

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

The Regulatory Flexibility Act does not apply to this rule because this final rule does not constitute a significant FAR revision within the meaning of FAR 1.501-1, and 41 U.S.C. 1707 does not require publication for public comment.

V. Paperwork Reduction Act

The Paperwork Reduction Act does apply, because the rule affects the certification and information collection requirement in the provisions at DFARS 252.225-7018, Photovoltaic Devices-Certificate and 252.225-7020, Trade Agreements Certificate, currently approved under OMB clearance 0704-0229 (expiring March 31, 2017, DFARS Part 225, Foreign Acquisition, and associated clauses). DFARS provisions 252.225-7018 and 252.225-7020 rely on the definition of “designated country” in DFARS 252.225-7017 and 252.225-7021, which now includes Montenegro and New Zealand. The impact of this rule, however, is negligible.

List of Subjects in 48 CFR Part 252 Government procurement.

Jennifer L. Hawes,

Editor, Defense Acquisition Regulations System.

Therefore, 48 CFR part 252 is amended as follows:

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 1. The authority citation for 48 CFR part 252 continues to read as follows:

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

252.225-7017 [Amended]

■ 2. Amend section 252.225-7017, paragraph (a), in the definition of “Designated country” in paragraph (i), by adding, in alphabetical order, the countries of “Montenegro” and “New Zealand”.

252.225-7021 [Amended]

■ 3. Amend section 252.225-7021 by—

■ a. Removing the clause date “(NOV 2014)” and adding “(OCT 2015)” in its place;

■ b. In paragraph (a), in the definition of “Designated country” in paragraph (i), adding, in alphabetical order, the countries of “Montenegro” and “New Zealand”;

■ c. In Alternate II:

■ i. Removing the clause date “(NOV 2014)” and adding “(OCT 2015)” in its place; and

■ ii. In paragraph (a), in the definition of “Designated country” in paragraph (i), adding, in alphabetical order, the countries of “Montenegro” and “New Zealand”.

252.225-7045 [Amended]

■ 4. Amend section 252.225-7045 by—

■ a. Removing the clause date “(NOV 2014)” and adding “(OCT 2015)” in its place;

■ b. In paragraph (a), in the definition of “Designated country” in paragraph (i), adding, in alphabetical order, the countries of “Montenegro” and “New Zealand”;

■ c. In Alternate I:

■ i. Removing the clause date “(NOV 2014)” and adding “(OCT 2015)” in its place; and

■ ii. In paragraph (a), in the definition of “Designated country” in paragraph (i), adding, in alphabetical order, the countries of “Montenegro” and “New Zealand”.

■ d. In Alternate II:

■ i. Removing the clause date “(NOV 2014)” and adding “(OCT 2015)” in its place; and

■ ii. In paragraph (a), in the definition of “Designated country” in paragraph (i), adding, in alphabetical order, the countries of “Montenegro” and “New Zealand”.

■ e. In Alternate III:

■ i. Removing the clause date “(NOV 2014)” and adding “(OCT 2015)” in its place; and

■ ii. In paragraph (a), in the definition of “Designated country” in paragraph (i), adding, in alphabetical order, the countries of “Montenegro” and “New Zealand”.

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DEPARTMENT OF DEFENSE**Defense Acquisition Regulations System****48 CFR Parts 201, 206, 208, 215, 216, 222, 225, 237, 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 October 30, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer L. Hawes, Defense Acquisition Regulations System, OUSD(AT&L)DPAP(DARS), Room 3B941, 3060 Defense Pentagon, Washington, DC 20301-3060. Telephone 571-372-6115; facsimile 571-372-6094.

