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Part XXVIII

**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.

ADDRESSES: Director, Management Systems Division, Office of Infrastructure and Administration, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Cheryl E. Parker (202) 358-0252.

SUPPLEMENTARY INFORMATION: OMB guidelines dated February 7, 2005, "Spring 2005 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: May 11, 2005.

John D. Werner,

Director, Management Systems Division.

National Aeronautics and Space Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3322	Availability of Agency Records to Members of the Public	2700-AD01
3323	NASA Science and Technology Scholarship (STSP)	2700-AD08
3324	Astronaut Health Care Provision	2700-AD09

National Aeronautics and Space Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3325	Cross-Waiver of Liability	2700-AB51
3326	Code of Conduct for International Space Station Crew	2700-AC40
3327	Contractor Access to Confidential Information	2700-AC60
3328	NASA Federal Acquisition Regulation (FAR) Supplement—Research and Development Abstracts	2700-AC64
3329	Development Work for Industry in NASA Wind Tunnels	2700-AC81
3330	Research and Development Abstracts—NASA Grant and Cooperative Agreement Handbook	2700-AC82
3331	Federal Policy for the Protection of Human Subjects, Technical Amendment	2700-AC99
3332	NASA Research Announcements—Small Business Subcontracting Plans and Publication Acknowledgement and Disclaimers	2700-AD03
3333	Head of Contracting Activity (HCA) Change for Exploration Systems Mission Directorate	2700-AD10

National Aeronautics and Space Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3334	Final Scientific and Technical Reports—SBIR and STTR Contracts	2700-AD04
3335	Small Self-Contained Payloads	2700-AD07

National Aeronautics and Space Administration (NASA)

Proposed Rule Stage

3322. AVAILABILITY OF AGENCY RECORDS TO MEMBERS OF THE PUBLIC

Priority: Info./Admin./Other

Unfunded Mandates: Undetermined

Legal Authority: 5 USC 552

CFR Citation: 14 CFR 1206; 14 CFR 1206, 65 FR 19646

Legal Deadline: None

Abstract: The Agency is amending the FOIA fees imposed by law, consistent with the OMB Uniform FOIA Fee Schedule and Guidelines. These

revisions are not intended to change any rights under the FOIA to public accessibility to Agency records. These fee changes are intended to routinely update the Agency ability to assess reasonable charges as allowed by OMB policy.

NASA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Stephen L McConnell, NASA FOIA Officer, National Aeronautics and Space Administration, Office of Public Affairs, 300 E Street SW, Washington, DC 20546

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RIN: 2700-AD01**3323. NASA SCIENCE AND TECHNOLOGY SCHOLARSHIP (STSP)****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** PL 108-201, sec 9809; PL 108-201, sec 9803; PL 108-201, sec 9815; 42 USC 2451**CFR Citation:** 14 CFR 1200**Legal Deadline:** None

Abstract: The STSP is a competitive scholarship program intended to guide U.S. students toward NASA-related science and engineering careers. The program will provide scholarships to U.S. citizens and permanent residents of diverse geographic and demographic backgrounds, enrolled in accredited institutions of higher education (university, college, or community college) degree programs in engineering, science, and other technology fields. Scholarship recipients will enter into an agreement to serve as full-time employees with NASA upon graduation. The service obligation equates to serving a 2-year

appointment with NASA for each academic year under scholarship. Students under scholarship for 2 or more academic years will have a maximum service obligation of 4 years. Participation in STSP is limited to 4 academic years. NASA may also elect to defer the obligation to allow students to pursue graduate level studies in a NASA-approved field of study. The regulations will capture program aspects defined by the authorizing legislation. The regulations must also establish the dollar amount of the scholarship, determine the authorized expenses the scholarship funding covers, define the terms and conditions for deferral of the service obligation, define academic standing required to obtain the scholarship, determine appropriate repayment period extension, and provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Dr. Brad Weiner, Director, Division of Higher Education, National Aeronautics and Space Administration, 300 E Street SW, Washington, DC 20546

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RIN: 2700-AD08**3324. ASTRONAUT HEALTH CARE PROVISION****Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Legal Authority:** Not Yet Determined**CFR Citation:** 14 CFR 1205**Legal Deadline:** None

