

Appendix)), unless the clause prescribed in paragraph (c) of this subsection is used.

\* \* \* \* \*

3. Revise section 30.201-5 to read as follows:

**30.201-5 Waiver.**

(a) The head of the agency—  
(1) May waive the applicability of CAS for a particular contract or subcontract under the conditions listed in paragraph (b) of this subsection; and

(2) Must not delegate this waiver authority to any official in the agency below the senior contract policymaking level.

(b) The head of the agency may grant a waiver when one of the following conditions exists:

(1) The contract or subcontract value is less than \$15,000,000, and the head of the agency determines, in writing, that the segment of the contractor or subcontractor that will perform the contract or subcontract—

(i) Is primarily engaged in the sale of commercial items; and  
(ii) Has no contracts or subcontracts that are subject to CAS.

(2) The head of the agency determines that exceptional circumstances exist whereby a waiver of CAS is necessary to meet the needs of the agency. Exceptional circumstances exist only when the benefits to be derived from waiving the CAS outweigh the risk associated with the waiver. The determination that exceptional circumstances exist must—

(i) Be set forth in writing; and  
(ii) Include a statement of the specific circumstances that justify granting the waiver.

(c) When one of the conditions in paragraph (b) of this subsection exists, the request for waiver should include the following:

(1) The amount of the proposed award.

(2) A description of the contract or subcontract type (e.g., firm-fixed-price, cost-reimbursement).

(3) Whether the segment(s) that will perform the contract or subcontract has CAS-covered contracts or subcontracts.

(4) A description of the item(s) being procured.

(5) When the contractor or subcontractor will not accept the contract or subcontract if CAS applies, a statement to that effect.

(6) Whether cost or pricing data will be obtained, and if so, a discussion of how the data will be used in negotiating the contract or subcontract price.

(7) The benefits to the Government of waiving CAS.

(8) The potential risk to the Government of waiving CAS.

(9) The date by which the waiver is needed.

(10) Any other information that may be useful in evaluating the request.

(d) When neither of the conditions in paragraph (b) of this subsection exists, the waiver request must be prepared in accordance with 48 CFR 9903.201-5(e) (FAR Appendix) and submitted to the CAS Board.

(e) Each agency must report any waivers granted under paragraph (a) of this subsection to the CAS Board, on a fiscal year basis, not later than 90 days after the close of the Government's fiscal year.

**PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

4. Amend section 52.230-1 by—

a. Revising the date of the provision;

b. In the first sentence of paragraph (c)(3) by removing the phrase "more than \$25 million (of which at least one award exceeded \$1 million)" and adding "\$50 million or more" in its place;

c. In paragraph (c)(4)—

(i) In the "Caution" paragraph, by removing "\$25 million" and adding "\$50 million" in its place;

(ii) At "II. Cost Accounting Standards—Eligibility for Modified Contract Coverage," in the second paragraph, by revising the first sentence; and

(iii) In the "Caution" paragraph following paragraph II by removing "\$25 million" each time it is used (twice) and adding "\$50 million" in their places. The revised text reads as follows:

**52.230-1 Cost Accounting Standards Notices and Certification.**

\* \* \* \* \*

**COST ACCOUNTING STANDARDS NOTICES AND CERTIFICATION (JUNE 2000)**

\* \* \* \* \*

(c) \* \* \*

(4) \* \* \*

II. Cost Accounting Standards—Eligibility for Modified Contract Coverage

\* \* \* \* \*

□ The offeror hereby claims an exemption from the Cost Accounting Standards clause under the provisions of 48 CFR 9903.201-2(b) and certifies that the offeror is eligible for use of the Disclosure and Consistency of Cost Accounting Practices clause because during the cost accounting period immediately preceding the period in which this proposal was submitted, the offeror received less than \$50 million in awards of

CAS-covered prime contracts and subcontracts.

\* \* \* \* \*

[FR Doc. 00-13824 Filed 6-1-00; 4:02 pm]

BILLING CODE 6820-EP-P

**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Parts 3, 5, 47, and 49**

[FAC 97-18; Item IX]

**Federal Acquisition Regulation; Technical Amendments**

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

**ACTION:** Technical amendments.

**SUMMARY:** This document makes amendments to the Federal Acquisition Regulation in order to update references and make editorial changes.

**EFFECTIVE DATE:** June 6, 2000.

**FOR FURTHER INFORMATION CONTACT:** The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501-4755.

**List of Subjects in 48 CFR parts 3, 5, 47, and 49**

Government procurement.

Dated: May 26, 2000.

**Edward C. Loeb,**

*Director, Federal Acquisition Policy Division.*

Therefore, DoD, GSA, and NASA amend 48 CFR parts 3, 47, and 49 as set forth below:

1. The authority citation for 48 CFR parts 3, 47, and 49 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 3—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST**

**3.303 [Amended]**

2. Amend section 3.303 in the first sentence of paragraph (a) by removing "41 U.S.C. 253(B)(e) and 10 U.S.C. 2305(b)(5)" and adding "41 U.S.C. 253b(i) and 10 U.S.C. 2305(b)(9)" in its place.

