

determined that, for procurements subject to the Trade Agreements Act, it would be inconsistent with the public interest to apply the Buy American Act to U.S.-made end products that are substantially transformed in the United States. The September 13, 2002, determination is consistent with Federal Acquisition Regulation policy and the Department of Defense policy with regard to the treatment of U.S.-made end products. This final rule implements the September 13, 2002, determination. This final rule will simplify evaluation of offers in acquisitions subject to the Trade Agreements Act, because it will no longer be necessary to determine if a U.S.-made end product is also a domestic end product, *i.e.*, the cost of domestic components exceeds the cost of all components by more than 50 percent.

NASA published a proposed rule in the **Federal Register** (67 FR 68551) on November 12, 2002. Public comments were received from one industry association. Comments received were supportive of the change. This final rule adopts the proposed rule without change.

This final rule is not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

## **B. Regulatory Flexibility Act**

NASA certifies that this final rule will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) because NASA has few acquisitions subject to the Trade Agreements Act in which small businesses proposing domestic end products have received a percent price evaluation preference over offers of U.S.-made end products for which the cost of foreign components exceeds the cost of domestic components by 50 percent or more.

## **C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the changes do not impose any new recordkeeping or information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.* This final rule eliminates the requirement for offerors to track and document the origin of components of U.S.-made end products in acquisitions subject to the Trade Agreements Act in order to comply with the FAR.

## **List of Subjects in 48 CFR Part 1825**

Government procurement.

**Tom Luedtke,**

*Assistant Administrator for Procurement.*

Accordingly, 48 CFR part 1825 is amended as follows:

1. The authority citation for 48 CFR Part 1825 continues to read as follows:

**Authority:** 42 U.S.C. 2473(c)(1).

## **PART 1825—FOREIGN ACQUISITION**

### **1825.103 [Amended]**

2. Amend section 1825.103 by adding paragraph (a)(iii) to read as follows:

### **1825.103 Exceptions.**

(a) \* \* \*

(iii) The Assistant Administrator for Procurement has determined that for procurements subject to the Trade Agreements Act, it would be inconsistent with the public interest to apply the Buy American Act to U.S.-made end products that are substantially transformed in the United States.

3. Amend section 1825.1101 by adding paragraph (c)(1) to read as follows:

### **1825.1101 Acquisition of supplies.**

(c)(1) NASA has determined that the restrictions of the Buy American Act are not applicable to U.S.-made end products.

\* \* \* \* \*

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## **DEPARTMENT OF TRANSPORTATION**

### **Research and Special Programs Administration**

### **49 CFR Parts 107, 190, 191, 192, 193, 195, 198 and 199**

**RIN 2137-AD43**

### **Revisions; Definition of Administrator**

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Final rule.

**SUMMARY:** In this final rule, RSPA modifies or adds the definition of Administrator in several sections of the Code of Federal Regulations. RSPA has determined that there is a need to change or add the definition of Administrator for clarification purposes and for consistency between the RSPA regulations.

**EFFECTIVE DATE:** This rule is effective March 12, 2003.

## **FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:** After a review of the RSPA regulations, RSPA has determined that there is a need to change or add the definition of Administrator for clarification purposes and for consistency between the RSPA regulations.

## **Regulatory Analyses and Notices**

### **A. Executive Order 12866 and DOT Regulatory Policies and Procedures**

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not subject to review by the Office of Management and Budget. This rule is not significant according to the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). Because of the minimal economic impact of this rule, preparation of a regulatory impact analysis or a regulatory evaluation is not warranted.

### **B. Executive Order 12612**

This regulation would not have substantial direct effect on states, on the relationship between the Federal Government and the states, or on the distribution of power and responsibilities among the various levels of Government. Therefore, in accordance with Executive Order 12612 (52 FR 41685; October 30, 1987), RSPA has determined that this regulation would not have sufficient federalism implications to warrant preparation of a federalism assessment.

### **C. Executive Order 13084**

Because this regulation would not significantly or uniquely affect the communities of the Indian tribal governments, the funding and consultation requirements of this Executive Order do not apply.

### **D. Regulatory Flexibility Act**

RSPA certifies, under section 605 of the Regulatory Flexibility Act (5 U.S.C.), that this rule will not have a significant economic impact on a substantial number of small entities.

### **E. Paperwork Reduction Act**

There are no new information collection requirements in this final rule.