National Aeronautics and Space Administration (NASA)
Preliminary Plan for Retrospective Analysis of Existing Regulations
May 18, 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 Its review processes are intended to facilitate the identification of regulations that need to be modified, repealed, or retained as is.

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 parts 6901, and 14 CFR 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 of regulations throughout the executive branch, NASA's plan has focused 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.

II. Scope of the Plan

<u>a. List Of Organizations Within NASA Included In This Plan:</u>
NASA does not have sub agencies, but the following organizations within the Agency will participate in NASA's retrospective review to determine which regulations should be repealed or amended because they are outmoded: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 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 covered in this plan include existing regulations (See section V of 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 52 parts of Title 48 CFR, Federal Acquisitions Regulations (FAR), which provides uniform policies and procedures for acquisition by all executive agencies and contains agency acquisition regulations that implement or supplement the FAR. The NASA FAR Supplement (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. These are NASA's specific regulations that augment the FAR and provide the unique mission of the Agency. Abstracts for NFS regulations currently under development can be accessed at http://www.reginfo.gov/public/do/eAgendaMain.

- The Office of Strategic Infrastructure develops regulations codified in Title 14 CFR part 1216, to comply with the National Environmental Policy Act of 1969 (NEPA). NASA, as with all federal agencies, is required to comply with the National Environmental Policy Act (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.

- 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 2010, NASA reduced its information collection budget by 807,600 burden hours by discontinuing the following two procurement-related collections:

- **Small Business and Small Disadvantaged Business Concerns (2700-0073)**
  Description: NASA requires reporting of Small Disadvantaged business subcontract awards to meet congressionally mandated goals. Discontinuing this Information Collection Request (ICR) allows contractors to report subcontract awards electronically, oppose to mailing hard copies to agencies, thereby reducing 4,560 hours of burden.
- **NASA Acquisition Process, Reports Required for Contracts with a Value of Less than $500,000 (2700-0088)**
  Description: Enables monitoring of contracts valued at less than $500K. Collection is prescribed in the NASA Federal Acquisition Regulation Supplement and approved mission statements. Discontinuing this ICR, consolidates two other reports (e.g., property and inventions) reduced 803,040 hours of burden.

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 filling 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 seeking public comment through www.regulations.gov and hq-regulatory-review@mail.nasa.gov on the Agency's retrospective plan.

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 currently under development 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, Inventions and Contributions Board that describes the authority, functions, and membership of the Board.

- 14 CFR parts 1216, Procedures for Implementing the National Environmental Policy Act that describes the procedures for implementing the Act.

- 14 CFR part 1245, subpart 5, Patent and Copyright Infringement, that will set forth guidelines as to what NASA considers necessary to file a claim for patent or copyright infringement.

The Agency is planning to publish these regulations soon and their abstracts can be accessed at http://www.reginfo.gov/public/do/eAgendaMain. For those regulations currently open for public comment, please see www.regulations.gov.

b. Regulations Already Under Consideration For Retrospective Analysis:
An inventory of NASA's existing regulations currently codified in Titles 2, 5, and 14 of the CFR was developed in order to identify responsible organizations within the Agency. (See section V of this plan.) The Agency is planning to distribute the inventory to responsible organizations for the purposes of:

- Determining which regulations need to be repealed because they are either outmoded or a replication of existing internal requirements, amended because they need to be modified to make current, or retained as is because they are current.

- Prioritizing rulemaking proceedings to repeal and amend the regulations identified in the inventory

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 plans to revise its internal requirements for rulemaking to implement a process to ensure that regulations are reviewed periodically via a sunset provision of every five years and that responsible organizations within the Agency are requested to review their respective regulations prior to expiration. NASA routinely invites the public to comment on its regulations through www.regulations.gov, and respond to public comments through this website. 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 for rulemaking:

- 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 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:
The table below is a list of NASA's existing regulations codified in Titles 2, 5, and 14 that will be reviewed over the next two years. Since the initial publication of these regulations, the Agency has had several organizational changes, so certain functions have changed or longer exist. These regulations will be reviewed to reduce burdens, improve efficiency, and increase transparency to the public. Additionally, these regulations will be reviewed to determine which need to modified to line up with the Agency's current operations or repealed because they are either obsolete or are replications of existing internal requirements. As identified in the table, NASA has several areas for retrospective analysis over the next two years. Refinements may be made to the list of priorities based on input from the public and agencies. Periodic public feedback will be obtained to identify additional areas for review. 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.

2 CFR Part	Subject/Description
1880	Nonprocurement Debarment and Suspension provides the policies for procedures for nonprocurement debarment and suspension. *Federal Register Notice (FRN) Cite: 72 FR 19783, Apr. 20, 2007*
5 CFR Part	**Subject/Description**
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. *Federal Register Notice (FRN) Cite:* 59 FR 49336, Sept. 28, 1994

14 CFR Parts	Subject/Description
1201	Statement of Organization and General Information describes purpose, function, administration, and general information on NASA's organizations. *FRN Cite 55 FR 37222, Sept. 10, 1990*
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. *FRN Cite 44 FR 34913, June 18, 1979*
1203a	NASA Security Areas describe 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. *FRN Cite 38 FR 8056, Mar. 28, 1973*
1203b	Security Programs; Arrest Authority, and Use of Force by NASA's Security Force Personnel describe guidelines for the exercise of arrest authority and for the exercise of physical force, including deadly force, in conjunction with such arrest authority. *FRN Cite 57 FR 4926, Feb. 11, 1992*
1204, Subpart 4	Administrative Authority and Policy, Small Business Policy describe the policy of NASA to enable small business concerns (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. *FRN Cite 58 FR 43554, Aug. 17, 1993*
1204, Subpart 5	Delegations and Designations describe various delegations of authority to, and designations of, NASA officials and other Government officials acting on behalf of the agency to carry out prescribed functions of NASA. *FRN Cite 30 FR 3378, Mar. 13, 1965, 51 FR 26862, July 28, 1986, as amended at 56 FR 57592, Nov. 13, 1991*
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 describe NASA 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. *FRN Cite 65 FR 47663, Aug. 3, 2000*