Abstract: The Astronaut Health Care Provision initiative responds to a critical need identified by NASA, with concurrence by the Institute of Medicine, to create a comprehensive health care system for astronauts and their families which enables the capture and study of all relevant data necessary to ameliorate the risks of space flight. The Astronaut Care Provision effort focuses on the best means to develop a responsible, complete, and comprehensive health insurance program for astronauts and their dependents. If successfully designed and implemented, such a program should enhance understanding of how humans can travel safely and live longer and, as an additional benefit, how humans can live longer on earth.

Timetable:

Action	Date	FR Cite
NPRM	05/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

Agency Contact: Richard S Williams, Chief Medical Officer, National Aeronautics and Space Administration, Chief Health and Medical Office, 300 E Street SW, Washington, DC 20546

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RIN: 2700-AD09

National Aeronautics and Space Administration (NASA)

Final Rule Stage

3325. 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	05/00/05	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

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Agency Contact: Steven Mirmina, Attorney Advisor, National Aeronautics and Space Administration, NASA Headquarters, General Counsel, 300 E Street SW, Washington, DC 20546
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RIN: 2700-AB51

3326. CODE OF CONDUCT FOR INTERNATIONAL SPACE STATION CREW

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2455, 2473, and 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	12/21/00	65 FR 80302
Direct Final Rule	05/00/05	

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, 300 E Street SW, Washington, DC 20546
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RIN: 2700-AC40

3327. CONTRACTOR ACCESS TO CONFIDENTIAL INFORMATION

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 1809; 48 CFR 1852

Legal Deadline: None

Abstract: The rule amends the NASA FAR Supplement to include policy, guidance, and contract clauses addressing contractor access to

sensitive information. This change is in response to the increased use of data management systems and reliance on contractors to support the administrative and technical functions of the Agency. This combination of factors has resulted in the increased need to release sensitive information generated by the Government or obtained from other contractors to non-Government employees.

Timetable:

Action	Date	FR Cite
NPRM	12/05/03	68 FR 67995
NPRM Comment Period End	02/03/04	
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: David Forbes, National Aeronautics and Space Administration, Office of Procurement, 300 E Street SW, Washington, DC 20546
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RIN: 2700-AC60

3328. NASA FEDERAL ACQUISITION REGULATION (FAR) SUPPLEMENT—RESEARCH AND DEVELOPMENT ABSTRACTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 1835; 48 CFR 1852

Legal Deadline: None

Abstract: This rule amends the NASA FAR Supplement to include a requirement for the electronic submission of an abstract of the planned research to be conducted under contract containing research and development effort valued at over \$25,000. This requirement is being established to support NASA's implementation of section 207(g) of the E-Government Act of 2002.

Timetable:

Action	Date	FR Cite
NPRM	10/31/03	68 FR 62048
NPRM Comment Period End	12/31/03	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Tom Sauret, National Aeronautics and Space Administration, Office of Procurement, 300 E Street NW, Washington, DC 20546
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RIN: 2700-AC64

3329. DEVELOPMENT WORK FOR INDUSTRY IN NASA WIND TUNNELS

Priority: Info./Admin./Other

Legal Authority: 50 USC 511 to 515; 42 USC 2473(c)(5) and (6)

CFR Citation: 14 CFR 1210

Legal Deadline: None

Abstract: The regulations set forth in 14 CFR 1210 detail the policies and procedures by which NASA makes certain of its wind tunnel facilities available for use in development work by industry. NASA is in the process of updating these regulations to more accurately reflect current accounting policies and operating procedures.

Timetable:

Action	Date	FR Cite
Final Action	11/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Jay M. Henn, Director, Research Support Division, National Aeronautics and Space Administration, Aeronautics Research Mission Directorate, 300 E Street SW, Washington, DC 20546
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RIN: 2700-AC81

3330. RESEARCH AND DEVELOPMENT ABSTRACTS—NASA GRANT AND COOPERATIVE AGREEMENT HANDBOOK

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 14 CFR 1260

Legal Deadline: None

Abstract: The rule amends the NASA Grant and Cooperative Handbook to include a requirement for the electronic submission of an abstract of the planned research to be conducted on contracts containing research and

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development effort valued at over \$25,000. This requirement is being established to support NASA's implementation of section 207(g) of the E-Government Act of 2002.

