

DEPARTMENT OF DEFENSE**48 CFR Parts 204 and 252**

[DFARS Case 99-D006]

Defense Federal Acquisition Regulation Supplement; Oral Attestation of Security Responsibilities

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: The Director of Defense Procurement is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to add a requirement for contractor employees that are cleared for access to certain classified information to attest orally that they will comply with the security requirements associated with the information.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before May 24, 1999, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments on the proposed rule to: Defense Acquisition Regulations Council, Attn: Ms. Melissa Rider, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax (703) 602-0350.

E-mail comments submitted over the Internet should be addressed to: dfars@acq.osd.mil

Please cite DFARS Case 99-D006 in all correspondence related to this issue. E-mail comments should cite DFARS Case 99-D006 in the subject line.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Rider, (703) 602-0131.

SUPPLEMENTARY INFORMATION:**A. Background**

This rule proposes amendments to the DFARS to add a new clause for use in contracts requiring access to classified information. The new clause would require contractor employees that are cleared for access to information designated as Top Secret, Special Access Program, or Special Compartmented Information to attest orally that they will conform to the conditions and responsibilities imposed by law or regulation on those granted access to such information.

B. Regulatory Flexibility Act

The proposed rule is not expected to 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 conditions and responsibilities that are the subject of the oral attestation are conditions and responsibilities that already are placed on individuals granted access to classified information. To satisfy the requirement for oral attestation, the rule permits reading aloud from a form that the individual already is required to sign. Therefore, an initial regulatory flexibility analysis has not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 99-D006 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed 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 204 and 252

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 204 and 252 are proposed to be amended as follows:

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

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

PART 204—ADMINISTRATIVE MATTERS

2. Section 204.404-70 is amended by adding paragraph (c) to read as follows:

204.404-70 Additional contract clauses.

* * * * *

(c) Use the clause at 252.204-7XXX, Oral Attestation of Security Responsibilities, in solicitations and contracts that include the clause at FAR 52.204-2, Security Requirements.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 252.204-7XXX is added to read as follows:

252.204-7XXX Oral Attestation of Security Responsibilities.

As prescribed in 204.404-70(c), use the following clause:

ORAL ATTESTATION OF SECURITY RESPONSIBILITIES (XXX 19XX)

(a) Contractor employees cleared for access to Top Secret (TS), Special Access Program (SAP), or Special Compartmented Information (SCI) shall attest orally that they will conform to the conditions and responsibilities imposed by law or regulation on those granted access. Reading aloud the first paragraph of the Standard Form 312, Classified Information Nondisclosure Agreement, in the presence of a person designated by the Contractor for this purpose, and a witness, will satisfy this requirement. Contractor employees currently cleared for access to TS, SAP, or SCI may attest orally to their security responsibilities when being briefed into a new program or during their annual refresher briefing. There is no requirement to retain a separate record of the oral attestation.

(b) If an employee refuses to attest orally to security responsibilities, the Contractor shall deny the employee access to classified information and shall submit a report to the Contractor's security activity.

(End of clause)

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DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; 90-day Finding for a Petition To List the Black-Tailed Prairie Dog as Threatened**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: We have received a petition to list the black-tailed prairie dog (*Cynomys ludovicianus*) throughout its range in Arizona, Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wyoming, southern Saskatchewan, Canada, and northern Mexico. The petition presents substantial scientific and commercial information that the request for listing may be warranted. Therefore, we are initiating a status review to determine if the petitioned action is warranted. To ensure that the review is comprehensive, we are soliciting information and data regarding this action. We will use information received during the comment period for this status review in our review of the black-tailed prairie dog.

DATES: The finding announced in this document was made on March 17, 1999. A status review is initiated. To have