

**NASA Retrospective Plan Progress
May 2012**

PENDING ACTIONS

Agency/Subagency	RIN /OMB Control Number	Title of Initiative/Rule/ICR	Brief Description	Actual or Target Completion Date	Anticipated savings in costs and/or information collection burdens, together with any anticipated changes in benefits (please quantify, to the extent feasible, and also specify baseline, time horizon, and affected groups)	Progress updates and anticipated accomplishments	Notes
1. NASA/Procurement	AD60	NASA Grant and Cooperative Agreement: Change Procedures for Letter of Credit Advance Payments	This rule revises the NASA Grant and Cooperative Handbook at 14 CFR 1260 for grant and cooperative agreement recipients to request advance payments through letters of credit and to reduce the time period during which NASA may suspend or reduce payments due to the recipient's delinquent financial reporting.	May 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Interim rule scheduled to publish May 2012.	EO 12866 review completed 2/27/12.
2. NASA/Procurement	AD79	NASA Grant Handbook, Payment of Profit and/or Management Expenses on Cooperative Agreements	This rule revises 14 CFR 1260 that prescribe the payment of profit and/or fee (including management fee) under all Federal Financial Assistance awards (i.e., grants and cooperative agreements).	May 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Proposed rule published on January 11, 2012 [77 FR 1657] with the following title: Profit and Fee Under Federal Financial Assistance Awards. Comment period ended 3/11/12. Final rule scheduled to publish May 2012.	EO 12866 review completed 3/21/12.
3. NASA/Procurement	AD81	Non Procurement Rule, Suspension and Debarment	This rule revises 2 CFR 1880 that prohibits the award of grants and cooperative agreements from offers that propose sub-awards to firms or individuals on the Excluded Parties List Service (EPLS).	May 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Proposed rule scheduled to publish May 2012	EO 12866 review completed 2/9/12.
4. NASA/Chief Scientist	AD84	Research Misconduct	14 CFR 1275 establishes procedures for handling allegations of research misconduct. It is being amended to make administrative changes to add applicable NASA regulations, and to correct office titles throughout.	June 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Direct final rule scheduled to publish June 2012.	Pending EO 12866 review
5. NASA/Education	AE00	National Space Grant College and Fellowship Program	14 CFR 1259 establishes the policies responsibilities and procedures relative to the National Space Grant College and Fellowship Program established by title II of the National Aeronautics and Space Administration Authorization Act of 1988. This regulation will be amended to update responsible office information and titles to citations.	August 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Draft rule will be submitted for EO 12866 review June 2012.	
6. NASA/Procurement	AD94	NASA Grant and Cooperative Agreement Handbook: Update, Streamline and Reorganize	This rule updates, streamlines, and reorganizes the NASA Grant and Cooperative Handbook at 14 CFR Parts 1260, 1267, 1271, 1273, and 1274, but not expected to make major revisions to existing policy.	October 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Draft rule will be submitted for EO 12866 review July 2012.	
7. NASA/Strategic Infrastructure	AD96	Use of NASA Airfield Facilities by Aircraft not Operated for the Benefit of the Federal Government	14 CFR 1204, Subpart 14, which establishes responsibility and provides conditions and procedures for the use of NASA airfield facilities by aircraft not operated for the benefit of the Federal Government, will be amended to 1) delete all references to Crow's Landing since NASA no longer owns it, 2) add the UAS landing strip at Wallops Island, and 3) add regulations to the operation of UAS on NASA airfields or property.	October 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Draft rule will be submitted for EO 12866 review July 2012.	

