

delivered to that office, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814.

**FOR FURTHER INFORMATION CONTACT:** For information about the hearing or to request an opportunity to make an oral presentation, e-mail, call or write Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; e-mail [rhammond@cpsc.gov](mailto:rhammond@cpsc.gov), telephone (301) 504-6833; facsimile (301) 504-0127.

**SUPPLEMENTARY INFORMATION:** Section 4(j) of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2053(j)) requires the Commission to establish an agenda for action under the laws it administers, and, to the extent feasible, to select priorities for action at least 30 days before the beginning of each fiscal year. Section 4(j) of the CPSA provides further that before establishing its agenda and priorities, the Commission conduct a public hearing and provide an opportunity for the submission of comments.

The Office of Management and Budget requires all Federal agencies to submit their budget requests 13 months before the beginning of each fiscal year. The Commission is formulating its budget request for fiscal year 2007, which begins on October 1, 2006. Accordingly, the Commission will conduct a public hearing on June 21, 2005 to receive comments from the public concerning its agenda and priorities for fiscal year 2007. The Commissioners desire to obtain the views of a wide range of interested persons including consumers; manufacturers, importers, distributors, and retailers of consumer products; members of the academic community; consumer advocates; and health and safety officers of state and local governments.

The Commission is charged by Congress with protecting the public from unreasonable risks of injury associated with consumer products. The Commission administers and enforces the Consumer Product Safety Act (15 U.S.C. 2051 *et seq.*); the Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*); the Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*); the Poison Prevention Packaging Act (15 U.S.C. 1471 *et seq.*); and the Refrigerator Safety Act (15 U.S.C. 1211 *et seq.*). Standards and regulations issued under provisions of those statutes are codified in the Code of Federal Regulations, title 16, chapter II.

While the Commission has broad jurisdiction over products used by consumers, its staff and budget are limited. Section 4(j) of the CPSA directs

the Commission to establish an agenda for action each fiscal year and, if feasible, to select from that agenda some of those projects for priority attention.

Persons who desire to make oral presentations at the hearing on June 21, 2005, should e-mail, call or write Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, e-mail [rhammond@cpsc.gov](mailto:rhammond@cpsc.gov), telephone (301) 504-6833, facsimile (301) 504-0127 not later than June 14, 2005. Presentations should be limited to approximately ten minutes.

Persons desiring to make presentations must submit the text of their presentations to the Office of the Secretary not later than June 14, 2005. The Commission reserves the right to impose further time limitations on all presentations and further restrictions to avoid duplication of presentations. The hearing will begin at 10 a.m. on June 21, 2005 and will conclude the same day. Written comments on the Commission's agenda and priorities for fiscal year 2007, should be received in the Office of the Secretary not later than June 14, 2005.

Dated: May 27, 2005.

**Rockelle S. Hammond,**

*Acting Secretary, Consumer Product Safety Commission.*

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**BILLING CODE 6355-01-P**

## DEPARTMENT OF DEFENSE

[OMB Control Number 0704-0214]

### Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Special Contracting Methods

**AGENCY:** Department of Defense (DoD).

**ACTION:** Notice and request for comments regarding a proposed extension of an approved information collection requirement.

**SUMMARY:** In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and

clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through September 30, 2005. DoD proposes that OMB extend its approval for use through September 30, 2008.

**DATES:** DoD will consider all comments received by August 1, 2005.

**ADDRESSES:** You may submit comments, identified by OMB Control Number 0704-0214, using any of the following methods:

- Defense Acquisition Regulations Web site: <http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm>. Follow the instructions for submitting comments.
  - E-mail: [dfars@osd.mil](mailto:dfars@osd.mil). Include OMB Control Number 0704-0214 in the subject line of the message.
  - Fax: (703) 602-0350.
  - Mail: Defense Acquisition Regulations Council, Attn: Ms. Robin Schulze, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062.
  - Hand Delivery/Courier: Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202-3402.
- All comments received will be posted to <http://emissary.acq.osd.mil/dar/dfars.nsf>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Robin Schulze, (703) 602-0326. The information collection requirements addressed in this notice are available electronically via the Internet at: <http://www.acq.osd.mil/dpap/dars/dfars/index.htm>. Paper copies are available from Ms. Robin Schulze, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062.

**SUPPLEMENTARY INFORMATION:** *Title and OMB Number:* Defense Federal Acquisition Regulation Supplement (DFARS) Part 217, Special Contracting Methods, and related provisions and clauses at DFARS 252.217-7012, Liability and Insurance, DFARS 252.217-7018, Change in Plant Location—Bakery and Dairy Products, DFARS 252.217-7026, Identification of Sources of Supply, and 252.217-7028, Over and Above Work; OMB Control Number 0704-0214.

*Needs and Uses:* Contracting officers use the information required by the provisions and clauses prescribed in DFARS Part 217 as follows:

The clause at DFARS 252.217-7012 is used in master agreements for repair

and alteration of vessels. Contracting officers use the information required by paragraph (d) of the clause to determine if the contractor is adequately insured. Contracting officers use the information required by paragraphs (f) and (g) of the clause to keep informed of lost or damaged property for which the Government is liable, and to determine the appropriate course of action for replacement or repair of the property.

