

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Chapter 1**

[Federal Acquisition Circular 90-24]

**Federal Acquisition Regulation;
Introduction of Miscellaneous
Amendments**

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

ACTION: Summary of interim rules and technical corrections.

SUMMARY: This document introduces the documents, set forth below, which comprise Federal Acquisition Circular (FAC) 90-24. The Department of Defense, General Services Administration and National Aeronautics and Space Administration are issuing FAC 90-24 pursuant to the Federal Acquisition Streamlining Act of 1994 (the Act). These Federal Acquisition Regulation (FAR) revisions are implemented in the following subject areas:

Item	Subject	FAR case	Team leader
I	Repeal of Requirement for Secretarial/Agency Head Determinations Regarding Use of Cost Type or Incentive Contracts.	94-700	Melissa Rider.
II	Micro-Purchase Procedures	94-771	Diana Maykowskyj.

EFFECTIVE DATES: FAC 90-24 is effective December 15, 1994.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4041, GS Building, Washington, DC 20405, (202) 501-4755. For specific information contact the team leader whose name appears in relation to each FAR case or subject area (see table under **SUMMARY**). Please cite FAC 90-24 and applicable FAR case number(s).

SUPPLEMENTARY INFORMATION: Federal Acquisition Circular 90-24 amends the Federal Acquisition Regulation (FAR) as specified below:

Item I—Repeal of Requirement for Secretarial/Agency Head Determinations Regarding Use of Cost Type or Incentive Contracts (FAR Case 94-700)

This interim rule deletes the requirement for a "determination and findings" before using a cost type or incentive contract and to delete references to 10 U.S.C. 2301.

Item II—Micro-Purchase Procedures (FAR Case 94-771)

This interim rule implements the new micro-purchase requirements of the Act.

Dated: December 8, 1994

Edward Loeb,

Deputy Project Manager for the Implementation of the Federal Acquisition Streamlining Act of 1994

Federal Acquisition Circular

Number 90-24

Federal Acquisition Circular (FAC) 90-24 is issued under the authority of the Secretary of Defense, the

Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 90-24 is effective December 15, 1994

Dated: December 8, 1994

Ida M. Ustad,

Associate Administrator for Acquisition Policy, GSA

Dated: December 8, 1994.

Colonel Roland A. Hassebrock,

Deputy Director, Defense Procurement, DOD

Dated: December 8, 1994.

Deidre A. Lee,

Associate Administrator for Procurement, NASA

[FR Doc. 94-30603 Filed 12-13-94; 10:43 am]

BILLING CODE 6820-34-P

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Parts 7, 11, 16, and 19**

[FAC 90-24; FAR Case 94-700; Item I]

RIN 9000-AG25

Federal Acquisition Regulation; Repeal of Requirement for Secretarial/Agency Head Determinations Regarding Use of Cost Type or Incentive Contracts

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

ACTION: Interim rule with request for comment.

SUMMARY: This interim rule is issued pursuant to the Federal Acquisition Streamlining Act of 1994 to delete the requirement for a "determination and findings" before using a cost type or incentive contract and to delete references to 10 U.S.C. 2301. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

DATES: Effective Date: December 15, 1994.

Comment Date: Comments should be submitted to the FAR Secretariat at the address shown below on or before February 13, 1995 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: General

Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW, Room 4037, Attn. Ms. Beverly Fayson, Washington, DC 20405. Please cite FAC 90-24, FAR case 94-700 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Rider, Contract Award Team Leader at (703) 614-1634 in reference to this FAR case. For general information, contact the FAR Secretariat, Room 4037, GS Building, Washington, DC 20405 (202) 501-4755. Please cite FAC 90-24, FAR case 94-700.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Acquisition Streamlining Act of 1994 (the Act), Pub. L. 103-355, provides authorities that streamline the acquisition process and minimize burdensome Government-unique requirements. Major changes that can be expected in the acquisition process as a result of the Act's implementation include changes in the areas of Commercial Item Acquisition, Simplified Acquisition Procedures, the Truth in Negotiations Act, and introduction of the Federal Acquisition Computer Network.

This notice announces proposed FAR revisions developed under FAR case 94-700, Repeal of Requirement for Secretariat/Agency Head Determinations Regarding Use of Cost Type or Incentive Contracts. Sections 1021 and 1071 repealed the requirement for a determination regarding use of a cost type or incentive contract. Therefore, the FAR at 16.301-3, 16.403, 16.403-1, and 16.403-2 has been amended to delete the requirement. Section 1501 repealed Section 2301 of Title 10, United States Code. The references to 10 U.S.C. 2301 at FAR 7.102, 11.002 and 19.000 have been deleted.

