

National Aeronautics and Space Administration (NASA)
Final Plan for Retrospective Analysis of Existing Regulations
August 22, 2011

I. Executive Summary

Executive Order 13563 recognizes the importance of maintaining a consistent culture of retrospective review and analysis throughout the executive branch. Before a regulation has been tested, it is difficult to be certain of its consequences, including its costs and benefits. NASA's plan is designed to create a defined method and schedule for identifying existing regulations that are obsolete, unnecessary, unjustified, excessively burdensome, or counterproductive. Its review processes are intended to facilitate the identification of regulations that need to be modified, repealed, or retained as is.

Executive Order 13563 calls not for a single exercise, but for "periodic review of existing significant regulations," with close reference to empirical evidence. It explicitly states that "retrospective analyses, including supporting data, should be released online wherever possible." Consistent with the commitment to periodic review and to public participation, NASA will continue to assess its existing significant regulations in accordance with the requirements of Executive Order 13563. NASA welcomes public suggestions about appropriate reforms. If, at any time, members of the public identify possible reforms to streamline requirements and to reduce existing burdens, NASA will give those suggestions careful consideration.

NASA is not fundamentally a public regulatory agency. However, the Agency establishes regulations for acquisitions, procedures for implementing the National Environmental Policy Act, inventions and contributions, and patent and copyright infringements. Its regulations, which frequently have at least an indirect affect on the general public and the national economy, appear in Titles 2, 5, and 14 of the Code of Federal Regulations (CFR). Title 2 part 1880, Title 5 part 6901, and Title 14, parts 1200-1299, covers a host of topics relevant to the Agency's organizations, functions, and operations.

To carry out the call in E.O. 13563 for retrospective review and analysis, NASA's plan focuses on those components within the agency that have the highest volume of regulatory activity and regulations as discussed below. The plan also includes those components within the Agency that have very low regulatory activities in order to repeal and amend its regulations that were assessed and determined to be outmoded, as well as information collections that show reduction in hours of burden.

NASA launched its final Space Shuttle mission on July 8, 2011, turning the page on a remarkable period in America's history in space. However, this final shuttle mission will not mark the end of America's 50 years of dominance in human spaceflight. To begin the next chapter in our nation's extraordinary story of exploration, the President has given the Agency a mission to focus again on the big picture of exploration and the crucial research and development that will be required to move beyond low Earth orbit (e.g., to orbit Mars and eventually land on it). As NASA plans to accomplish this mission, it is anticipated that the Agency's regulatory activities will be impacted. With the Shuttle program ending, regulations that governed it were reviewed and some will be repealed, as indicated in

Appendix. As the new mission begins, new regulations are anticipated and will be developed in accordance with E.O. 13563.

II. Scope of the Plan

a. List Of Organizations Within NASA Included In This Plan:

NASA does not have sub agencies, but the following organizations within the Agency participated in NASA's retrospective review to determine which regulations should be repealed or amended because they are outmoded:

- Office of the Chief Financial Officer
- Office of the Chief Information Officer
- Office of the Chief Health and Medical Officer
- Office of the General Counsel
- Office of the Chief Scientist
- Office of the Chief Technologist
- Office of Communications
- Office of Diversity and Equal Opportunity
- Office of Education
- Office of International and Interagency Relations
- Office of Small Business Programs
- Office of Aeronautics Research Mission Directorate
- Office of Space Operations Mission Directorate
- Office of Human Capital Management
- Office of Strategic Infrastructure
- Office of Protective Services
- Office of Procurement

b. Types Of Documents Covered In This Plan:

The types of documents reviewed for this analysis include existing regulations described in the appendix for this plan, unfinished proposed regulations, as well as information collections. (See section IV of this plan) The majority of NASA regulations are developed in the NASA's Office of Procurement and the Office of Strategic Infrastructure, but its information collections documents are developed in the Office of the Chief Information Officer as follows:

- The Office of Procurement develops regulations that are codified in Title 48, Chapter 18 of the CFR, NASA Federal Acquisition Regulation (FAR) Supplement (NFS). The NFS provides uniform policies and procedures for use by Agency personnel in the acquisition of supplies and services for NASA. The regulations in the NFS are NASA-specific regulations that augment the FAR and address the unique mission of the Agency. Abstracts for the NFS regulations currently under development can be accessed at <http://www.reginfo.gov/public/do/eAgendaMain>. The NFS is an integrated document that contains both acquisition regulations that require public comment and internal Agency guidance and procedures that do not require public comment.
- Periodically, NASA undertakes a review and rewrite of the NFS. Such a rewrite was last performed in the 2003-2004 time frame, and the next review and rewrite is about to begin (mid

2011) with a projected completion date of Jan 2013. While the NFS is updated on an ongoing basis to conform to FAR changes, to implement new initiatives, and delete coverage that is no longer applicable, an extensive, holistic examination of the regulation for opportunities to reduce burden and increase flexibility for Federal contractors is beneficial.