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8. NASA/Small Business Program	AD97	Small Business Policy	NASA is amending subpart 4 of 14 CFR 1204 that establishes the Agency's small business policy and outlines the delegation of authority in implementing this policy. Currently, this section does not capture all small business categories and contains obsolete organizational references. It has been determined that this section should be updated in accordance with and required by the Small Business Act (15 U.S.C 631). Revisions include adding more small business categories to include small disadvantaged business, HUBZone small business, women-owned small business concerns, veteran-owned small business, and service-and disabled veteran-owned small business. Administrative changes to this policy include updating the office name and title of the head of the office and describing the role of the Small Business Technical Advisor.	October 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Draft rule will be submitted for EO 12866 review July 2012.	
9. NASA/Human Exploration and Operations	AD98	Space Flight	This rule establishes a program to ensure that personnel assigned to mission critical positions/duties meet the screening requirements, addresses carrying of mementos aboard Space Shuttle flights, describes Astronaut Candidate Recruitment and Selection Program, and outlines the authority of the Space Shuttle commander. 14 CFR 1214, subparts 5, 6, 7, and 11 will be amended due to the retirement of the Space Shuttle program and the necessity for some of the rules to remain, which are applicable to other ongoing programs.	October 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Draft rule will be submitted for EO 12866 review July 2012.	
10. NASA/Protective Services	AD61	Information Security Protection	The update to title 14 CFR part 1203 will modify the Original Classification and Mandatory Declassification Review procedures in accordance with Executive Order 13526 of December 29, 2009. In addition, the office name in the document will be modified from the "Office of Security and Program Protection" to the "Office of Protective Services" to comply with current NASA organizational structure, and NASA points of contacts and applicable responsibilities will be specified.	October 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Draft rule will be submitted for EO 12866 review July 2012.	
11. NASA/Internal Controls and Management Systems	AD78	Removal of Obsolete Regulations	This rule removes sections 506 and 508 of 14 CFR 1204 and part 1232 as follows: <ul style="list-style-type: none"> • 14 CFR part 1204, section 506, Delegation of Authority to License the Use of the Centennial of Flight Commission Name • 14 CFR part 1204, section 508, Delegation of Authority of Certain Civil Rights functions to Department of Health, Education, and Welfare • 14 CFR part 1232, Care and Use of Animals in the Conduct of NASA Activities 	October 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Draft rule will be submitted for EO 12866 review July 2012.	

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12. NASA/Diversity and Equal Opportunity	AD85	Accessibility Standards for New Construction and Alterations in Federally-Assisted Programs	The purpose of this rulemaking action is to update NASA's regulation (14 CFR 1251) implementing the federally assisted provisions of section 504 of the Rehabilitation Act of 1973 (section 504), as amended, 29 U.S.C. section 794 which prohibits discrimination on the basis of disability by recipients of Federal Financial Assistance from NASA. Under Executive Order No. 12250, the United States Attorney General has the authority to coordinate the implementation and enforcement of a variety of civil rights statutes by Federal agencies such as NASA, including section 504. Recent rulemaking from the U.S. Department of Justice (DOJ) that revised the standards that determine whether structural elements of buildings and facilities are accessible to individuals with disabilities requires NASA to revise its section 504 regulations in alignment with DOJ's implementing regulations incorporating the new accessibility standards.	October 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Draft rule will be submitted for EO 12866 review July 2012.	
13. NASA/Chief Information Officer	AD86	Privacy Act - NASA Regulations	14 CFR part 1212 establishes procedures for individuals to access their Privacy Act records maintained by NASA, to request amendment of information in records concerning them, and to provide procedures for administrative appeals and other remedies. This part will update references to NASA's internal management and procedures.	October 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Draft rule will be submitted for EO 12866 review July 2012.	
14. NASA/Human Exploration and Operation	AD87	Space Flight Mission Critical Systems Personnel Reliability Program	NASA is determining if the need for this regulation still exists since the enactment of HSPD-12 provides some initial and periodic screening and background checks for employees. The original program was in response to President Carter's Administration's determination that the Space Shuttle was a critical national resource and that personnel assigned to mission critical positions in the Shuttle program that affected the safety of spaceflight needed to meet the highest standards of Integrity and reliability. If the need for this regulation continues, it will be shortened to incorporate the references provided by the HSPD-12 criteria.	October 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Draft rule will be submitted for EO 12866 review July 2012.	
15. NASA/Human Capital Management	AD88	Aeronautics and Space - Statement of Organization and General Information	14 CFR 1201 will be updated to provide current data. It explains the authority for the creation of the National Aeronautics and Space Administration (NASA) as well as details regarding the purpose, functions, administration, and organizational structure of the Agency. The organizational information outlines in more detail the basic structure and responsibilities of the Mission Directorates located at Headquarters and the Centers located throughout the United States. It also provides information on the Agency-level councils, committees, boards, and panels established to govern and support decision making. General information about doing work with NASA is included.	October 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Draft rule will be submitted for EO 12866 review July 2012.	

