

Per NPR 1400.1, the Office of Program and Institutional Integration (OPII) hereby requests a waiver from the requirement to remove expired interim policies in order to continue the interim policy guidance set forth in NM 1051-51, Interim Policy Regarding Headquarters Review of Proposed Space Act Agreement Activities, dated April 2, 2007. Specifically, we request that the interim policy be extended through April 2, 2009, to allow sufficient time to permanently incorporate the interim policy into other existing NASA policy.

(1) Purpose/Rationale for requesting the waiver.

On April 2, 2007, then NASA Associate Administrator Rex Geveden issued a memorandum to all NASA Officials-in-Charge, implementing interim coordination procedures applicable to certain agreements entered into under NASA's "other transactions" authority under the Space Act, commonly referred to as "Space Act Agreements." The memorandum required that Center and Headquarters offices initiating agreements meeting the submission criteria specified in the memorandum submit abstracts of key information for the proposed activities to the Office of Program and Institutional Integration (OPII) for review prior to negotiating or committing to any agreements.

The preliminary review procedures were considered "interim" pending the results of an Agency-wide study on reimbursable Space Act Agreements that was jointly led by OPII and Program Analysis and Evaluation. However, that study has since been completed and, as a result of one of the recommendations contained in the study, the NASA Administrator decided during an October 2007 Strategic Management Council meeting to formally incorporate the preliminary abstract review procedures in existing NASA policy (namely, NPD 1050.1, Authority to Enter Into Space Act Agreements, and NAII 1050-1, Space Act Agreements Guide), which is now in process.

OPII is working with the Office of General Counsel (OGC), who have cognizance over the existing policy documents that will be modified (i.e., NPD 1050.1 and NAII 1050-1), to incorporate the preliminary HQ abstract review process. However, there are several other unrelated changes that OGC needs to make to these policy documents and, for efficiency reasons, OGC is planning to incorporate all of the needed changes before disseminating the revised documents for formal review. It is expected that the revised policy documents, incorporating the preliminary HQ abstract review process and the other unrelated changes, will be issued in draft for formal review by late-July 2008.

(2) Whether the application of the requirement in the particular circumstances described would conflict with another requirement.

Continuation of the interim policy pending formal incorporation into existing policy would not conflict with any other requirements and is consistent with the direction from the Administrator.

(3) Whether application of the requirement in the particular circumstances would not achieve, or is not necessary to achieve, the underlying purpose of the requirement.

Continuation of the interim policy is necessary to ensure continuity in the coordination or Agency Space Act Agreement activities until such time as the updated policy can be permanently incorporated into NPD 1050.1 and NAII-1050-1.

(4) Any other pertinent data or information related to the waiver request (e.g., cost or schedule considerations).

N/A

(5) Identification and justification of the acceptance of any additional risk that will be incurred if the waiver is granted.

There is no risk associated with granting this waiver.

/S/Approved by Rick Keegan via e-mail 4/1/2008