

SUPPLEMENTARY INFORMATION: The RDP MOUs that DoD has entered into with 21 countries are signed by the Secretary of Defense and his counterpart. The purpose of these MOUs is to promote rationalization, standardization, and interoperability of defense equipment with allies and friendly governments. It provides a framework for ongoing communication regarding market access and procurement matters that affect effective defense cooperation. Based on the RDP MOU, each country affords the other certain benefits on a reciprocal basis, consistent with national laws and regulations. For 19 of the 21 MOU countries, these include evaluation of offers without applying price differentials under "Buy National" laws (e.g., the Buy American Act), and making provision for duty-free entry of goods delivered under covered contracts.

Poland is a North Atlantic Treaty Organization Ally of the United States.

The countries with which DoD has RDP MOUs are identified in DFARS 225.872-1. Should an RDP MOU be concluded with Poland, Poland would be added to the list of qualifying countries. If, based on and in conjunction with the RDP MOU, DoD determines that it would be inconsistent with the public interest to apply the restrictions of the Buy American Act to the acquisition of Polish defense equipment and supplies, Poland would be listed in DFARS 225.872-1(a). If a determination will be made on a purchase-by-purchase basis, Poland would be listed in DFARS 225.872-1(b).

RDP MOUs generally include language by which the parties agree that their procurements will be conducted in accordance with certain implementing procedures. These procedures include publication of notices of proposed purchases; the content and availability of solicitations for proposed purchases; notification to each unsuccessful offeror; feedback, upon request, to unsuccessful offerors concerning the reasons they were not allowed to participate in a procurement or were not awarded a contract; and providing for the hearing and review of complaints arising in connection with any phase of the procurement process to ensure that, to the extent possible, complaints are equitably and expeditiously resolved between an offeror and the procuring activity.

While DoD is evaluating Poland's laws and regulations in this area, DoD would benefit from knowledge of U.S. industry experience in participating in Poland's public defense procurements. DoD is, therefore, asking U.S. firms that have participated or attempted to

participate in procurements by or on behalf of Poland's Ministry of National Defense or Armed Forces to provide input as to whether the procurements were conducted in accordance with published procedures with fairness and due process and, if not, the nature of the problems encountered. All comments received will be treated as confidential submissions.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

Reinstitution of Small Business Set-Asides for Certain Acquisitions Under the Small Business Competitiveness Demonstration Program

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice of reinstitution of small business set-asides under the Small Business Competitiveness Demonstration Program.

SUMMARY: The Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing has reinstituted the use of small business set-aside procedures for solicitations issued under the Designated Industry Groups (DIGs), including Construction (except dredging), Subsector 236—Construction of Buildings; non-nuclear ship repair acquisitions conducted by the Department of the Navy under North American Industry Classification System (NAICS) Code 3366111, Product or Service Code J999 (West Coast only); Architect and Engineering Services (including Surveying and Mapping); and Refuse Systems and Related Services. The Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing has also reinstituted the use of small business set-aside procedures for construction solicitations issued under specific construction NAICS codes for the Army, the Navy, the Air Force, the Defense Logistics Agency, the Defense Information Systems Agency, the Defense Threat Reduction Agency, the Defense Education Activity, and the U.S. Special Operations Command. This action is required under the Small Business Competitiveness Demonstration Program because DoD has failed to attain its 40 percent goal in these DIGs.

EFFECTIVE DATE: June 2, 2008.

FOR FURTHER INFORMATION CONTACT: Ms. Lee Renna, OUSD(AT&L), Assistant Director, DoD Office of Small Business Programs, 201-12th Street South, Suite 406, Arlington, VA 22202; telephone 703-604-0157.

SUPPLEMENTARY INFORMATION: The Office of Federal Procurement Policy and the Small Business Administration issued a final policy directive and an implementation plan on May 25, 1999, for the Small Business Competitiveness Demonstration Program. The Program is further implemented in the Federal Acquisition Regulation (FAR) Subpart 19.10 and the Defense FAR Supplement Subpart 219.10.

Under the Program, small business set-asides are suspended for certain DIGs. However, pursuant to sections III.D.2.a. and IV.A.3. of the final policy directive and implementation plan, participating agencies such as DoD are required to reinstitute the use of small business set-asides whenever the small business awards under any DIG fall below 40 percent. Reinstitution of small business set-asides is limited to the organizational units(s) within the participating agency that failed to meet the small business participation goal(s).

The Federal Procurement Data System—Next Generation indicates that for the 12-month period ending September 30, 2007, DoD's small business participation rate was less than 40 percent in the following DIGs:

1. Construction (Except Dredging), Subsector 236, Construction of Buildings.
2. Non-Nuclear Ship Repair, Product or Service Code J999 (West Coast only).
3. Architect and Engineering Services (including Surveying and Mapping).
4. Refuse Systems and Related Services.