The FAR Council is interested in an exchange of ideas and opinions with respect to the regulatory implementation of the Act. For that reason, the FAR Council is conducting a series of public meetings. However, the FAR Council has not scheduled a public meeting on this rule (FAR case 94-700) because of the clarity and non-controversial nature of the rule. If the public believes such a meeting is needed with respect to this rule, a letter requesting a public meeting and outlining the nature of the requested meeting shall be submitted to and received by the FAR Secretariat (see ADDRESSES caption, above) on or before January 17, 1995. The FAR Council will

consider such requests in determining whether a public meeting on this rule should be scheduled.

B. Regulatory Flexibility Act

This interim rule is not expected to have significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* because it affects internal operating procedures of the Federal Government. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. Comments from small entities concerning the affected FAR Subparts will also be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and cite 5 U.S.C. 601, *et seq.* (FAC 90-24, FAR case 94-700) in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose recordkeeping or information collection requirements, or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DOD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that, pursuant to 41 U.S.C. 418b, urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. The Federal Acquisition Streamlining Act provided that sections 1021, 1071, and 1501 are effective upon enactment. However, public comments received in response to this interim rule will be considered in formulating the final rule. This rule is necessary to implement Sections 1021 and 1071 of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-355) which repealed the requirement for a determination regarding use of a cost type or incentive contract.

List of Subjects in 48 CFR Parts 7, 11, 16, and 19

Government procurement.

Dated: December 8, 1994.

Edward Loeb,

Deputy Project Manager for the Implementation of the Federal Acquisition Streamlining Act of 1994.

Therefore, 48 CFR Parts 7, 11, 16, and 19 are amended as set forth below:

1. The authority citation for 48 CFR Parts 7, 11, 16, and 19 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 7—ACQUISITION PLANNING

7.102 [Amended]

2. Section 7.102 is amended by removing from the second parenthetical "10 U.S.C. 2301(a)(5) and"

* * * * *

PART 11—ACQUISITION AND DISTRIBUTION OF COMMERCIAL PRODUCTS

11.002 Policy.

3. Section 11.002 is amended by removing the last sentence.

PART 16—TYPES OF CONTRACTS

16.301-3 [Amended]

4. Section 16.301-3 is amended by removing from the end of paragraph (b) "and" and inserting it at the end of paragraph (a); by removing the semicolon from the end of paragraph (b) and inserting a period in its place; and by removing paragraph (c) and redesignating paragraph (d) as (c).

16.403 [Amended]

5. Section 16.403 is amended by removing paragraph (c) and redesignating paragraph (d) as (c).

16.403-1 and 16.403-2 [Amended]

6. Sections 16.403-1 and 16.403-2 are both amended at the end of paragraph (c)(1) by adding the word "and" after the semicolon; at the end of paragraph (c)(2) by removing "and" and inserting a period; and by removing paragraph (c)(3).

PART 19—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

19.000 [Amended]

7. Section 19.000 is amended in the introductory text of paragraph (a) by removing the parenthetical "(10 U.S.C. 2301, *et seq.*)" and inserting "(10 U.S.C. 2302, *et seq.*)".

[FR Doc. 94-30604 Filed 12-13-94; 10:44 am]

BILLING CODE 6820-34-P

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Parts 1, 3, 4, 13 and 25**

[FAC 90-24, FAR Case 94-771, Item II]

RIN 9000-AG26

**Federal Acquisition Regulation; Micro-
Purchase Procedures**

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

ACTION: Interim rule with request for comment.

SUMMARY: The Department of Defense, General Services Administration, and the National Aeronautics and Space Administration have agreed to an interim rule to implement the new micro-purchase requirements of the Federal Acquisition Streamlining Act of 1994 (the Act). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

DATES: Effective Date: December 15, 1994

Comment Date: Comments should be submitted to the FAR Secretariat at the address shown below on or before February 13, 1995 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW Room 4035, Attn: Ms. Beverly Fayson, Washington, DC 20405. Please cite FAC 90-24, FAR case 94-771 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: Ms. Diana Maykowsky, the team leader of the Simplified Acquisition Procedures, FACNET Team, at (703) 274-6307 in reference to this FAR case. For general information, contact the FAR Secretariat, Room 4037, GS Building, Washington, DC 20405 (202) 501-4755. Please cite FAC 90-24, FAR case 94-771.

