

■ 4. Amend section 52.219–23 by revising the date of the clause and in paragraph (a) the definition “Minority institution” to read as follows:

52.219–23 Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns.

* * * * *

**NOTICE OF PRICE EVALUATION
ADJUSTMENT FOR SMALL
DISADVANTAGED BUSINESS CONCERNS
(OCT 2008)**

(a) * * *

Minority institution means an institution of higher education meeting the requirements of Section 365(3) of the Higher Education Act of 1965 (20 U.S.C. 1067k), including a Hispanic-serving institution of higher education, as defined in Section 502(a) of the Act (20 U.S.C. 1101a).

* * * * *

■ 5. Amend section 52.226–2 by revising the date of the provision and in paragraph (a) the definition “Minority institution” to read as follows:

52.226–2 Historically Black College or University and Minority Institution Representation.

* * * * *

**HISTORICALLY BLACK COLLEGE OR
UNIVERSITY AND MINORITY
INSTITUTION REPRESENTATION (OCT
2008)**

(a) * * *

Minority institution means an institution of higher education meeting the requirements of Section 365(3) of the Higher Education Act of 1965 (20 U.S.C. 1067k), including a Hispanic-serving institution of higher education, as defined in Section 502(a) of the Act (20 U.S.C. 1101a).

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[FR Doc. E8–21384 Filed 9–16–08; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Parts 2 and 19

[FAC 2005–27; FAR Case 2008–001; Item II; Docket 2008–001; Sequence 12]

RIN 9000–AL04

**Federal Acquisition Regulation; FAR
Case 2008–001, Changing the Name of
the Office of Small and Disadvantaged
Business Utilization for DoD**

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to change the name of the “Office of Small and Disadvantaged Business Utilization” to the “Office of Small Business Programs” for the Department of Defense.

DATES: *Effective Date: October 17, 2008.*

FOR FURTHER INFORMATION CONTACT: Ms. Rhonda Cundiff, Procurement Analyst, at (202) 501–0044 for clarification of content. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755. Please cite FAC 2005–27, FAR case 2008–001.

SUPPLEMENTARY INFORMATION:

A. Background

Section 904 of the National Defense Authorization Act for Fiscal Year 2006, Public Law 109–163, re-designated the “Office of Small and Disadvantaged Business Utilization” to the “Office of Small Business Programs” for the Department of Defense, and the Departments of the Army, the Navy, and the Air Force. The office name change, as well as the change in the title of the director of the office, must be noted in the FAR. This case amends the FAR to make the necessary changes.

This is not a significant regulatory action and therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule. This final rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Public Law 98–577, and publication for public comments is not required. However, the Councils will consider comments from small entities concerning the affected FAR Parts 2 and 19 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAC 2005–27, FAR case 2008–001), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 2 and 19

Government procurement.

Dated: September 9, 2008.

Al Matera,

Director, Office of Acquisition Policy.

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 2 and 19 as set forth below:

■ 1. The authority citation for 48 CFR parts 2 and 19 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

**PART 2—DEFINITIONS OF WORDS
AND TERMS**

■ 2. Amend section 2.101 in paragraph (b)(2) by adding, in alphabetical order, the definition “Office of Small and Disadvantaged Business Utilization” to read as follows:

2.101 Definitions.

* * * * *

(b) * * *

(2) * * *

Office of Small and Disadvantaged Business Utilization means the Office of Small Business Programs when referring to the Department of Defense.

* * * * *

**PART 19—SMALL BUSINESS
PROGRAMS**

■ 3. Amend section 19.201 by revising the introductory text of paragraph (d) and paragraph (d)(1) to read as follows:

19.201 General policy.

* * * * *

(d) The Small Business Act requires each agency with contracting authority to establish an Office of Small and Disadvantaged Business Utilization (see section (k) of the Small Business Act). For the Department of Defense, in accordance with the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), the Office of Small and Disadvantaged Business Utilization has been redesignated as the Office of Small Business Programs. Management of the office shall be the responsibility of an officer or employee of the agency who shall, in carrying out the purposes of the Act—

(1) Be known as the Director of Small and Disadvantaged Business Utilization, or for the Department of Defense, the Director of Small Business Programs;

* * * * *

■ 3. Amend section 19.702 by revising the second and third sentences of paragraph (d) to read as follows:

19.702 Statutory requirements.

* * * * *

(d) * * * However, the mentor-protégé agreement must have been approved by the Director, Small Business Programs of the cognizant DoD military department or defense agency, before developmental assistance costs may be credited against subcontract goals. A list of approved agreements may be obtained at http://www.acq.osd.mil/osbp/mentor_protege/.