In addition to the DIGs identified above, section IV.A.3. of the final policy directive and implementation plan requires that small business set-asides also be reinstituted when an individual organizational unit attained less than a 35 percent small business participation rate, even when DoD's overall achievement in the DIG was 40 percent or greater. The 35 percent rule applies only to Architect and Engineering services and the Construction Subsectors and only for the specific NAICS codes (formerly known as Standard Industrial Classification codes) that fell below 35 percent. Accordingly, the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing has directed that subsequent contracting opportunities in excess of the amount reserved for emerging small

businesses be solicited through competition restricted to eligible small businesses, for individual organizational units as follows:

1. *Department of the Army.*
 - (a)(1) Construction, Subsector 236, Construction of Buildings.
 - (2) Construction, Subsector 237, Heavy and Civil Engineering Construction.
 - NAICS 237120.
 - (3) Construction, Subsector 238, Specialty Trade Contractors.
 - NAICS 238110.
 - NAICS 238290.
 - NAICS 238350.
 - (b) Architect and Engineering Services (including Surveying and Mapping).
 - (c) Refuse Systems and Related Services.
2. *Department of the Navy.*
 - (a)(1) Construction, Subsector 236, Construction of Buildings.
 - (2) Construction, Subsector 237, Heavy and Civil Engineering Construction.
 - NAICS 237120.
 - NAICS 237990.
 - (3) Construction, Subsector 238, Specialty Trade Contractors.
 - NAICS 238120.
 - NAICS 238190.
 - NAICS 238390.
 - (b) Non-Nuclear Ship Repair, Product or Service Code J999 (West Coast only).
 - (c) Architect and Engineering Services (including Surveying and Mapping).
3. *Department of the Air Force.*
 - (a)(1) Construction, Subsector 236, Construction of Buildings.
 - (2) Construction, Subsector 237, Heavy and Civil Engineering Construction.
 - NAICS 237120.
 - (b) Architect and Engineering Services (including Surveying and Mapping).
4. *Defense Contract Management Agency.*
 - Construction, Subsector 236, Construction of Buildings.
5. *Defense Logistics Agency.*
 - (a) Construction, Subsector 236, Construction of Buildings.
 - (b) Construction, Subsector 238, Specialty Trade Contractors.
 - NAICS 238110.
 - NAICS 238120.
 - NAICS 238220.
6. *Defense Commissary Agency.* Refuse Systems and Related Services.
7. *Washington Headquarters Services.*
 - (a) Construction, Subsector 236, Construction of Buildings.
 - (b) Architect and Engineering Services (including Surveying and Mapping).
8. *Defense Information Systems Agency.*
 - Construction, Subsector 238, Specialty Trade Contractors.

- NAICS 238990.
9. *Defense Threat Reduction Agency.* Construction, Subsector 237, Heavy and Civil Engineering Construction.
 - NAICS 237990.
 10. *Defense Education Activity.* Construction, Subsector 238, Specialty Trade Contractors.
 - NAICS 238990.
 11. *U.S. Special Operations Command.*
 - (a) Construction, Subsector 237, Heavy and Civil Engineering Construction.
 - NAICS 237310.
 - (b) Construction, Subsector 238, Specialty Trade Contractors.
 - NAICS 238170.

Consistent with the revised final policy directive and implementation plan, section III.D.3.b., competition in the four DIGs with an estimated award value that is equal to or less than the emerging small business reserve amount will be restricted to emerging small businesses, provided that the contracting officer determines there is a reasonable expectation of obtaining offers from two or more responsible emerging small businesses that will be competitive in terms of market price, quality, and delivery. If no such reasonable expectation exists, requirements will be processed in accordance with FAR Subpart 19.5 or 19.8.

The use of unrestricted competition will be reinstated upon determining, after annual review, that contract awards to small business concerns again meet the required goals.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

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DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 16, 2008.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725

17th Street, NW., Room 10222, Washington, DC 20503. Commenters are encouraged to submit responses electronically by e-mail to oir_submission@omb.eop.gov or via fax to (202) 395-6974. Commenters should include the following subject line in their response "Comment: [insert OMB number], [insert abbreviated collection name, e.g., "Upward Bound Evaluation"]". Persons submitting comments electronically should not submit paper copies.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: June 10, 2008.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of the Secretary

Type of Review: Extension.

Title: Generic Application Package for Discretionary Grant Programs.

Frequency: Other: New Awards.

Affected Public: Individuals or household; Businesses or other for-profit; Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 12,012.

Burden Hours: 290,287.

Abstract: The Department is requesting an extension of the approval for the Generic Application Package that numerous ED discretionary grant