

## JUSTIFICATION FOR CHANGE

A clause is being deleted from the FAR (52.227-7012) and inserted into the DFARS (252.227-7038). The deletion from the FAR will be effective on December 7, 2007. DARS will need to pick the clause up in the DFARS on that same date so that DoD will not have a lapse without coverage.

Under DFARS Case 2003-D014, DARS published a proposed rule (69 FR 58377) on September 30, 2004. In that Federal Register notice, DARS invited the required comments on increasing the paperwork burden for DFARS Part 227 by 1,266 hours for the addition of the clause. DARS received no public comments. On December 6, 2004, DARS requested OIRA clearance to publish the final DFARS rule. DARS subsequently received OIRA clearance to publish the final rule. OIRA did not request further documentation with regard to the transfer of burden hours at that time. DARS believes that this was because the hours for the clause were already approved, and were just being transferred, as stated in the draft Federal Register notice for the final rule. However, DARS could not publish the DFARS final rule until actual removal of the clause 52.227-12 from the FAR.

On November 7, 2007, the FAR SECRETARIAT published the final FAR rule under FAR Case 1999-402, effective December 7, 2007. That Federal Register notice contained the estimate that the FAR collection 9000-095 will be reduced by 21,528 hours upon removal of FAR clause 52.227-12, stating also that a similar clause will simultaneously be incorporated into the DFARS. (The estimated burden for the DFARS clause is less than the estimated burden for the FAR clause, because of less estimated respondents).

DFARS collection 0704-0369 (DFARS Part 227) was approved on March 31, 2007, in the amount of 1,633,269 hours.

Since the 1,266 hours being transferred to DFARS collection 0704-0369 were already approved under FAR collection 9000-095 and only increase the DFARS collection 0704-0369 burden hours by less than 1% (and DARS already has OIRA clearance to publish the DFARS final rule), DARS requests to increase the burden for the DFARS collection 0704-0369 by means of a change request at this time. DARS will then incorporate the additional hours and the associated justification in the next submission of the DFARS collection 0704-0369.

It is very important for DARS to publish the DFARS final rule by December 7, because the FAR rule has already been published and will be effective on that date.