



Federal Register

**Monday,
April 30, 2007**

Part XLV

**Department of
Defense
General Services
Administration
National Aeronautics
and Space
Administration**

**Federal Acquisition Regulation;
Semiannual Regulatory Agenda**

**DEPARTMENT OF DEFENSE/GENERAL SERVICES
ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION (FAR)**

DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Ch. 1

Semiannual Regulatory Agenda

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

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in

compliance with Executive Order 12866 “Regulatory Planning and Review.” This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process.

The Regulatory and Federal Assistance Division has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions; however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

Published proposed rules may be reviewed in their entirety at the Government’s rulemaking website at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Ms. Laurieann Duarte, Regulatory and Federal Assistance Division, Room 4035, GS Building, Washington, DC 20405, (202) 501-4755.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the FAR through periodic issuance of changes published in the **Federal Register** and produced electronically as Federal Acquisition Circulars (FACs).

The electronic version of the FAR, including changes, can be accessed on the FAR website at <http://www.acquisition.gov/far>.

Dated: March 1, 2007.
Ralph DeStefano,
Director, Contract Policy Division.

DOD/GSA/NASA (FAR)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3311	FAR Case 2006-007, Contractor Code of Ethics and Business Conduct	9000-AK67
3312	FAR Case 2006-015, Federal Computer Network (FACNET) Architecture	9000-AK68
3313	FAR Case 2005-039, Use of Products Containing Recovered Materials In Service and Construction Contracts	9000-AK69
3314	FAR Case 2006-016, Numbered Notes for Synopses	9000-AK70
3315	FAR Case 2006-013, List of Approved Attorneys, Abstracters, and Title Companies	9000-AK71
3316	FAR Case 2006-029, Federal Funding Accountability and Transparency Act (FFATA)—Reporting Requirement of Subcontractor Award Data	9000-AK72
3317	FAR Case 2006-011, Representations and Certifications—Tax Delinquency	9000-AK73

DOD/GSA/NASA (FAR)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3318	FAR Case 2000-305, Commercially Available Off-the-Shelf Items	9000-AJ55
3319	FAR Case 1999-402, FAR Part 27 Rewrite in Plain Language	9000-AJ64
3320	FAR Case 2004-017, Small Business Credit for Alaskan Native Corporations and Indian Tribes	9000-AK18
3321	FAR Case 2004-025, Government Property	9000-AK30
3322	FAR Case 2005-012, Combating Trafficking in Persons	9000-AK31
3323	FAR Case 2005-015, Common Identification Standard for Contractors	9000-AK35
3324	FAR Case 2005-011, Contractor Personnel in a Theater of Operations or at a Diplomatic or Consular Mission	9000-AK42
3325	FAR Case 2006-006, Trade Agreements—El Salvador, Honduras, and Nicaragua	9000-AK49
3326	FAR Case 2005-038, Emergency Acquisitions	9000-AK50
3327	FAR Case 2005-034, Reporting of Purchases From Sources Outside the United States	9000-AK52
3328	FAR Case 2005-017, Requirement To Purchase Approved Authentication Products and Services	9000-AK53
3329	FAR Case 2006-014, Local Community Recovery Act of 2006	9000-AK54
3330	FAR Case 2005-037, Implement OMB Policy on the Use of Brand Name Specifications	9000-AK55
3331	FAR Case 2005-025, Online Representations and Certification Application (ORCA) Archiving Capability	9000-AK56
3332	FAR Case 2005-041, Internet Protocol Version 6 (IPv6)	9000-AK57
3333	FAR Case 2006-004, FAR Part 30—CAS Administration	9000-AK58
3334	FAR Case 2005-018, Contract Debts	9000-AK59

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DOD/GSA/NASA (FAR)—Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3335	FAR Case 2005-027, FAR Part 30—CAS Administration	9000-AK60
3336	FAR Case 2006-017, Free Trade Agreements—Bahrain and Guatemala	9000-AK61
3337	FAR Case 2005-035, Changes to Lobbying Restrictions	9000-AK62
3338	FAR Case 2006-008, Implementation of Section 104 of the Energy Policy Act of 2005	9000-AK63
3339	FAR Case 2005-016, Performance-Based Payments	9000-AK64
3340	FAR Case 2004-032, Biobased Products Preference Program	9000-AK65

