

*National Environmental Policy Act of 1969 (5 U.S.C. 804)*

The final rule will not have significant effect on the human environment.

*Small Business Regulatory Enforcement Fairness Act of 1996 (Sec. 804, Pub. L. 104-121)*

This final rule would not be a major rule as defined in section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This final rule will not result in an annual effect on the economy of \$100,000,000 or more, a major increase in costs or prices, significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign based companies in domestic and export markets.

*E-Government Act of 2002 (44 U.S.C. 3504)*

Section 206 of the E-Government Act requires agencies, to the extent practicable, to ensure that all information about that agency required to be published in the **Federal Register** is also published on a publicly accessible Website. All information about the NEA required to be published in the **Federal Register** may be accessed at [www.arts.gov](http://www.arts.gov). This Act also requires agencies to accept public comments on their rules "by electronic means." See heading "Public Participation" for directions on electronic submission of public comments on this final rule.

Finally, the E-Government Act requires, to the extent practicable, that agencies ensure that a publicly accessible Federal Government Website contains electronic dockets for rulemakings under the Administrative Procedure Act of 1946 (5 U.S.C. 551 *et seq.*). Under this Act, an electronic docket consists of all submissions under section 553(c) of title 5, United States Code; and all other materials that by agency rule or practice are included in the rulemaking docket under section 553(c) of title 5, United States Code, whether or not submitted electronically. The Website <https://www.regulations.gov> contains electronic dockets for the NEA's rulemakings under the Administrative Procedure Act of 1946.

*Plain Writing Act of 2010 (5 U.S.C. 301)*

Under this Act, the term "plain writing" means writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience. To ensure that this rule has been written

in plain and clear language so that it can be used and understood by the public, the NEA has modeled the language of this rule on the Federal Plain Language Guidelines.

*Public Participation*

The NEA has written this final rule in compliance with E.O. 13563 by ensuring its accessibility, consistency, simplicity of language, and overall comprehensibility. In addition, the public participation goals of this order are also satisfied by the NEA's participation in a process in which its views and information are made public to the extent feasible, and before any decisions are actually made. This will allow the public the opportunity to react to the comments, arguments, and information of others during the rulemaking process. The NEA initiates its participation in an open exchange by posting the regulation and its rulemaking docket on <https://www.regulations.gov>.

Finally, Section 2 of E.O. 13563 directs agencies, where feasible and appropriate, to seek the views of those who are likely to be affected by rulemaking. This provision emphasizes the importance of prior consultation with "those who are likely to benefit from and those who are potentially subject to such rulemaking." One goal is to solicit ideas about alternatives, relevant costs and benefits (both quantitative and qualitative), and potential flexibilities. The NEA reaches out to interested and affected parties by soliciting comments.

**List of Subjects in 45 CFR Parts 1149 and 1158**

Administrative practice and procedure, Government contracts, Grant programs, Loan programs, Lobbying, Penalties.

■ For the reasons stated in the preamble, the interim rule amending 45 CFR parts 1149 and 1158 which was published at 82 FR 27431 on June 15, 2017 is adopted as final without change.

Dated: December 7, 2017.

**Jillian Miller,**

*Director of Guidelines and Panel Operations, Administrative Services, National Endowment for the Arts.*

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**BILLING CODE P**

**DEPARTMENT OF STATE****48 CFR Parts 604 and 642**

[Public Notice 9777]

RIN 1400-AE06

**Department of State Acquisition Regulation; Technical Amendment**

**AGENCY:** Department of State.

**ACTION:** Final rule.

**SUMMARY:** The Department of State (DOS) is amending the Department of State Acquisition Regulation (DOSAR) to add notice that the Department has an agreement with the Defense Contract Audit Agency, and to provide a procedural correction.

**DATES:** This final rule is effective on January 11, 2018.

**FOR FURTHER INFORMATION CONTACT:** Ms. Colleen Kosar, Policy Division, Office of the Procurement Executive, A/OPE, 2201 C Street NW, Suite 1060, State Annex Number 15, Washington, DC 20520. Telephone: 703-516-1685. email: [KosarCM@state.gov](mailto:KosarCM@state.gov).

**SUPPLEMENTARY INFORMATION:** This document adds a new subpart 642.1, including section 642.101(b), to provide notice of the Department's agreement with the Defense Contract Audit Agency on the conduct of incurred cost audits for the Department's cost-reimbursement contracts. In addition, part 604 is amended to specify the office through which audits are coordinated, from the Office of the Inspector General to the Audit Team in the Office of Acquisitions Management's Quality Assurance Branch.

**Regulatory Findings***Administrative Procedure Act*

The Department is publishing this rule as a final rule, as a rule of agency procedure or practice.

*Regulatory Flexibility, Unfunded Mandates, SBREFA*

The Department of State, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. This determination was based on the fact that the amendment in this rule will not have any cost or administrative impact on offerors or contractors. This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year and it will not

significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Act of 1995. Finally, this rule is not a major rule as defined by the Small Business Regulatory Enforcement Act of 1996 (5 U.S.C. 801 *et seq.*).

