

DEPARTMENT OF DEFENSE**48 CFR Parts 239 and 252**

[DFARS Case 2003–D053]

Defense Federal Acquisition Regulation Supplement; Update of Clauses for Telecommunications Services**AGENCY:** Department of Defense (DoD).**ACTION:** Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update clauses used in contracts for telecommunications services. This rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

EFFECTIVE DATE: November 9, 2005.

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SUPPLEMENTARY INFORMATION:**A. Background**

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at <http://www.acq.osd.mil/dpap/dars/dfars/transformation/index.htm>.

This final rule is a result of the DFARS Transformation initiative. The rule—

- Deletes an obsolete clause at DFARS 252.239–7003, Facilities and Services to be Furnished—Common Carriers; and
- Expands the applicability of the clauses at DFARS 252.239–7004, Orders for Facilities and Services; 252.239–7005, Rates, Charges, and Services; and 252.239–7007, Cancellation or Termination of Orders, to all carriers of telecommunications services. The

clauses previously applied only to common carriers (those subject to Federal Communications Commission or other governmental regulation). Expansion of these clauses to all carriers reflects the current business environment, where the differences between common and noncommon carriers have become less distinct.

DoD published a proposed rule at 69 FR 67885 on November 22, 2004. DoD received no comments on the proposed rule. Therefore, DoD has adopted the proposed rule as a final rule without change.

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

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the DFARS changes in this rule reflect current business practices for the acquisition of telecommunications services.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 239 and 252

Government procurement.

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■ Therefore, 48 CFR parts 239 and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 239 and 252 continues to read as follows:

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

PART 239—ACQUISITION OF INFORMATION TECHNOLOGY**239.7406 [Amended]**

■ 2. Section 239.7406 is amended in paragraph (c)(6) by removing “—Common Carriers”.

239.7411 [Amended]

■ 3. Section 239.7411 is amended in paragraph (a) as follows:

- a. By removing paragraph (a)(2);
- b. By redesignating paragraphs (a)(3) through (a)(7) as paragraphs (a)(2) through (a)(6) respectively; and

■ c. In newly designated paragraphs (a)(2), (a)(3), and (a)(5), by removing “—Common Carriers”.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**252.239–7003 [Removed and Reserved]**

■ 4. Section 252.239–7003 is removed and reserved.

252.239–7004 [Amended]

■ 5. Section 252.239–7004 is amended as follows:

- a. In the section heading, by removing “—common carriers”;
- b. In the clause title, by removing “—COMMON CARRIERS”;
- c. By revising the clause date to read “(NOV 2005)”.

252.239–7005 [Amended]

■ 6. Section 252.239–7005 is amended as follows:

- a. In the section heading, by removing “—common carriers”;
- b. In the clause title, by removing “—COMMON CARRIERS”;
- c. By revising the clause date to read “(NOV 2005)”;
- d. In paragraph (f), in the first sentence, by removing “—Common Carriers”.

252.239–7007 [Amended]

■ 7. Section 252.239–7007 is amended as follows:

- a. In the section heading, by removing “—common carriers”;
- b. In the clause title, by removing “—COMMON CARRIERS”;
- c. By revising the clause date to read “(NOV 2005)”;
- d. In paragraph (b)(1), by removing “—Common Carriers”.

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DEPARTMENT OF DEFENSE**48 CFR Parts 242 and 252**

[DFARS Case 2003–D023]

Defense Federal Acquisition Regulation Supplement; Contract Administration**AGENCY:** Department of Defense (DoD).**ACTION:** Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to contract administration and audit services. This rule is a result of a transformation initiative undertaken by