

**§ 14.61 Obligations with respect to internet browsers built into mobile phones.**

(a) *Accessibility.* If on or after October 8, 2013 a manufacturer of a telephone used with public mobile services includes an Internet browser in such telephone, or if a provider of mobile service arranges for the inclusion of a browser in telephones to sell to customers, the manufacturer or provider shall ensure that the functions of the included browser (including the ability to launch the browser) are accessible to and usable by individuals who are blind or have a visual impairment, unless doing so is not achievable, except that this subpart shall not impose any requirement on such manufacturer or provider—

(1) To make accessible or usable any Internet browser other than a browser that such manufacturer or provider includes or arranges to include in the telephone; or

(2) To make Internet content, applications, or services accessible or usable (other than enabling individuals with disabilities to use an included browser to access such content, applications, or services).

(b) *Industry flexibility.* A manufacturer or provider may satisfy the requirements of this subpart with respect to such telephone or services by—

(1) Ensuring that the telephone or services that such manufacturer or provider offers is accessible to and usable by individuals with disabilities without the use of third-party applications, peripheral devices, software, hardware, or customer premises equipment; or

(2) Using third-party applications, peripheral devices, software, hardware, or customer premises equipment that is available to the consumer at nominal cost and that individuals with disabilities can access.

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**DEPARTMENT OF DEFENSE****Defense Acquisition Regulations System****48 CFR Part 204**

**RIN 0750-AH80**

**Defense Federal Acquisition Regulation Supplement: Clarification of “F” Orders in the Procurement Instrument Identification Number Structure (DFARS Case 2012-D040)**

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

**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update instructions for assigning basic and supplementary procurement instrument identification numbers.

**DATES:** *Effective:* May 22, 2013.

**FOR FURTHER INFORMATION CONTACT:** Fernell Warren, telephone 571-372-6089.

**SUPPLEMENTARY INFORMATION:****I. Background**

DoD published a proposed rule in the **Federal Register** at 77 FR 51957 on August 28, 2012, to update instructions for assigning basic and supplementary procurement instrument identification numbers (PIIN) by limiting the use of “F” in the 9th position of the PIIN to those orders and calls issued by DoD under indefinite delivery type contracts and agreements issued by departments or agencies outside the DoD. Two respondents submitted public comments in response to the proposed rule.

**II. Discussion and Analysis of the Public Comments**

DoD reviewed the public comments in the development of the final rule. A discussion of the comments is provided.

**A. Summary of Changes from the Proposed Rule**

There were no changes made from the proposed rule as a result of the comments.

**B. Analysis of public comments****1. Information technology**

*Comment:* One respondent was concerned that if AbilityOne and FPI vendors were no longer identified by an “F” in the 9th position of the PIIN, field activities would no longer be able to pull data relating to these awards. The

respondent asked what office would be responsible for retrieving such data, and whether a particular system, EProcurement/Records Management, allows for data retrieval via Data Universal Numbering System number and/or Commercial and Government Entity code.

*Response:* The “F” in the 9th position has not been exclusively utilized for AbilityOne and FPI awards; therefore retrieving data by the “F” in 9th position does not provide a sufficiently discrete result. DoD uses other data elements, such as specific DUNS numbers and validations from the Ability One Program, as indicators for awards to Federal Prison Industries and Ability One vendors.

**2. Implementation impact**

*Comment:* One respondent stated that standardizing identification systems would benefit DoD. However, the respondent was concerned that the rule could have an adverse impact on smaller, i.e. AbilityOne and FPI, vendors. The respondent inquired as to whether implementation of the rule would apply to existing awards, and if so, might cause an additional adverse impact.

*Response:* The revision of the use of “F” in PIINs will have no impact on the smaller AbilityOne and FPI vendors; it is simply an award identifier. DoD uses other data elements, such as specific DUNS numbers and validations from the Ability One Program, as indicators for awards to Federal Prison Industries and Ability One vendors. The final rule is a prospective change to DFARS. Existing award and order numbers will not be changed. DoD anticipates no adverse impacts from implementation of this rule.

**III. Executive Orders 12866 and 13563**

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

#### IV. Regulatory Flexibility Act

DoD does not expect this final rule to have a significant economic impact on a substantial number of small entities because it applies to a narrowly limited population of procurement actions however, a final regulatory flexibility analysis has been prepared consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., and is summarized as follows:

This rule will clarify which contracts are to be coded with an "F" in the 9th position of the PIIN. It is not anticipated that the rule will impact small entities as it only impacts the internal operating procedures of the Government by specifying how the assigned PIIN is constructed for certain procurement actions. This change limits the use of "F" in the 9th position to task and delivery orders and calls issued under a non-DoD issued contract or agreement. As a result of the rule, new awards under the AbilityOne program and the FPI programs will no longer reflect an "F" in the 9th position of the in the PIIN. DoD uses other data elements, such as specific DUNS numbers and validations from the Ability One Program, as indicators for awards to Federal Prison Industries and Ability One vendors.

