

those imposed by state law. For that reason, this action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 382, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this final rulemaking action, pertaining to New York’s oil and gas sector control measures submission, is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations,

Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

**Authority:** 42 U.S.C. 7401 *et seq.*

**Lisa Garcia,**  
*Regional Administrator, Region 2.*

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

■ 1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

**Subpart HH—New York**

■ 2. In § 52.1670 amend the table in paragraph (c) by revising the entry “Title 6, Part 200, Subpart 200.9” and adding an entry for “Title 6, Part 203” after the entry for “Title 6, Part 202, Subpart 202–2”, to read as follows:

**§ 52.1670 Identification of plan.**

\* \* \* \* \*  
(c) EPA approved regulations.

**EPA-APPROVED NEW YORK STATE REGULATIONS AND LAWS**

State citation	Title/subject	State effective date	EPA approval date	Comments
* Title 6, Part 200, Subpart 200.9.	* General Provisions, Referenced material.	* 3/18/22	* 8/25/22	* • EPA is approving referenced materials that previously were not Federally enforceable. • EPA approval finalized at [INSERT FR CITATION].
* Title 6, Part 203 .....	* Oil and Natural Gas Sector.	* 3/18/2022	* 8/25/22	* • EPA approval finalized at [INSERT FR CITATION].
* 	* 	* 	* 	* 

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**DEPARTMENT OF DEFENSE**

**Defense Acquisition Regulations System**

**48 CFR Part 207**

[Docket DARS–2022–0001]

**Defense Federal Acquisition Regulation Supplement; Technical Amendment**

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** DoD is making a needed technical amendment to update the Defense Federal Acquisition Regulation Supplement (DFARS).

**DATES:** Effective August 25, 2022.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jennifer D. Johnson, Defense Acquisition Regulations System, telephone 703–717–8226.

**SUPPLEMENTARY INFORMATION:** This final rule amends the DFARS to add section 207.108 to provide a notice to contracting officers to see DFARS

Procedures, Guidance, and Information (PGI) for additional guidance concerning places of performance.

#### List of Subjects in 48 CFR Part 207

Government procurement.

**Jennifer D. Johnson,**

*Editor/Publisher, Defense Acquisition Regulations System.*

Therefore, 48 CFR part 207 is amended as follows:

#### PART 207—ACQUISITION PLANNING

■ 1. The authority citation for 48 CFR part 207 continues to read as follows:

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

■ 2. Add section 207.108 to read as follows:

##### 207.108 Additional requirements for telecommuting.

See PGI 207.108 for additional guidance concerning places of performance.

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#### DEPARTMENT OF DEFENSE

#### Defense Acquisition Regulations System

#### 48 CFR Parts 212, 225, and 252

[Docket DARS–2022–0020]

RIN 0750–AL61

#### Defense Federal Acquisition Regulation Supplement: Employment Transparency Regarding Individuals Who Perform Work in the People’s Republic of China (DFARS Case 2022–D010)

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

**ACTION:** Interim rule.

**SUMMARY:** DoD is issuing an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act that requires a disclosure from entities that employ one or more individuals who will perform work in the People’s Republic of China.

**DATES:** Effective August 25, 2022.

Comments on the interim rule should be submitted in writing to the address shown below on or before October 24, 2022, to be considered in the formation of a final rule.

**ADDRESSES:** Submit comments identified by DFARS Case 2022–D010, using any of the following methods:

○ *Federal eRulemaking Portal:* <https://www.regulations.gov>. Search for “DFARS Case 2022–D010.” Select “Comment” and follow the instructions to submit a comment. Please include your name, company name (if any), and “DFARS Case 2022–D010” on any attached document.

○ *Email:* [osd.dfars@mail.mil](mailto:osd.dfars@mail.mil). Include DFARS Case 2022–D010 in the subject line of the message.

Comments received generally will be posted without change to <https://www.regulations.gov>, including any personal information provided. To confirm receipt of your comment(s), please check <https://www.regulations.gov>, approximately two to three days after submission to verify posting.

**FOR FURTHER INFORMATION CONTACT:** Kimberly Bass, telephone 703–717–3446.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

This interim rule revises the DFARS to implement section 855 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2022 (Pub. L. 117–81, 10 U.S.C. 4651 note prec.). Section 855 requires offerors who are covered entities, when submitting a bid or proposal for a covered contract, to disclose their use of workforce and facilities in the People’s Republic of China, if they employ one or more individuals who will perform work in the People’s Republic of China, unless a national security waiver has been granted. A recurring disclosure is also required for fiscal years 2023 and 2024, for contractors that are covered entities and are a party to one or more covered contracts in each fiscal year, if the contractor employs one or more individuals who perform work in the People’s Republic of China on any such contract.

##### II. Discussion and Analysis

###### A. Award Restriction

Unless a waiver has been granted, the statutory restriction on the award, renewal, or extension of a covered contract requires the offeror to provide, at the time of an offer, the disclosures required in the solicitation provision at DFARS 252.225–7057, Preaward Disclosure of Employment of Individuals Who Work in the People’s Republic of China. The statutory restriction requires contractors to provide the disclosures required in the contract clause at 252.225–7058,

Postaward Disclosure of Employment of Individuals Who Work in the People’s Republic of China. Specifically, offerors and contractors that are covered entities are required to disclose their use of workforce and facilities in the People’s Republic of China, if they employ one or more individuals who will perform work in the People’s Republic of China on a covered contract.

###### B. Preaward Disclosure Requirements

This rule adds in the provision at 252.225–7057, Preaward Disclosure of Employment of Individuals Who Work in the People’s Republic of China, the requirement for offerors to disclose their use of workforce and facilities in the People’s Republic of China, if the offeror employs one or more individuals who perform work in the People’s Republic of China, unless a national security waiver of the disclosure is granted. The preaward disclosure is required at the time the offeror submits an offer.

###### C. Postaward Disclosure Requirements

The requirement for the postaward disclosures for fiscal years 2023 and 2024 is located in the clause at 252.225–7058, Postaward Disclosure of Employment of Individuals Who Work in the People’s Republic of China. These disclosures are required following the contract award for contractors that are covered entities. The postaward disclosures must include the total number of individuals who will perform work in the People’s Republic of China on the covered contracts; and a description of the physical presence of the facility, including the street address, where work on the covered contract will be performed.

###### D. National Security Waiver of Disclosure

The requirement for the national security waiver of disclosure is added at DFARS 225.7021–3. The disclosure requirements may be waived if the senior procurement executive determines in writing that such disclosure would not be in the national security interests of the United States. The waiver authority may not be delegated. A cross-reference is provided to DFARS PGI 225.7021–4(a) to provide guidance on requirements for the senior procurement executive’s determination.

###### E. Definitions

Definitions for “covered contract” and “covered entity” are included at 225.7021–1 as defined in the statute. “Covered contract” is defined as any DoD contract or subcontract with a value in excess of \$5 million and excludes contracts for commercial