sufficient.

56. Section 935.007, providing a cross-reference to Program Research and Development Announcements; this is for informational purposes only and is nonregulatory in nature.

57. Section 935.015, providing a cross-reference to special research contracts coverage; coverage on that subject was removed in a prior rulemaking and this section is no longer necessary.

58. Section 936.202, paragraphs (a) and (b), addressing specifications for construction contracts; FAR coverage at 36.202 is sufficient.

59. Subpart 937.2, providing a cross-reference to internal directives on consulting services; this is for informational purposes only and is nonregulatory in nature.

60. Section 937.7010, addressing protective services; this is for informational purposes only and is nonregulatory in nature.

61. Section 937.7020, addressing continuity of protective services; this is for informational purposes only and is nonregulatory in nature.

62. Section 937.7030, addressing continuity of protective services; this is for informational purposes only and is nonregulatory in nature.

63. Section 942.000 addressing post award activity; this is for informational purposes only and is nonregulatory in nature.

64. Section 942.001, addressing contract administration; this is for informational purposes only and is nonregulatory in nature.

65. Section 942.002, addressing monitoring of contracts; coverage at FAR Part 42 is sufficient.

66. Section 942.003, providing an explanation of organizations that perform post-award contract management functions; this is for informational purposes only and is nonregulatory in nature.

67. Subpart 942.1, providing an explanation of cross-servicing contract management activity; this is for informational purposes only and is nonregulatory in nature.

68. Subpart 942.2, addressing the reporting of contract administration assignment; this is internal procedural information and is nonregulatory in nature.

69. Section 942.708, addressing quick closeout procedures; this requirement is more restrictive than the requirement at FAR 42.708.

70. Subpart 942.14, addressing traffic and transportation management; this is internal procedural information and is nonregulatory in nature.

71. Part 943 addressing the extension of contracts resulting from unsolicited proposals and the use of forms; this is internal procedural information and is nonregulatory in nature.

72. Subpart 944.1, providing definitions; this is for informational purposes only and is nonregulatory in nature.

73. Subpart 944.2, addressing consent to subcontract; coverage at FAR 44.2 is sufficient.

74. Subsection 945.104-70, addressing the review and correction of contractor property management systems; coverage in the DOE Property Management Regulations at 41 CFR 109-1.52 is sufficient.

75. Section 945.304, providing cross-references on motor vehicle policies; this is for informational purposes only and is nonregulatory in nature.

76. Section 945.501, providing definitions; this is for informational purposes only and is nonregulatory in nature.

77. Subsection 945.502-70, addressing physical protection of property; coverage at FAR 45.5 and in the DOE Property Management Regulations at 41 CFR 109-1.51 is sufficient.

78. Subsection 945.502-71, addressing control of sensitive items of property; coverage at FAR 45.5 and in the DOE Property Management Regulations at 41 CFR 109-1.51 is sufficient.

79. Subsection 945.502-72, addressing the management of precious metals; coverage in the DOE Property Management Regulations at 41 CFR 109-27.53 is sufficient.

80. Section 945.508, specifying the frequency of physical inventories; coverage in the DOE Property Management Regulations at 41 CFR 109-1.51 is sufficient.

81. Section 945.570, addressing motor vehicle and aircraft management; coverage at FAR 45.304 and in the DOE Property Management Regulations at 41 CFR 109-38 is sufficient.

82. Subsection 945.570-1, classifying types of motor vehicles; this is for informational purposes only and is nonregulatory in nature.

83. Subsection 945.570-3, addressing the selection of type of motor vehicle; coverage in the DOE Property Management Regulations at 41 CFR 109-38 is sufficient.

84. Subsection 945.570-4, addressing the identification of motor vehicles; coverage in the DOE Property Management Regulations at 41 CFR 109-38 is sufficient.

85. Subsection 945.570-5, addressing the utilization of motor vehicles;

coverage in the DOE Property Management Regulations at 41 CFR 109-38 is sufficient.