[FR Doc. E8-21385 Filed 9-16-08; 8:45 am]

BILLING CODE 6820-EP-S

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Parts 4, 8, 9, 18, 44, and 52**

[FAC 2005-27; FAR Case 2007-015; Item III; Docket 2008-0001; Sequence 16]

RIN 9000-AK96

**Federal Acquisition Regulation; FAR
Case 2007-015, Administrative
Changes to the FPI Blanket Waiver and
the JWOD Program Name**

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) to increase the blanket waiver threshold for small dollar-value purchases from Federal Prison Industries (FPI) by Federal agencies and to change the name of the JWOD Program to the AbilityOne Program.

DATES: *Effective Date: October 17, 2008.*

FOR FURTHER INFORMATION CONTACT Mr. William Clark, Procurement Analyst, at (202) 219-1813 for clarification of content. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501-4755. Please cite FAC 2005-27, FAR case 2007-015.

SUPPLEMENTARY INFORMATION:**A. Background**

The FPI Board of Directors recently revised its 2003 resolution to increase the blanket waiver threshold for small dollar-value purchases from FPI by Federal agencies. A revision to an

earlier resolution adopted by the FPI Board provides that the increased dollar threshold necessary to obtain FPI clearance would become effective upon the publication of appropriate modification to the FAR.

This final rule amends the FAR to reflect the threshold increase from \$2,500 to \$3,000. No waiver is required to buy from an alternative source below \$3,000. Customers may, however, still purchase from FPI at, or below, this threshold, if they so choose.

The Committee for Purchase From People Who Are Blind or Severely Disabled, which administers the Javits-Wagner-O'Day Act, has changed its program name to the AbilityOne Program (formerly JWOD Program). The Committee changed the program's name to the AbilityOne Program through the **Federal Register** on November 27, 2006 (71 FR 68492). This final rule will update the name of the program for all occurrences in the FAR.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule. The final rule does not constitute a significant FAR revision within the meaning of FAR 1.501 and Pub. L. 99-577, and publication for public comments is not required. However, the Councils will consider comments from small entities concerning the affected FAR parts 4, 8, 9, 18, 44 and 52 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAC 2005-27, FAR Case 2007-015), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 4, 8, 9, 18, 44, and 52

Government procurement.

Dated: September 9, 2008.

Al Matera,*Director, Office of Acquisition Policy.*

■ Therefore, DoD, GSA, and NASA amend 48 CFR parts 4, 8, 9, 18, 44, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 4, 8, 9, 18, 44, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 4—ADMINISTRATIVE MATTERS**4.602 [Amended]**

■ 2. Amend section 4.602 paragraph (a)(2) by removing “and nonprofit agencies” and adding “and AbilityOne nonprofit agencies” in its place.

4.606 [Amended]

■ 3. Amend section 4.606 paragraph (c)(3) by removing “JWOD” and adding “AbilityOne” in its place.

**PART 8—REQUIRED SOURCES OF
SUPPLIES AND SERVICES**

■ 4. Amend section 8.602 by revising the introductory text of paragraph (c) and paragraph (c)(1) to read as follows.

8.602 Policy.

* * * * *

(c) In some cases where FPI and an AbilityOne participating nonprofit agency produce identical items (see 8.603), FPI grants a waiver to permit the Government to purchase a portion of its requirement from the AbilityOne participating nonprofit agency. When this occurs, the portion of the requirement for which FPI has granted a waiver—

(1) Shall be purchased from the AbilityOne participating nonprofit agency using the procedures in Subpart 8.7; and

* * * * *

■ 5. Amend section 8.603 by revising the introductory paragraph; and removing from paragraphs (a)(2) and (b)(1) “JWOD” and adding “AbilityOne” in its place.

8.603 Purchase priorities.

FPI and nonprofit agencies participating in the AbilityOne Program under the Javits-Wagner-O'Day Act (see Subpart 8.7) may produce identical supplies or services. When this occurs, ordering offices shall purchase supplies and services in the following priorities:

* * * * *

8.605 [Amended]

■ 6. Amend section 8.605 by removing from paragraph (e) “\$2,500” and adding “\$3,000” in its place.

■ 7. Revise section 8.700 to read as follows:

8.700 Scope of subpart.

This subpart prescribes the policies and procedures for implementing the Javits-Wagner-O'Day Act (41 U.S.C. 46–