Timetable:

Action	Date	FR Cite
NPRM	10/31/03	68 FR 62031
NPRM Comment Period End	12/30/03	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Rule was published as RIN 12700-AC63

Agency Contact: Tom Sauret, National Aeronautics and Space Administration, Office of Procurement, 300 E Street NW, Washington, DC 20546
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RIN: 2700-AC82

3331. FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS, TECHNICAL AMENDMENT

Priority: Info./Admin./Other

Legal Authority: 5 USC 301; 42 USC 289; 42 USC 300v-1(b)

CFR Citation: 14 CFR 1230

Legal Deadline: None

Abstract: This final rule amends the National Aeronautics and Space Administration (NASA) regulations for the protection of human subjects by changing all references to the Office for Protection from Research Risks (OPRR) to the Office of Human Research Protections (OHRP) and revising the footnote at the end of 45 CFR 46.101(i) by deleting the references to research involving fetuses, pregnant women, or human in vitro fertilization and subpart B of 45 CFR part 46. This technical amendment is being made in conjunction with the other Federal departments and agencies that have promulgated the Federal Policy for the Protection of Human Subjects.

Timetable:

Action	Date	FR Cite
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Richard S Williams, Chief Medical Officer, National Aeronautics and Space Administration, Chief Health and Medical Office, 300 E Street SW, Washington, DC 20546
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RIN: 2700-AC99

3332. NASA RESEARCH ANNOUNCEMENTS—SMALL BUSINESS SUBCONTRACTING PLANS AND PUBLICATION ACKNOWLEDGEMENT AND DISCLAIMERS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 1835

Legal Deadline: None

Abstract: This is a proposed rule to (1) revise 1835.016-71, NASA Research Announcement, and the corresponding clause at 1852-235-72, Instructions for Responding to NASA Research Announcement, to require submission of small business subcontracting plans with any proposal whose value exceeds \$500,000 and has subcontracting possibilities that may result in the award of a contract and (2) amend 1852.235-73 Final Scientific and Technical Reports, Alternate II, to include an acknowledgement that materials were based on or developed under NASA sponsored projects and a disclaimer, which states that the material does not necessarily reflect the views of the Agency.

Timetable:

Action	Date	FR Cite
NPRM	09/27/04	69 FR 57664
NPRM Comment Period End	11/26/04	
Final Action	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Mr. Patrick Flynn, Procurement Analyst, National Aeronautics and Space Administration, Office of Procurement, 300 E Street SW, Washington, DC 20546
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RIN: 2700-AD03

3333. ● HEAD OF CONTRACTING ACTIVITY (HCA) CHANGE FOR EXPLORATION SYSTEMS MISSION DIRECTORATE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 1802

Legal Deadline: None

Abstract: This final rule revises the NASA FAR Supplement (NFS) by amending the definition of "head of contracting activity" consistent with the realignment of program management responsibilities between NASA Headquarters and the field centers.

Timetable:

Action	Date	FR Cite
Final Action	05/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Tom Russell, National Aeronautics and Space Administration, NASA Office of Procurement, Program Operations Division, 300 E Street SW, Washington, DC 20546
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RIN: 2700-AD10

National Aeronautics and Space Administration (NASA)

Completed Actions

3334. FINAL SCIENTIFIC AND TECHNICAL REPORTS—SBIR AND STTR CONTRACTS

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 1835; 48 CFR 1852

Completed:

Reason	Date	FR Cite
Final Action	01/12/05	70 FR 2022

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 2700-AD04

3335. SMALL SELF-CONTAINED PAYLOADS

Priority: Other Significant

CFR Citation: 14 CFR 1214.9

Completed:

Reason	Date	FR Cite
Final Action	03/17/05	70 FR 12966

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ann Sweet
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Related RIN: Previously reported as 2700-AC39

RIN: 2700-AD07

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