86. Subsection 945.570-6, addressing the maintenance of motor vehicles; coverage in the DOE Property Management Regulations at 41 CFR 109-38 is sufficient.

87. Subsection 945.570-9, addressing the purchase and use of aircraft; coverage in the DOE Property Management Regulations at 41 CFR 109-38 is sufficient.

88. Subpart 947.1, addressing transportation insurance and cost-reimbursement contracts; the coverage at FAR 47.1 is sufficient.

89. Subsection 949.108-4, addressing authorization for subcontract settlements; this requirement is more restrictive than the requirement at FAR 49.108-4.

90. Subsection 949.108-8, addressing the assignment of rights under subcontracts; this requirement is more restrictive than the requirement at FAR 49.108-8.

91. Subsection 949.112-1, addressing partial payments; this requirement is more restrictive than the requirement at FAR 49.112-1.

92. Subpart 949.2, addressing the submission of settlement proposals and the bases for settlement proposals; these requirements are more restrictive than the requirements at FAR 49.2.

93. Subpart 949.3, addressing the submission of settlement proposals; this requirement is more restrictive than the requirement at FAR 49.3.

94. Subpart 951.2, addressing contractor use of interagency motor pool vehicles; the coverage at FAR 51.2 is sufficient.

95. Section 951.7000, addressing contractor travel discounts; this is for informational purposes only and is nonregulatory in nature.

96. Section 951.7001, addressing contractor use of Government travel discounts; this is for informational purposes only and is nonregulatory in nature.

97. Subpart 971.2, prescribing contracting activity review requirements; this is unduly constrictive oversight of the Department's contracting offices.

98. Subpart 971.3, addressing procurement management system reviews; these reviews are no longer performed within the Department.

### III. Procedural Requirements

#### A. Review Under Executive Order 12866

This regulatory action has been determined not to be a "significant regulatory action" under Executive

Order 12866, "Regulatory Planning and Review," (58 FR 51735, October 4, 1993). Accordingly, this action was not subject to review, under that Executive Order, by the Office of Information and Regulatory Affairs of the Office of Management and Budget (OMB).

#### B. Review Under Executive Order 12778

Section 2 of Executive Order 12778 instructs each agency to adhere to certain requirements in promulgating new regulations and reviewing existing regulations. These requirements, set forth in sections 2(a) and (b)(2), include eliminating drafting errors and needless ambiguity, drafting the regulations to minimize litigation, providing clear and certain legal standards for affected legal conduct, and promoting simplification and burden reduction. Agencies are also instructed to make every reasonable effort to ensure that the regulation specifies clearly any preemptive effect, effect on existing Federal law or regulation, and retroactive effect; describes any administrative proceedings to be available prior to judicial review and any provisions for the exhaustion of such administrative proceedings; and defines key terms. DOE certifies that this rule meets the requirements of sections 2(a) and (b) of Executive Order 12778.

#### C. Review Under the Regulatory Flexibility Act

This rule was reviewed under the Regulatory Flexibility Act of 1980, Pub. L. 96-354, which requires preparation of a regulatory flexibility analysis for any rule that is likely to have a significant economic impact on a substantial number of small entities. This rule will have no impact on interest rates, tax policies or liabilities, the cost of goods or services, or other direct economic factors. It will also not have any indirect economic consequences such as changed construction rates. DOE certifies that this rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

#### D. Review Under the Paperwork Reduction Act

No new information collection or recordkeeping requirements are imposed by this rule. Accordingly, no OMB clearance is required under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.).

#### E. Review Under Executive Order 12612

Executive Order 12612, entitled "Federalism," 52 FR 41685 (October 30,

1987), requires that regulations, rules, legislation, and any other policy actions be reviewed for any substantial direct effects on States, on the relationship between the Federal Government and the States, or in the distribution of power and responsibilities among various levels of government. If there are sufficient substantial direct effects, then the Executive Order requires preparation of a federalism assessment to be used in all decisions involved in promulgating and implementing a policy action. DOE has determined that this rule will not have a substantial direct effect on the institutional interests or traditional functions of States.