- Consistent with the objectives of Executive Order 13563, Improving Regulation and Regulatory Review, NASA's Office of Procurement's review and rewrite of the NFS will remove outmoded, ineffective, and insufficient requirements. The NFS will be modified to streamline and clearly convey remaining requirements. Consistent with NASA's Procurement Tenets, a specific objective of our rewrite is to ensure that our regulations promote competition and participation in Agency contracting opportunities. NASA relies heavily upon the private sector for support in meeting our mission, and regulations that promote participation will foster general economic growth and job creation. NASA's rewrite will be an open process; we will make the public, including the Federal contracting community, aware of ongoing progress and solicit comments and recommendations for improvement throughout the approximate 18 month schedule for completion.
- In addition to the NFS, The NASA Grant Handbook will also undergo a thorough review and rewrite on the same time line as the NFS, and with the same objectives. The Grant Handbook is currently codified in Title 14, Part 1260 of the CFR.
- As a member of the Federal Acquisition Regulation Council, NASA also develops Government-wide regulations in the Federal Acquisition Regulation (FAR), which is codified in Title 48, Chapter 1. The Federal Acquisition Regulation Council conducts independent retrospective analysis relative to FAR rules. Consequently, NASA's retrospective analysis plan does not include efforts by NASA's Office of Procurement related to Federal acquisition rules.
- The Office of Strategic Infrastructure develops regulations codified in Title 14 CFR part 1216, to comply with the National Environmental Policy Act (NEPA) of 1969. NASA, as with all federal agencies, is required to comply with the NEPA, as well as the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (Title 40 CFR parts 1500-1508). NASA also promulgated its own NEPA Regulations, Procedures for Implementing the National Environmental Policy Act (Title 14 CFR 1216.3). 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. NASA is therefore in the process of updating its NEPA regulations. NASA has also developed a NEPA portal, a website that includes a NEPA Library that makes NASA NEPA documents available to the public (<http://www.nasa.gov/green/nepa>). Abstracts for NEPA regulations currently under development can be accessed at <http://www.reginfo.gov/public/do/eAgendaMain>.
- NASA's NEPA process is well established and the proposed revisions to NASA's NEPA rule do not constitute a major change, procedurally or economically. The rule seeks to clarify and better tie the regulations to NASA mission by defining categorical exclusions, extraordinary circumstances and types of NASA actions that will require preparation of an environmental impact statement. NASA has considered the impact of the proposed rule under the Regulatory Flexibility

Act and certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. This proposed rule will not significantly or uniquely affect small governments. Therefore, a Small Government Agency Plan is not required under the Unfunded Mandates Reform Act (2 U.S.C. 1501, et seq.). The rule does not require any additional management responsibilities. Further, this rule will not produce a Federal mandate of \$100 million or greater in any year; and thus, it is not a significant regulatory action under the Unfunded Mandates Reform Act. This proposed rule is not expected to have significant economic impacts nor will it impose any unfunded mandates on other Federal, State, or local government agencies to carry out specific activities.”

- The Office of the Chief Information Officer develops information collections as part of the Agencies continuing effort to reduce paperwork and respondent burden by inviting the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act (PRA) of 1995 (Public Law 104-13, 44 U.S.C. 3506(c)(2)(A)). The PRA provides a process and approval of information collections from the public in order to (1) minimize paperwork burden for individuals, small businesses, educational and nonprofit institutions, federal contractors, state, local and tribal governments, and other persons resulting from the collection of information by or for the federal government; (2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the federal government; (3) improve the quality and use of federal information to strengthen decision making, accountability, and openness in government and society; (4) minimize the cost to the federal government of the creation, collection, maintenance, use, dissemination, and disposition of information; and (5) ensure the integrity, quality, and utility of the federal statistical system.
- NASA continues to conduct ongoing reviews of the Agency’s process regarding coordination, review, and submission of information collections subject to the provisions of the PRA. In FY 2011, NASA reduced its information collection budget by 291,326 burden hours by discontinuing the Financial Monitoring and Control - Grants and Cooperative Agreements (2700-0049) information collection. This collection was required to ensure proper accounting of Federal funds provided under grants and cooperative agreements with institutions of higher education and other non-profit organizations. It was discontinued because NASA now uses Standard Form (SF) 425, The Federal Financial Report, that allows grant recipients to provide information to a single location. This requirement eliminates the collection of unnecessary information and reduces administrative burden to applicants.
- The focus of OMB’s current initiative, reducing the burden on small business, is to consider the information currently being collected and check for data redundancy, records retention requirements, and electronic filing capabilities. NASA will continue to comply with the requirements of the PRA, as well as improve internal processes for the receipt, review, and submission of new and renewing collections, and to ensure continual improvement of the Agency’s information collection activities through burden and cost reduction. NASA annually reports its burden and cost reductions activities in the Information Collections Budget (ICB). The ICB is used by OMB and agency officials to account for and control the total paperwork and information collection burden that the federal government and individual agencies are placing on

the public. The ICB report can be accessed at
http://www.whitehouse.gov/sites/default/files/omb/inforeg/icb/icb_2010.pdf.

III. Public Access and Participation

NASA published a notice in the Federal Register on June 2, 2011, seeking public comment through www.regulations.gov and hq-regulatory-review@mail.nasa.gov on the Agency's preliminary plan for a retrospective analysis that was published on the Agency's Open Government website at <http://www.nasa.gov/open/>. The notice can be accessed at <http://www.gpo.gov/fdsys/pkg/FR-2011-06-02/pdf/2011-13678.pdf>. There was one comment received through hq-regulatory-review@mail.nasa.gov. This comment did not indicate if NASA's plan was inappropriate nor did it provide suggested approaches for conducting a retrospective analysis of existing regulations. Therefore, the Agency does not believe the comment warrants a substantive response in a notice and comment process.

