

assistance; or to support response to an emergency or major disaster;

* * * * *

PART 216—TYPES OF CONTRACTS

■ 4. In section 216.601, revise paragraph (d)(i)(A)(3) to read as follows:

216.601 Time-and-materials contracts.

(d) * * *

(i) * * *

(A) * * *

(3) *Exception.* The approval requirements in paragraphs (d)(i)(A)(1) and (2) of this section do not apply to contracts that, as determined by the head of the contracting activity—

(i) Support contingency or humanitarian or peacekeeping operations;

(ii) Facilitate defense against or recovery from conventional, cyber, nuclear, biological, chemical or radiological attack;

(iii) Facilitate the provision of international disaster assistance; or

(iv) Support response to an emergency or major disaster.

* * * * *

PART 218—EMERGENCY ACQUISITIONS

■ 5. Amend section 218.201 by—

■ a. In paragraph (2), removing “agency” and adding “contracting activity” in its place;

■ b. Redesignating paragraphs (7) through (10) as paragraphs (9) through (12), respectively; and

■ c. Adding new paragraphs (7) and (8) to read as follows:

218.201 Contingency operation.

* * * * *

(7) *Only one offer.* The requirements at sections 215.371–2 do not apply to acquisitions, as determined by the head of the contracting activity, in support of a contingency operation. See 215.371–4(a)(2).

(8) *Approval of determination and findings for time-and-materials or labor-hour contracts.* The approval requirements in paragraphs (d)(i)(A)(1) and (2) of this section do not apply to contracts that, as determined by the head of the contracting activity, support contingency. See 216.601(d)(3).

* * * * *

■ 6. Revise section 218.202 to read as follows:

218.202 Defense or recovery from certain events.

For acquisitions that, as determined by the head of the contracting activity, are to facilitate defense against or

recovery from cyber, nuclear, biological, chemical, or radiological attack; to facilitate provision of international disaster assistance; or to support response to an emergency or major disaster, the following requirements do not apply:

(1) *Policy for unique item identification at 211.274–2(a).*

Contractors are not required to provide DoD unique item identification if the items are to be used to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack. However, contractors are not exempt from this requirement if the items are to be used to facilitate defense against or recovery from cyber attack. See 211.274–2(b).

(2) *Only one offer requirements at section 215.371–2.* See 215.371–4(a)(2).

(3) *Approval of determination and findings for time-and-materials or labor-hour contracts at 216.601(d)(i)(A)(1) and (2).* See 216.601(d)(3).

■ 7. Add section 218.204 to read as follows:

218.204 Humanitarian or peacekeeping operation.

The following requirements do not apply to acquisitions that, as determined by the head of the contracting activity, are in support of humanitarian or peacekeeping operations:

(1) *Policy for item unique identification at 211.274–2(a).* See 211.274–2(b).

(2) *Only one offer requirements at sections 215.371–2.* See 215.371–4(a)(2).

(3) *Approval of determination and findings for time-and-materials or labor-hour contracts at 216.601(d)(i)(A)(1) and (2).* See 216.601(d)(3).

218.270 [Removed]

■ 8. Remove section 218.270.

218.271 [Redesignated as 218.270]

■ 9. Redesignate section 218.271 as section 218.270 and revise the introductory text and paragraph (a) to read as follows:

218.270 Head of contracting activity determinations.

The term “head of the agency” is replaced with “head of the contracting activity,” as defined in FAR 2.101, in the following locations:

(a) FAR 2.101: definition of “simplified acquisition threshold.”

* * * * *

218.272 [Redesignated as 218.271 and Amended]

■ 10. Redesignate section 218.272 as section 218.271 and remove “PGI

218.272” and add “PGI 218.271” in its place.

PART 225—FOREIGN ACQUISITION

225.374 [Amended]

■ 11. Amend section 225.374 by removing “See 218.272” and adding “See 218.271” in its place.