14 CFR Parts	Subject/Description
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. *FRN Cite 56 FR 35812, July 29, 1991*
1204 Subpart 15	Intergovernmental Review of National Aeronautics and Space Administration Programs and Activities implements E.O. 12372, "Intergovernmental Review of Federal Programs," issued July 14, 1982, and amended on April 8, 1983, applicable provisions of section 401 of the Intergovernmental Cooperation Act of 1968, as amended. *FRN Cite 48 FR 29340, June 24, 1983*
1204 Subpart 16	Temporary Duty Travel—Issuance of Motor Vehicle for Home-to-Work Transportation describes the rules for authorizing use of Government motor vehicles. *FRN Cite 68 FR 60847, Oct. 24, 2003*
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*
1207 Subparts A-B	Standards of Conduct describe 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*
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*
1209 Subpart 3	Contract Adjustment Board describes the functions, authority, and membership of the Board. *FRN Cite 51 FR 28924, Aug. 13, 1986*
1209 Subpart 4	Inventions and Contributions Board describes the functions, authority, and membership of the Board. *FRN Cite 51 FR 3945, Jan. 31, 1986*
1212	Privacy Act NASA Rules 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.

14 CFR Parts	Subject/Description
	FRN Cite 57 FR 4928, Feb. 11, 1992
1213	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*
1214	Space Flight describes provisions regarding flight of Space Shuttle cargo bay payloads for non-U.S. government, reimbursable customers, policy on 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, redefines the title of payload specialist and sets forth NASA's policy on and process for the determination of need, selection, and utilization of payload specialists and additional mission specialists to be assigned to a Space Transportation System (STS) flight in addition to the standard NASA flight crew; describes policy and procedures with respect to International Space Station crewmembers provided by NASA for flight to the International Space Station; establishes a program designed to ensure that personnel assigned to mission critical positions/duties meet the screening requirements; establishes policy, procedures, and responsibilities for selecting, approving, packing, storing, and disposing of mementos carried on Space Shuttle flights; 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, including the Space Shuttle elements and payloads; establishes the special reimbursement policy for Spacelab services provided to Space Transportation System (STS) customers; describes procedures and assigns responsibilities for recruitment and selection of astronaut candidates; establishes NASA policy and selection procedures for accommodation of space flight participants aboard flights of the Space Shuttle. *FRN Cite 57 FR 4545, Feb. 6, 1992*
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. *FRN Cite 48 FR 9845, Mar. 9, 1983*
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

14 CFR Parts	Subject/Description
	management controls to monitor NASA actions to assure compliance with the Orders. *FRN Cite 44 FR 44485, July 30, 1979*
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. *FRN Cite 62 FR 6467, Feb. 12, 1997*
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*
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*
1232	Care and Use of Animals in the Conduct of NASA Activities establishes the policy, implementation procedures, and management authority and responsibility for the care and use of vertebrate animals (hereinafter referred to as “animal subjects”) in the conduct of NASA activities. *FRN Cite 54 FR 35870, Aug. 30, 1989*
1240	Inventions and Contributions 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. *FRN Cite 67 FR 31120, May 9, 2002*
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*
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 Parts	Subject/Description
1251	Nondiscrimination on 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. *FRN Cite 51 FR 26862, July 28, 1986*
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*
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*
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. *FRN Cite 54 FR 19880, May 9, 1989*
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. NASA shall not impose additional or inconsistent requirements. *FRN Cite 65 FR 62900, Oct. 19, 2000*
1261	Processing Monitory 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

14 CFR Parts	Subject/Description
	paying agency) is not the employee's creditor agency. *FRN Cite 45 FR 48104, July 18, 1980*
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*
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*
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*
1266	Cross-Waiver Liability provides 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*
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. *FRN Cite 68 FR 66557, 66575, Nov. 26, 2003*
1271	New Restrictions on Lobbying describes the activities, penalties and enforcement, and exemptions for lobbying. *FRN Cite 55 FR 6737, 6748, Feb. 26, 1990*
1273	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments establishes uniform administrative rules for Federal grants and cooperative agreements and subawards to State, local and Indian tribal governments. *FRN Cite 60 FR 33694, June 29, 1995*

14 CFR Parts	Subject/Description
1274	Cooperative Agreements with Commercial Firms describes the policy guidelines establish uniform requirements for NASA cooperative agreements awarded to commercial firms. FRN Cite 67 FR 45790, July 10, 2002
1275	Research Misconduct establishes procedures to be used by NASA for the handling of allegations of research misconduct. *FRN Cite 69 FR 42103, July 14, 2004*

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's improvement process will include new training requirements for all analysts. This will include training on E. O. 13563 and related guidance, in addition to training on the requirements of the Paperwork Reduction Act and Regulatory Flexibility Act.

g. Plan For Retrospective Analysis Over the Next Two Years and Beyond:
The timetable will be structured around the initial list of candidate regulations for review in section V of this plan, and will be developed after inputs are received.

h. How Will The Agency Decide What To Do With the Analysis?
Analyses 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 responsible organizations' inputs on the inventory of NASA regulations in section V, the Agency plans to revise its regulations by first removing those regulations identified to be repealed and, second, by modifying those regulations identified to be amended.

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 preliminary 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 will publish its retrospective review plan and available data on its 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.