#### V. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

#### List of Subjects in 48 CFR Part 204

Government procurement.

#### Kortnee Stewart,

*Editor, Defense Acquisition Regulations System.*

Therefore, DoD amends 48 CRF part 204 as follows:

- 1. The authority citation for part 204 continues to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR Chapter 1.

#### PART 204—ADMINISTRATIVE MATTERS

- 2. Section 204.7003 is amended by revising paragraphs (a)(3)(iii) and (iv) to read as follows:

##### 204.7003 Basic PII number.

- (a) \* \* \*
- (3) \* \* \*

(iii) Contracts of all types except indefinite-delivery contracts, sales contracts, and short form research contracts. Do not use this code for

contracts or agreements with provisions for orders or calls.—C

\* \* \* \* \*

(vi) Calls against blanket purchase agreements and orders under contracts (including Federal Supply Schedules, Governmentwide acquisition contracts, and multi-agency contracts) and basic ordering agreements issued by departments or agencies outside DoD. Do not use the "F" designation on DoD-issued purchase orders, contracts, agreements, or orders placed under DoD-issued contracts or agreements.—F

\* \* \* \* \*

##### 204.7004 Supplementary PII numbers (d)(2)(ii)

- 3. Section 204.7004 is amended by revising paragraph (d)(2)(ii) to read as follows:

\* \* \* \* \*

- (d) \* \* \*
- (2) \* \* \*

(ii) If an office is placing calls against non-DoD blanket purchase agreements or orders under non-DoD issued contracts (including Federal Supply Schedules, Governmentwide acquisition contracts, and multi-agency contracts), or basic ordering agreements, the office shall identify the instrument with a 13 position supplementary PII number using an F in the 9th position. Do not use the same supplementary PII number with an F in the 9th position on more than one order. Modifications to these calls or orders shall be numbered in accordance with paragraph (c) of this section.

\* \* \* \* \*

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**BILLING CODE 5001-06-P**

#### DEPARTMENT OF DEFENSE

#### Defense Acquisition Regulations System

#### 48 CFR Parts 204 and 252

#### Defense Federal Acquisition Regulation Supplement; Technical Amendments

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

**ACTION:** Final rule.

**SUMMARY:** DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement (DFARS) to provide needed editorial changes.

**DATES:** *Effective:* May 22, 2013.

**FOR FURTHER INFORMATION CONTACT:** Mr. Manuel Quinones, Defense Acquisition

Regulations System, OUSD(AT&L)DPAP(DARS), Room 3B855, 3060 Defense Pentagon, Washington, DC 20301-3060. Telephone 571-372-6088; facsimile 571-372-6094.

**SUPPLEMENTARY INFORMATION:** This final rule amends the DFARS to correct typographical error at 204.1105 and to correct the clause date at 252.204-7004, 252.204-7007, 252.232-7006, 252.232-7011, and 252.245-7004.

#### List of Subjects in 48 CFR Parts 204 and 252

Government procurement.

#### Manuel Quinones,

*Editor, Defense Acquisition Regulations System.*

Therefore, 48 CFR parts 252 is amended as follows:

- 1. The authority citation for 48 CFR parts 204 and 252 continues to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

#### PART 204—ADMINISTRATIVE MATTERS

##### 204.1105 [Amended]

- 2. Amend section 204.1105 by removing the word "clause" and adding the word "provision" in its place.

#### PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

##### 252.204-7004 [Amended]

- 3. Section 252.204-7004 is amended by removing from the clause heading "(DATE)" and adding "(MAY 2013)" in its place.

##### 252.204-7007 [Amended]

- 4. Section 252.204-7007 is amended by removing "(DATE)" and adding "(MAY 2013)" in its place.

##### 252.232-7006 [Amended]

- 5. Section 252.232-7006 is amended by removing "(DATE)" and adding "(MAY 2013)" in its place.

##### 252.232-7011 [Amended]

- 6. Section 252.232-7011 is amended by removing "(DATE)" and adding "(MAY 2013)" in its place.

##### 252.245-7004 [Amended]

- 7. Section 252.245-7004 is amended by removing "(DATE)" and adding "(MAY 2013)" in its place.

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