IV. Current Agency Efforts Already Underway Independent of E.O. 13563

a. Summary Of Pre-Existing Agency Efforts To Conduct Retrospective Analysis:

The following significant regulations underwent a retrospective analysis to comply with E.O. 13563 and were considered to be justified, non-burdensome, and productive:

- 14 CFR part 1209, subpart 4, Boards and Committees, describes the authority, functions, and membership of the Board. The rule was published as a direct final rule in the Federal Register on July 26, 2011, and can be accessed at <http://www.gpo.gov/fdsys/pkg/FR-2011-07-26/pdf/2011-18745.pdf>.
- 14 CFR part 1216, Procedures for Implementing the National Environmental Policy Act, describes the procedures for implementing the Act. The rule was published as a notice of proposed rulemaking in the Federal Register on July 21, 2011, and can be accessed at <http://www.gpo.gov/fdsys/pkg/FR-2011-07-21/pdf/2011-18279.pdf>
- 14 CFR part 1245, subpart 5, Claims on Patent and Copyright Infringement, sets forth guidelines as to what NASA considers necessary to file a claim for patent or copyright infringement. The rule was published as a proposed rule in the Federal Register on July 26, 2011, and can be accessed at <http://www.gpo.gov/fdsys/pkg/FR-2011-07-26/pdf/2011-18711.pdf>.

For those regulations currently open for public comment, please see www.regulations.gov.

b. Regulations Already Under Consideration For Retrospective Analysis:

The Agency distributed an inventory of its outmoded regulations currently codified in Titles 2, 5, and 14 of the CFR to its responsible organizations. Organizations reviewed these regulations and determined which need to be repealed because they are either no longer used or a replication of existing internal or external requirements, amended because they need to be modified to make current, or retained as is because they are current.

Responses revealed that there are 31 regulations that need to be amended, 7 regulations that need to be repealed, and 22 regulations that need to be retained as is. (Refer to the Appendix to this plan.) Abstracts for regulations that will be amended and repealed between October 2011 and October 2012

will be reported in the Fall 2011 edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions. The timeline for amending and repealing NASA regulations is described in paragraph g. below.

V. Elements of Preliminary Plan/Compliance with E.O. 13563

a. Strong, Ongoing Culture Of Retrospective Analysis:

To develop a strong, ongoing culture of retrospective analysis, NASA's internal policy for rulemaking will be revised to implement a process to ensure that regulations are (1) reviewed every five years upon which responsible organizations within the Agency will be required to review their respective regulations for effectiveness, and (2) assessed to determine impact to small entities and whenever possible how less burdensome alternatives can be used. The revised policy will be vetted within the Agency prior to publication this Fall.

NASA's current policy requires that the Agency routinely invite the public to comment on its regulations through www.regulations.gov, and respond to public comments through this website. The current policy is accessible at <http://nodis3.gsfc.nasa.gov/displayDir.cfm?t=NPD&c=1400&s=2D>. In addition, NASA is considering periodic public notices, not less than once every five years, which may be accompanied by public meetings or other forms of outreach depending on the nature of the public feedback.

b. Factors And Processes That Will Be Used To Set Priorities:

The Agency will use the following factors and processes when setting priorities:

- Adding planned rulemaking to the Unified Agenda of Federal Regulatory and Deregulatory Actions and ensure that (1) only those regulations the Agency realistically intends to take action on within the next 12 months are added, (2) regulations are published within the timetable provided in the Agenda, and (3) information related to a regulation's abstract, priority, major, unfunded mandates, federalism, and Government levels affected are consistent.
- Vetting all regulations within the Agency, as well as with the Agency's stakeholders.
- Submitting all regulations to the Office of Information and Regulatory Affairs (OIRA) for the E.O. 12866 review prior to publication in the Federal Register.
- Directing the public to submit comments on the Agency's regulations through www.regulations.gov, with a 30-day comment period.
- Reducing burden.
- Reducing barriers to entry into the federal marketplace.
- Simplifying regulatory requirements.
- Reducing or improving the management of risk.
- Increasing transparency.
- Improving communication between government agencies and contractors.

- Increasing small business participation in federal contracting.
- Strengthening integrity and good business ethics.
- Taking better advantage of technology

c. Initial List Of Candidate Regulations for Review Over The Next Two Years:

NASA's list of candidate regulations for review, published in the Agency's preliminary plan dated May 18, 2011, initially included those regulations codified in Title 14. However, further review revealed that NASA has two additional regulations codified in Titles 2 and 5 and these regulations were added. Based on inputs from the NASA organizations, regulations that will be amended, repealed, and retained as is are categorized in the appendix.

NASA has several areas for retrospective analysis over the next two years. As the Agency amends and repeals its outmoded regulations, these documents will be reviewed to improve efficiency and increase transparency to the public. Regulations that will be amended only require administrative modifications to align with the Agency's current operations and to comply with external requirements. Regulations that will be repealed are being removed because they are either no longer used by the Agency or because the regulations are replications of existing internal or external requirements. Amending and repealing these regulations will neither decrease nor increase burden on the public or small businesses. Information regarding these regulations can be accessed at http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=c2f7de3f956320ed4e429870eae692cc&c=ecfr&tpl=/ecfrbrowse/Title14/14cfrv5_02.tpl.

d. Structure and Staffing:

To ensure cooperation across the Agency, all activities associated with the Agency's retrospective review will be directed and overseen by Rebecca Spyke Keiser, Associate Deputy Administrator for Policy Integration and the Agency's Regulatory Policy Officer (RPO), located in the Office of the Administrator. Email: rebecca.spyke@nasa.gov.