DOD/GSA/NASA (FAR)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3341	FAR Case 2003-027, Additional Commercial Contract Types	9000-AK07
3342	FAR Case 2004-015, Payment Under Time-and-Materials and Labor-Hour Contracts	9000-AK32
3343	FAR Case 2005-045, Removal of Sanctions Against Certain European Union Member States	9000-AK43
3344	FAR Case 2006-001, Free Trade Agreements—Morocco	9000-AK45
3345	FAR Case 2005-029, Termination or Cancellation of Purchase Orders	9000-AK46
3346	FAR Case 2005-033, Implementation of Wage Determination OnLine (WDOL)	9000-AK47
3347	FAR Case 2006-012, Contract Terms and Conditions Required To Implement Statute or Executive Orders—Commercial Items	9000-AK51
3348	FAR Case 2006-019, Contracts With Religious Entities	9000-AK66

**DEPARTMENT OF DEFENSE/GENERAL SERVICES
ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION (FAR)**

Proposed Rule Stage

**3311. • FAR CASE 2006–007,
CONTRACTOR CODE OF ETHICS AND
BUSINESS CONDUCT**

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 2; 48 CFR 3; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to address Contractor Code of Ethics and Business Conduct and the display of Federal agency Office of the Inspector General (OIG) Fraud Hotline Poster. This regulatory action was not subject to the Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	02/16/07	72 FR 7588

Action	Date	FR Cite
NPRM Comment Period End	04/17/07	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000–AK67

**3312. • FAR CASE 2006–015,
FEDERAL COMPUTER NETWORK
(FACNET) ARCHITECTURE**

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 2; 48 CFR 4; 48 CFR 5; 48 CFR 13

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to delete references to FACNET. This regulatory action was not subject to Office of Management and Budget under Executive Order 12866. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	02/01/07	72 FR 4675
NPRM Comment Period End	04/02/07	

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000–AK68

FAR

Proposed Rule Stage

3313. • FAR CASE 2005–039, USE OF PRODUCTS CONTAINING RECOVERED MATERIALS IN SERVICE AND CONSTRUCTION CONTRACTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 12; 48 CFR 23; 48 CFR 42; 48 CFR 52**Legal Deadline:** None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to clarify language within the FAR on the use of products containing recovered materials, pursuant to the Resource Conservation and Recovery Act of 1976, and Executive Order 13101 “Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition.” This regulatory action was not subject to review under Office of Management and Budget under Executive Order 12866. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	05/00/07	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Acting Director, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

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RIN: 9000–AK69**3314. • FAR CASE 2006–016, NUMBERED NOTES FOR SYNOPSES****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 5; 48 CFR 10; 48 CFR 12; 48 CFR 25**Legal Deadline:** None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to amend the Federal Acquisition Regulation (FAR) to update and clarify policy for synopses of proposed

contract actions and to delete all references to Numbered Notes. This is not a significant regulatory action and, therefore, was not subject to review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	03/12/07	72 FR 10964
NPRM Comment	05/11/07	
Period End		

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Acting Director, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

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RIN: 9000–AK70**3315. • FAR CASE 2006–013, LIST OF APPROVED ATTORNEYS, ABSTRACTERS, AND TITLE COMPANIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 28; 48 CFR 52**Legal Deadline:** None

Abstract: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to update the procedures for the acceptance of a bond with a security interest in real property. This is not a significant regulatory action and, therefore, was not subject to review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	03/16/07	72 FR 12584
NPRM Comment	05/15/07	
Period End		

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Acting Director, DOD/GSA/NASA

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RIN: 9000–AK71**3316. • FAR CASE 2006–029, FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)—REPORTING REQUIREMENT OF SUBCONTRACTOR AWARD DATA****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 4; 48 CFR 12; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the FAR to require that contractors report specific subcontract awards to a public database. The Federal Funding Accountability and Transparency Act of 2006 (FFATA) (Pub. L. 109-282) requires the existence and operation of a searchable website that provides public access to information about Federal expenditures. The FFATA specifically requires that a pilot program be established to test the collection and accession of subcontract award data. As a result, subcontracts awarded and funded with Federal appropriated funds will be disclosed to the public in a single searchable website. 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.