[FR Doc. 2018–11341 Filed 5–29–18; 8:45 am]

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 225

[Docket DARS–2018–0025]

RIN 0750–AJ70

Defense Federal Acquisition Regulation Supplement: Repeal of Restrictions on Chemical Weapons Antidote (DFARS Case 2018–D006)

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

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act for Fiscal Year 2018 that established a sunset date for restrictions on acquisition of chemical weapons antidote contained in automatic injectors, or the components of such injectors.

DATES: Effective October 1, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, telephone 571–372–6106.

SUPPLEMENTARY INFORMATION:

I. Background

This final rule implements section 813(a) of the National Defense Authorization Act for Fiscal Year 2018, which amends 10 U.S.C. 2534(c) to establish a sunset date of October 1, 2018, for 10 U.S.C. 2534(a)(2) and (b)(2), the limitation on procurement of chemical weapons antidote contained in automatic injectors (and components for such injectors).

This rule deletes DFARS 225.7005 in its entirety to remove the obsolete text regarding restrictions on certain chemical weapons antidote.

II. Applicability to Contracts at or Below the Simplified Acquisition Threshold and for Commercial Items, Including Commercially Available Off-the-Shelf Items

This rule does not add any new burdens or impact applicability of clauses and provisions at or below the simplified acquisition threshold, or to acquisition of commercial items.

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. Executive Order 13771

This final rule is not an E.O. 13771, Reducing Regulation and Controlling Regulatory Costs, regulatory action, because this rule is not significant under E.O. 12866.

V. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the Federal Acquisition Regulation is the Office of Federal Procurement Policy statute (codified at title 41 of the United States Code). Specifically, title 41 U.S.C. 1707(a)(1) requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because it just removes obsolete text from the DFARS, which affects only the internal operating procedures of the Government.

VI. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 41 U.S.C. 1707(a)(1) (see section V. of this preamble), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

VII. Paperwork Reduction Act

This rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Part 225

Government procurement.

Amy G. Williams,

Deputy, Defense Acquisition Regulations System.

Therefore, 48 CFR part 225 is amended as follows:

PART 225—FOREIGN ACQUISITION

- 1. The authority citation for part 225 continues to read as follows:

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

225.7005 [Removed and Reserved]

- 2. Remove and reserve section 225.7005.

225.7005-1 [Removed]

- 3. Remove section 225.7005-1.

225.7005-2 [Removed]

- 4. Remove section 225.7005-2.

225.7005-3 [Removed]

- 5. Remove section 225.7005-3. [FR Doc. 2018-11343 Filed 5-29-18; 8:45 am]

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 252

[Docket DARS-2018-0030]

RIN 0750-AJ88

Defense Federal Acquisition Regulation Supplement: Modification of DFARS Clause "Riding Gang Member Requirements" (DFARS Case 2018-D026)

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

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to clarify the agency that conducts the background check procedures that are required for contractors who perform work on U.S.-flag vessels under DoD contracts for ocean transportation services.

DATES: Effective May 30, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Moore, telephone 571-372-6093.

SUPPLEMENTARY INFORMATION:

I. Background

DoD is amending the DFARS to modify the clause at DFARS 252.247-7027, Riding Gang Member Requirements. This DFARS clause is included in solicitations and contracts for the acquisition of commercial items, which are for the charter of, or contract for carriage of cargo by, a U.S.-flag vessel documented under 46 U.S.C., chapter 121.

DFARS clause, 252.247-7027, Riding Gang Member Requirements, ensures that riding gang members are qualified to serve on board the vessel and that both riding gang members and DoD-exempted individuals onboard will not pose a security risk based on criminal or other records. Paragraph (c)(2)(i)(B) of the clause requires the contractor to immediately remove any exempted individual from the vessel that is deemed unsuitable by Military Sealift Command (MSC) Force Protection. This requirement imposes duties on MSC that exceed the scope of their personnel screening agreement. MSC has authorization to screen persons who have access to MSC chartered vessels, but they do not screen persons who have access to non-MSC chartered or contracted vessels. This paragraph is modified to state that the Government agency conducting the background