

gap in the FAR. This final rule closes that gap by clarifying the use of American National Standards Institute (ANSI) X12 as the valid standard to use for computer-generated forms. FAR 53.105 is being amended; it will continue allowing agencies and the public to generate standard and optional forms on their computers.

## II. Discussion and Analysis

There were no public comments received in response to the proposed rule; therefore, this rule is published as a final rule.

## III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

## IV. Regulatory Flexibility Act

The Department of Defense, General Services Administration, and National Aeronautics and Space Administration certify that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because it is removing FIPS 161 which is obsolete or has not been updated to adopt current voluntary industry standards, Federal specifications, Federal data standards, or current good practices for information security. This is a technical change acknowledging the removal by the Department of Commerce of FIPS 161 and replacement with the ANSI X12 set of standards. ANSI X12 standards were already a part of the FIPS 161 standard and have been updated with current voluntary industry standards already in use. Therefore, there is no impact to the Government or contractors in establishing ANSI X12 as the new standard. Small businesses will continue to be able to generate forms by computer.

## V. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

### List of Subjects in 48 CFR Part 53

Government procurement.

Dated: July 16, 2012.

**Laura Auletta,**

*Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.*

Therefore, DoD, GSA, and NASA amend 48 CFR part 53 as follows:

### PART 53—FORMS

- 1. The authority citation for 48 CFR part 53 is revised to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

- 2. Revise section 53.105 to read as follows:

#### 53.105 Computer generation.

(a) The forms prescribed by this part may be computer generated—without exception approval (see 53.103), provided—

(1) There is no change to the name, content, or sequence of the data elements, and the form carries the Standard or Optional Form number and edition date (see 53.111); or

(2) The form is in an electronic format covered by the American National Standards Institute (ANSI) X12 Standards published by the Accredited Standards Committee X12 on Electronic Data Interchange or a format that can be translated into one of those standards.

(b) The standards listed in paragraph (a)(2) of this section may also be used for submission of data set forth in other parts for which specific forms have not been prescribed.

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## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 48 CFR Parts 1, 16, 22, and 52

[FAC 2005-60; Item VI; Docket 2012-0079; Sequence 3]

### Federal Acquisition Regulation; Technical Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This document makes amendments to the Federal Acquisition Regulation (FAR) in order to make editorial changes.

**DATES:** *Effective Date:* July 26, 2012.

**FOR FURTHER INFORMATION CONTACT:** The Regulatory Secretariat, 1275 First Street NE., 7th Floor, Washington, DC 20417, 202-501-4755, for information pertaining to status or publication schedules. Please cite FAC 2005-60, Technical Amendments.

**SUPPLEMENTARY INFORMATION:** In order to update certain elements in 48 CFR parts 1, 16, 22, and 52, this document makes editorial changes to the FAR.

### List of Subjects in 48 CFR Parts 1, 16, 22, and 52

Government procurement.

Dated: July 16, 2012.

**Laura Auletta,**

*Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.*

Therefore, DoD, GSA, and NASA amend 48 CFR parts 1, 16, 22, and 52 as set forth below:

- 1. The authority citation for 48 CFR parts 1, 16, 22, and 52 is revised to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

### PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

#### 1.105-2 [Amended]

- 2. Amend section 1.105-2 by revising paragraphs (c)(3)(i) and (ii) to read as follows:

#### 1.105-2 Arrangement of regulations.

\* \* \* \* \*

(c) \* \* \*

(3) \* \* \*

(i) Part would be “FAR part 9” outside the FAR and “part 9” within the FAR.

(ii) Subpart would be “FAR subpart 9.1” outside the FAR and “subpart 9.1” within the FAR.

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## PART 16—TYPES OF CONTRACTS

### 16.301–3 [Amended]

■ 3. Amend section 16.301–3 by removing from paragraph (a)(4) “other than firm-fixed-priced” and adding “other than firm-fixed-priced” in its place.

## PART 22—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

### 22.1801 [Amended]

■ 4. Amend section 22.1801 by—  
■ a. Removing from the definition “Employee assigned to the contract”, “November 6, 1986” and adding “November 6, 1986 (after November 27, 2009, in the Commonwealth of the Northern Mariana Islands)” in its place; and

■ b. Removing from the definition “United States”, “Guam,” and adding “Guam, the Commonwealth of the Northern Mariana Islands” in its place.

