Old citation 970.–	Subject	New citation 970.5204-	
7104–26	Taxes (P)	XX(b)(25).	
7104–27	Audit of Subcontractors (S/R/P)		
7104–28	Construction & A–E conflict-of-interest (P) 22(h).		
7104-29	Quality Assurance (P)		
7104-30	Termination (P)	22(v) and XX(b)(26).	
7104-31	Authorization of Subcontractors' Use of Government Supply Sources (P)		
7104-32			
7104–33	Cost Accounting Standards (S)		
7104–34	Clean Air & Water (S/R)	XX(b)(3).	
7104–35	Air Transportation by U.S. Flag Carriers (S)		
7104–36	Acquisition of Real Property (S/P)	22(c).	
7104–37	Management, Acquisition and use of Information Resources (P)	22(n).	
7104–38	Privacy Act (R)	XX(b)(19).	
7104–39	Officials Not To Benefit (P)	Deleted.	
7104–40	Subcontractors' Reporting Systems (P)	XX(b)(6).	
7104–41	Employment of the Handicapped (S)	XX(b)(9).	
7104–42	Unclassified Controlled Nuclear Information (R)	22(w).	
7104–43	Government Property (S/R)	22(k).	
7104–44	Foreign Travel (P)	XX(b)(13).	
7104–45	Anti-Kickback (S)	XX(b)(2).	
7104–46	Setoff of Assigned Subcontractor Proceeds (P)	22(s).	
7104–47	Additional Flowdown and Extension Provisions		
	—Exam. of records by Comptroller General (S)	XX(b)(12).	
	—Accts Records and Inspection (S/P)	XX(b)(20).	
	—Printing (P)	XX(b)(18).	
	—Priorities (S/R)	22(0).	

(E)=Executive Order.

(P)=Policy.

(R)=Regulation.

(S)=Statute.

G. The substance of the material related to Small Business and Small Disadvantaged Business Concerns cited in DEAR Subpart 970.7104–12, paragraphs (a), (b), (c) and (d) have been relocated in DEAR Part 970.1901, paragraphs (c) and (d). H. From DEAR 970.7104, it is proposed to delete seven subsections as identified and for the reasons set forth in the following table:

Old citation 970.–	Subject	Reason for deletion
7104–1	Contingent Fees	These subject matters have been incorporated into appropriate sub- contracts of management and operating (M&O) contracts as a matter of DOE policy. Because it has been decided that these subject mat- ters should be handled in the same manner as for subcontracts under non-M&O cost-reimbursement contracts, flowdown is no longer required.
7104–9	Qualification Requirements	
7104–14	Convict Labor	
7104–17	Walsh-Healy Public Contracts Act	
7104–39	Officials Not to Benefit	
7104–13	Labor Surplus Area Concerns	The preference of the Federal procurement system that this subsection reflected has been substantially altered by section 7101 of the Federal Acquisition Streamlining Act of 1994.
7104–31	Authorization for Subcontractors' Use of Government	
	Supply Sources.	The authority for contracting officers to allow management and operat- ing contractor subcontract level access to Government supply sources exists at DEAR 970.51.

I. This amendment to the March 2, 1995, notice of proposed rulemaking will also redesignate the substance of 970.7103, paragraph (c)(7) to 970.5204– 22(e)(4) to make clear that the contractor is required to determine the allowability of subcontractor reimbursable costs in accordance with 48 CFR (FAR) part 31.

J. Conforming amendments will be made to 970.5204–21, -5204–24, -5204–

45, and -5204-50 to remove references to text proposed to be deleted.

III. Public Comments

DOE invites interested persons to participate by submitting data, views, or arguments with respect to the DEAR amendments set forth in this rule. Three copies of written comments should be submitted to the address indicated in the ADDRESSES section of this rule. All comments received will be available for public inspection during normal work hours. All written comments received by the date indicated in the **DATES** section of this notice will be carefully assessed and fully considered prior to the effective date of these amendments as a final rule. Any information considered to be confidential must be so identified and submitted in writing, one copy only. DOE reserves the right to