Timetable:

Action	Date	FR Cite
NPRM	03/21/07	72 FR 13234
NPRM Comment	05/21/07	
Period End		

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Acting Director, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

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RIN: 9000–AK72

FAR

Proposed Rule Stage

3317. • FAR CASE 2006-011, REPRESENTATIONS AND CERTIFICATIONS—TAX DELINQUENCY**Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 9; 48 CFR 52**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to change the provision at 52.209-5, Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters, and to make changes in part 9, Contractor Qualifications, to add language regarding nonpayment of taxes. This

proposed rule requires offerors to also certify whether or not they have, within a 3-year period preceding the offer, been convicted of or had a civil judgment rendered against them for violating any tax law or failing to pay any tax, or been notified of any delinquent taxes for which the liability remains unsatisfied. In addition, the offeror will be required to certify whether or not they have received a notice of a tax lien filed against them for which the liability remains unsatisfied or the lien has not been released. This regulatory action was not subject to review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	03/30/07	72 FR 15093
NPRM Comment Period End	05/29/07	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Acting Director, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405
Phone: 202 501-4225
Email: laurieann.duarte@gsa.gov**RIN:** 9000-AK73**DEPARTMENT OF DEFENSE/GENERAL SERVICES
ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION (FAR)**

Long-Term Actions

3318. FAR CASE 2000-305, COMMERCIALY AVAILABLE OFF-THE-SHELF ITEMS**Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 2; 48 CFR 3; 48 CFR 12; 48 CFR 22; 48 CFR 23; 48 CFR 25; 48 CFR 27; 48 CFR 44; 48 CFR 47; 48 CFR 52;**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement section 4203 of the Federal Acquisition Reform Act (Pub. L. 104-106) (the Act) with respect to Commercially Available Off-the-Shelf Item Acquisitions. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993, and is not a major rule under 5 U.S.C. 804.**Timetable:**

Action	Date	FR Cite
ANPRM	01/30/03	68 FR 4874
ANPRM Comment Period End	03/31/03	
NPRM	01/15/04	69 FR 2448
NPRM Comment Period End	03/15/04	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Acting Director, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405
Phone: 202 501-4225
Email: laurieann.duarte@gsa.gov**RIN:** 9000-AJ55**3319. FAR CASE 1999-402, FAR PART 27 REWRITE IN PLAIN LANGUAGE****Priority:** Other Significant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 2; 48 CFR 12; 48 CFR 19; 48 CFR 27; 48 CFR 52;**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to clarify, streamline, and update guidance and clauses on patents, data, and copyrights to provide a more logical presentation of this complex material. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.**Timetable:**

Action	Date	FR Cite
NPRM	05/28/03	68 FR 31790
NPRM Comment Period End	07/28/03	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte, Acting Director, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405
Phone: 202 501-4225
Email: laurieann.duarte@gsa.gov**RIN:** 9000-AJ64**3320. FAR CASE 2004-017, SMALL BUSINESS CREDIT FOR ALASKAN NATIVE CORPORATIONS AND INDIAN TRIBES****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 19; 48 CFR 52; 48 CFR 53**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) to implement section 702 of Public Law

FAR

Long-Term Actions

107-117, as amended by section 3003 of Public Law 107-206 (43 U.S.C. 1626). The law permits subcontracts awarded to certain Alaskan Native Corporations (ANCs) to be counted towards a contractor's goals for subcontracting with small business (SB) and small disadvantaged business (SDB) concerns. The law also permits Indian tribes to be counted towards a contractor's goal for subcontracting with SB. This regulatory action was not subject to Office of Management Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	06/03/05	70 FR 32553
NPRM Comment Period End	08/02/05	

Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK18

3321. FAR CASE 2004-025, GOVERNMENT PROPERTY

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 1; 48 CFR 2; 48 CFR 17; 48 CFR 31; 48 CFR 32; 48 CFR 35; 48 CFR 42; 48 CFR 45; 48 CFR 49; 48 CFR 51; 48 CFR 52; 48 CFR 53

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to simplify procedures, clarify language, and eliminate obsolete requirements related to the management and disposition of Government property in the possession of contractors. Various FAR parts are amended to implement a policy that fosters efficiency, flexibility, innovation, and creativity, while continuing to protect the Government's interest in the public's property. The proposed rule specifically impacts contracting officers, property administrators, and

contractors responsible for the management of Government property. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866. This is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	09/19/05	70 FR 54878
NPRM Comment Period End	11/18/05	