e. Retrospective Team And Process Independence From Offices:

The retrospective team and process is located in the Office of Internal Controls and Management Systems and is responsible for coordinating all of the Agency's regulatory actions as directed by the Agency's RPO. This organization is independent from the organizations within the Agency that will be responsible for writing and implementing regulations. NASA is also considering a variety of options to ensure a fresh look and independent review occurs through its retrospective analysis. A number of options may be used and could include: (1) collaboration with senior agency officials with expertise in acquisition and related fields such as finance and information technology, who do not have direct responsibility for NASA rulemaking, (2) use of ad hoc government advisors with specialized subject matter expertise, or (3) public meetings.

f. Actions To Strengthen Internal Review Expertise:

To strengthen internal review expertise, NASA will provide training to all analysts that write regulations for the Agency. NASA is also in the process of developing a web-based training module on its revised internal requirements for rulemaking, E.O. 13563, Paperwork Reduction Act and the Regulatory Flexibility Act.

g. Plan For Retrospective Analysis Over the Next Two Years and Beyond:

The following is the timeline for a retrospective analysis for regulations that will be amended and repealed over the next two years:

Fall 2011

- Include abstracts for the 31 outmoded regulations that will be amended and 7 outmoded regulations that will be repealed in the Fall Unified Agenda
- Publish revised policy for rulemaking
- Hold a briefing on the revised policy, E.O. 13563, the Regulatory Flexibility Act, and the Paperwork Reduction Act.
- Develop web-based training on E.O. 13563, the Regulatory Flexibility Act, and the Paperwork Reduction Act.

Spring 2012

- Publish amended regulations that were reported in the Fall 2011 Unified Agenda
- Deploy web-based training on E.O. 13563, the Regulatory Flexibility Act, and the Paperwork Reduction Act.

Fall 2012

- Publish amended regulations that were reported in the Fall 2011 Unified Agenda

h. How Will The Agency Decide What To Do With the Analysis?

Analysis will be reviewed by the Agency's stakeholders (e.g., NASA sub-organizations, agencies with similar interests, and the public). As appropriate, revisions will be made to existing regulations and new rulemakings will be initiated.

i. Plans For Revising NASA Regulations:

Based on responses from responsible organizations on the inventory of NASA regulations in section V, the Agency plans to first repeal outmoded regulations that are no longer used or are replications of existing requirements. Next, the Agency will amend outmoded regulations to make current. Abstracts for repealed and amended regulations will be reported in Fall 2011 Unified Agenda of Federal Regulatory and Deregulatory actions.

j. Coordination With Other Federal Agencies:

NASA sits on several groups which provide for interagency and cross functional representation to ensure consideration of similar interests (e.g., Chief Acquisition Officers Council). To enhance communication and collaboration on its retrospective review, in particular, NASA intends to solicit agency views on its plan through agency Chief Acquisition Officers, Senior Procurement Executives, Council on Environmental Quality (CEQ), at the same time it seeks public input on its preliminary plan. The CEQ is in the Executive Office of the President with the CEQ chairman serving as the principle environmental advisor to the President. There is no board, but detailees assigned from various agencies supplement CEQ's small staff. CEQ oversees federal implementation of NEPA and as such reviews NASA's draft NEPA regulations and documents. NASA's NEPA Manager is included in CEQ briefings and given an opportunity to comment of NEPA guidance that CEQ drafts.

The Agency will coordinate its regulations with other Federal agencies that have jurisdiction or similar interests through the Regulatory Working Group listserv at LOOKBACK@LISTSERV.GSA.GOV.

k. Peer Review:

Peer review is effectively included in the current NASA process. When needed, regulatory review will include both intra and interagency representation to allow interested stakeholder groups to exchange views and discuss individual component efforts.

VI. Components of Retrospective Cost-Benefit Analysis

a. Metrics To Evaluate Regulations After Implementation:

Cost-benefit analysis designs for NASA regulations, if determined, will be called out in the Federal Register notice for the respective regulation.

b. Data To Conduct A Robust Retrospective Analysis:

The acquisition community's Integrated Acquisition Environment provides a number of electronic tools and databases that capture data to assist in analysis. For instance, the Federal Procurement Data System provides data on contracts and orders, including modifications with over 100 data elements covering award amounts, type of product or service, type of contractor, applicability of certain regulations, etc. Other tools include the Central Contractor Registration which provides detailed information on contractors and potential contractors.

c. Experimental Designs:

NASA will seek input from the public on appropriate ways to evaluate the outcome of actions taken as a result of its retrospective review initiatives and welcomes suggestion on how to incorporate experimental designs into retrospective analysis.

VII. Publishing the Agency's Plan Online

NASA's final retrospective review plan and available data is available on the Agency's Open Government web site at <http://www.nasa.gov/open/>. The technical staff person who will update the Agency's plan online is Nanette Jennings, hq-regulatory-review@mail.nasa.gov, 202-358-0819.