Contracting officers use the information required by the clause at DFARS 252.217-7018 to determine the place of performance under contracts for bakery and dairy products. This information helps to ensure that food products are manufactured and processed in sanitary facilities.

Contracting officers use the information required by the provision at DFARS 252.217-7026 to identify the apparently successful offeror's sources of supply so that competition can be enhanced in future acquisitions. This collection complies with 10 U.S.C. 2384, Supplies: identification of supplier and sources, which requires the contractor to identify the actual manufacturer or all sources of supply for supplies furnished under contract to DoD.

Contracting officers use the information required by the clause at 252.217-7028 to determine the extent of "over and above" work before the work commences. This requirement allows the Government to review the need for pending work before the contractor begins performance.

*Affected Public:* Businesses or other for-profit and not-for-profit institutions.

*Annual Burden Hours:* 785,244.

*Number of Respondents:* 49,944.

*Responses Per Respondent:*

Approximately 1.5.

*Annual Responses:* 75,944.

*Average Burden Per Response:*

Approximately 10.3 hours.

*Frequency:* On occasion.

### Summary of Information Collection

Each provision or clause requires the offeror or contractor to submit certain information:

a. Paragraph (d)(3) of the clause at DFARS 252.217-7012 requires the contractor to show evidence of insurance under a master agreement for vessel repair and alteration. Paragraphs (f) and (g) of the clause require the contractor to notify the contracting officer of any property loss or damage for which the Government is liable, and to submit to the contracting officer a request for reimbursement of the cost of replacement or repair with supporting documentation.

b. Paragraphs (b) and (c) of the clause at DFARS 252.217-7018 require the offeror or contractor to obtain contracting officer approval before changing the place of performance of a contract for bakery or dairy products.

c. Paragraph (b) of the provision at DFARS 252.217-7026 requires the apparently successful offeror to identify its sources of supply.

d. Paragraphs (c) and (e) of the clause at DFARS 252.217-7028 require the contractor to submit to the contracting officer a work request and a proposal for "over and above" work.

**Michele P. Peterson,**

*Editor, Defense Acquisition Regulations System.*

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## DEPARTMENT OF DEFENSE

### Contract Financing: Performance-Based Payments

**AGENCY:** Department of Defense (DoD).

**ACTION:** Response to public input.

**SUMMARY:** The Director of Defense Procurement and Acquisition Policy (DPAP) recently completed an internal assessment regarding the use of performance-based payments as a method of financing for DoD contracts. This assessment has resulted in recommendations for revisions to policy, guidance, and training on the use of performance-based payments.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Capitano, DPAP Policy Directorate, by telephone at (703) 847-7486, or by e-mail at [david.capitano@osd.mil](mailto:david.capitano@osd.mil).

**SUPPLEMENTARY INFORMATION:** As part of the internal assessment, DPAP published a **Federal Register** notice on September 9, 2004 (69 FR 54651), requesting the views of interested parties on what they believe are potential areas for improving DoD's use of performance-based payments. Seven sets of public comments were received in response to the DPAP request.

The DoD internal assessment resulted in 47 recommendations for revisions to the Federal Acquisition Regulation (FAR), the Defense FAR Supplement (DFARS), the DoD User's Guide to Performance-Based Payments (User Guide), and DoD training programs. The anticipated completion dates for these actions are as follows:

- FAR Revisions—Final FAR Rule: July 2006
- DFARS Revisions—Final DFARS Rule—August 2006

- Revised User Guide—August 2006
- Revised DoD Training Programs—August 2006

A summary of the public comments and the DPAP responses are as follows:

#### A. Training on Methods of Designing Performance-Based Payment Milestones

*Comment:* One respondent states that the greatest needs are for training of contracting officers and requiring activity personnel on the methods of designing performance-based payment milestones that are (1) truly performance based and (2) tied effectively to incentives, where appropriate. The training should also emphasize the "preferred method" status of performance-based payments, and the collaborative effort (between contracting officers and the requiring activity/end user) that is necessary to design effective and meaningful performance-based payment schemes.

*DPAP Response:* DPAP plans to amend the current DoD training materials to address the design of milestones and to emphasize the preferred status of performance-based payments.

#### B. Performance-Based Payments as the Method of Preferred Financing

*Comment:* One respondent believes that progress payments are preferable over performance-based payments. While progress payments are based on costs incurred, milestones for performance-based payments are highly influenced by the contractor and are skewed in their favor. The number of milestones on many programs may be greater than the line items on a contract, and the fact that the milestones are negotiated/established at the beginning of the contract does not take into account the fact that the contract changes over the lifetime. This makes many milestones dubious and/or unnecessary as the contract matures. This respondent also states that the time necessary to establish these milestones requires a number of additional negotiations during the life of the contract, which adds time to administration rather than streamlining the effort. While establishing milestones is supposed to flag problem contracts when a milestone is missed or not billed, the respondent believes that the loss position in a progress payment catches many more people's attention, since a single milestone could be lost in a myriad of milestones established in the contract. As such, the respondent believes that the policy of utilizing performance-based payments as the financing vehicle of choice is a bad idea.