

Docket No. 96–198 and CC Docket No. 92–105, DA 09–749, the Commission, via the Consumer and Governmental Affairs Bureau, sought comment on any remaining compliance issues that currently prevent traditional TRS providers from reliably identifying the appropriate PSAP to call when receiving an emergency call via 711 and an interconnected VoIP service. In addition, the Commission sought comment on: (1) The total number of interconnected VoIP-originated 711 TRS calls that are processed annually by interconnected VoIP and traditional TRS providers, and the proportion of those calls that are of an emergency nature; (2) the continuing need, from the consumer's perspective, to be able to dial 711 via TRS in an emergency, rather than dialing 911 directly; (3) any impediments consumers have encountered in attempting to dial 911 directly; (4) the effectiveness of providers' outreach efforts in educating consumers about the importance of dialing 911 directly in an emergency when using a TTY and an interconnected VoIP service; and (5) the continuing use of TTYs by individuals with hearing or speech disabilities and, in particular, the use of TTYs with an interconnected VoIP service.

7. On June 11, 2009, AT&T filed a petition seeking an indefinite extension of the waiver of § 64.604(a)(4), asserting that traditional TRS providers "still cannot determine the appropriate PSAP to route a VoIP-originated 711 emergency call due to the inaccessibility of registered location information." See *Implementation of Sections 255 and 251 (a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996: Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities; Telecommunications Relay Services and Speech-to-Speech Service for Individuals with Hearing and Speech Disabilities*, WC Docket No. 04–36, WT Docket No. 96–198, CG Docket No. 03–123 & CC Docket No. 92–105, Petition for Extension of Waiver at 2 (filed June 11, 2009).

8. In this document, the Commission, via the Consumer and Governmental Affairs Bureau, extends until June 29, 2010, the current limited waiver of § 64.604(a)(4) of the Commission's rules, to the extent it applies to traditional TRS providers' obligation to automatically and immediately route the outbound leg of an interconnected VoIP-originated emergency 711 call to an appropriate PSAP. Notwithstanding this action, the Commission notes that

if a caller using a TTY connected to an interconnected VoIP service calls a PSAP directly as a 911-dialed emergency call (as a text-to-text, or TTY-to-TTY call), the 911-dialed call will be routed automatically and immediately through the selective router over the wireline E911 network to the PSAP that serves the caller's Registered Location, just as it would be for a hearing caller via an interconnected VoIP service.

9. The record reflects that the remaining technical and operational challenges of compliance with this requirement are formidable and that a comprehensive resolution of these issues will require significant, ongoing collaboration among a variety of industry stakeholders. At the same time, the comments suggest that the increasing popularity and availability of Internet-based forms of TRS have significantly reduced the number of consumers with broadband Internet access who communicate via a TTY and an interconnected VoIP service, rather than via an Internet-based form of TRS. Moreover, the introduction of more forward-looking solutions, such as the "real-time text" solution described in the record, is likely to diminish further the incidence of TTY use with an interconnected VoIP service. Taken together, these findings lead to the conclusion that, while TTY use by interconnected VoIP consumers may be on the decline, there remain deaf and hard of hearing consumers who continue to rely on TTYs. Therefore, while the Commission finds good cause to extend for an additional year the limited waiver previously granted to traditional TRS providers, in light of the continuing technical and operational challenges described in the record, the Commission declines to extend the waiver indefinitely.

10. Finally, the Commission concludes that, during the period of this waiver, any traditional TRS provider that cannot automatically and immediately route to an appropriate PSAP the outbound leg of an interconnected VoIP-originated emergency 711 call, as required by § 64.604(a)(4) of the Commission's rules, must maintain a system for doing so, to the extent feasible, that accomplishes the proper routing of emergency 711 calls as quickly and efficiently as possible. This waiver is, therefore, conditioned on continued compliance with that requirement. Further, during this period, TRS providers and interconnected VoIP providers must continue to undertake consumer education and outreach designed to remind individuals with hearing or speech disabilities to dial 911 directly

(as a text-to-text, TTY-to-TTY call) in an emergency. The Commission also expects TRS providers to continue their collaboration with interconnected VoIP providers and other industry stakeholders in order to resolve any remaining compliance issues associated with the processing and routing of interconnected VoIP-originated 711 emergency calls.

#### Ordering Clauses

Pursuant to Sections 1, 2, and 225 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, and 225, and Sections 0.141, 0.361, and 1.3 of the Commission's rules, 47 CFR 0.141, 0.316 and 1.3, document DA 09–1461 is adopted.

Section 64.604(a)(4) of the Commission's rules, 47 CFR 64.604(a)(4), to the extent that it requires traditional TRS providers to implement a system to automatically and immediately call an appropriate PSAP when receiving an emergency 711-dialed call via an interconnected VoIP service, is waived until June 29, 2010.

Federal Communications Commission.