SUPPLEMENTARY INFORMATION:**A. Background**

The Act, Pub. L. 103-355, provides the authority to streamline the acquisition process and minimize burdensome requirements unique to the Federal Government. Major changes that can be expected in the acquisition process as a result of the Act's implementation include changes in the

areas of Commercial Item Acquisition, Simplified Acquisition Procedures, the Truth in Negotiations Act, and introduction of the Federal Acquisition Computer Network (FACNET).

This notice announces FAR revisions developed under FAR case 94-771. This interim rule implements the micro-purchase requirements of Pub. L. 103-355. The term "micro-purchase" is coined and defined by Pub. L. 103-355. Pub. L. 103-355 establishes the micro-purchase threshold at \$2,500 and exempts purchases not exceeding the micro-purchase threshold from the Buy American Act and certain small business requirements. It is noted that construction requirements are limited to \$2,000 under the FAR 13.101 definition for micro-purchase to accommodate the Davis-Bacon Act requirements under Subpart 22.4. FAR 13.105(a) has been amended to exempt micro-purchases from the requirement for small business set-asides. A more extensive revision to 13.105 will be included in implementation of the full requirements of Pub. L. 103-355 pertaining to acquisitions not exceeding the simplified acquisition threshold. For micro-purchases, Pub. L. 103-355 requires competition only if prices are not considered reasonable. This rule provides for expanded use of the governmentwide commercial purchase card to take maximum advantage of the micro-purchase authority provided in Pub. L. 103-355 by delegating the authority, to the maximum extent practicable, to individuals in the offices that will be using the supplies or services to be purchased. Your attention is directed to the provisions at FAR 13.601(d) which indicates that such individuals are considered "contracting officers" within the meaning of FAR 2.101. The individuals, generally non-acquisition personnel, may be appointed under delegations of procurement authority in accordance with agency procedures.

The FAR Council is interested in an exchange of ideas and opinions with respect to the regulatory implementation of the Act. For that reason, the FAR Council is conducting a series of public meetings. However, the FAR Council has not scheduled a public meeting on this rule (FAR case 94-771) because of the clarifying and non-controversial nature of the rule. If the public believes such a meeting is needed with respect to this rule, a letter requesting a public meeting and outlining the nature of the requested meeting shall be submitted to and received by the FAR Secretariat (see ADDRESSES caption, above) on or before January 17, 1995. The FAR Council will

consider such requests in determining whether a public meeting on this rule should be scheduled.

B. Regulatory Flexibility Act

The changes may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because it implements the portion of the Act which eliminates the small business set-aside for purchases not exceeding the micro-purchase threshold. However, full implementation of the Federal Acquisition Streamlining Act of 1994 will require that all actions exceeding the micro-purchase threshold but not exceeding the simplified acquisition threshold, \$100,000, be set aside for small businesses. This will be an increase from the current requirement that all acquisitions less than \$25,000 be set aside for small businesses. An Initial Regulatory Flexibility Analysis (IRFA) has been prepared and will be provided to the Chief Counsel for Advocacy for the Small Business Administration. A copy of the IRFA may be obtained from the FAR Secretariat. Comments are invited. Comments from small entities concerning the affected FAR subpart will be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and cite 5 U.S.C. 601, *et seq.* (FAR Case 94-771), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose recordkeeping or information collection requirements, or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DOD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary because the Federal Acquisition Streamlining Act of 1994 requires implementation of the micro-purchase portion of the Act within 60 days of enactment. However, pursuant to Public Law 98-577 and FAR 1.501, public comments received in response to this interim rule will be considered in the formation of the final rule.

List of Subjects in 48 CFR Parts 1, 3, 4, 13 and 25

Government procurement.

Dated: December 8, 1994.

Edward Loeb,*Deputy Project Manager for the Implementation of the Federal Acquisition Streamlining Act of 1994.*

Therefore, 48 CFR Parts 1, 3, 4, 13 and 25 are amended as set forth below:

1. The authority citation for 48 CFR Parts 1, 3, 4, 13 and 25 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 1—FEDERAL ACQUISITION REGULATIONS SYSTEM

2. Section 1.603-3 is revised to read as follows:

1.603-3 Appointment.

Contracting officers whose authority will be limited to micro-purchases (see subpart 13.6) shall be appointed in writing in accordance with agency procedures. Other contracting officers shall be appointed in writing on a "Certificate of Appointment", SF 1402, which shall state any limitation on the scope of authority to be exercised, other than limitations contained in applicable law or regulation. Appointing officials shall maintain files containing copies of all Certificates of Appointment that have not been terminated.

PART 3—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

3. Section 3.104-4 is amended by adding paragraph (h)(5) to read as follows:

3.104-4 Definitions.

