

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs**

RIN 1076-AD84

25 CFR Part 151**Land Acquisitions****AGENCY:** Bureau of Indian Affairs, Interior.**ACTION:** Correcting amendment.

SUMMARY: This document corrects a section title in the regulation at 25 CFR part 151 governing land acquisitions by an Indian individual or tribe. The correction eliminates the word "nongaming" from the title. It is being published to prevent possible confusion over the applicability of the rule.

EFFECTIVE DATE: January 8, 1997.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Indian Gaming Management Staff, Office of the Commissioner, Bureau of Indian Affairs, Room 2070, Main Interior Building, 1849 C Street NW, Washington, D.C. 20240, Telephone No. (202) 219-4066.

SUPPLEMENTARY INFORMATION:**Background**

On Friday, June 23, 1995, the Bureau of Indian Affairs published a final rule on Land Acquisitions, at 60 FR 32874. This rule was amended on September 21, 1995, at 60 FR 48894. The rule created a new section which contained additional criteria and requirements used by the Secretary in evaluating requests for the acquisition of lands by the United States in trust for Federally recognized Indian tribes when lands are outside and noncontiguous to the tribe's existing reservation boundaries.

Need for Correction

As published, the final rule contains an error that may prove to be misleading and is in need of clarification. The word "(nongaming)" was mistakenly included in the title of § 115.11 and was not removed when a correction was published on September 21, 1995. The provisions of § 151.11 cover gaming acquisitions, and it was always the intent of the Secretary to evaluate off-reservation gaming acquisitions under the § 151.11 criteria. Therefore this correction is necessary to effect Secretarial intent and remove the word "(nongaming)" from the title of § 151.11.

List of Subjects in 25 CFR Part 151

Indians—Lands.

Accordingly, 25 CFR part 151 is corrected by making the following correcting amendment:

PART 151—LAND ACQUISITIONS**§ 151.11 Off-reservation acquisitions.**

1. In § 151.11, revise the section heading to read as set forth above.

Dated: December 26, 1996.

Elizabeth L. Homer,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 97-246 Filed 1-7-97; 8:45 am]

BILLING CODE 4310-4N-M

GENERAL SERVICES ADMINISTRATION**41 CFR Part 101-20****[FPMR Amendment D-95]**

RIN 3090-AG00

Small Purchase Authority**AGENCY:** General Services Administration.**ACTION:** Final rule.

SUMMARY: This General Services Administration (GSA) final rule revises the regulations regarding the delegation of authority to occupant agencies to contract for reimbursable space alterations. The present FPMR provisions stated in 101-20.106-1 cite a project accomplishment threshold of \$25,000. This threshold was established based on the small purchase authority in place at the time of the original publication of this provision.

Since the purpose of this FPMR provision is to provide occupant agencies choices in their use of a service provider, it is recommended that the Simplified Acquisition Procurement threshold be used. Rather than establish an authority at a selected value, the reference should be changed to link it to the Federal Acquisition Streamlining Act of 1994. Therefore, if the value of the statute changes, the FPMR would not require a change. The present Simplified Acquisition Threshold (SAT) authority is \$100,000 for GSA procurement activities.

Modifying the FPMR provisions to tie to the SAT authority gives occupants increased flexibility in accomplishing alteration tasks and fully delegates the authority to do the work.

No other changes are required.

EFFECTIVE DATE: January 8, 1997.**FOR FURTHER INFORMATION CONTACT:**

Jeffrey Neely, Director, Portfolio Support Division, PMX, (202) 501-1464.

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866.

The Paperwork Reduction Act does not apply because the revisions do not impose recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

This rule is not required to be published in the Federal Register for notice and comment; therefore, the Regulatory Flexibility Act does not apply.

List of Subjects in 41 CFR Part 101-20

Concessions, Federal buildings and facilities, Government property management.

For the reasons set forth in the preamble, 41 CFR part 101-20 is amended as follows:

PART 101-20—MANAGEMENT OF BUILDINGS AND GROUNDS

1. The authority citation for part 101-20 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101-20.1—Building Operations, Maintenance, Protection, and Alterations

2. Section 101-20.106-1 is amended by revising paragraphs (b), (c) and (e) to read as follows:

§ 101-20.106-1 Placing of orders for reimbursable alterations by occupant agencies.

* * * * *

(b) No individual order, or combinations of orders for a single alteration project, shall exceed the simplified acquisition threshold, as defined in 41 U.S.C. 252a, and agencies shall not split orders so as to circumvent this limitation.

