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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 14 and 17

[Docket No. FAA-1998-4379; Amendment No. 14-03, Part 17 (New)]

RIN 2120-AG19

Procedures for Protests and Contract Disputes; Amendment of Equal Access to Justice Act Regulations; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This document makes certain corrections to the final rule published in the *Federal Register* on June 18, 1999, (64 FR 32926), which provides regulations for the conduct of protests and contract disputes under the Federal Aviation Administration Acquisition Management System.

DATES: Effective on August 31, 1999.

FOR FURTHER INFORMATION CONTACT: Marie A. Collins, telephone: (202) 366-6400.

SUPPLEMENTARY INFORMATION: This action adds language inadvertently omitted from the final rule, corrects erroneous references to subsections, and

modifies the "Discussion of Comments" section accordingly. The added language was contained originally in the Notice of Proposed Rulemaking (NPRM) published in the *Federal Register* on August 25, 1998 (63 FR 45372) and was discussed in the "Discussion of Comments" section of the final rule. That section indicated that the language pertaining to the deadline for requesting intervenor status in protests of contract awards and Attorneys' fees was unchanged from that contained in the NPRM, but that the provision pertaining to payment of interest was eliminated.

Correction

In rule FR Doc. 99-15217, published on June 18, 1999 (64 FR 32926), make the following corrections:

1. On page 32926, in the heading, on the 6th line, correct "No. 14-0317-01" to read "No. 14-03, Part 17 (New)".
2. On page 32933, in the third column, second full paragraph, line 7, correct "§ 17.39(m) as well" to read "§ 17.39(l), which was moved to § 17.39(m)".
3. On page 32933, in the third column, second full paragraph, beginning on line 11, add the following sentence, "Former § 17.39(l) and language was added to clarify the process of releasing findings and recommendations that contain protected information subject to a protective order."
4. On page 32933, in the third column, second full paragraph, line 21, before the word "Finally," add the following sentence, "The language in former § 17.39(m) pertaining to Attorneys' fees was moved to § 17.39(n)."
5. On page 32939, in the second column, in § 17.15, add a sentence at the end of paragraph (f) to read as follows:

§ 17.15 Filing a protest.

* * * * *

(f) * * * The awardee and/or interested parties shall notify the ODRA in writing, of their interest in participating in the protest as intervenors within two (2) business days of receipt of the CO's notification, and shall, in such notice, designate a person as the point of contact for the ODRA. Such notice may be submitted to the ODRA by facsimile.

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6. On page 32944, second column, in § 17.39, add paragraph (n), to read as follows:

§ 17.39 Default adjudicative process for contract disputes.

* * * * *

(n) Attorneys fees of a qualified prevailing contractor are allowable to the extent permitted by the EAJA, 5 U.S.C. 504 (a) (1).

Issued in Washington, DC on August 24, 1999.

Donald P. Byrne,

Assistant Chief Counsel.

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