* * * * *

(h) * * *

(5) For purposes of 3.104-4(h) the term *procurement official* does not include contracting officers if their contracting authority is limited to the micro-purchase threshold (see 13.101) and the head of the contracting activity determines that it is unlikely that the individual will conduct acquisitions in a total amount greater than \$20,000 in any 12-month period.

* * * * *

PART 4—ADMINISTRATIVE MATTERS**4.800 [Amended]**

4. Section 4.800 is amended by revising the reference "13.106(c)" to "13.106(b)".

PART 13—SMALL PURCHASE AND OTHER SIMPLIFIED PURCHASE PROCEDURES

5. Section 13.101 is amended by adding the following definitions in alphabetical order to read as follows:

13.101 Definitions.

* * * * *

Governmentwide commercial purchase card means a purchase card, similar in nature to a commercial credit card, issued to authorized agency officials for their use in acquiring supplies and services.

Micro-purchase means an acquisition of supplies or services (except construction), the aggregate amount of which does not exceed \$2,500. Micro-purchases for construction are limited to \$2,000.

Micro-purchase threshold means \$2,500.

* * * * *

6. Section 13.105 is amended by revising paragraph (a); in (d)(3) by removing "(see 13.106(c))" and inserting "(see 13.106(b))" in its place, and in (d)(4) by removing "(see 13.106(b)(4))" and inserting "(see 13.106(a)(4))". The revised text reads as follows:

13.105 Small business—small purchase set-asides.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, each acquisition of supplies or services that has an anticipated dollar value exceeding \$2,500, but not exceeding \$25,000, and is subject to small purchase procedures, shall be reserved exclusively for small business concerns. This shall be accomplished by using the category of set-asides established by Pub. L. 95-507, specifically for small purchases, identified as small business—small purchase set-asides established by Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) (see Pub. L. 95-507).

* * * * *

13.106 [Amended]

6. Section 13.106 is amended by removing paragraph (a) and redesignating paragraphs (b) and (c) as (a) and (b), respectively.

13.502 [Amended]

7. Section 13.502(c) is amended in the last sentence by removing "(see 13.106(c))" and inserting "(see 13.106(b))" in its place.

8. Part 13 is amended by adding Subpart 13.6 to read as follows:

Subpart 13.6—Micro-Purchase

Sec.

13.601 General.

13.602 Policy.

13.603 Soliciting competition, evaluation of quotes, and award.

Subpart 13.6—Micro-Purchase**13.601 General.**

(a) This subpart applies to purchases of supplies or services (except for construction) at or below the micro-purchase threshold. Micro-purchases for construction are limited to \$2,000.

(b) Micro-purchases may be awarded using any of the purchasing methods covered by part 13.

(c) Agencies are encouraged to use the governmentwide commercial purchase card and electronic purchasing techniques, to the maximum extent practicable. The governmentwide commercial purchase card may be used to purchase and pay for micro-purchases in accordance with agency procedures. This is not intended to limit use of the purchase card to micro-purchases, if otherwise authorized under agency procedures.

(d) Agency heads are encouraged to delegate micro-purchase authority to individuals who will be using the supplies or services being purchased (see 1.603-3). Individuals delegated this authority are contracting officers within the meaning of 2.101. See 3.104-4(h)(5) for procurement integrity requirements.

13.602 Policy.

(a) Contracting officers shall comply with the requirements of part 8, Required Sources of Supplies and Services.

(b) Micro-purchases shall be distributed equitably among qualified suppliers.

(c) Requirements aggregating more than the micro-purchase threshold shall not be broken down into several purchases that are less than the threshold merely to permit purchase under this subpart.

13.603 Soliciting competition, evaluation of quotes, and award.

(a) Micro-purchases may be awarded without soliciting competitive quotations if the contracting officer determines that the price is reasonable.

(b) The administrative cost of verifying the reasonableness of the price for purchases at or below the micro-purchase threshold may more than offset potential savings from detecting instances of overpricing. Therefore, action to verify price reasonableness need only be taken if—

(1) The contracting officer suspects or has information to indicate that the price may not be reasonable (e.g.,

comparison to the previous price paid or personal knowledge of the supply or service); or

(2) Purchasing a supply or service for which no comparable pricing information is readily available (e.g., a supply or service that is not the same as, or is not similar to, other supplies or services that have recently been purchased on a competitive basis).

(c) Prompt payment discounts should be solicited.