**PART 5—PUBLICIZING CONTRACT ACTIONS**

3. Revise the last sentence of section 5.204 to read as follows:

**5.204 Presolicitation notices.**

\* \* \* Synopsizing of a proposed contract action is required prior to issuance of any resulting solicitation (see 5.201 and 5.203).

Acknowledgment of Notice; and in paragraph (a) of the Alternate notice.  
[FR Doc. 00-13825 Filed 6-1-00; 4:02 pm]  
**BILLING CODE 6820-EP-P**

Secretary of Defense, the Administrator of General Services and the Administrator for the National Aeronautics and Space Administration. This *Small Entity Compliance Guide* has been prepared in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121). It consists of a summary of rules appearing in Federal Acquisition Circular (FAC) 97-18 which amend the FAR. The rules marked with an asterisk (\*) indicates that a regulatory flexibility analysis has been prepared in accordance with 5 U.S.C. 604. Interested parties may obtain further information regarding these rules by referring to FAC 97-18 which precedes this document. These documents are also available via the Internet at <http://www.arnet.gov/far>.

**FOR FURTHER INFORMATION CONTACT:** Laurie Duarte, FAR Secretariat, (202) 501-4225. For clarification of content, contact the analyst whose name appears in the table below.

**PART 47—TRANSPORTATION**

**47.504 [Amended]**

4. In section 47.504, amend the first sentence of paragraph (e) by removing “(see 12.504(a)(13))” and adding “(see 12.504(a)(11))” in its place.

**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Chapter 1**

**Federal Acquisition Regulation; Small Entity Compliance Guide**

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

**ACTION:** Small Entity Compliance Guide.

**SUMMARY:** This document is issued under the joint authority of the

**PART 49—TERMINATION OF CONTRACTS**

5. Remove “19...” and add “20 ” in the following places:

a. Section 49.601-1 in paragraphs (a) and (b); and

b. Section 49.601-2 in paragraph (a) of the Notice of Termination to Prime Contractors; in paragraph (i) in the

**LIST OF RULES IN FAC 97-18**

Item	Subject	FAR case	Analyst
I .....	Rescission of Office of Federal Procurement Policy Letters .....	2000-605	Olson.
II .....	FAR Drafting Principles .....	1999-610	De Stefano.
III .....	Requirements Supporting Procurement of Recycled Products and Environmentally Preferable Services * .....	1998-015 (98-015)	Linfield.
IV .....	General Records Schedules .....	1999-615	Nelson.
V .....	Federal Supply Schedules Small Business Opportunities * .....	1998-609 (98-609)	Nelson.
VI .....	Trade Agreements Thresholds .....	2000-004	Linfield.
VII .....	Restrictions on Acquisitions from Yugoslavia and Afghanistan .....	1999-008	Linfield.
VIII .....	Applicability, Thresholds and Waiver of Cost Accounting Standards Coverage (Interim) .....	2000-301	Nelson.

**Item I—Rescission of Office of Federal Procurement Policy Letters (FAR Case 2000-605)**

This final rule reflects editorial amendments removing unnecessary cross-references to policy letters that were rescinded by the Office of Federal Procurement Policy (OFPP) (65 FR 16968, March 30, 2000).

**Item II—FAR Drafting Principles (FAR Case 1999-610)**

This final rule adds Federal Acquisition Regulation drafting principles to enhance a common understanding of the regulation among all members of the acquisition team and other users. This rule affects all contracting officers who use the FAR. The final rule adds drafting conventions in FAR 1.108 and amends 1.105-2, 52.101, 52.104, 52.105, and 52.200 to reflect current FAR drafting conventions.

**Item III—Requirements Supporting Procurement of Recycled Products and Environmentally Preferable Services (FAR Case 1998-015 (98-015))**

This final rule implements Executive Order 13101, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition, dated September 14, 1998. This rule is significant for all contracting officers who buy supplies, including supplies that are furnished under a service contract. The rule rewrites text currently in the FAR based on earlier Executive orders, but reorganizes and relocates some of the text to conform to plain language guidelines for Government writing. The rewrite and reorganization should make the text easier to use and understand. The revisions also emphasize Executive branch policies for the acquisition of products containing recovered material and other environmentally preferable products and services. The rule—

- Revises FAR Subpart 7.1 to ensure that requirements for printing and writing paper meet minimum content requirements specified in the E.O.;

- Revises Subpart 11.3 to add definitions and special requirements to implement E.O. requirements and Environmental Protection Agency (EPA) regulations governing acquisitions of printing and writing paper, and to clarify that contracting officers may include in solicitations additional information requirements when needed to determine if the offeror’s product meets requirements for recycled content or related standards;

- Clarifies in Part 13 how the procurement requirements of the Resource Conservation and Recovery Act, 42 U.S.C. 6962, apply to micro-purchases and acquisitions that do not exceed \$100,000; and

- Reorganizes and revises Subparts 23.4 and 23.7 and associated clauses.