This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

DoD certifies that this rule will not 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 additional requirements apply solely to internal Government operating procedures. The rule implements section 811 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110–181), which only imposes new responsibilities on the Secretary of Defense when requesting congressional authorization to enter into a multiyear contract for a major defense acquisition program. Therefore, the rule will have no significant cost or administrative impact on contractors or offerors.

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 Part 217

Government procurement.

Ynette R. Shelkin,
Editor, Defense Acquisition Regulations System.

Therefore, the interim rule published at 75 FR 9114 on March 1, 2010, is adopted as final with the following changes:

1. The authority citation for 48 CFR part 217 continues to read as follows:


PART 217—SPECIAL CONTRACTING METHODS

2. Section 217.170 is amended by revising paragraph (b) to read as follows:

217.170 General.

(b) Any requests for increased funding or reprogramming for procurement of a major system under a multiyear contract authorized under this section shall be accompanied by an explanation of how the request for increased funding affects the determinations made by the Secretary of Defense under 217.172(f)(2) (10 U.S.C. 2306b(1)(1)).
SUPPLEMENTARY INFORMATION:

A. Background

DoD published an interim rule at 75 FR 10190 on March 5, 2010, to implement section 812 of the National Defense Authorization Act for Fiscal Year 2010 (Pub. L. 111–84), enacted October 28, 2009. Section 812 was entitled “Revision of Defense Supplement Relating to Payment of Costs Prior to Definitization.” The interim rule amended the definition of “contract action” at DFARS 217.7401(a) to include task orders and delivery orders. This had the effect of making task orders and delivery orders subject to DoD’s policies and procedures for undefinitized contract actions.

The period for public comment closed on May 5, 2010. DoD received no comments on the interim rule. Therefore, DoD is finalizing the interim rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

DoD certifies that this rule will not 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 it does not create a significant economic impact on any entity. The rule creates an affirmative grant of appropriate rights in vessel design to the Government. No comments were received with regard to impact on small business.

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 Part 217

Government procurement.

Ynette R. Shelkin,
Editor, Defense Acquisition Regulations System.

Interim Rule Adopted as Final Without Change

Accordingly, the interim rule amending 48 CFR part 217 which was published at 75 FR 10190 on March 5, 2010, is adopted as a final rule without change.

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BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 227 and 252

RIN 0750–AG50

Defense Federal Acquisition Regulation Supplement; Government Rights in the Design of DoD Vessels (DFARS Case 2008–D039)

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

ACTION: Final rule.


DATES: Effective Date: September 8, 2010.


SUPPLEMENTARY INFORMATION:

A. Background


DoD published the interim rule in the Federal Register on November 23, 2009 (74 FR 61043). The comment period closed on January 22, 2010. No comments were received. Therefore, DoD is finalizing the interim rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993. This is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

DoD certifies that this rule will not 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 it does not create a significant economic impact on any entity. The rule creates an affirmative grant of appropriate rights in vessel design to the Government. No comments were received with regard to impact on small business.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the DFARS rule does not impose any additional reporting or recordkeeping 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 227 and 252

Government procurement.

Ynette R. Shelkin,
Editor, Defense Acquisition Regulations System.

Interim Rule Adopted as Final Without Change

Accordingly, the interim rule amending 48 CFR parts 227 and 252 published at 74 FR 61043 on November 23, 2009, is adopted as final without change.

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