#### *F. Review Under the National Environmental Policy Act*

Pursuant to the Council on Environmental Quality Regulations (40 CFR 1500-1508), the Department has established guidelines for its compliance with the provisions of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321, et seq.). Pursuant to Appendix A of Subpart D of 10 CFR 1021, National Environmental Policy Act Implementing Procedures (Categorical Exclusion A6), DOE has determined that this rule is categorically excluded from the need to prepare an environmental impact statement or environmental assessment.

#### *G. Public Hearing Determination*

DOE has concluded that this rule does not involve any significant issues of law or fact. Therefore, consistent with 5 U.S.C. 553, DOE has not scheduled a public hearing.

**List of Subjects in 48 CFR Parts 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 912, 913, 914, 915, 916, 919, 920, 922, 924, 925, 928, 933, 935, 936, 937, 942, 943, 944, 945, 947, 949, 951, and 971**

Government procurement.

Issued in Washington, D.C., on August 31, 1995.

**Richard H. Hopf,**

*Deputy Assistant Secretary for Procurement and Assistance Management.*

For the reasons set out in the preamble, Chapter 9 of Title 48 of the Code of Federal Regulations is amended as set forth below.

#### **PART 901—FEDERAL ACQUISITION REGULATIONS SYSTEM**

1. The authority citation for Parts 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 912, 913, 914, 915, 916, 919, 920, 922, 924, 925, 928, 933, 935, 936, 937,

942, 943, 944, 945, 947, 949, 951, and 971 continues to read as follows:

**Authority:** 42 U.S.C. 7254; 40 U.S.C. 486(c).

#### **901.103 [Amended]**

2. Section 901.103 is amended by removing the second sentence.

#### **901.103-70 [Removed]**

3. Subsection 901.103-70 is removed.

#### **901.104-3 [Amended]**

4. Subsection 901.104-3 is amended by removing the third sentence of paragraph (a), and by removing paragraph (b) and the paragraph (a) designation.

#### **901.170 [Removed]**

5. Section 901.170 is removed.

#### **901.301-71 [Removed]**

6. Subsection 901.301-71 is removed.

#### **901.301-72 [Amended]**

7. Subsection 901.301-72 is amended by removing paragraphs (a), (b), and (c).

#### **901.601-70 [Removed]**

8. Subsection 901.601-70 is removed.

#### **901.603-70 [Removed]**

9. Subsection 901.603-70 is removed.

#### **901.603-71 [Removed]**

10. Subsection 901.603-71 is removed.

#### **901.603-72 [Amended]**

11. Subsection 901.603-72 is amended by removing paragraph (b) and the paragraph (a) designation.

#### **PART 902—DEFINITIONS OF WORDS AND TERMS**

#### **902.1 [Removed]**

12. Subpart 902.1 is removed.

#### **PART 903—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST**

#### **903.101-3 [Amended]**

13. Subsection 903.101-3 is amended by removing the second through fifth sentences.

#### **PART 904—ADMINISTRATIVE MATTERS**

#### **904.402 [Amended]**

14. Section 904.402 is amended in paragraph (b) by removing the second and third sentences, and by removing paragraphs (c), (d), and (k).