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APPENDIX

The following regulations will be amended:

- 2 CFR part 1880, Nonprocurement Debarment and Suspension - provides the policies and procedures for nonprocurement debarment and suspension. The rule will be amended to emphasize that the Agency will not award grants or permit subgrants to anyone on the Excluded Parties List System. *Federal Register Notice (FRN) Cite: 72 FR 19783, Apr. 20, 2007*
- 14 CFR part 1201, Statement of Organization and General Information - describes the purpose, function, administration, and general information on NASA's organizations. This regulation will be amended to update general information on NASA's organizations to include information on where detailed information regarding these organizations can be accessed. *FRN Cite 55 FR 37222, Sept. 10, 1990*
- 14 CFR part 1203, Information Security Program - describes responsibilities and authority of the Administrator of NASA with respect to the original classification of official information or material requiring protection against unauthorized disclosure in the interest of national defense or foreign relations of the United States. This regulation will be amended to implement the requirements of E.O. 13526, Classified National Security Information and E.O. 13556, Implement Controlled Unclassified Information. *FRN Cite 44 FR 34913, June 18, 1979*
- 14 CFR part 1203a, NASA Security Areas - describes certain designated security areas that may be established and maintained by NASA installations and component installations in order to provide appropriate and adequate protection for facilities, property, or classified information and material in the possession or custody of NASA or NASA contractors located at NASA installations and component installations. This regulation will be amended to update responsible office information and to incorporate external requirements. *FRN Cite 38 FR 8056, Mar. 28, 1973*
- 14 CFR part 1203b, Security Programs; Arrest Authority and Use of Force by NASA Security Force Personnel - describes guidelines for the exercise of arrest authority and for the exercise of physical force, including deadly force, in conjunction with such arrest authority. This regulation will be amended to update responsible office information, to implement requirements from in 51 U.S.C. National and Commercial Space Program, Sections 20132 and 20133, and to introduce the NASA Protective Services Training Academy. Sections 104 to 109 will eventually be repealed as these requirements are revised and incorporated in an internal NASA requirement. *FRN Cite 57 FR 4926, Feb. 11, 1992*
- 14 CFR part 1204, subpart 4, Small Business Policy – describes NASA's policy to enable small business (including small women-owned businesses), Historically Black Colleges and Universities, and other minority educational institutions the opportunity to participate equitably and proportionately in its total purchases and contracts consistent with NASA's needs to execute its

missions. This regulation will be amended to update general requirements. *FRN Cite 58 FR 43554, Aug. 17, 1993*

- 14 CFR part 1204, § 501, Delegation of Authority - To Take Actions in Real Estate and Related Matters - describes the delegation and designations to prescribe real estate policies, procedures, and regulations. This regulation will be amended to update responsible office information. *FRN Cite 51 FR 26862, Jul. 28, 1986, as amended at 56 FR 57592, Nov. 13, 1991*
- 14 CFR part 1204, § 503, Delegation of Authority to Grant Easements – implements specific policies and systems to manage Federal real property in accordance with EO 12512, Federal Real Property Management. This regulation will be amended to update responsible office information. *FRN Cite 51 FR 26860, Jul. 28, 1986, as amended at 56 FR 57592, Nov. 13, 1991*
- 14 CFR part 1204, § 504, Delegation of Authority to Grant Leaseholds, Permits, and Licenses in Real Property - implements specific policies and systems to manage Federal real property in accordance with EO 12512, Federal Real Property Management. This regulation will be amended to update responsible office information and references to internal requirements. *FRN Cite 51 FR 27528, Aug. 1, 1986, as amended at 56 FR 57592, Nov. 13, 1991*
- 14 CFR part 1204, § 509, Delegation of Authority to Take Action Regarding ‘Liquidated Damage’ Assessments Under the Contract Work Hours and Safety Standards Act, and Associated Labor Statutes - mandates what certain classes of workers should receive as a minimum wage for government contracts in accordance with the Service Contract Act. This regulation will be amended to update responsible office information. *FRN Cite 52 FR 35538, Sep. 22, 1987, as amended at 56 FR 57592, Nov. 13, 1991*
- 14 CFR part 1204, subpart 10, Inspection of Persons and Personal Effects at NASA Installations or on NASA Property; Trespass or Unauthorized Introduction of Weapons or Dangerous Materials - describes NASA’s 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 (including NASA Headquarters, Centers, or Component Facilities). In addition, it proscribes unauthorized entry or the unauthorized introduction of weapons or other dangerous instruments or materials at any NASA installation. This regulation will be amended to update responsible office information and to incorporate external requirements. *FRN Cite 65 FR 47662, Aug. 3, 2000*
- 14 CFR part 1204, subpart 14, Use of NASA Airfield Facilities by Aircraft Not Operating for the Benefit of the Federal Government - establishes the responsibility and sets forth the conditions and procedures for the use of NASA airfield facilities by aircraft not operated for the benefit of the Federal Government. This regulation will be amended to update responsible office information. *FRN Cite 56 FR 35812, July 29, 1991*
- 14 CFR part 1209, subpart 3, Contract Adjustment Board - establishes the Contract Adjustment Board as the approving authority to consider and dispose of requests from NASA contractors for extraordinary contractual actions. This regulation will be amended to update references to internal requirements. *FRN Cite 51 FR 28924, Aug. 13, 1986*