Next Action Undetermined

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal

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RIN: 9000-AK30

3322. FAR CASE 2005-012, COMBATING TRAFFICKING IN PERSONS

Priority: Other Significant

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 12; 48 CFR 22; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 3(b) of the Trafficking Victims Protection Reauthorization Act of 2003. This regulatory action was subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/19/06	71 FR 20301
Interim Final Rule Effective	04/19/06	
Interim Final Rule Comment Period End	06/19/06	

Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK31

3323. FAR CASE 2005-015, COMMON IDENTIFICATION STANDARD FOR CONTRACTORS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 2; 48 CFR 4; 48 CFR 7; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to address the contractor personal identification requirements in Homeland Security Presidential Directive (HSPD) 12 "Policy for a Common Identification Standard for Federal Employees and Contractors" and Federal Information Processing Standards (FIPS) Number 201 "Personal Identity Verification (PIV) of Federal Employees and Contractors."

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/03/06	71 FR 208
Interim Final Rule Comment Period End	03/06/06	
Interim Final Rule Effective	01/03/06	

Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK35

3324. FAR CASE 2005-011, CONTRACTOR PERSONNEL IN A THEATER OF OPERATIONS OR AT A DIPLOMATIC OR CONSULAR MISSION

Priority: Other Significant

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

FAR

Long-Term Actions

CFR Citation: 48 CFR 2; 48 CFR 7; 48 CFR 12; 48 CFR 25; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to address the issues of contractor personnel that are providing support to the mission of the United States Government in the theater of operations or at a diplomatic or consular mission outside the United States, but are not covered by the DoD clause for contractor personnel authorized to accompany the U.S. Armed Forces. This regulatory action was subject to review under section 6(b) of Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	07/18/06	71 FR 40681
NPRM Comment Period End	09/18/06	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK42

3325. FAR CASE 2006-006, TRADE AGREEMENTS—EL SALVADOR, HONDURAS, AND NICARAGUA

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: None

Abstract: This interim rule amends the Federal Acquisition Regulation (FAR) to implement the Dominican Republic-Central America-United States Free Trade Agreement with respect to El Salvador, Honduras, and Nicaragua. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/28/06	71 FR 36935
Interim Final Rule Effective	06/28/06	
Interim Final Rule Comment Period End	08/28/06	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK49

3326. FAR CASE 2005-038, EMERGENCY ACQUISITIONS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473 (c)

CFR Citation: 48 CFR 18

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to provide a single reference to acquisition flexibilities that may be used to facilitate and expedite acquisitions of supplies and services during emergency situations. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/05/06	71 FR 38247
Interim Final Rule Effective	07/05/06	
Interim Final Rule Comment Period End	09/05/06	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK50

3327. FAR CASE 2005-034, REPORTING OF PURCHASES FROM SOURCES OUTSIDE THE UNITED STATES

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 837 of Division AS of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriation Act, 2006 (Pub. L. 109-115) and similar sections in subsequent appropriations actions. Section 837 requires the head of each Federal agency to submit a report to Congress relating to acquisitions of articles, materials, or supplies that are manufactured outside the United States. This rule amends the FAR to request from offerors necessary data regarding place of manufacture. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/22/06	71 FR 67776
Interim Final Rule Effective	11/22/06	
Interim Final Rule Comment Period End	01/22/07	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK52

FAR

Long-Term Actions

3328. FAR CASE 2005-017, REQUIREMENT TO PURCHASE APPROVED AUTHENTICATION PRODUCTS AND SERVICES**Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 4**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to address the acquisition of products and services for personal identity verification that comply with requirements in Homeland Security Presidential Directive (HSPD) 12 "Policy for a Common Identification Standard for Federal Employees and Contractors" and Federal Information Processing Standards Publication (FIPS PUB) 201 "Personal Identity Verification of Federal Employees and Contractors." This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866. This rule is not as major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	08/23/06	71 FR 49405
NPRM Comment Period End	10/23/06	

Next Action Undetermined

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** Federal

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RIN: 9000-AK53**3329. FAR CASE 2006-014, LOCAL COMMUNITY RECOVERY ACT OF 2006****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 6; 48 CFR 12; 48 CFR 26; 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement the Local Community

Recovery Act of 2006. The Local Community Recovery Act of 2006 amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize set-asides for major disaster or emergency assistance acquisitions to businesses that reside or primarily do business in the geographic area affected by the disaster or emergency. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/04/06	71 FR 44546
Interim Final Rule Effective	08/04/06	
Interim Final Rule Comment Period End	10/03/06	

