

**217.7404-5 Exceptions.**

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(b) The head of an agency may waive the limitations in 217.7404-2, 217.7404-3, and 217.7404-4 for UCAs if the head of the agency determines that the waiver is necessary to support—

(1) A contingency operation as defined in 10 U.S.C. 101(a)(13); or

(2) A humanitarian or peacekeeping operation as defined in 10 U.S.C. 2302(7).

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**DEPARTMENT OF DEFENSE****48 CFR Parts 223 and 252**

[DFARS Case 98-D301]

**Defense Federal Acquisition Regulation Supplement; Hazardous Waste Disposal**

**AGENCY:** Department of Defense (DoD.)

**ACTION:** Final rule.

**SUMMARY:** The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove guidance pertaining to contracts for the offsite treatment or disposal of hazardous waste from defense facilities. The statute upon which this guidance was based applies only to contracts entered into during fiscal years 1992 through 1996.

**EFFECTIVE DATE:** December 9, 1998.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Pelkey, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 98-D301.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

This final rule removes DFARS Subpart 223.70 and the clause at DFARS 252.223-7005, which implemented 10 U.S.C. 2708, Contracts for handling hazardous waste from defense facilities. 10 U.S.C. 2708 applies only to contracts entered into during fiscal years 1992 through 1996.

**B. Regulatory Flexibility Act**

The final rule does not constitute a significant revision within the meaning of FAR 1.501 and Pub. L. 98-577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subpart will be considered in

accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 98-D301.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the final 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 Parts 223 and 252**

Government procurement.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

Therefore, 48 CFR Parts 223 and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 223 and 252 continues to read as follows:

**Authority:** 41 U.S.C. 421 and 48 CFR Chapter 1.

**PART 223—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE**

**Subpart 223.70—[Removed and Reserved]**

2. Subpart 223.70 is removed and reserved.

**PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

**252.223-7005 [Removed and Reserved]**

3. Section 252.223-7005 is removed and reserved.

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**DEPARTMENT OF DEFENSE****48 CFR Part 237**

[DFARS Case 97-D328]

**Defense Federal Acquisition Regulation Supplement; Service Contracts that Cross Fiscal Years**

**AGENCY:** Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove obsolete guidance pertaining to service contracts that cross fiscal years. Section 801 of the National Defense Authorization Act for Fiscal Year 1998 expanded the statutory authority to enter into such contracts.

Federal Acquisition Circular 97-09, dated October 30, 1998, incorporated current guidance on this subject into the Federal Acquisition Regulation.

**EFFECTIVE DATE:** December 9, 1998.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Michael Pelkey, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 97-D328.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

Section 801 of the National Defense Authorization Act for Fiscal Year 1998 (Pub. L. 105-85) amended 10 U.S.C. 2410a to expand the authority pertaining to service contracts that cross fiscal years. Item VIII of Federal Acquisition Circular 97-09 (63 FR 58600, October 30, 1998) amended the Federal Acquisition Regulation to implement Section 801. This final rule revises DFARS 237.106 to remove obsolete guidance pertaining to service contracts that cross fiscal years.

**B. Regulatory Flexibility Act**

The final rule does not constitute a significant revision within the meaning of FAR 1.501 and Pub. L. 98-577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subpart will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 97-D328.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the final 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 237**

Government procurement.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

Therefore, 48 CFR Part 237 is amended as follows:

1. The authority citation for 48 CFR Part 237 continues to read as follows:

**Authority:** 41 U.S.C. 421 and 48 CFR Chapter 1.

**PART 237—SERVICE CONTRACTING**

2. Section 237.106 is revised to read as follows:

**237.106 Funding and term of service contracts.**

Personal service contracts for expert or consultant services shall not exceed 1 year. The nature of the duties must be—

(1) Temporary (not more than 1 year);  
or

(2) Intermittent (not cumulatively more than 130 days in 1 year).

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