### 22.1802 [Amended]

■ 5. Amend section 22.1802 by removing from paragraph (c) “November 6, 1986” and adding “November 6, 1986 (after November 27, 2009, in the Commonwealth of the Northern Mariana Islands)” in its place.

## PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

### 52.212–5 [Amended]

■ 6. Amend section 52.212–5 by—  
■ a. Removing from the clause heading “(May 2012)” and adding “(JUL 2012)” in its place; and  
■ b. Removing from paragraphs (b)(34) and (e)(1)(xii) “(Jan 2009)” and adding “(JUL 2012)” in their places; and  
■ c. Removing from the introductory paragraph of Alternate II “(Dec 2010)” and adding “(JUL 2012)” in its place; and  
■ d. Removing from Alternate II, in paragraph (e)(1)(ii)(L) “(Jan 2009)” and adding “(JUL 2012)” in its place.

### 52.215–20 [Amended]

■ 7. Amend section 52.215–20 by removing from the introductory paragraph of Alternate I “15.408(1)” and adding “15.408(l)” in its place.

■ 8. Amend section 52.222–54 by—

■ a. Revising the date of the clause;  
■ b. Amending paragraph (a) by—  
■ i. In the definition “Employee assigned to the contract”, in the introductory text, removing “November 6, 1986” and adding “November 6, 1986 (after November 27, 2009, in the Commonwealth of the Northern Mariana Islands)” in its place; and  
■ ii. Removing from the definition “United States”, “Guam,” and adding “Guam, the Commonwealth of the Northern Mariana Islands” in its place; and  
■ c. Revising paragraph of (b)(4) introductory text.

The revisions read as follows:

### 52.222–54 Employment Eligibility Verification.

\* \* \* \* \*

#### Employment Eligibility Verification (JUL 2012)

\* \* \* \* \*

(b) \* \* \*

(4) *Option to verify employment eligibility of all employees.* The Contractor may elect to verify all existing employees hired after November 6, 1986 (after November 27, 2009, in the Commonwealth of the Northern Mariana Islands), rather than just those employees assigned to the contract. The Contractor shall initiate verification for each existing employee working in the United States who was hired after November 6, 1986 (after November 27, 2009, in the Commonwealth of the Northern Mariana Islands), within 180 calendar days of—

\* \* \* \* \*

■ 9. Amend section 52.223–2 by revising the date of the clause and paragraph (b); and removing from paragraph (c)(3) “contract to” and adding “contact to” in its place. The revised text reads as follows:

### 52.223–2 Affirmative Procurement of Biobased Products Under Service and Construction Contracts.

\* \* \* \* \*

#### Affirmative Procurement of Biobased Products Under Service and Construction Contracts (JUL 2012)

\* \* \* \* \*

(b) Information about this requirement and these products is available at <http://www.biopreferred.gov>.

\* \* \* \* \*

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## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 48 CFR Chapter 1

[Docket FAR 2012–0081, Sequence 5]

### Federal Acquisition Regulation; Federal Acquisition Circular 2005–60; 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 DOD, GSA, and NASA. This *Small Entity Compliance Guide* has been prepared in accordance with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of the rule appearing in Federal Acquisition Circular (FAC) 2005–60, which amends the Federal Acquisition Regulation (FAR). An asterisk (\*) next to a rule indicates that a regulatory flexibility analysis has been prepared. Interested parties may obtain further information regarding this rule by referring to FAC 2005–60, which precedes this document. These documents are also available via the Internet at <http://www.regulations.gov>.

**DATES:** July 26, 2012.

**FOR FURTHER INFORMATION CONTACT:** For clarification of content, contact the analyst whose name appears in the table below. Please cite FAC 2005–60 and the FAR case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755.

### LIST OF RULES IN FAC 2005–60

Item	Subject	FAR Case	Analyst
I*	Reporting Executive Compensation and First-Tier Subcontract Awards .....	2008–039	Clark.
II	Payments Under Time-and-Materials and Labor-Hour Contracts .....	2011–003	Chambers.
III*	Extension of Sunset Date for Protests of Task and Delivery Orders (Interim) .....	2012–007	Lague.
IV	DARPA-New Mexico Tax Agreement .....	2012–019	Chambers.