

the construction requirements set forth in paragraph (f)(3)(vi) of this section and consult with the tribal government regarding the siting of facilities and deployment of service on the tribal land.

(C) If the winning bidder fails to submit the required certifications within the 180-day period, the bidding credit will not be awarded, and the winning bidder must pay the balance on the original gross bid amount.

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(vi) *Post-construction certification.* Within fifteen (15) days of the third anniversary of the initial grant of its license, a recipient of a bidding credit under this section shall file a certification that the recipient has constructed and is operating a system capable of serving seventy-five (75) percent of the population of the qualifying tribal land for which the credit was awarded. The recipient must provide the total population of the tribal area covered by its license as well as the number of persons that it is serving in the tribal area.

(vii) *Performance penalties.* If a recipient of a bidding credit under this section fails to provide the post-construction certification required by paragraph (f)(3)(vi) of this section, then it shall repay the bidding credit amount in its entirety, plus interest. The interest will be based on the rate for ten-year U.S. Treasury obligations applicable on the date the license is granted. Such payment shall be made within thirty (30) days of the third anniversary of the initial grant of its license. Failure to repay the bidding credit amount and interest within the required time period will result in automatic termination of the license without specific Commission action.

(viii) *Partitioning and disaggregation.* Parties seeking approval for partitioning or disaggregation of tribal areas obtained pursuant to the tribal lands bidding credit shall request an authorization for partial assignment of a license pursuant to § 1.948.

(A) *Partitioning.* A licensee of a market obtained using a tribal lands bidding credit may partition the tribal lands within its market. The partitioned area must include all tribal areas within the market subject to the tribal lands bidding credit. The partitionee must certify that it will satisfy the construction requirements set forth in paragraph (f)(3)(vi) of this section.

(B) *Disaggregation.* Spectrum covering tribal lands may be disaggregated in any amount. The disaggregated spectrum must include all tribal areas within the market subject to the tribal lands bidding credit. The original licensee

must certify that it will satisfy the construction requirements set forth in paragraph (f)(3)(vi) of this section, unless the parties to the transaction inform the Commission otherwise.

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1802, 1806, 1815, 1816, and 1843

RIN 2700-AC33

Definitions

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This final rule revises the NASA FAR Supplement (NFS) by amending the definitions of “contracting activity” and “head of contracting activity” consistent with realignment of program management responsibilities between NASA Headquarters and the field centers.

EFFECTIVE DATE: May 2, 2003.

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SUPPLEMENTARY INFORMATION:

A. Background

On November 14, 2002, the Assistant Administrator for Procurement approved a deviation to NFS section 1802.101 to designate the Deputy Associate Administrator for the International Space Station (ISS) and Space Shuttle Programs in the Office of Space Flight as the head of the contracting activity (HCA) in lieu of the Center Director(s) for all contracts that directly support the ISS or Space Shuttle Program. This deviation was approved in support of the realignment of program management responsibilities between NASA Headquarters and the field centers. This final rule implements this deviation.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98-577, and publication for public comment is not required. However, NASA will consider comments from small entities concerning the affected NFS Parts 1802, 1806, 1815, 1816, and 1843 in accordance with 5 U.S.C. 610.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes do not impose recordkeeping or information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 1802, 1806, 1815, 1816, and 1843

Government Procurement.

Tom Luedtke,

Assistant Administrator for Procurement.

■ Accordingly, 48 CFR Parts 1802, 1806, 1815, 1816, and 1843 are amended as follows:

■ 1. The authority citation for 48 CFR Parts 1802, 1806, 1815, 1816, and 1843 continues to read as follows:

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

PART 1802—DEFINITIONS OF WORDS AND TERMS

■ 2. Amend section 1802.101 by revising the definitions of “contracting activity” and “head of the contracting activity” to read as follows:

1802.101 Definitions.

* * * * *

“Contracting activity” in NASA includes the NASA Headquarters installation and the following field installations: Ames Research Center, Dryden Flight Research Center, Glenn Research Center at Lewis Field, Goddard Space Flight Center, Johnson Space Center, Kennedy Space Center, Langley Research Center, Marshall Space Flight Center and Stennis Space Center. A major program that may have contracts at multiple field centers may also be considered a “contracting activity.”

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“Head of the contracting activity” (HCA) means, for field installations, the Director or other head and, for NASA Headquarters, the Director for Headquarters Operations. For International Space Station (ISS) and Space Shuttle Program contracts, the HCA is the Headquarters Deputy Associate Administrator for ISS and Shuttle Programs in lieu of the field Center Director(s).

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PART 1806—COMPETITION REQUIREMENTS

■ 3. Amend section 1806.304-70 by revising paragraphs (b)(2) and (c)(1)(iii) to read as follows: