

concurrence of the ACO, may initiate a special review of specific weaknesses in the contractor's purchasing system. See PGI 244.304(b) for examples of weaknesses.

## PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

### 252.244–7000 [Amended]

■ 4. Section 252.244–7000 is amended as follows:

■ a. By revising the clause date to read “(NOV 2005)”; and

■ b. In the introductory text of the clause by removing the phrase “and Commercial Components”.

[FR Doc. 05–22105 Filed 11–8–05; 8:45 am]

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## DEPARTMENT OF DEFENSE

### 48 CFR Part 250

[DFARS Case 2003–D048]

### Defense Federal Acquisition Regulation Supplement; Extraordinary Contractual Actions

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

**ACTION:** Final rule.

**SUMMARY:** DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to the processing of requests for extraordinary contract adjustments. This rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

**EFFECTIVE DATE:** November 9, 2005.

**FOR FURTHER INFORMATION CONTACT:** Mr. Euclides Barrera, Defense Acquisition Regulations System, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0296; facsimile (703) 602–0350. Please cite DFARS Case 2003–D048.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures

that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at <http://www.acq.osd.mil/dpap/dars/dfars/transformation/index.htm>.

This final rule is a result of the DFARS Transformation initiative. The rule—

- Updates requirements for DoD processing of requests for extraordinary contract adjustments; and

- Deletes procedures for preparation of records and submittal of requests to a contract adjustment board. This text has been relocated to the new DFARS companion resource, Procedures, Guidance, and Information (PGI), available at <http://www.acq.osd.mil/dpap/dars/pgi>.

DoD published a proposed rule at 70 FR 6393 on February 7, 2005. DoD received no comments on the proposed rule. Therefore, DoD has adopted the proposed rule as a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

##### B. Regulatory Flexibility Act

DoD certifies that this final 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 rule relates primarily to DoD internal administrative procedures for the processing of requests for extraordinary contract adjustments.

##### 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 250

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR Part 250 is amended as follows:

## PART 250—EXTRAORDINARY CONTRACTUAL ACTIONS

■ 1. The authority citation for 48 CFR Part 250 continues to read as follows:

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

■ 2. Section 250.105 is revised to read as follows:

### 250.105 Records.

Follow the procedures at PGI 250.105 for preparation of records.

■ 3. Section 250.201–70 is amended by revising paragraph (a) and the last sentence of paragraph (b) introductory text to read as follows:

### 250.201–70 Delegations.

(a) *Military Departments.* The Departments of the Army, Navy, and Air Force will specify delegations and levels of authority for actions under the Act and the Executive Order in departmental supplements or agency acquisition guidance.

(b) \* \* \* The agency supplements or agency acquisition guidance shall specify the delegations and levels of authority.

\* \* \* \* \*

■ 4. Subpart 250.3 is revised to read as follows:

### Subpart 250.3—Contract Adjustments

Sec.

250.303–1 Contractor requests.

250.305 Processing cases.

250.306 Disposition.

#### 250.303–1 Contractor requests.

Requests should be filed with the procuring contracting officer (PCO). However, if filing with the PCO is impractical, requests may be filed with an authorized representative, an administrative contracting officer, or the Office of General Counsel of the applicable department or agency, for forwarding to the cognizant PCO.

#### 250.305 Processing cases.

(1) At the time the request is filed, the activity shall prepare the record described at PGI 250.105(1)(i) and forward it to the appropriate official within 30 days after the close of the month in which the record is prepared.

(2) The officer or official responsible for the case shall forward to the contract adjustment board, through departmental channels, the documentation described at PGI 250.305.

(3) Contract adjustment boards will render decisions as expeditiously as practicable. The Chair shall sign a memorandum of decision disposing of the case. The decision shall be dated and shall contain the information required by FAR 50.306. The memorandum of decision shall not contain any information classified “Confidential” or higher. The board’s decision will be sent to the appropriate official for implementation.

**250.306 Disposition.**

For requests denied or approved below the Secretarial level, follow the disposition procedures at PGI 250.306.

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**DEPARTMENT OF DEFENSE**

**48 CFR Part 252**

**Defense Federal Acquisition Regulation Supplement; Technical Amendment**

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

**ACTION:** Final rule.

**SUMMARY:** DoD is making a technical amendment to the Defense Federal Acquisition Regulation Supplement to update the Internet address for obtaining a list of processes accepted under the DoD Single Process Initiative (SPI).