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16. NASA/Protective Services	AD89	Security Program; Arrest Authority and Use of Force by NASA Security Force Personnel	<p>Subpart B of part establishes the Agency's security and law enforcement services implementation requirements. They prescribe NASA's security and protective services procedural requirements for NASA Centers and component facilities in executing the NASA protective services program to protect people, property, and information.</p> <p>Changes to the rule are intended to reflect the Agency's current organizational structure. Edits are being made to address organizational title changes and other administrative changes. The rule will also introduce and recognize the NASA Protective Services Training Academy that provides training to those requiring arrest authority, as prescribed by U.S.C. title 51, National and Commercial Space Program, sections 20132 and 20133.</p>	October 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Draft rule will be submitted for EO 12866 review July 2012.	
17. NASA/Protective Services	AD90	Inspection of Persons and Personal Effect at NASA Installations or on NASA's Property.	Subpart 10 establishes NASA policy and prescribes minimum procedures concerning the inspection of persons and property in their possession while entering, or on, or exiting NASA real property or installations.ad63	October 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Draft rule will be submitted for EO 12866 review July 2012.	

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18. NASA/Protective Services	AD91	NASA Security Area	Subpart A of part 1203 describes the legal basis and other applicable NASA regulations related to the NASA's security and law enforcement services implementation requirements. Changes will be made to incorporate updated Federal policy and guidance. Changes are based on Homeland Security Presidential Directive 12: Policy for a Common Identification Standard for Federal Employees and Contractors, Homeland Security Presidential Directive 7 Critical Infrastructure Identification, of which establishes a national policy for Federal departments and agencies to identify and prioritize critical infrastructure and to protect them from terrorist attacks, Executive Order 12978 establishes the Interagency Security Committee (ISC) responsible for establishing policy for the protection of government facilities, ISC Standards (ISC), Physical Security Criteria for Federal Facilities, 2008, ISC Facility Security Level Determinations for Federal Facilities, 2008, Executive Order 13526 Classified National Security Information, Executive Order 10450 Security requirements for Government employment. Source, and Internal requirements in the form of NPR's due exists to define the above stated policies to ensure implementation, consistency, uniformity, and standardization.	October 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Draft rule will be submitted for EO 12866 review July 2012.	
19. NASA/Chief Information Officer	AD92	Information Security Program	14 CFR 1203 establishes the objectives of the NASA Information Security Program, ensures that information is classified only when and for such a period as necessary, prevents unwarranted classification and over-classification, ensures the greatest practicable uniformity within NASA and with other Government departments and agencies where there is an interchange of information or hardware, and provides a timely and effective means for downgrading or declassifying information as appropriate. This rule will be amended to make updates prescribed by EO 13556, Controlled Unclassified Information (CUI). EO 13556 establishes a program for managing CUI across the Federal government, which emphasizes the openness and uniformity of Government-wide practice while protecting sensitive unclassified information. Implementation of this new EO requires amendments to 14 CFR 1203.	October 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Draft rule will be submitted for EO 12866 review July 2012.	
20. NASA/Strategic Infrastructure	AD95	Delegations and Designations	Subpart 5 of 14 CFR 1204 of this regulation delegates authority to take actions in real estate and related matters. It will be amended to correct responsible office information and citations of existing internal and external requirements.	October 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Draft rule will be submitted for EO 12866 review July 2012.	

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21. NASA/Human Exploration and Operation	AD99	Duty Free Entry of Space Articles	14 CFR 1217 establishes general responsibilities and conditions for duty free exchange of hardware between NASA and its partners. It is being amended to reflect changes due to the retirement of the Space Shuttle program and the continuation of the International Space Station cargo.	October 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Draft rule will be submitted for EO 12866 review July 2012.	

