



Federal Register

**Monday,
December 11, 2006**

Part XLIV

**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 Publication 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: August 25, 2006.

Ralph DeStefano,
Director, Contract Policy Division.

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

Sequence Number	Title	Regulation Identifier Number
3684	FAR Case 2005-041, Internet Protocol Version 6 (IPv6)	9000-AK57
3685	FAR Case 2006-004, FAR Part 30—CAS Administration	9000-AK58
3686	FAR Case 2005-027, FAR Part 30-CAS Administration	9000-AK60

DOD/GSA/NASA (FAR)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3687	FAR Case 2005-038, Emergency Acquisitions	9000-AK50
3688	FAR Case 2005-034, Reporting of Purchases From Sources Outside the United States	9000-AK52

DOD/GSA/NASA (FAR)—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3689	FAR Case 2000-305, Commercially Available Off-the-Shelf Items	9000-AJ55
3690	FAR Case 1999-402, FAR Part 27 Rewrite in Plain Language	9000-AJ64
3691	FAR Case 2003-027, Additional Commercial Contract Types	9000-AK07
3692	FAR Case 2004-017, Small Business Credit for Alaskan Native Corporations and Indian Tribes	9000-AK18
3693	FAR Case 2004-025, Government Property	9000-AK30
3694	FAR Case 2005-012, Combatting Trafficking in Persons	9000-AK31
3695	FAR Case 2004-015, Payment Under Time-and-Materials and Labor-Hour Contracts	9000-AK32
3696	FAR Case 2005-015, Common Identification Standard for Contractors	9000-AK35
3697	FAR Case 2005-011, Contractor Personnel in a Theater of Operations or at a Diplomatic or Consular Mission	9000-AK42
3698	FAR Case 2005-045, Removal of Sanctions Against Certain European Union Member States	9000-AK43
3699	FAR Case 2006-001, Free Trade Agreements—Morocco	9000-AK45
3700	FAR Case 2005-029, Termination or Cancellation of Purchase Orders	9000-AK46

FAR

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

Sequence Number	Title	Regulation Identifier Number
3701	FAR Case 2005-033, Implementation of Wage Determination OnLine (WDOL)	9000-AK47
3702	FAR Case 2006-006, Trade Agreements—El Salvador, Honduras, and Nicaragua	9000-AK49
3703	FAR Case 2006-012, Contract Terms and Conditions Required To Implement Statute or Executive Orders—Commercial Items	9000-AK51
3704	FAR Case 2005-017, Requirement To Purchase Approved Authentication Products and Services	9000-AK53
3705	FAR Case 2006-014, Local Community Recovery Act of 2006	9000-AK54
3706	FAR Case 2005-037, Implement OMB Policy on the Use of Brand Name Specifications	9000-AK55
3707	FAR Case 2005-025, Online Representations and Certification Application (ORCA) Archiving Capability	9000-AK56
3708	FAR Case 2005-035, Changes to Lobbying Restrictions	9000-AK62

DOD/GSA/NASA (FAR)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3709	FAR Case 1998-020, Hazardous Material Safety Data	9000-AJ21
3710	FAR Case 2004-007, Federal Technical Data Solution	9000-AK08
3711	FAR Case 2004-019, Earned Value Management System (EVMS)	9000-AK16
3712	FAR Case 2004-035, Submission of Cost or Pricing Data on Noncommercial Modifications of Commercial Items ..	9000-AK17
3713	FAR Case 2004-014, Buy-Back of Assets	9000-AK19
3714	FAR Case 2004-012, Past Performance Evaluation of Orders	9000-AK20
3715	FAR Case 2004-030, Definition of Information Technology	9000-AK21
3716	FAR Case 2005-009, Confirmation of HUBZone Certification	9000-AK22
3717	FAR Case 2004-031, Fast Payment Procedures	9000-AK24
3718	FAR Case 2004-021, OMB Circular A-76	9000-AK25
3719	FAR Case 2004-033, Inflation Adjustment of Acquisition-Related Thresholds	9000-AK26
3720	FAR Case 2005-002, Expiration of the Price Evaluation Adjustment	9000-AK28
3721	FAR Case 2004-018, Information Technology Security	9000-AK29
3722	FAR Case 2005-007, Central Contractor Registration—Taxpayer Identification Number (TIN) Validation	9000-AK33
3723	FAR Case 2005-022, Exemption From Buy American Act for Commercial Information Technology	9000-AK34
3724	FAR Case 2005-030, Trade Agreements—Thresholds	9000-AK40
3725	FAR Case 2006-003, Procedures Related to Procurement Center Representatives	9000-AK48