**Suzanne M. Tetreault,**

*Acting Chief, Consumer and Governmental Affairs Bureau.*

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## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

**48 CFR Parts 201, 207, 215, and 237**  
**RIN 0750–AG28**

### Defense Federal Acquisition Regulation Supplement; Peer Reviews of Contracts (DFARS Case 2008–D035)

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

**ACTION:** Final rule.

**SUMMARY:** DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to address requirements for Peer Reviews of DoD solicitations and contracts. Such reviews will promote quality and consistency in DoD contracting.

**DATES:** *Effective Date:* July 29, 2009.

**FOR FURTHER INFORMATION CONTACT:** Ms. Cassandra Freeman, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3D139, 3062 Defense Pentagon, Washington, DC

20301–3062. Telephone 703–602–8383; facsimile 703–602–7887. Please cite DFARS Case 2008–D035.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

The objective of Peer Reviews of solicitations and contracts is to ensure consistent policy implementation, to improve the quality of contracting processes, and to facilitate cross-sharing of best practices and lessons learned throughout DoD. This final rule specifies that the Office of the Director, Defense Procurement and Acquisition Policy, will organize teams of reviewers and will facilitate Peer Reviews for all solicitations valued at \$1 billion or more and for all contracts for services valued at \$1 billion or more. In addition, the rule requires the military departments, defense agencies, and DoD field activities to establish procedures for pre-award Peer Review of solicitations valued at less than \$1 billion, and post-award Peer Review of contracts for services valued at less than \$1 billion.

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

**B. Regulatory Flexibility Act**

This rule will not have a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating procedures of DoD. Therefore, publication for public comment under 41 U.S.C. 418b is not required. However, DoD will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2008–D035.

**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 201, 207, 215, and 237**

Government procurement.

**Michele P. Peterson,**  
*Editor, Defense Acquisition Regulations System.*

■ Therefore, 48 CFR Parts 201, 207, 215, and 237 are amended as follows:

■ 1. The authority citation for 48 CFR Parts 201, 207, 215, and 237 continues to read as follows:

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

**PART 201—FEDERAL ACQUISITION REGULATIONS SYSTEM**

■ 2. Section 201.170 is added to read as follows:

**201.170 Peer Reviews.**

(a) *Acquisitions valued at \$1 billion or more.*

(1) The Office of the Director, Defense Procurement and Acquisition Policy, will organize teams of reviewers and facilitate Peer Reviews for solicitations and contracts valued at \$1 billion or more, as follows:

(i) Pre-award Peer Reviews will be conducted for all solicitations valued at \$1 billion or more (including options).

(ii) Post-award Peer Reviews will be conducted for all contracts for services valued at \$1 billion or more (including options).

(iii) Reviews will be conducted using the procedures at PGI 201.170.

(2) To facilitate planning for Peer Reviews, the military departments, defense agencies, and DoD field activities shall provide a rolling annual forecast of acquisitions with an anticipated value of \$1 billion or more (including options) at the end of each quarter (*i.e.*, March 31; June 30; September 30; December 31), to the Deputy Director, Defense Procurement and Acquisition Policy (Contract Policy and International Contracting), 3060 Defense Pentagon, Washington, DC 20301–3060.

(b) *Acquisitions valued at less than \$1 billion.* The military departments, defense agencies, and DoD field activities shall establish procedures for—

(1) Pre-award Peer Reviews of solicitations valued at less than \$1 billion; and

(2) Post-award Peer Reviews of contracts for services valued at less than \$1 billion.

**PART 207—ACQUISITION PLANNING**

■ 3. Section 207.104 is added to read as follows:

**207.104 General procedures.**

In developing an acquisition plan, agency officials shall take into account the requirement for scheduling and conducting a Peer Review in accordance with 201.170.

**PART 215—CONTRACTING BY NEGOTIATION**

■ 4. Section 215.270 is added to read as follows:

**215.270 Peer Reviews.**

Agency officials shall conduct Peer Reviews in accordance with 201.170.

**PART 237—SERVICE CONTRACTING**

■ 5. Section 237.102 is amended by adding paragraph (e) to read as follows:

**237.102 Policy.**

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(e) Program officials shall obtain assistance from contracting officials through the Peer Review process at 201.170.

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**DEPARTMENT OF DEFENSE**

**Defense Acquisition Regulations System**

**48 CFR Parts 202, 212, 225, and 252**

**RIN 0750–AF95**

**Defense Federal Acquisition Regulation Supplement; Restriction on Acquisition of Specialty Metals (DFARS Case 2008–D003)**

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

**ACTION:** Final rule.

**SUMMARY:** DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to address statutory restrictions on the acquisition of specialty metals not melted or produced in the United States. The rule implements Section 842 of the National Defense Authorization Act for Fiscal Year 2007 and Sections 804 and 884 of the National Defense Authorization Act for Fiscal Year 2008.

**DATES:** *Effective Date:* July 29, 2009.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone 703–602–0328; facsimile 703–602–7887. Please cite DFARS Case 2008–D003.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

Section 842 of the National Defense Authorization Act for Fiscal Year 2007 (Pub. L. 109–364) added new provisions at 10 U.S.C. 2533b, to address requirements for the purchase of specialty metals from domestic sources. Section 804 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110–181) made amendments to 10 U.S.C. 2533b with regard to its applicability to commercial items,