#### **904.403 [Removed]**

15. Section 904.403 is removed.

#### **904.601 [Removed]**

16. Section 904.601 is removed.

#### **904.601-70 [Removed]**

17. Subsection 904.601-70 is removed.

#### **904.601-71 [Amended]**

18. Subsection 904.601-71 is amended by removing paragraphs (a) and (b), and the paragraph (c) designation.

#### **904.702 [Amended]**

19. Section 904.702 is amended in paragraph (b) by removing the second sentence.

#### **PART 905—PUBLICIZING CONTRACT ACTIONS**

#### **905.2 [Removed]**

20. Subpart 905.2 is removed.

#### **905.3 [Removed]**

21. Subpart 905.3 is removed.

#### **PART 906—COMPETITION REQUIREMENTS**

#### **906.303-1 [Amended]**

22. Subsection 906.303-1 is amended in paragraph (a) by removing the first sentence.

#### **PART 907—ACQUISITION PLANNING**

#### **907.1 [Removed]**

23. Subpart 907.1 is removed.

#### **907.4 [Removed]**

24. Subpart 907.4 is removed.

#### **PART 908—REQUIRED SOURCES OF SUPPLIES AND SERVICES**

#### **908.802 [Amended]**

25. Section 908.802 is amended in paragraph (b) by removing the last sentence.

#### **908.70 [Removed]**

26. Subpart 908.70 is removed.

#### **908.72 [Removed]**

27. Subpart 908.72 is removed.

#### **PART 909—CONTRACTOR QUALIFICATIONS**

#### **909.404 [Removed]**

28. Section 909.404 is removed.

#### **PART 910—SPECIFICATIONS, STANDARDS, AND OTHER PURCHASE DESCRIPTIONS [REMOVED]**

29. Part 910 is removed.

#### **PART 912—CONTRACT DELIVERY OR PERFORMANCE**

#### **912.5 [Removed]**

30. Subpart 912.5 is removed.

**PART 913—SMALL PURCHASE AND OTHER SIMPLIFIED PURCHASE PROCEDURES**

913.505-3 [Removed]  
31. Subsection 913.505-3 is removed.

**PART 914—SEALED BIDDING**

914.2 [Removed]  
32. Subpart 914.2 is removed.

914.401 [Removed]  
33. Section 914.401 is removed.

914.402-1 [Removed]  
34. Subsection 914.402-1 is removed.

**PART 915—CONTRACTING BY NEGOTIATION**

915.406-5 [Removed]  
35. Subsection 915.406-5 is removed.

915.610 [Removed]  
36. Section 915.610 is removed.

915.801 [Removed]  
37. Section 915.801 is removed.

915.804-8 [Removed]  
38. Subsection 915.804-8 is removed.

915.804-70 [Removed]  
39. Subsection 915.804-70 is removed.

915.805-70 [Amended]  
40. Subsection 915.805-70 is amended by removing paragraphs (a), (b), (c), and (f), and redesignating paragraphs (d) and (e) as paragraphs (a) and (b).

915.807 [Removed]  
41. Section 915.807 is removed.

915.808 [Removed]  
42. Section 915.808 is removed.

**PART 916—TYPES OF CONTRACTS**

916.207 [Removed]  
43. and 44. Section 916.207 is removed.

916.303 [Removed]  
45. Section 916.303 is removed.

916.6 [Removed]  
46. Subpart 916.6 is removed.

**PART 919—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS**

919.705-2 [Removed]  
47. Subsection 919.705-2 is removed.

919.705-5 [Removed]  
48. Subsection 919.705-5 is removed.

919.708 [Removed]  
49. Section 919.708 is removed.

**PART 920—LABOR SURPLUS AREA CONCERNS [REMOVED]**

50. Part 920 is removed.

**PART 922—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITION**

922.4 [Removed]  
51. Subpart 922.4 is removed.

**PART 924—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION [REMOVED]**

52. Part 924 is removed.

**PART 925—FOREIGN ACQUISITION**

925.5 [Removed]  
53. Subpart 925.5 is removed.

**PART 928—BONDS AND INSURANCE**

928.103-2 [Removed]  
54. Subsection 928.103-2 is removed.

928.2 [Removed]  
55. Subpart 928.2 is removed.

**PART 933—PROTESTS, DISPUTES AND APPEALS**

933.2 [Removed]  
56. Subpart 933.2 is removed.

**PART 935—RESEARCH AND DEVELOPMENT CONTRACTING**

935.007 [Removed]  
57. Section 935.007 is removed.

935.015 [Removed]  
58. Section 935.015 is removed.

**PART 936—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS**

936.202 [Amended]  
59. Section 936.202 is amended by removing paragraphs (a) and (b) and redesignating paragraphs (c) through (j) as paragraphs (a) through (h), respectively.

**PART 937—SERVICE CONTRACTING**

937.2 [Removed]  
60. Subpart 937.2 is removed.