COMPLETED ACTIONS

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1. NASA/Strategic Infrastructure	AD71	Procedures for Implementing the National Environmental Policy Act	NASA is proposing revisions to its regulations for implementing the National Environmental Policy Act of 1969 (NEPA) as authorized by the Council on Environmental Quality (CEQ) Code of Federal Regulations (CFR) (40 CFR parts 1500-1508) and The National Aeronautics and Space Act of 1958, sec 20113(a), 51 U.S.C. section 20113 (a). This proposed rule would update NASA's procedures at 14 CFR 1216.3, Procedures for Implementing the National Environmental Policy Act. This proposed regulation is accompanied by a detailed Preamble. As part of this rulemaking, NASA is proposing to amend existing and add new categories of actions eligible for categorical exclusion and add generally applicable extraordinary circumstances to bound the use of all NASA categorical exclusions (CatExs). Consistent with CEQ regulations, subpart 1216.304 of the proposed rule defines "categorical exclusion" to mean "categories of agency actions with no individually or cumulatively significant effect on the human environment." Some of the new CatExs are similar to the CatExs of other Federal agencies and reflect NASA's experience with similar circumstances. The Preamble cites related CatExs from the NEPA regulations of other Federal agencies and examples of NASA NEPA Actions for each of the 23 CatExs proposed. Additional examples supporting the CatExs and NEPA documents are also available at NASA's NEPA Library at http://www.nasa.gov/green/nepa . Since the previous major update of NASA's NEPA regulation in 1988, a number of Executive orders have streamlined the Federal Government through decentralization, reduction and simplification of regulations, and management of risk.	January 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Proposed rule published July 21, 2011 [76 FR 43616]. Final rule published January 23, 2012 [77 FR 7520]	COMPLETED

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2. NASA/Human Exploration and Operations	AD72	Tracking and Data Relay Satellite System	NASA is revising appendix A to reflect the estimated service rates for Tracking and Data Relay Satellite System (TDRSS) standard services, based on NASA escalation estimates. 14 CFR part 1215 provides the policy governing the TDRSS services furnished to non-U.S. government users and the reimbursement for those services. The TDRSS represents a major investment by the U.S. government with the primary goal of providing improved communications and tracking services to spacecraft in low-Earth orbit at altitudes between (very roughly) 200 miles and 930 miles.	February 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Direct final rule published February 10, 2012 [77 FR 6949].	COMPLETED
3. NASA/General Counsel	AD63	Claims for Patent and Copyright Infringement	NASA is amending 14 CFR part 1245 by adding a new subpart 2 "Claims for Patent and Copyright Infringement" to formalize existing procedures as a regulation. Accordingly 14 CFR part 1245 should be amended by adding subpart 2 to provide guidelines to file a claim for patent or copyright infringement, and to provide for written notification to the claimant upon completion of NASA investigation.	March 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Proposed rule published July 26, 2011 [76 FR 44504]. Final rule published March 12, 2012 [77 FR 14686].	COMPLETED
4. NASA/General Counsel	AD51	Inventions and Contributions	NASA is amending certain sections of 14 CFR part 1240 "Inventions and Contributions" to restore text that was inadvertently omitted in an earlier revision [67 FR 31119] and to update references to the process for submitting reports of the filing of patent applications, releases of software packages, and the publication approval in NASA Tech Briefs of NASA employees and contractors' innovations. Reports are now, paper forms. Accordingly, 14 CFR part 1240 should be amended to clarify that eligibility for a patent application award be based on the actual filing of the patent application in the United States Patent and Trademark Office and that eligibility for a software release award be based on the approval of such release by the agency. The revisions also reflect organizational management changes within the agency and the change in responsibilities. Additionally, the revisions recognize that the agency has transitioned from a paper-based to a computerized system of record keeping and accounting resulting in electronic funds transfer payments.	May 2012	Administrative corrections made to align with NASA's current operations and/or to comply with external requirements.	Direct final rule published May 10, 2012 [77 FR 27365].	COMPLETED