- 14 CFR part 1212, Privacy Act NASA Regulations - implements the Privacy Act of 1974, as amended (5 U.S.C. 552a), establishes procedures for individuals to access their Privacy Act records and to request amendment of information in records concerning them, and provides procedures for administrative appeals and other remedies in accordance with the Privacy Act. This regulation will be amended to responsible office information. *FRN Cite 57 FR 4928, Feb. 11, 1992*
- 14 CFR part 1214, subpart 5, Mission Critical Space Systems Personnel Reliability Program – establishes a program designed to ensure that personnel assigned to mission critical positions duties meet screening requirements. This regulation will be amended to comply with new security requirements in HSPD-12, Common Identification Standard for Federal Employees and Contractors. *FRN Cite 55 FR 53289, Dec. 28, 1990*
- 14 CFR part 1214, subpart 6, Mementos Aboard Space Shuttle Flights – establishes policy, procedures, and responsibilities for selecting, approving, storing, and disposing of mementos carried on Space Flight flights. Mementos will continue to fly to the Internal Space Station (ISS) onboard multiple vehicles. Therefore, this regulation will be amended to remove references to “Space Shuttle,” and to update responsible office information. *FRN Cite 56 FR 31074, Jul. 9, 1991*
- 14 CFR part 1214, subpart 7, The Authority of the Space Shuttle Commander – establishes the authority of the Space Shuttle commander to enforce order and discipline during all flight phases of a Shuttle flight to take whatever action in his/her judgment is necessary for the protection, safety, and well-being of all personnel and on-board equipment. This regulation will be amended to add information related to the Multi-Purpose Crew Vehicle program currently in place upon which crewmembers are being trained. *FRN Cite 45 FR 14548, Mar. 7, 1980*
- 14 CFR part 1214, subpart 11, NASA Astronaut Candidate Recruitment and Selection Program – sets forth procedures and assigns responsibilities for recruitment and selection of astronaut candidates. This regulation will be amended to add information related to the commercial crew transportation and the ISS programs. *FRN Cite 54 FR 37940, Sep. 14, 1989*
- 14 CFR part 1214, subpart 17, Space Flight Participants – establishes policy and selection procedures for accommodation of space flight participants aboard flights on the Space Shuttle. This regulation will be amended to add information related to the commercial crew transportation and the ISS programs. *FRN Cite 49 FR 17737, Apr. 25, 1984*
- 14 CFR part 1215, Tracking and Data Relay Satellite System (TDRSS) - describes the policy governing TDRSS services provided to non-U.S. government users and the reimbursement for rendering such services. It excludes TDRSS services provided as standard or optional services to Space Transportation System (STS) users under existing policy for Shuttle and Spacelab. This regulation will be amended to update Appendix A to reflect the estimated service rates for Tracking and Data Relay Satellite System (TDRSS) standard services, based on NASA escalation estimates. *FRN Cite 48 FR 9845, Mar. 9, 1983*

- 14 CFR part 1217, Duty-Free Entry of Space Articles - describes policy and procedures with respect to the use of the NASA's authority to certify to the U.S. Commissioner of Customs duty-free entry of articles into the United States for the use of NASA or for implementation of a NASA international program, including articles that will be launched into space, spare parts for such articles, ground support equipment, or uniquely associated equipment for use in connection with a NASA international program or launch service agreement. This regulation is necessary for ISS cargo and will be amended to update responsible office information. *FRN Cite 62 FR 6467, Feb. 12, 1997*
- 14 CFR part 1240, Inventions and Contributions Board - describes procedures for submitting applications for monetary awards to the Administrator of NASA for scientific and technical contributions which have significant value in the conduct of aeronautical and space activities. This regulation will be amended to update reference and to clarify the awards process. *FRN Cite 67 FR 31120, May 9, 2002*
- 14 CFR part 1251, Nondiscrimination of the Basis of Handicap - effectuates section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance. This regulation will be amended to implement new guidelines on disabilities accessibility under the Americans with Disabilities Act (28 C.F.R. Sec. 35.151, Part 36, Subpart D). *FRN Cite 51 FR 26862, July 28, 1986*
- 14 CFR part 1259, National Space Grant College and Fellowship Program - 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. *FRN Cite 54 FR 19880, May 9, 1989*
- 14 CFR part 1260, Grants and Cooperative Agreements - provides supplemental NASA policies that clarify and amplify government-wide rules for awarding and administering grants and cooperative agreements with educational and non-profit organizations, and establishes uniform administrative requirements for NASA grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations. This regulation will be amended to delete some material which is procedural in nature and does not need to reside in regulation and to relocate some material to Title 2, Part 1880. *FRN Cite 65 FR 62900, Oct. 19, 2000*
- 14 CFR part 1261, Processing Monetary Claims (General) - prescribes rules governing the settlement of claims against NASA for damage to, or loss of, personal property incident to service with NASA; sets forth the procedures for 1) (a) submission of, and action by NASA upon, claims against the United States arising out of the activities of NASA for damage to or loss of property or personal injury or death, and designates the NASA officials authorized to act upon such claims, and 2) handling of lawsuits against NASA employee(s) for damage to or loss of property or personal injury or death resulting from a NASA employee's activities within the scope of his/her office or employment; prescribe standards for the administrative collection, compromise, suspension or termination of collection, and referral to the General Accounting Office and/or to the Department of Justice for litigation, of civil claims as defined by 31 U.S.C. 3701(b), arising out of the activities of NASA; and implements 5 U.S.C. 5514 in accordance with the OPM rule and

establishes the procedural requirements for recovering pre-judgment debts from the current pay account of an employee through what is commonly called salary offset, including a situation where NASA (the current paying agency) is not the employee's creditor agency. This regulation will be amended to change the amount of claims from \$20,000 to \$100,000. *FRN Cite 45 FR 48104, July 18, 1980*