Next Action Undetermined

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** Federal

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RIN: 9000-AK54**3330. FAR CASE 2005-037, IMPLEMENT OMB POLICY ON THE USE OF BRAND NAME SPECIFICATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 5; 48 CFR 6; 48 CFR 8; 48 CFR 11; 48 CFR 13**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to require agencies to publish on the Governmentwide point of entry (GPE) or e-Buy the documentation required by the FAR to support the use of brand name specifications. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/28/06	71 FR 57357

Action**Date****FR Cite**

Interim Final Rule Effective

09/28/06

Interim Final Rule Comment Period End

11/27/06

Next Action Undetermined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

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RIN: 9000-AK55**3331. FAR CASE 2005-025, ONLINE REPRESENTATIONS AND CERTIFICATION APPLICATION (ORCA) ARCHIVING CAPABILITY****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 4; 48 CFR 12; 48 CFR 14; 48 CFR 15**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to address the record retention policy where the Online Representations and Certifications Application (ORCA) is used to submit an offeror's representations and certification. This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/28/06	71 FR 57362
Interim Final Rule Effective	09/28/06	
Interim Final Rule Comment Period End	11/27/06	

Next Action Undetermined

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

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FAR

Long-Term Actions

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3332. FAR CASE 2005-041, INTERNET PROTOCOL VERSION 6 (IPv6)

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 7; 48 CFR 12; 48 CFR 39

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to require Internet Protocol Version 6 (IPv6) capable products be included in information technology procurements to the maximum extent practicable. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	08/24/06	71 FR 50011
NPRM Comment	10/23/06	
Period End		
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK57

3333. FAR CASE 2006-004, FAR PART 30—CAS ADMINISTRATION

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 30; 48 CFR 52

Legal Deadline: None

Abstract: This rule proposes to amend the Federal Acquisition Regulation (FAR) to implement recommendations to change the regulations at FAR part 30 related to the administration of the Cost Accounting Standards (CAS). This regulatory action was not subject to Office of Management and Budget

review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	10/03/06	71 FR 58338
NPRM Comment	12/04/06	
Period End		
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK58

3334. • FAR CASE 2005-018, CONTRACT DEBTS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 12; 48 CFR 13; 48 CFR 32; 48 CFR 36; 48 CFR 42; 48 CFR 52;

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to revise the policies and procedures for contract debts. This regulatory action was not subject to review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	11/24/06	71 FR 62230
NPRM Comment	12/26/06	
Period End		
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK59

3335. FAR CASE 2005-027, FAR PART 30—CAS ADMINISTRATION

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 30

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement recommendations to change the regulations related to the administration of the Cost Accounting Standards (CAS). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	10/03/06	71 FR 58336
NPRM Comment	12/04/06	
Period End		
Next Action Undetermined		

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

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RIN: 9000-AK60

3336. • FAR CASE 2006-017, FREE TRADE AGREEMENTS—BAHRAIN AND GUATEMALA

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement the Dominican Republic-Central America-United States Free Trade Agreement with respect to Guatemala and the United States-Bahrain Free Trade Agreement. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/22/06	71 FR 67776

FAR

Long-Term Actions

Action	Date	FR Cite
Interim Final Rule Effective	11/22/06	
Interim Final Rule Comment Period End	01/22/07	
Final Action	To Be Determined	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK61

3337. FAR CASE 2005-035, CHANGES TO LOBBYING RESTRICTIONS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 3; 48 CFR 12; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to be consistent with the Lobbying Disclosure Act of 1995 and the OMB Interim Final Guidance, and to improve clarity of the regulation through improved use of plain language and compliance with FAR drafting conventions. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	09/14/06	71 FR 54255
NPRM Comment Period End	11/13/06	

Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK62

3338. • FAR CASE 2006-008, IMPLEMENTATION OF SECTION 104 OF THE ENERGY POLICY ACT OF 2005

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 23; 48 CFR 36; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to address implementation of section 104 of the Energy Policy Act of 2005. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	12/07/06	71 FR 70937
NPRM Comment Period End	02/05/06	

Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

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RIN: 9000-AK63

3339. • FAR CASE 2005-016, PERFORMANCE-BASED PAYMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 32; 48 CFR 52

Legal Deadline: None

Abstract: This rule proposes to amend the Federal Acquisition Regulation (FAR) to implement recommendations to change the regulations related to performance-based payments (PBP). This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	12/14/06	71 FR 75186