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

Proposed Rule Stage

**3684. • 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	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK57

**3685. • 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

FAR

Proposed Rule Stage

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 Period End	12/04/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK58

3686. • 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 Period End	12/04/06	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: Federal

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RIN: 9000-AK60

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

Final Rule Stage

3687. • 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	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK50

3688. • 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	12/00/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK52

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

Long-Term Actions

**3689. FAR CASE 2000-305,
COMMERCIALLY 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

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RIN: 9000-AJ55

**3690. FAR CASE 1999-402, FAR PART
27 REWRITE IN PLAIN LANGUAGE**

Priority: Substantive, Nonsignificant

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

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RIN: 9000-AJ64

**3691. FAR CASE 2003-027,
ADDITIONAL COMMERCIAL
CONTRACT TYPES**

Priority: Substantive, Nonsignificant

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

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

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement section 1432 of the National Defense Authorization Act for Fiscal Year 2004. 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
ANPRM	09/20/04	69 FR 56316
ANPRM Comment Period End	11/19/04	
NPRM	09/26/05	70 FR 56318
NPRM Comment Period End	11/25/05	
NPRM	11/29/05	70 FR 71448

Action	Date	FR Cite
NPRM Comment Period End	12/09/05	
Next Action Undetermined		

**Regulatory Flexibility Analysis
Required:** No

Small Entities Affected: No

Government Levels Affected: Federal

URL For More Information:

www.regulations.gov

URL For Public Comments:

www.acqnet.gov/far/proposedrules/proposed.htm

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RIN: 9000-AK07

**3692. 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 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

FAR

Long-Term Actions

Action	Date	FR Cite
NPRM Comment Period End	08/02/05	
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

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RIN: 9000-AK18**3693. 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**Agency Contact:** Laurieann Duarte, Acting Director, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

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RIN: 9000-AK30**3694. FAR CASE 2005-012, COMBATTING 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**Agency Contact:** Laurieann Duarte, Acting Director, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

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RIN: 9000-AK31**3695. FAR CASE 2004-015, PAYMENT UNDER TIME-AND-MATERIALS AND LABOR-HOUR CONTRACTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 16; 48 CFR 32; 48 CFR 52**Legal Deadline:** None**Abstract:** This rule amends the Federal Acquisition Regulation (FAR) 16.307, 16.601, 32.111, and 52.232-7 regarding payments under Time-and-Materials (T&M) and Labor-Hour (LH) Contracts. This regulatory action was not subject to Office of Management 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	09/26/05	70 FR 56314
NPRM Comment Period End	11/25/05	
NPRM	11/29/05	70 FR 71448
NPRM Comment Period End	12/09/05	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For More Information:**www.regulations.gov**URL For Public Comments:**www.acqnet.gov/far/proposedrules/proposed.htm**Agency Contact:** Laurieann Duarte, Acting Director, DOD/GSA/NASA (FAR), 1800 F Street NW, Washington, DC 20405

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RIN: 9000-AK32**3696. 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

FAR

Long-Term Actions

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

3697. 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)

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

3698. FAR CASE 2005-045, REMOVAL OF SANCTIONS AGAINST CERTAIN EUROPEAN UNION MEMBER STATES

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 121(c); 10 USC 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 remove the sanctions against certain European Union (EU) countries. 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	04/19/06	
Interim Final Rule Effective	04/19/06	
Interim Final Rule Comment Period End	06/19/06	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

URL For Public Comments: www.regulations.gov

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RIN: 9000-AK43

3699. FAR CASE 2006-001, FREE TRADE AGREEMENTS—MOROCCO

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 25 ; 48 CFR 52

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement the new Free Trade Agreement with Morocco as approved by Congress (Pub. L. 108-302). This Free Trade Agreement went into effect January 1, 2006. 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	04/19/06	71 FR 20306
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

