

**Subpart EE—New Hampshire**

revising the existing entry for Env-A 300 to read as follows:

■ 3. In § 52.1520, Table (c) “EPA-APPROVED NEW HAMPSHIRE REGULATIONS” is amended by

**§ 52.1520 Identification of plan.**

(c) *EPA approved regulations.*

**EPA-APPROVED NEW HAMPSHIRE REGULATIONS**

State citation	Title/subject	State effective date	EPA approval date <sup>1</sup>	Explanations
Env-A 300	Ambient Air Quality Standards. ...	9/1/2012	6/24/14 [Insert <b>Federal Register</b> page number where the document begins].	

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[FR Doc. 2014–14531 Filed 6–23–14; 8:45 am]  
BILLING CODE 6560–50–P

**DEPARTMENT OF DEFENSE**

**48 CFR Parts 202 and 217**

**RIN 0750–A123**

**Defense Federal Acquisition Regulation Supplement: Definition of “Congressional Defense Committees” (DFARS Case 2013–D027)**

**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 meaning of the phrase “congressional defense committees.”

**DATES:** Effective June 24, 2014.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lee Renna, telephone 571–372–6095.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

DoD is amending the DFARS to clarify the meaning of the phrase “congressional defense committees.” Generally, when this phrase appears in the DFARS, it has the same meaning as set forth in 10 U.S.C. 101(a)(16), i.e., the Committee on Armed Services and the Committee on Appropriations, of the Senate and of the House. In DFARS

202.101, a new paragraph has been added, indicating that the definition for “congressional defense committees” is in accordance with 10 U.S.C. 101(a)(16), or as otherwise specified by statute for particular applications. The definition at 202.101 will no longer include the Subcommittees on Defense of the Committees on Appropriation, in keeping with the definition at 10 U.S.C. 101(a)(16).

There are instances, however, when this definition may be modified to reflect the unique requirements of a specific law. Such is the case at DFARS 217.103. At DFARS subpart 217.1, which pertains to multiyear contracting, the definition for “congressional defense committees” is derived from DoD annual appropriations acts. As such, a new definition has been added, which also encompasses the Subcommittees on Defense of the Committees on Appropriations for the Senate and House.

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

“Publication of proposed regulations,” 41 U.S.C. 1707, is the statute which applies to the publication of the Defense Federal Acquisition Regulation Supplement. Paragraph (a)(1) of the statute 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 will not have a significant cost or administrative impact. These requirements affect only the internal operating procedures of the Government.

**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 DFARS revision within the meaning of FAR 1.501–1, and 41 U.S.C. 1707 does not require publication for public comment.

<sup>1</sup> In order to determine the EPA effective date for a specific provision listed in this table, consult the Federal Register notice cited in this column for the particular provision.

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## V. 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 Parts 202 and 217

Government procurement.

Amy G. Williams,

Deputy, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 202 and 217 are amended as follows:

■ 1. The authority citation for 48 CFR parts 202 and 217 continues to read as follows:

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

### PART 202—DEFINITIONS OF WORDS AND TERMS

■ 2. Amend section 202.101 by revising the definition of “congressional defense committees” to read as follows:

#### 202.101 Definitions.

*Congressional defense committees* means—

(1) In accordance with 10 U.S.C. 101(a)(16), except as otherwise specified in paragraph (2) of this definition or as otherwise specified by statute for particular applications—

(i) The Committee on Armed Services of the Senate;

(ii) The Committee on Appropriations of the Senate;

(iii) The Committee on Armed Services of the House of Representatives; and

(iv) The Committee on Appropriations of the House of Representatives.

(2) For use in subpart 217.1, see the definition at 217.103.

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### PART 217—SPECIAL CONTRACTING METHODS

■ 3. Amend section 217.103 by adding, in alphabetical order, the definition for “congressional defense committees” to read as follows:

#### 217.103 Definitions.

\* \* \* \* \*

*Congressional defense committees* means—

(1) The Committee on Armed Services of the Senate;

(2) The Committee on Appropriations of the Senate;

(3) The Subcommittee on Defense of the Committee on Appropriations of the Senate;

(4) The Committee on Armed Services of the House of Representatives;

(5) The Committee on Appropriations of the House of Representatives; and

(6) The Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

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## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Part 237

RIN 0750–AI05

### Defense Federal Acquisition Regulation Supplement: Private Sector Notification Requirements of In-Sourcing Actions (DFARS Case 2012–D036)

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

**ACTION:** Final rule.

**SUMMARY:** DoD has adopted as final, with changes, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act (NDAA) for Fiscal Year 2012 regarding private sector notification of in-sourcing actions.

**DATES:** Effective June 24, 2014.

**FOR FURTHER INFORMATION CONTACT:** Ms. Janetta Brewer, telephone 571–372–6104.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

DoD published an interim rule in the **Federal Register** at 78 FR 65218 on October 31, 2013, to establish procedures for the timely notification of any contractor that performs a function that the Secretary plans to convert (in-source) to performance by DoD civilian employees and provide the congressional defense committees a copy of any such notification. One respondent submitted comments in response to the interim rule.

##### II. Discussion and Analysis

DoD reviewed the public comments in the development of the final rule. A discussion of the comments is provided below. No changes were made to the final rule based on the public comments; however, one editorial change is being made to clarify a reference.

##### A. Analysis of Public Comments

*Comment:* The respondent commented that, while the interim rule requires the contracting officer to notify an affected incumbent contractor about an in-sourcing decision within 20 business days of receiving the decision from the in-sourcing program official, the rule does not specifically address how soon DoD can commence the in-sourcing action after issuing the notice. The respondent stated the rule should require issuance of the in-sourcing notice in a reasonable amount of time prior to DoD’s commencement of the in-sourcing action.

*Response:* No action was taken as a result of this comment. DoD guidance at DFARS 237.102–79 and in the memorandum at DFARS Procedures, Guidance and Information 237.102–79, reflects that the in-sourcing of contracted services falls into the following three categories of justification (1) inherently Governmental functions (2) work closely associated with inherently Governmental functions, critical in nature, and unauthorized personal services, and (3) cost-based in-sourcing decisions. The nature of the contracts in these three categories is such that it is essential for the Government to have the ability to take in-sourcing actions once notification is provided to affected incumbent contractors.

*Comment:* The respondent suggested including specific details of the rationale for the in-sourcing decision in the notice to the contractors to ensure meaningful insight about the rationale.

*Response:* No action was taken on this comment as DoD included language requiring that a summary of why the service is being insourced be included in the notice and therefore, as written, the rule fulfills the objective of transparency and accountability.

##### B. Other Changes

Editorial changes were made to clarify where the OASD memorandum “Private Sector Notification Requirements in Support of In Sourcing Actions,” dated January 29, 2013, can be found in the DFARS Procedures Guidance and Information.

## 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