Action	Date	FR Cite
NPRM Comment Period End	02/12/07	

Next Action Undetermined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 9000-AK64

3340. • FAR CASE 2004-032, BIOBASED PRODUCTS PREFERENCE PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)

CFR Citation: 48 CFR 2; 48 CFR 7; 48 CFR 11; 48 CFR 12; 48 CFR 13; 48 CFR 23; 48 CFR 42; 48 CFR 52

Legal Deadline: None

Abstract: This rule proposes to amend the Federal Acquisition Regulation (FAR) to implement section 9002 of the Farm Security and Rural Investment Act of 2002 (FSRIA), as amended by sections 205 and 943 of the Energy Policy Act of 2005. Entitled Federal Procurement of Biobased Products, section 9002 requires that a procurement preference be afforded biobased products within items designated by the Secretary of Agriculture. This regulatory action was not subject to Office of Management and Budget review under Executive Order 12866. This rule is not a major rule under 5 U.S.C. 804.

Timetable:

Action	Date	FR Cite
NPRM	12/26/06	71 FR 77360
NPRM Comment Period End	02/26/07	

Next Action Undetermined

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

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FAR

Long-Term Actions

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**DEPARTMENT OF DEFENSE/GENERAL SERVICES
 ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE
 ADMINISTRATION (FAR)**

Completed Actions

**3341. FAR CASE 2003-027,
 ADDITIONAL COMMERCIAL
 CONTRACT TYPES**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 2; 48 CFR 10;
 48 CFR 12; 48 CFR 16; 48 CFR 52;

Completed:

Reason	Date	FR Cite
Final Action	12/12/06	71 FR 74656
Final Action Effective	02/12/07	

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK07

**3342. FAR CASE 2004-015, PAYMENT
 UNDER TIME-AND-MATERIALS AND
 LABOR-HOUR CONTRACTS**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 16; 48 CFR 32;
 48 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	12/12/06	71 FR 74656
Final Action Effective	02/12/07	

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK32

**3343. FAR CASE 2005-045, REMOVAL
 OF SANCTIONS AGAINST CERTAIN
 EUROPEAN UNION MEMBER STATES**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 25; 48 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	11/22/06	71 FR 67775
Final Action Effective	11/22/06	

**Regulatory Flexibility Analysis
 Required:** No

Government Levels Affected: Federal

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RIN: 9000-AK43

**3344. FAR CASE 2006-001, FREE
 TRADE AGREEMENTS—MOROCCO**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 25 ; 48 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	11/22/06	71 FR 67778
Final Action Effective	11/22/06	

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK45

**3345. FAR CASE 2005-029,
 TERMINATION OR CANCELLATION
 OF PURCHASE ORDERS**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 13

Completed:

Reason	Date	FR Cite
Final Action	03/22/07	72 FR 13586
Final Action Effective	03/22/07	

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK46

**3346. FAR CASE 2005-033,
 IMPLEMENTATION OF WAGE
 DETERMINATION ONLINE (WDOL)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 22; 48 CFR 47
 ; 48 CFR 52; 48 CFR 53; 48 CFR 4

Completed:

Reason	Date	FR Cite
Final Action	03/22/07	72 FR 13585
Final Action Effective	03/22/07	

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK47

**3347. FAR CASE 2006-012,
 CONTRACT TERMS AND CONDITIONS
 REQUIRED TO IMPLEMENT STATUE
 OR EXECUTIVE ORDERS—
 COMMERCIAL ITEMS**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	03/22/07	72 FR 13588
Final Action Effective	03/22/07	

**Regulatory Flexibility Analysis
 Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK51

FAR

Completed Actions

**3348. • FAR CASE 2006-019,
CONTRACTS WITH RELIGIOUS
ENTITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10
USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 22; 48 CFR 52**Legal Deadline:** None**Abstract:** This rule amends FAR part
22 to implement E.O. 11246, as
amended, Equal Employment
Opportunity, to incorporate theexemption for religious entities
prescribed in E.O. 13279. This
regulatory action was not subject to
Office of Management and Budget
review under Executive Order 12866,
dated September 30, 1993. This rule is
not a major rule under 5 U.S.C. 804.**Timetable:**

Action	Date	FR Cite
Final Action	03/22/07	72 FR 13586
Final Action Effective	03/22/07	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Laurieann Duarte,
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