URL For Public Comments: www.regulations.gov

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RIN: 9000-AK45

3700. FAR CASE 2005-029, TERMINATION OR CANCELLATION OF PURCHASE ORDERS

Priority: Substantive, Nonsignificant

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

CFR Citation: 48 CFR 13

Legal Deadline: None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to correct the inadvertent omission of appropriate references in the FAR pertaining to termination for cause of those purchase orders that have been accepted in writing. 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
NPRM	03/22/06	71 FR 14445

FAR

Long-Term Actions

Action	Date	FR Cite
NPRM Comment Period End	05/22/06	
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

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RIN: 9000-AK46**3701. • FAR CASE 2005-033, IMPLEMENTATION OF WAGE DETERMINATION ONLINE (WDOL)****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 22; 48 CFR 47; 48 CFR 52; 48 CFR 53; 48 CFR 4**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to implement the Wage Determinations OnLine (WDOL) Internet website as the source for Federal contracting agencies to obtain wage determinations issued by the Department of Labor (DOL) for service contracts subject to the McNamara-O'Hare Service Contract Act (SCA) and for construction contracts subject to the Davis-Bacon Act (DBA). 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 36930
Interim Final Rule Effective	06/28/06	
Interim Final Rule Comment Period End	08/28/06	
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

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RIN: 9000-AK47**3702. • 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	
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

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RIN: 9000-AK49**3703. • FAR CASE 2006-012, CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUE OR EXECUTIVE ORDERS—COMMERCIAL ITEMS****Priority:** Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 52**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to update the required contract clauses that implement provisions of law or Executive orders for acquisitions of commercial items. 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	To Be Determined	

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-AK51**3704. • 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	To Be Determined	

Regulatory Flexibility Analysis Required: Yes

FAR

Long-Term Actions

Small Entities Affected: Businesses
Government Levels Affected: Federal
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RIN: 9000-AK53

3705. • 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

3706. • FAR CASE 2005-037, IMPLEMENT OMB POLICY ON THE USE OF BRAND NAME SPECIFICATIONS

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.
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 57358
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

3707. • 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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RIN: 9000-AK56

3708. • 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

FAR

Long-Term Actions

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK62

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

Completed Actions

**3709. FAR CASE 1998-020,
HAZARDOUS MATERIAL SAFETY
DATA**

Priority: Other Significant

CFR Citation: 48 CFR 23; 48 CFR 52

Completed:

Reason	Date	FR Cite
Withdrawn	05/11/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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Related RIN: Previously reported as
9000-AI87

RIN: 9000-AJ21

**3710. FAR CASE 2004-007, FEDERAL
TECHNICAL DATA SOLUTION**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 2; 48 CFR 5; 48
CFR 7**Completed:**

Reason	Date	FR Cite
Final Action	04/19/06	71 FR 20295
Final Action Effective	05/19/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK08

**3711. FAR CASE 2004-019, EARNED
VALUE MANAGEMENT SYSTEM
(EVMS)**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 2; 48 CFR 7; 48
CFR 34; 48 CFR 42; 48 CFR 52; ...**Completed:**

Reason	Date	FR Cite
Final Action	07/05/06	71 FR 38238
Final Action Effective	07/05/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK16

**3712. FAR CASE 2004-035,
SUBMISSION OF COST OR PRICING
DATA ON NONCOMMERCIAL
MODIFICATIONS OF COMMERCIAL
ITEMS**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 15

Completed:

Reason	Date	FR Cite
Final Action	06/28/06	71 FR 36927
Final Action Effective	07/28/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK17

**3713. FAR CASE 2004-014,
BUY-BACK OF ASSETS**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 31

Completed:

Reason	Date	FR Cite
Final Action	06/28/06	71 FR 36939
Final Action Effective	07/28/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK19

**3714. FAR CASE 2004-012, PAST
PERFORMANCE EVALUATION OF
ORDERS**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 42

Completed:

Reason	Date	FR Cite
Withdrawn	05/23/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK20

**3715. FAR CASE 2004-030,
DEFINITION OF INFORMATION
TECHNOLOGY**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 2

Completed:

