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Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Chapter 1

Federal Acquisition Regulations; Final Rules

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Chapter 1**

[Docket FAR 2012–0080, Sequence 6]

**Federal Acquisition Regulation;
Federal Acquisition Circular 2005–61;
Introduction**

AGENCY: Department of Defense (DoD),
General Services Administration (GSA),

and National Aeronautics and Space
Administration (NASA).

ACTION: Summary presentation of final
rules.

SUMMARY: This document summarizes
the Federal Acquisition Regulation
(FAR) rules agreed to by the Civilian
Agency Acquisition Council and the
Defense Acquisition Regulations
Council (Councils) in this Federal
Acquisition Circular (FAC) 2005–61. A
companion document, the *Small Entity
Compliance Guide* (SECG), follows this
FAC. The FAC, including the SECG, is
available via the Internet at [http://
www.regulations.gov](http://www.regulations.gov).

DATES: For effective dates and comment
dates see separate documents, which
follow.

FOR FURTHER INFORMATION CONTACT: The
analyst whose name appears in the table
below in relation to each FAR case.
Please cite FAC 2005–61 and the
specific FAR case numbers. For
information pertaining to status or
publication schedules, contact the
Regulatory Secretariat at 202–501–4755.

LIST OF RULES IN FAC 2005–61

Item	Subject	FAR Case	Analyst
I	United States—Korea Free Trade Agreement	2012–004	Davis.
II	Delete Outdated FAR Reference Lague to the DoD Industrial Preparedness Program	2012–026	Lague.
III	NAICS and Size Standards	2012–021	Morgan.
IV	Bid Protest and Appeal Authorities	2012–008	Loeb.
V	Technical Amendments.		

SUPPLEMENTARY INFORMATION:

Summaries for each FAR rule follow.
For the actual revisions and/or
amendments made by these FAR cases,
refer to the specific item numbers and
subjects set forth in the documents
following these item summaries. FAC
2005–61 amends the FAR as specified
below:

**Item I—United States-Korea Free Trade
Agreement (FAR Case 2012–004)**

This final rule adopts without change
the interim rule published in the
Federal Register on March 7, 2012 (77
FR 13952), to implement the United
States-Korea Free Trade Agreement. The
Republic of Korea is already party to the
World Trade Organization Government
Procurement Agreement (WTO GPA).
The Korea Free Trade Agreement now
covers acquisition of supplies and
services between \$100,000 and the
current WTO GPA threshold of
\$202,000. This final rule will not have
a significant economic impact on a
substantial number of small entities.

**Item II—Delete Outdated FAR
Reference to the DoD Industrial
Preparedness Program (FAR Case
2012–026)**

This final rule amends the FAR to
delete outdated references to the “DoD
Industrial Preparedness Program”,
which is no longer in existence. There
is no impact to the Government or small
business because this program was
discontinued in 1992.

**Item III—NAICS and Size Standards
(FAR Case 2012–021)**

This final rule amends the FAR to
clarify that new North American
Industry Classification System codes are
not available for use in Federal
contracting until the Small Business
Administration publishes corresponding
industry size standards. Published size
standards are available on the SBA’s
Web site and at 13 CFR 121.201. The
clarifying language is provided for
informational purposes and only
addresses internal Government policies
and procedures. This rule will not have
a significant impact on the Government,
and does not impose additional
requirements on small businesses.

**Item IV—Bid Protest and Appeal
Authorities (FAR Case 2012–008)**

This final rule amends FAR part 33 to
note that there are other Federal-court
related protest authorities and dispute-
appeal authorities that are not covered
by FAR part 33. This rule also provides
contracting officers with appropriate
references to their office of legal counsel
and the Web site for the rules of the U.S.
Court of Federal Claims. This is a final
rule because it only impacts the Federal
Government’s internal operating
procedures.

Item V—Technical Amendments

Editorial changes are made at FAR
7.403 and 15.404–1.

Dated: September 7, 2012.
Laura Auletta,

*Director, Office of Governmentwide
Acquisition Policy, Office of Acquisition
Policy, Office of Governmentwide Policy.*

Federal Acquisition Circular (FAC)
2005–61 is issued under the authority of
the Secretary of Defense, the
Administrator of General Services, and
the Administrator for the National
Aeronautics and Space Administration.

Unless otherwise specified, all
Federal Acquisition Regulation (FAR)
and other directive material contained
in FAC 2005–61 is effective September
13, 2012, except for Item II and III
which are effective October 15, 2012.

Dated: September 5, 2012.

Amy G. Williams,

*Acting Deputy Director, Defense, Procurement
and Acquisition Policy.*

Dated: September 5, 2012.

Joseph A. Neurauter,

*Senior Procurement Executive/Deputy CAO,
Office of Acquisition Policy, U.S. General
Services Administration.*

Dated: September 5, 2012.

William P. McNally,

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National Aeronautics and Space
Administration.*

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