

**DEPARTMENT OF HOMELAND SECURITY****48 CFR Parts 3009 and 3052**

[Docket No. DHS-2010-0017]

RIN 1601-AA55

**Prohibition on Federal Protective Service Guard Services Contracts With Business Concerns Owned, Controlled, or Operated by an Individual Convicted of a Felony [HSAR Case 2009-001]; Correction**

AGENCY: Office of the Chief Procurement Officer, DHS.

ACTION: Final rule; correction.

**SUMMARY:** This document makes corrections to the Homeland Security Acquisition Regulation in order to make technical citation changes and to remove redundant language.

**DATES:** *Effective date:* December 16, 2009.

**FOR FURTHER INFORMATION CONTACT:** Gloria Sochon, Senior Procurement Analyst, at (202) 447-5307 for clarification of content.

**SUPPLEMENTARY INFORMATION:** This document makes corrections to the Homeland Security Acquisition Regulation (HSAR), final rule Prohibition on Federal Protective Service Guard Services Contracts with Business Concerns Owned, Controlled, or Operated By an Individual Convicted of a Felony [HSAR Case 2009-001], 74 FR 58851 (Nov. 16, 2009). The technical corrections are required to conform the HSAR to citation in the Federal Acquisition Regulations and remove redundant language.

■ In FR Doc. E9-27330, published November 16, 2009 (74 FR 58851), make the following corrections:

**Subpart 3009 [Corrected]**

■ 1. On page 58856, column 1, instruction 2a, is revised to read “Redesignating section 3009.104-70 as section 3009.108-70, and subsections 3009.104-71 through 3009.104-75 as subsections 3009.108-7001 through 3009.108-7005, respectively, and section 3009.170 is added and reserved.

**3052.209-76 [Corrected]**

■ 2. On page 58858, column 2, in subsection 3052.209-76, in the header of the contract clause, remove “(AUG 2009)” and add in its place “(DEC 2009)”.

■ 3. On page 58858, at the bottom of column 2, in section 3052.209-76(c)(2)(v)(A) remove:

“Ability to direct in any manner the election of a majority of the business concern’s directors or trustees; or”.

Mary Kate Whalen,

Associate General Counsel for Regulatory Affairs.

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**GENERAL SERVICES ADMINISTRATION****48 CFR Part 6101****[GSA BCA Amendment 2009-01; BCA Case 2009-61-1; Docket Number 2009-0016, Sequence 1]**

RIN 3090-AI99

**Civilian Board of Contract Appeals; BCA Case 2009-61-1; Rules of Procedure of the Civilian Board of Contract Appeals**

AGENCIES: Civilian Board of Contract Appeals, General Services Administration (GSA)

ACTION: Final rule.

**SUMMARY:** This document provides two revisions to the rules governing proceedings before the Civilian Board of Contract Appeals (Board), published in the *Federal Register* on May 12, 2008. First, the Board is correcting the heading for Chapter 61. Upon publication of the rules in the Code of Federal Regulations, the heading for Chapter 61 was erroneously changed. This document corrects that error. In addition, a sentence that became surplusage upon issuance of the rules is being removed.

**DATES:** *Effective Date:* December 16, 2009.

**FOR FURTHER INFORMATION CONTACT:** Margaret S. Pfunder, Chief Counsel, Civilian Board of Contract Appeals, telephone (202) 606-8800, e-mail address [Margaret.Pfunder@gsa.gov](mailto:Margaret.Pfunder@gsa.gov) for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at (202) 501-4755. Please cite BCA Case 2009-61-1.

**SUPPLEMENTARY INFORMATION:****A. Background**

The Civilian Board of Contract Appeals was established within the General Services Administration (GSA) by section 847 of the National Defense Authorization Act for Fiscal Year 2006, Pub. L. 109-163. Effective January 6, 2007, the boards of contract appeals that existed at the General Services Administration and the Departments of

Agriculture, Energy, Housing and Urban Development, Interior, Labor, Transportation, and Veterans Affairs were terminated, and their cases were transferred to the new Civilian Board of Contract Appeals. The title of Chapter 61 was erroneously changed upon publication of these rules in the Code of Federal Regulations to read “General Services Administration Board of Contract Appeals”. This document corrects that error. In addition, section 6101.1 is amended by removing the second sentence from paragraph (a). That sentence states, “These rules will remain in effect until the Board issues final rules of procedure or June 30, 2008, whichever occurs earlier.” Upon issuance of the final rules, that sentence became surplusage, and it is therefore now removed.

**B. Regulatory Flexibility Act**

The General Services Administration certifies 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 the rule does not impose any additional costs on large or small businesses.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the changes do not impose recordkeeping or information collection requirements, or otherwise collect information from offerors, contractors, or members of the public that require approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

**List of Subjects in 48 CFR Part 6101**

Administrative practice and procedure, Agriculture, Freight forwarders, Government procurement, Travel and relocation expenses.

Dated: October 21, 2009.

Stephen M. Daniels,

Chairman, Civilian Board of Contract Appeals, General Services Administration.

■ Therefore, GSA amends 48 CFR Chapter 61 as set forth below:

**CHAPTER 61—CIVILIAN BOARD OF CONTRACT APPEALS, GENERAL SERVICES ADMINISTRATION**

■ 1. The authority citation for 48 CFR Part 6101 continues to read as follows:

**Authority:** 41 U.S.C. 601-613.

■ 2. Amend Chapter 61 by revising the Chapter heading as set forth above.