*Executive Orders 12866, 13563 and 13771*

The Department of State does not consider this rule to be an “economically significant” regulatory action under E.O. 12866. The Department has reviewed the regulation to ensure its consistency with the regulatory philosophy and principles set forth in Executive Orders 12866 and 13563 and finds that the benefits of updating this rule outweigh any costs, which the Department assesses to be minimal. This final rule is not subject to the requirements of Executive Order 13771 because this final rule is related to agency organization, management or personnel, and has been determined to be non-significant within the meaning of Executive Order 12866.

*Executive Orders 13132 and 13175*

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. The Department has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not pre-empt tribal law.

*Paperwork Reduction Act*

The rule imposes no new or revised information collections under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

**List of Subjects in 48 CFR Parts 604 and 642**

Government procurement.

For the reasons stated in the preamble, the Department of State amends 48 CFR chapter 6 as follows:

■ 1. The authority citation for 48 CFR parts 604 and 642 continues to read as follows:

**Authority:** 22 U.S.C. 2651a, 40 U.S.C. 121(c) and 48 CFR chapter 1.

**PART 604—ADMINISTRATIVE MATTERS**

■ 2. Amend section 604.804–70 by revising the second sentence of paragraph (d)(3) to read as follows:

**604.804–70 Contract closeout procedures.**

\* \* \* \* \*

(d) \* \* \*

(3) \* \* \* Requests for audits, normally by the Defense Contract Audit Agency (DCAA) in accordance with the agreement DOS has with DCAA to conduct incurred cost audits, shall be submitted through the A/LM/AQM/BOD/QA Audit Team (see 642.101(b)). \* \* \*

\* \* \* \* \*

**PART 642—CONTRACT ADMINISTRATION AND AUDIT SERVICES**

■ 3. Add subpart 642.1, consisting of section 642.101, to read as follows:

**Subpart 642.1—Contract Audit Services**

**642.101 Contract audit responsibilities.**

(b) The Department has an interagency agreement with the Defense Contract Audit Agency (DCAA) to perform incurred cost audits on cost-reimbursement contracts. DCAA audits are requested through the A/LM/AQM/BOD/QA Audit Team.

**Eric N. Moore,**

*Procurement Executive (Acting), Department of State.*

[FR Doc. 2017–26712 Filed 12–11–17; 8:45 am]

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**DEPARTMENT OF STATE**

**48 CFR Parts 636, 637, and 652**

[Public Notice 9703]

RIN 1400–AE04

**Department of State Acquisition Regulation**

**AGENCY:** Department of State.

**ACTION:** Interim final rule.

**SUMMARY:** The Department of State (DOS) is amending the Department of State Acquisition Regulation (DOSAR) to provide new guidance prescribing more stringent safety requirements for certain overseas construction and services projects.

**DATES:** *Effective Date:* This interim rule is effective on January 11, 2018.

*Comment Date:* The Department of State will accept comments on this interim rule until February 12, 2018.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Email:* [KosarCM@state.gov](mailto:KosarCM@state.gov). You must include the RIN 1400–AE04 in the subject line of your message.
- *Mail (paper only):* Ms. Colleen Kosar, Policy Division, Office of the

Procurement Executive, A/OPE, 2201 C Street NW, Suite 1060, State Annex Number 15, Washington, DC 20520.

• Persons with access to the internet may view this interim rule and submit comments by visiting: <http://www.regulations.gov>, and searching for docket number DOS–2017–0007.

**FOR FURTHER INFORMATION CONTACT:** Ms. Colleen Kosar, Policy Division, Office of the Procurement Executive, A/OPE, 2201 C Street NW, Suite 1060, State Annex Number 15, Washington, DC 20520. Telephone 703–516–1685.

**SUPPLEMENTARY INFORMATION:** The purpose of this interim rule is to update 48 CFR part 636, section 636.513, Accident Prevention; 48 CFR part 637; and 48 CFR part 652, section 652.236–70, Accident Prevention. The Department of State (DOS) is rescinding the class deviation that authorized the substitution of DOSAR 652.236–70, Accident Prevention, for FAR 52.236–13 Accident Prevention, thus reinstating the requirement for use of FAR 52.236–13. Additionally, a new clause, “Additional Safety Measures,” is added to replace DOSAR 652.236–70. Specifically, the interim rule:

- Amends section 636.513 to reinstate the use of FAR 52.236–13, Accident Prevention, together with its Alternate I, and to prescribe the use of DOSAR clause 652.236–70, Additional Safety Measures.

- Amends part 637, to add a new section 637.102–71 to provide a cross-reference to 636.513 for services contracts.

- Amend section 652.236–70 to replace the current clause (“Accident Prevention”) with a new clause (“Additional Safety Measures”).

The Department has determined to issue an interim final rule due to the overriding importance of the safety of individuals associated with overseas DOS construction and services projects.

**Regulatory Findings**

*Administrative Procedure Act*

In accordance with 5 U.S.C. 553(a)(2), which exempts from the Administrative Procedure Act matters relating to contracts, the Department is publishing this rulemaking as an interim final rule, but is inviting public comment.

*Regulatory Flexibility Act*

This rulemaking is not a “rule” as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*; therefore, that Act does not apply to it. However, the Department of State has reviewed this regulation and, by approving it, certifies that it will not have a significant economic impact on a substantial