(c) For all orders placed against GSA contracts or agreements, agency ordering officials shall obtain prior written project review by GSA and provide a copy of the ordering document and final payment document to the GSA buildings manager. Agencies are responsible for inspecting and certifying satisfactory completion of the work, and for ensuring contractor compliance with contract provisions. The final payment document shall be supported by GSA Form 1142, Release of Claims; GSA Form 2419, Certification of Payments to Subcontractors and Supplies; and certification that the work has been inspected and accepted.

* * * * *

(e) Where no GSA contracts or agreements are in effect, an agency may

contract directly for services up to the simplified acquisition threshold per project after written review by GSA. Agencies contracting directly must provide GSA with complete documentation of the scope of work and contract specifications at the time of submission. Each project shall include appropriate reviews by the regional safety staff. If contracting for security systems, agencies must submit the design work for regional Federal Protective Service Division review. Agencies shall be responsible for inspecting and certifying satisfactory completion of the ordered work. All work must conform to GSA fire and safety standards. GSA at anytime has the authority to make inspections and require correction if the project is found not in compliance with GSA reviews or fire and safety standards. As-built drawings must be submitted to GSA's buildings manager within 30 days of completion of the work.

Dated: December 13, 1996.

David J. Barram,
Acting Administrator.

[FR Doc. 97-420 Filed 1-7-97; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF DEFENSE

48 CFR Part 216

[DFARS Case 96-D327]

Defense Federal Acquisition Regulation Supplement; MILCON—Environmental Restoration

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement is amending the Defense Federal Acquisition Regulation Supplement (DFARS) to add an exception to the restriction on the use of cost-plus-fixed-fee contracts for military construction. The exception applies to contracts for environmental restoration at installations that are being closed or realigned where payments are made from a Base Realignment and Closure Account.

EFFECTIVE DATE: January 8, 1997.

FOR FURTHER INFORMATION CONTACT:

Ms. Amy Williams, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131. Telefax (703) 602-0350. Please cite DFARS Case 96-D327 in all correspondence related to this case.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends DFARS 216.306 to implement Section 101 of the Fiscal Year 1997 Military Construction Appropriations Act (Public Law 104-196). Section 101 continues to restrict the use of cost-plus-fixed-fee contracts for military construction, but provides an exception for contracts for environmental restoration at installations that are being closed or realigned where payments are made from a Base Realignment and Closure Account.

B. Regulatory Flexibility Act

This final rule does not constitute a significant DFARS revision within the meaning of FAR. 1.501 and Public Law 98-577 and publication for public consent is not required. However, comments from small entities concerning the affected DFARS subpart will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 96-D327 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does not impose any new recordkeeping, information collection requirements, or collections of information from offerors, contractors, or members of the public 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 216

Government procurement.
Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 216 is amended as follows:

PART 216—TYPES OF CONTRACTS

1. The authority citation for 48 CFR Part 216 continues to read as follows:

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

2. Section 216.306 is revised to read as follows:

216.306 Cost-plus-fixed-fee contracts.

(c) Limitations.

(i) Except as provided in paragraph (c)(ii) of this section, annual military construction appropriations acts prohibit the use of cost-plus fixed-fee contracts that—

- (A) Are funded by a military construction appropriations act;
- (B) Are estimated to exceed \$25,000; and

(C) Will be performed within the United States, except Alaska.

(ii) The prohibition in paragraph (c)(i) of this section does not apply—

(A) To contracts for environmental restoration at an installation that is being closed or realigned where payments are made from a Base Realignment and Closure Account; or

(B) To contracts specifically approved in writing, setting forth the reasons therefore, in accordance with the following:

(1) The Secretaries of the military departments are authorized to approve such contracts that are for environmental work only, provided the environmental work is not classified as construction, as defined by 10 U.S.C. 2801.

(2) The Secretary of Defense or designee must approve such contracts are not for environmental work only or are for environmental work classified as construction.

[FR Doc. 97-381 Filed 1-7-97; 8:45 am]

BILLING CODE 5000-04-M

48 CFR Part 239

[DFARS Case 96-D017]

Defense Federal Acquisition Regulation Supplement; Information Technology Management Reform Act (ITMRA)

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comment.

SUMMARY: The Director of Defense Procurement is amending the Defense Federal Acquisition Regulation Supplement (DFARS) to revise guidance regarding the acquisition of information technology, for conformance with recent amendments to the Federal Acquisition Regulation.

DATES: Effective date: January 8, 1997

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before March 10, 1997, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Mr. Michael Mutty, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax (703) 602-0350. Please cite DFARS Case 96-D017 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Mutty, telephone (703) 602-0131.