- 14 CFR part 1267, Government-wide Requirements for Drug-Free Workplace (Financial Assistance) - carries out the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 *et seq.*, as amended) that applies to grants. It also applies the provisions of the Act to cooperative agreements and other financial assistance awards, as a matter of Federal Government policy. This regulation will be relocated to Title 2, part 1880. *FRN Cite 68 FR 66557, 66575, Nov. 26, 2003*
- 14 CFR part 1271, New Restrictions on Lobbying - describes the activities, penalties and enforcement, and exemptions for lobbying. This regulation will be amended to delete some material which is procedural in nature and does not need to reside in regulation and to relocate some material to Title 2, Part 1880. *FRN Cite 55 FR 6737, 6748, Feb. 26, 1990*
- 14 CFR part 1273, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and local Governments - Governments establishes uniform administrative rules for Federal grants and cooperative agreements and subawards to State, local and Indian tribal governments. This regulation will be amended to delete some material which is procedural in nature and does not need to reside in regulation and to relocate some material to Title 2, Part 1880. *FRN Cite 60 FR 33694, June 29, 1995*
- 14 CFR part 1274, Cooperative Agreements with Commercial Firms - describes the policy guidelines establish uniform requirements for NASA cooperative agreements awarded to commercial firms. This regulation will be amended to delete some material which is procedural in nature and does not need to reside in regulation and to relocate some material to Title 2, Part 1880. *FRN Cite 67 FR 45790, July 10, 2002*
- 14 CFR part 1275, Research Misconduct - establishes procedures to be used by NASA for the handling of allegations of research misconduct. This regulation will be amended to implement the six principles central to the preservation and promotion of scientific integrity outlined President Obama's memorandum dated March 9, 2009. *FRN Cite 69 FR 42103, July 14, 2004*

The following regulations are no longer used and will be repealed:

- 14 CFR part 1204, § 506, Delegation of Authority to License the Use of the Centennial of Flight Commission Name – delegates the Assistant Administrator for Public Affairs authority to license the use of the Centennial of Flight Commission name on any log, emblem, seal, or descriptive or designating mark commemorating the centennial of powered flight. *FRN Cite 67 FR 47257, Jul. 18, 2002*
- 14 CFR part 1204, § 508, Delegation of Authority of Certain Civil Rights functions to Department of Health, Education, and Welfare – describes responsibilities with respect to compliance reports. *FRN Cite 32 FR 3883, Mar. 9, 1967*

- 14 CFR part 1214, subpart 1, General Provisions Regarding Space Shuttle Flight of Payloads for Non-U.S. government Reimbursable Customers – sets forth general provisions regarding flight of Space Shuttle cargo bay payloads for non U.S. government, reimbursable customers. *FRN Cite 57 FR 4545, Feb. 16, 1992*
- 14 CFR part 1214, subpart 2, Reimbursable Shuttle Services Provided to Civil U.S. Government Users and Foreign Users Who Have Made Substantial Investment in the STS Program – describes the policy for reimbursement for Shuttle services which are provided by NASA to users under launch services agreements, and responsibilities for putting such policy into effect and carrying it out. *FRN Cite 42 FR 8631, Feb. 11, 1977*
- 14 CFR part 1214, subpart 3, Payload Specialists for Space Transportation System Program - *FRN Cite 54 FR 48587, Nov. 24, 1989*
- 14 CFR part 1214, subpart 8, Reimbursement for Spacelab Services – establishes special reimbursement policy for Spacelab services provided to Space Transportation System customers. *FRN Cite 50 FR 30809, Jul. 30, 1985*
- 14 CFR part 1232, Care and Use of Animals in the Conduct of NASA Activities – establishes policy, implementation procedures, and management authority and responsibility for the care and use of vertebrate animals in the conduct of NASA activities. *FRN Cite 56 FR 28012, 28019, June 18, 1991*

The following regulations require no modification and will be retained as is:

- 5 CFR part 6901, Supplemental Standards of Ethical Conduct for Employees of the National Aeronautics and Space Administration - prohibits NASA employees from engaging in outside employment and requires employees to obtain approval before engaging in outside employment activities. *FRN Cite 59 FR 49336, Sept. 28, 1994*
- 14 CFR part 1204, § 500, Scope of Subpart – contains introductory language for the various sections described in Subpart 5. *FRN Cite 59 FR 49336, Sept. 28, 1994*
- 14 CFR part 1204, § 505, Delegation of Authority to Execute Certificates of Full Faith and Credit - designates NASA officials authorized to certify NASA documents to be submitted in evidence in Federal Courts. *FRN Cite 59 FR 6319, May 14, 1964, as amended at 39 FR 25229, Jul. 9 1974; 43 FR 34122, Aug. 3, 1978*
- 14 CFR part 1204, subpart 15, Intergovernmental Review of National Aeronautics and Space Administration Programs and Activities – implements the requirements outlined in E. O. 12372 and applicable provisions of section 401 of the Intergovernmental Cooperation Act of 1989. *FRN Cite 48 FR 29340, Jun. 24, 1983*