SUPPLEMENTARY INFORMATION: This final rule amends the DFARS as follows—

1. Directs contracting officers to additional DFARS Procedures, Guidance, and Information (PGI) by adding a cross reference at DFARS 201.106 to the PGI list of information collection and recordkeeping requirements that have been approved by the Office of Management and Budget for DFARS requirements;
2. Directs contracting officers to DFARS PGI coverage by adding a reference at DFARS 206.305 to provide further guidance concerning justification and approval documents;
3. Updates cross references at DFARS 208.404(a)(ii), 216.505(1), and 237.170-2(b) by removing “217.78” and adding “217.7” in each place to conform to changes made in the **Federal Register** final rule 80 FR 51750 published on August 26, 2015;
4. Removes references at DFARS 215.404-76 and DFARS 222.101-3-70 to obsolete internal DoD reporting requirements;
5. Conforms the DFARS subpart 222.13 heading to the Federal Acquisition Regulation (FAR) heading;
6. Updates, at DFARS 222.1310(a)(1), the title of FAR clause 52.222-35 to conform to the FAR title;
7. Updates hyperlinks at DFARS 225.301-4(2) and 252.225-7040; and
8. Corrects a typographical error at DFARS 225.7002-3.

List of Subjects in 48 CFR 201, 206, 208, 215, 216, 222, 225, 237, and 252

Government procurement.

Jennifer L. Hawes,

Editor, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 201, 206, 208, 215, 216, 222, 225, 237, and 252 are amended as follows:

- 1. The authority citation for 48 CFR parts 201, 206, 208, 215, 216, 222, 225, 237, and 252 continues to read as follows:

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

PART 201—FEDERAL ACQUISITION REGULATIONS SYSTEM

- 2. Add section 201.106 to read as follows:

201.106 OMB approval under the Paperwork Reduction Act.

See PGI 201.106 for a list of the information collection and recordkeeping requirements contained in this regulation that have been approved by the Office of Management and Budget.

PART 206—COMPETITION REQUIREMENTS

- 3. Add section 206.305 to read as follows:

206.305 Availability of the justification.

See PGI 206.305 for further guidance on the requirements for preparing, obtaining approval, and posting justification and approval documents for contracts awarded using the authority of FAR 6.302-2.

PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES**208.404 [Amended]**

- 4. In section 208.404, amend paragraph (a)(ii) by removing “217.78” and adding “217.7” in its place.

PART 215—CONTRACTING BY NEGOTIATION**215.404-76 [Removed]**

- 5. Remove section 215.404-76.

PART 216—TYPES OF CONTRACTS**216.505 [Amended]**

- 6. In section 216.505, amend paragraph (1) by removing “Subpart 217.78” and adding “subpart 217.7” in its place.

PART 222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS**222.101-3-70 [Amended]**

- 7. In section 222.101-3-70, amend paragraph (b) by removing the last sentence in the paragraph.
- 8. Revise the subpart 222.13 heading to read as follows:

Subpart 222.13—Equal Opportunity for Veterans**222.1310 [Amended]**

- 9. In section 222.1310, amend paragraph (a)(1), by removing “FAR 52.222-35, Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans” and adding “FAR 52.222-35, Equal Opportunity for Veterans” in its place.

PART 225—FOREIGN ACQUISITION**225.301-4 [Amended]**

- 10. In section 225.301-4, amend paragraph (2), by—
 - a. Removing “<http://www.dod.mil/bta/products/spot.html>” and adding “<https://spot.dmdc.mil>” in its place; and
 - b. Removing “<http://www.acq.osd.mil/log/PS/spot.html>” and adding “http://www.acq.osd.mil/log/PS/ctr_mgt_accountability.html” in its place.

225.7002-3 [Amended]

- 11. Amend section 225.7002-3 introductory text by removing “223.7002-2” and adding “225.7002-2” in its place.

PART 237—SERVICE CONTRACTING**237.170-2 [Amended]**

- 12. In section 237.170-2, amend paragraph (b) by removing “Subpart 217.78” and adding “subpart 217.7” in its place.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**252.225-7040 [Amended]**

- 13. Amend section 252.225-7040 by—
 - a. Removing the clause date “(AUG 2015)” and adding “(OCT 2015)” in its place; and
 - b. Amending paragraph (g)(2) by removing “SPOT business rules.” and adding “SPOT Business Rules at http://www.acq.osd.mil/log/PS/ctr_mgt_accountability.html.” in its place.

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