PART 25—FOREIGN ACQUISITION

9. Section 25.100 is revised to read as follows:

25.100 Scope of subpart.

This subpart implements the Buy American Act (41 U.S.C. 10) and Executive Order 10582, December 17

1954 (as amended). It applies to (a) supply contracts exceeding the micro-purchase threshold; and (b) contracts for services that involve the furnishing of supplies when the supply portion of the contract exceeds the micro-purchase threshold.

[FR Doc. 94-30605 Filed 12-13-94; 10:45 am]

BILLING CODE 6820-34-P

Thursday
December 15, 1994

Part VIII

**Department of
Energy**

48 CFR Part 917

**Acquisition Regulation; Interagency
Agreements; Final Rule and Proposed
Rule**

DEPARTMENT OF ENERGY

48 CFR Part 917

RIN: 1991-AB16

Acquisition Regulation; Interagency Agreements

AGENCY: Department of Energy (DOE).
ACTION: Final rule.

SUMMARY: This action removes guidance in the Department of Energy Acquisition Regulation regarding interagency agreements found at 48 CFR subpart 917.5. Elsewhere in today's *Federal Register* the Department also is withdrawing a proposal to amend subpart 917.5. The decision to take these actions was made as part of the Department's efforts to reduce and streamline its regulations pursuant to Executive Order 12861, Elimination of One-Half of Executive Branch Internal Regulations, and Executive Order 12866, Regulatory Planning and Review.

EFFECTIVE DATE: This rule becomes effective on January 17, 1995.

FOR FURTHER INFORMATION CONTACT: Richard B. Langston, Office of Procurement and Assistance Management (HR-521.1), Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 586-8247.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Procedural Requirements
 - A. Regulatory Review
 - B. Review Under the Regulatory Flexibility Act
 - C. National Environmental Policy Act

I. Background

On July 9, 1993 (58 FR 36918), the Department of Energy (DOE) published a notice of proposed rulemaking in the *Federal Register* soliciting comments on proposed amendments to subpart 917.5 of the Department of Energy Acquisition

Regulation (DEAR) regarding interagency agreements. As a result of our further review in light of Executive Order 12861, Elimination of One-Half of Executive Branch Internal Regulations (58 FR 48255, September 11, 1993), and Executive Order 12966, Regulatory Planning and Review (58 FR 51735, October 4, 1993), we have decided to cancel the proposed rule to revise and expand subpart 917.5. A notice to this effect appears elsewhere in today's *Federal Register*.

The decision that the earlier proposed expansion of subpart 917.5 was unnecessary resulted in a reevaluation of the existing regulation as well. Our review finds that the existing regulation also can be canceled. The matters covered in subpart 917.5 as well as the proposed amendments thereto are sufficiently addressed in Office of Management and Budget Circular A-34 and in internal DOE guidance.

DOE did not publish a notice of proposed rulemaking on removal of subpart 917.5, as allowed by 5 U.S.C. 553(a)(2) (for a matter relating to agency management) and 553(b)(A) (for rules of agency organization, procedure, or practice). This subpart is procedural in nature, and its removal does not raise any substantive issues. For this reason, DOE did not request public comments.

II. Procedural Requirements

A. Regulatory Review

Today's regulatory action has been determined not to be a "significant regulatory action" under Executive Order 12866, Regulatory Planning and Review (58 FR 51735, October 4, 1993). Accordingly, today's action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs.

B. Review Under the Regulatory Flexibility Act

As required by the Regulatory Flexibility Act, it is hereby certified that

this rule will not have a significant impact on small entities.

C. National Environmental Policy Act

DOE has concluded that this rule falls into a class of actions which would not individually or cumulatively have significant impact on the human environment, as determined by DOE's regulations (10 CFR Part 1021, Subpart D) implementing the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*). Specifically, this rule is categorically excluded from NEPA review because today's amendments to the DEAR do not change the environmental effect of the rule being amended (categorical exclusion A5). Therefore, this rule does not require an environmental impact statement or an environmental assessment pursuant to NEPA.

List of Subjects in 48 CFR Part 917

Government procurement.

Issued in Washington, DC, on December 8, 1994.

Richard H. Hopf,

Deputy Assistant Secretary for Procurement and Assistance Management.

For the reasons set out in the preamble, Part 917 of Chapter 9 of Title 48 of the Code of Federal Regulations is amended as set forth below.

PART 917—SPECIAL CONTRACTING METHODS

1. The authority citation for Part 917 continues to read as follows:

Authority: 42 U.S.C. 7254; 40 U.S.C. 486(c).

[917.5 Removed]

2. Subpart 917.5, Interagency Acquisition Under the Economy Act, is removed.

[FR Doc. 94-30746 Filed 12-14-94; 8:45 am]
BILLING CODE 6450-01-P