937.7010 [Removed]  
61. Section 937.7010 is removed.

937.7020 [Removed]  
62. Section 937.7020 is removed.

937.7030 [Removed]  
63. Section 937.7030 is removed.

**PART 942—CONTRACT ADMINISTRATION**

942.000 [Removed]  
64. Section 942.000 is removed.

942.001 [Removed]  
65. Section 942.001 is removed.

942.002 [Removed]  
66. Section 942.002 is removed.

942.003 [Removed]  
67. Section 942.003 is removed.

942.1 [Removed]  
68. Subpart 942.1 is removed.

942.2 [Removed]  
69. Subpart 942.2 is removed.

942.708 [Removed]  
70. Section 942.708 is removed.

942.14 [Removed]  
71. Subpart 942.14 is removed.

**PART 943—CONTRACT MODIFICATIONS [Removed]**

72. Part 943 is removed.

**PART 944—SUBCONTRACTING POLICIES AND PROCEDURES**

944.1 [Removed]  
73. Subpart 944.1 is removed.

944.2 [Removed]  
74. Subpart 944.2 is removed.

**PART 945—GOVERNMENT PROPERTY**

945.104-70 [Removed]  
75. Subsection 945.104-70 is removed.

945.304 [Removed]  
76. Section 945.304 is removed.

945.501 [Removed]  
77. Section 945.501 is removed.

945.502-70 [Removed]  
78. Subsection 945.502-70 is removed.

945.502-71 [Removed]  
79. Subsection 945.502-71 is removed.

945.502-72 [Removed]  
80. Subsection 945.502-72 is removed.

945.508 [Removed]  
81. Section 945.508 is removed.

945.570 [Removed]  
82. Section 945.570 is removed.

945.570-1 [Removed]  
83. Subsection 945.570-1 is removed.

945.570-3 [Removed]  
84. Subsection 945.570-3 is removed.

945.570-4 [Removed]  
85. Subsection 945.570-4 is removed.

945.570-5 [Removed]

86. Subsection 945.570-5 is removed.

945.570-6 [Removed]

87. Subsection 945.570-6 is removed.

945.570-9 [Removed]

88. Subsection 945.570-9 is removed.

**PART 947—TRANSPORTATION**

947.1 [Removed]

89. Subpart 947.1 is removed.

**PART 949—TERMINATION OF CONTRACTS**

949.108-4 [Removed]

90. Subsection 949.108-4 is removed.

949.108-8 [Removed]

91. Subsection 949.108-8 is removed.

949.112-1 [Removed]

92. Subsection 949.112-1 is removed.

949.2 [Removed]

93. Subpart 949.2 is removed.

949.3 [Removed]

94. Subpart 949.3 is removed.

**PART 951—USE OF GOVERNMENT SOURCES BY CONTRACTORS**

951.2 [Removed]

95. Subpart 951.2 is removed.

951.7000 [Removed]

96. Section 951.7000 is removed.

951.7001 [Removed]

97. Section 951.7001 is removed.

**PART 971—REVIEW AND APPROVAL OF CONTRACT ACTIONS**

971.2 [Removed]

98. Subpart 971.2 is removed.

971.3 [Removed]

99. Subpart 971.3 is removed.

[FR Doc. 95-22219 Filed 9-11-95; 8:45 am]

BILLING CODE 6450-01-P

**DEPARTMENT OF COMMERCE**

**48 CFR Parts 1301, 1302, 1304, 1305, 1306, 1307, 1308, 1309, 1314, 1315, 1316, 1317, 1319, 1322, 1324, 1325, 1331, 1332, 1333, 1334, 1336, 1337, 1342, and 1345**

[Docket No. 950602146-5146-01]

RIN 0690-AA24

**Commerce Acquisition Regulation; Removal of Provisions**

AGENCY: Commerce.

ACTION: Final rule.

**SUMMARY:** The Department of Commerce hereby removes certain parts, subparts, and sections of the Commerce Acquisition Regulation concerning internal management. This action is taken in keeping with the goals of the National Performance Review and in order to comply with recent Executive Orders that address regulatory reforms.