Reason	Date	FR Cite
Final Action	04/19/06	71 FR 20298
Final Action Effective	04/19/06	

Regulatory Flexibility Analysis

Required: No

FAR

Completed Actions

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK21

**3716. FAR CASE 2005-009,
CONFIRMATION OF HUBZONE
CERTIFICATION**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 19; 48 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	04/19/06	71 FR 20303
Final Action Effective	04/19/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 9000-AK22

**3717. FAR CASE 2004-031, FAST
PAYMENT PROCEDURES**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	04/19/06	71 FR 20308
Correction	05/01/06	71 FR 25507
Final Action Effective	05/19/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK24

**3718. FAR CASE 2004-021, OMB
CIRCULAR A-76**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 2; 48 CFR 5; 48

CFR 7; 48 CFR 14; 48 CFR 37; 48 CFR

52

Completed:

Reason	Date	FR Cite
Final Action	04/19/06	71 FR 20299
Final Action Effective	05/19/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK25

**3719. FAR CASE 2004-033,
INFLATION ADJUSTMENT OF
ACQUISITION-RELATED
THRESHOLDS**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 1 to 2; 48 CFR 4 to 9; 48 CFR 12 to 13; 48 CFR 15 to 17; 48 CFR 19; 48 CFR 22; 48 CFR 25; 48 CFR 28; 48 CFR 30; 48 CFR 32; 48 CFR 36; 48 CFR 42; 48 CFR 48; 48 CFR 49 to 50; 48 CFR 52 to 53

Completed:

Reason	Date	FR Cite
Final Action	09/28/06	71 FR 57363
Final Action Effective	09/28/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK26

**3720. FAR CASE 2005-002,
EXPIRATION OF THE PRICE
EVALUATION ADJUSTMENT**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 19; 48 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	04/19/06	71 FR 20304
Final Action Effective	04/19/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Businesses

Government Levels Affected: Federal

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RIN: 9000-AK28

**3721. FAR CASE 2004-018,
INFORMATION TECHNOLOGY
SECURITY**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 1; 48 CFR 2; 48 CFR 7 ; 48 CFR 11; 48 CFR 39; ...

Completed:

Reason	Date	FR Cite
Final Action	09/28/06	71 FR 57360
Interim Final Rule Effective	09/28/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK29

**3722. FAR CASE 2005-007, CENTRAL
CONTRACTOR REGISTRATION—
TAXPAYER IDENTIFICATION NUMBER
(TIN) VALIDATION**

Priority: Substantive, Nonsignificant

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

Completed:

Reason	Date	FR Cite
Final Action	06/28/06	71 FR 36923
Final Action Effective	07/28/06	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 9000-AK33

**3723. FAR CASE 2005-022,
EXEMPTION FROM BUY AMERICAN
ACT FOR COMMERCIAL
INFORMATION TECHNOLOGY**

Priority: Substantive, Nonsignificant

CFR Citation: 48 CFR 25

Completed:

Reason	Date	FR Cite
Final Action	09/28/06	71 FR 57378
Final Action Effective	09/28/06	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses

FAR

Completed Actions

Government Levels Affected: Federal
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RIN: 9000-AK34

3724. FAR CASE 2005-030, TRADE AGREEMENTS—THRESHOLDS

Priority: Substantive, Nonsignificant
CFR Citation: 48 CFR 22; 48 CFR 25; 48 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	09/28/06	71 FR 57375
Interim Final Rule Effective	09/28/06	

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

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RIN: 9000-AK40

3725. • FAR CASE 2006-003, PROCEDURES RELATED TO PROCUREMENT CENTER REPRESENTATIVES
Priority: Substantive, Nonsignificant**Legal Authority:** 40 USC 121(c); 10 USC ch 137; 42 USC 2473(c)**CFR Citation:** 48 CFR 10; 48 CFR 19**Legal Deadline:** None

Abstract: This rule amends the Federal Acquisition Regulation (FAR) to provide internal procedures to cover situations when the FAR requires interaction with a procurement center representative and one has not been assigned to the procuring activity or contract administration office. 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
Final Action	06/28/06	71 FR 36925
Final Action Effective	07/28/06	

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

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RIN: 9000-AK48

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