**EFFECTIVE DATE:** November 9, 2005.

**FOR FURTHER INFORMATION CONTACT:** Ms. Michele Peterson, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0311; facsimile (703) 602-0350.

**List of Subjects in 48 CFR Part 252**

Government procurement.

**Michele P. Peterson,**

*Editor, Defense Acquisition Regulations System.*

■ Therefore, 48 CFR part 252 is amended as follows:

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

■ 1. The authority citation for 48 CFR part 252 continues to read as follows:

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

■ 2. Section 252.211-7005 is amended by revising the clause date and the second sentence of paragraph (b) to read as follows:

**252.211-7005 Substitutions for Military or Federal Specifications and Standards.**

\* \* \* \* \*

**SUBSTITUTIONS FOR MILITARY OR FEDERAL SPECIFICATIONS AND STANDARDS (NOV 2005)**

\* \* \* \* \*

(b) \* \* \* A listing of SPI processes accepted at specific facilities is available via the Internet at <http://>

[guidebook.dema.mil/20/guidebook\\_process.htm](http://guidebook.dema.mil/20/guidebook_process.htm) (paragraph 4.2).

\* \* \* \* \*

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

RIN 1018-AT78

**Endangered and Threatened Wildlife and Plants; Final Determination Concerning Critical Habitat for the San Miguel Island Fox, Santa Rosa Island Fox, Santa Cruz Island Fox, and Santa Catalina Island Fox**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The San Miguel Island fox (*Urocyon littoralis littoralis*), Santa Rosa Island fox (*U. l. santarosae*), Santa Cruz Island fox (*U. l. santacruzae*), and Santa Catalina Island fox (*U. l. catalinae*) were listed as endangered under the Endangered Species Act of 1973, as amended (Act), on March 5, 2004. We, the U.S. Fish and Wildlife Service, do not find any habitat on the four islands occupied by the foxes that meets the definition of critical habitat under the Act. Because there is no habitat that meets the definition of critical habitat for these island fox subspecies, there is none to designate; therefore, we are not designating any critical habitat.

**DATES:** This rule becomes effective on December 9, 2005.

**ADDRESSES:** Comments and materials received, as well as supporting documentation used in the preparation of this final rule, will be available for public inspection, by appointment, during normal business hours, at the Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, CA 93003.

**FOR FURTHER INFORMATION CONTACT:** For the San Miguel Island fox, Santa Rosa Island fox, and Santa Cruz Island fox, contact Diane Noda, Field Supervisor, Ventura Fish and Wildlife Office, at the above address, (telephone 805/644-1766; facsimile 805/644-3958). For the Santa Catalina Island fox, contact Jim Bartel, Field Supervisor, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Road, Carlsbad, CA (telephone 760/431-9440; facsimile 760/431-9624).

**SUPPLEMENTARY INFORMATION:**

**Background**

It is our intent to discuss only those topics directly relevant to the designation of critical habitat in this rule. For more information on the four island fox subspecies, refer to the March 5, 2004, final listing rule (69 FR 10335) and the October 7, 2004, proposed critical habitat rule (69 FR 60134).

**Previous Federal Actions**

For information on previous Federal actions concerning the four island fox subspecies, refer to the proposed critical habitat rule (69 FR 60134; October 7, 2004).

**Summary of Comments and Recommendations**

We requested written comments from the public on the proposed designation of critical habitat for four island fox subspecies in the proposed rule (69 FR 60134; October 7, 2004). We also contacted appropriate Federal, State, and local agencies; scientific organizations; and other interested parties and invited them to comment on the proposed rule.

During the comment period that opened on October 7, 2004 and closed on December 6, 2004, we received three comments directly addressing the proposed critical habitat designation: two from peer reviewers and one from a member of the public. The State of California, where the islands on which these subspecies live are located, did not provide comments. The two peer reviewers who commented generally supported our proposal to not designate critical habitat for the island fox subspecies, although one thought additional research was needed. The other commenter opposed our proposal. Comments received are addressed in the following summary and incorporated into the final rule as appropriate. We did not receive any requests for a public hearing.

**Peer Review**

In accordance with our policy published on July 1, 1994 (59 FR 34270), we solicited expert opinions from five knowledgeable individuals with scientific expertise that included familiarity with the species, the geographic region in which the species occurs, and conservation biology principles. We received responses from two of the peer reviewers. One of the peer reviewers agreed with our conclusion in the proposed rule that designating critical habitat would not confer additional benefits to the conservation of the four island fox subspecies. This peer reviewer's extensive experience with the three