**EFFECTIVE DATE:** September 12, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Ms. Joyce Cavallini, 202-482-0202.

**SUPPLEMENTARY INFORMATION:** On March 4, 1995, as part of the President's Regulatory Reinvention Initiative, the President directed agencies to conduct a page-by-page review of all regulations and eliminate or revise those that are outdated or otherwise in need of reform. After conducting a review of the Commerce Acquisition Regulation (CAR), it was determined that the intended goal of certain portions of the CAR could be achieved in more efficient, less intrusive ways. The portions of the CAR being removed were internal management regulations that are not required by law and are not deemed to be regulatory in nature.

**List of Subjects in 48 CFR Parts 1301, 1302, 1304, 1305, 1306, 1307, 1308, 1309, 1314, 1315, 1316, 1317, 1319, 1322, 1324, 1325, 1331, 1332, 1333, 1334, 1336, 1337, 1342, and 1345**

Government procurement.

**Shirl G. Kinney,**

*Procurement Executive.*

For the reasons set forth in the preamble, Chapter 13 of Title 48 Code of Federal Regulations is amended as set forth below:

1. The authority citation for parts 1301, 1302, 1304, 1305, 1306, 1307, 1308, 1309, 1314, 1315, 1316, 1317, 1319, 1322, 1324, 1325, 1331, 1332, 1333, 1334, 1336, 1337, 1342, and 1345 continues to read as follows:

**Authority:** Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)), as delegated by the Secretary of Commerce in Department Organization Order 10-5 and Department Administrative Order 208-2.

**PART 1301—[AMENDED]**

2. Part 1301 is amended by removing and reserving subparts 1301.2, 1301.3, 1301.4, and 1301.5.

3. Part 1301 is further amended by removing §§ 1301.601, 1301.601-70, 1301.601-71, 1301.603, and 1301.603-71, and 1301.603-70(a) (2) and (3) and redesignating paragraph (a)(4) as (a)(2).

**PARTS 1302, 1304, 1305, 1306, 1307, and 1308—[REMOVED AND RESERVED]**

4. Parts 1302, 1304, 1305, 1306, 1307, and 1308 are removed and reserved.

**PART 1309—[AMENDED]**

5. Part 1309 is amended by revising subpart 1309.4 to read as follows:

**Subpart 1309.4—Debarment, Suspension and Ineligibility**

**1309.470-4 Procedures on debarment.**

*Decision making process.* Upon receipt of a debarment recommendation, the Procurement Executive shall review all available evidence and shall promptly determine whether or not to proceed with debarment. The Procurement Executive may refer the matter to the Office of Inspector General for further investigation. After completion of any additional review or investigations, the Procurement Executive shall make a written determination. A copy of this determination shall be promptly sent to the initiating contracting office. (See FAR 9.406-3(b).)

**1309.470-7 Procedures on suspension.**

*Decision making process.* Procedures for the decision making process of suspensions are the same as those contained in 1309.470-4 except that an initial decision for suspension results in immediate suspension. (See FAR 9.407-3(b).)

**PART 1314—[REMOVED AND RESERVED]**

6. Part 1314 is removed and reserved.

**PART 1315—[AMENDED]**

7. Part 1315 is amended by removing § 1315.501; removing § 1315.504(a) and redesignating § 1315.504 (b) and (c) as (a) and (b), respectively; removing § 1315.506 (a), (b), and (c) and redesignating paragraphs (d), (e), (f), and (g) as (a), (b), (c), and (d) respectively; removing and reserving subpart § 1315.6; removing § 1315.804-3; and removing § 1315.805-70 (a) and (b) and redesignating paragraph (c) as (a).

**PART 1316—[AMENDED]**

8. Part 1316 is amended by removing and reserving subparts 1316.3 and 1316.6.

**PART 1317—[AMENDED]**

9. Part 1317 is amended by removing and reserving subparts 1317.4 and 1317.5.