

Executive Order 12866, dated September 30, 1993.

## B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98-577 and publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2000-D026.

## C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any 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 215 and 253

Government procurement.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

Therefore, 48 CFR parts 215 and 253 are amended as follows:

1. The authority citation for 48 CFR parts 215 and 253 continues to read as follows:

### PART 215—CONTRACTING BY NEGOTIATIONS

**Authority:** 41 U.S.C. 421 and 48 CFR Chapter 1.

2. Section 215.404-4 is amended by revising paragraph (c)(2)(C)(1)(i) to read as follows:

#### 215.404-4 Profit.

\* \* \* \* \*

- (c) \* \* \*  
(2) \* \* \*  
(C) \* \* \*  
(1) \* \* \*

(i) At or below the cost or pricing data threshold (see FAR 15.403-4(a)(1));

\* \* \* \* \*

3. Section 215.404-76 is amended by revising paragraphs (a) and (c) to read as follows:

#### 215.404-76 Reporting profit and fee statistics.

(a) Contracting officers in contracting offices that participate in the management information system for profit and fee statistics must send completed DD Forms 1547 on actions that exceed the cost or pricing data threshold, where the contracting officer used the weighted guidelines method,

an alternate structured approach, or the modified weighted guidelines method, to their designated office within 30 days after contract award.

\* \* \* \* \*

(c) When the contracting officer delegates negotiation of a contract action that exceeds the cost or pricing data threshold to another agency (e.g., to an ACO), that agency must ensure that a copy of the DD Form 1547 is provided to the delegating office for reporting purposes within 30 days after negotiation of the contract action.

\* \* \* \* \*

## PART 253—FORMS

4. Section 253.215-70 is amended by revising paragraph (b)(7) to read as follows:

### 253.215-70 DD Form 1547, Record of Weighted Guidelines Application.

\* \* \* \* \*

(b) \* \* \*

(7) For indefinite-delivery type contracts, prepare a consolidated DD Form 1547 for annual requirements expected to exceed the cost or pricing data threshold.

\* \* \* \* \*

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## DEPARTMENT OF DEFENSE

### 48 CFR Part 219

[DFARS Case 2001-D009]

### Defense Federal Acquisition Regulation Supplement; Memorandum of Understanding—Section 8(a) Program

**AGENCY:** Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to reflect an extension in the expiration date of a memorandum of understanding between DoD and the Small Business Administration (SBA). The memorandum of understanding permits DoD to award contracts directly to 8(a) Program participants instead of awarding the contracts through the SBA.

**EFFECTIVE DATE:** October 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** Ms. Angelena Moy, Defense Acquisition Regulations Council, OUSD (AT&L) DP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-1302; facsimile

(703) 602-0350. Please cite DFARS Case 2001-D009.

## SUPPLEMENTARY INFORMATION:

### A. Background

A memorandum of understanding dated May 6, 1998, between DoD and SBA permits DoD to award contracts directly to eligible 8(a) Program participants, instead of awarding the contracts through the SBA as provided for in Subpart 19.8 of the Federal Acquisition Regulation. The expiration date of the memorandum of understanding has been extended to December 31, 2001. This final rule amends DFARS 219.800 to reflect the extension.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

### B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98-577 and publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2001-D009.

### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any 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 Part 219

Government procurement.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

Therefore, 48 CFR part 219 is amended as follows:

1. The authority citation for 48 CFR part 219 continues to read as follows:

**Authority:** 41 U.S.C. 421 and 48 CFR Chapter 1.

### PART 219—SMALL BUSINESS PROGRAMS

#### 219.800 [Amended]

2. Section 219.800 is amended in paragraph (a) in the third sentence by removing "May 5" and adding in its place "December 31".

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