- 14 CFR part 1204, subpart 16, Temporary Duty Travel—Issuance of Motor Vehicle for Home-to-Work Transportation – describes the policy for use of a Government motor vehicle. *FRN Cite 68 FR 60847, Oct. 24, 2003*
- 14 CFR part 1206, Availability of Agency Records to the Public - describes the policies, responsibilities, and procedures for the release of Agency records which are under the jurisdiction of NASA to members of the public. *FRN Cite 64 FR 39404, July 22, 1999*
- 14 CFR part 1207, subparts A-B, Standards of Conduct - describes the prohibitions and prior approval requirements applicable to certain outside employment activities and guidance to former NASA government employees who are subject to the restrictions of Title V of the Ethics of Government Act of 1978, as amended, and who want to communicate scientific or technical information to NASA. *FRN Cite 52 FR 22755, June 16, 1987*
- 14 CFR part 1208, Uniform Relocation Assistance and Real Property Acquisition - describe the rules and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100–17, 101 Stat. 246–255, 42 U.S.C. 4601 note) are set forth in 24 CFR part 24. *FRN Cite 52 FR 48017, Dec. 17, 1987 and 54 FR 8912, Mar. 2, 1989*
- 14 CFR part 1209, subpart 4, Inventions and Contributions - describes the functions, authority, and membership of the Board. *FRN Cite 51 FR 3945, Jan. 31, 1986*
- 14 CFR part 1213, §§ 100 to 109, Release of Information to News and Information Media - describes policy governing the release of public information, which is defined as information in any form provided to news and information media, especially information that has the potential to generate significant media or public interest or inquiry. *FRN Cite 71 FR 49989, Aug. 24, 2006*
- 14 CFR part 1214, subpart 4, International Space Station Crew – sets forth policy and procedures with respect to ISS crewmembers provided by NASA for flight to the ISS. *FRN Cite 65 FR 80303, Dec. 21, 2000*
- 14 CFR part 1216, Environmental Quality - describes the policy on environmental quality and control and the responsibilities of NASA officials in carrying out these policies; the procedures to 1) avoid long- and short-term adverse impacts associated with the occupancy and modification of floodplains and wetlands, 2) avoid direct or indirect support of floodplain and wetlands development wherever there is a practicable alternative, 3) reduce the risk of flood loss, 4) minimize the impact of floods on human health, safety and welfare, 5) restore, preserve and protect the natural and beneficial values served by floodplains and wetlands, 6) develop an integrated process to involve the public in the floodplain and wetlands management decision-making process, 7) incorporate the Unified National Program for Flood Plain Management, and 8) establish internal management controls to monitor NASA actions to assure compliance with the Orders. *FRN Cite 44 FR 44485, July 30, 1979*

- 14 CFR part 1221, The NASA Seal and Other Devices, and the Congressional Space Medal of Honor - describes the policy governing the use of the NASA Seal, the NASA Insignia, NASA Logotype, NASA Program Identifiers, and the NASA Flags, and establishes procedures for nominating an astronaut for the Congressional Space Medal of Honor. *FRN Cite 58 FR 58944, Nov. 5, 1993*
- 14 CFR part 1230, Protection of Human Research Subjects - describes the rules for the protection of human research subjects. *FRN Cite 56 FR 28012, 28019, June 18, 1991*
- 14 CFR part 1245, Patents and Other Intellectual Property - describes rules for the waiver of rights of the Government of the United States to inventions made under NASA contract in conformity with section 305 of the National Aeronautics and Space Act of 1958, as amended. *FRN Cite 52 FR 43748, Nov. 16, 1987*
- 14 CFR part 1250, Nondiscrimination in Federally-Assisted Programs of NASA Effectuation of Title VI of the Civil Right Act of 1964 - describes the provisions of Title VI of the Civil Rights Act of 1964 (hereafter referred to as “the Act”) to the end that no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the NASA. *FRN Cite 30 FR 301, Jan. 9, 1965*
- 14 CFR part 1252, Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistant - describes NASA's policies and to implement agency wide or agency procedures under the Age Discrimination Act of 1975 according to the government-wide age discrimination rules at 45 CFR part 90. *FRN Cite 50 FR 13311, Apr. 4, 1985*
- 14 CFR part 1253, Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance - effectuates Title IX of the Education Amendments of 1972, as amended (except sections 904 and 906 of those Amendments) (20 U.S.C. 1681, 1682, 1683, 1685, 1686, 1687, 1688), which is designed to eliminate (with certain exceptions) discrimination on the basis of sex in any education program or activity receiving Federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution as defined in these Title IX rules. *FRN Cite 65 FR 52865, 52876, Aug. 30, 2000*
- 14 CFR part 1262, Equal Access to Justice in Agency Proceedings - describes provisions of the Equal Access to Justice Act at 5 U.S.C. 504 (hereinafter “the Act”) provide for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called “adversary adjudications”). *FRN Cite 51 FR 15311, Apr. 23, 1986*
- 14 CFR part 1263, Demand for Information or Testimony served on Agency Employees; Procedures - sets forth procedures to be followed with respect to the production or disclosure of official information or records and/or the testimony of present or former employees of the NASA relating to any official information acquired by any employee of NASA as part of the performance of that employee's official duties or by virtue of that employee's official status, where a demand for

such production, disclosure, or testimony is issued in a federal, state, or other legal proceeding.
FRN Cite 55 FR 28370, July 11, 1990

- 14 CFR part 1264, Implementation of the Program Fraud Civil Penalties Act of 1986 - establishes administrative procedures for imposing civil penalties and assessments against persons who make, submit, or present, or cause to be made, submitted, or presented, false, fictitious, or fraudulent claims or written statements to authorities or to their agents; and specifies the hearing and appeal rights of persons subject to allegations of liability for such penalties and assessments. *FRN Cite 52 FR 39498, Oct. 22, 1987*
- 14 CFR part 1266, Cross-Waiver Liability - ensures that consistent cross-waivers of liability are included in NASA agreements for activities related to the ISS and for NASA's science or space exploration activities unrelated to the ISS that involve a launch. *FRN Cite 73 FR 10148, Feb. 26, 2008*