

**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 207**

Government procurement.

**Michele P. Peterson,**

*Editor, Defense Acquisition Regulations System.*

Therefore, DoD proposes to amend 48 CFR part 207 as follows:

**PART 207—ACQUISITION PLANNING**

1. The authority citation for 48 CFR part 207 continues to read as follows:

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

2. Section 207.470 is amended as follows:

a. By redesignating paragraphs (a) and (b) as paragraphs (b) and (c) respectively;

b. By adding a new paragraph (a); and

c. In newly designated paragraph (c), by removing “Except as provided in paragraph (a) of this section” and adding in its place “Except as provided in paragraphs (a) and (b) of this section”. The new paragraph (a) reads as follows:

**207.470 Statutory requirements.**

(a) *Requirement for statutory authorization for certain contracts relating to vessels, aircraft, and combat vehicles.* The contracting officer shall not enter into any contract for any vessel, aircraft, or combat vehicle, through a lease, charter, or similar agreement, or for services that provide for the use of the contractor’s vessel, aircraft, or combat vehicle, unless—

(1) The head of the agency has satisfied the requirements of 10 U.S.C. 2401; and

(2)(i) The contract will be a long-term lease, charter, or similar agreement (10 U.S.C. 2401(d)(1)); or

(ii) The terms of the contract provide for a substantial termination liability (10 U.S.C. 2401(d)(2)).

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[FR Doc. E7-9744 Filed 5-21-07; 8:45 am]

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**DEPARTMENT OF DEFENSE****Defense Acquisition Regulations System****48 CFR Part 215****Contract Profit/Fee Policies**

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

**ACTION:** Request for public input.

**SUMMARY:** DoD is conducting a review of the Department’s contract profit/fee policies. As part of this review, DoD would like to hear the views of interested parties regarding the effectiveness of the profit/fee policies presently used for DoD contracts.

**DATES:** Submit written comments to the address shown below on or before July 23, 2007.

**ADDRESSES:** Submit comments to: Office of the Director, Defense Procurement and Acquisition Policy, ATTN: OUSD (AT&L) DPAP (CPF), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Comments also may be submitted by facsimile at (703) 602-7887, or by e-mail at *Bill.Sain@osd.mil*.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bill Sain, by telephone at (703) 602-0293, or by e-mail at *Bill.Sain@osd.mil*.

**SUPPLEMENTARY INFORMATION:** DoD contract profit/fee policies, to include policy for developing pre-negotiation profit or fee objectives, are described in the Defense Federal Acquisition Regulation Supplement (DFARS), in sections 215.404-4 and 215.404-70 through 215.404-76. One of the key aspects of DoD’s profit policy is the Weighted Guidelines. While there have been some revisions to the Weighted Guidelines over the past few years, the basis for the existing policy was established in the mid-1980s. Since then, there have been a number of changes, including (1) the evolution of DoD’s acquisition programs, (2) extensive industry consolidation, and (3) a significant increase in the number of DoD contracts for services. In light of these many changes, DoD is interested in receiving public input on the existing profit/fee policies, with regard to those that are working effectively and those that should be revised or eliminated, along with supporting rationale. Potential areas for consideration include, but are not limited to, the following:

- The contractor risk factors used in DoD’s structured approach for developing profit/fee objectives, particularly with regard to—

- The pertinence of the existing factors;
- Whether the ranges and normal values used for the existing factors are still valid; and
- Whether there are other risk factors that are not reflected in the existing policies.
- Any changes needed to—
- The technology incentive at DFARS 215.404-71-2(c)(2) and (d)(4);
- The contract type risk factor at DFARS 215.404-71-3;
- The facilities capital employed factor at DFARS 215.404-71-4;
- The cost efficiency factor at DFARS 215.404-71-5;
- The modified weighted guidelines at DFARS 215.404-72;
- The policies as they provide for consideration of the amount of investment a contractor has in a contract;
- The policies as they provide for consideration of the extent of contract financing payments;
- The policies as they apply to contracts for services; and
- The policies as they apply to contracts for research, development, test, and evaluation.
- Whether any of the existing structured approaches for profit analysis should play a role in establishing the base fee or pool on award-fee contracts.

**Michele P. Peterson,**

*Editor, Defense Acquisition Regulations System.*

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**DEPARTMENT OF DEFENSE****Defense Acquisition Regulations System****48 CFR Part 232****Contract Financing**

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

**ACTION:** Request for public input.

**SUMMARY:** DoD is conducting a review of the Department’s contract financing policies. As part of this review, DoD would like to hear the views of interested parties regarding the effectiveness of the financing policies presently used for DoD contracts.

**DATES:** Submit written comments to the address shown below on or before July 23, 2007.

**ADDRESSES:** Submit comments to: Office of the Director, Defense Procurement and Acquisition Policy, ATTN: OUSD

(AT&L) DPAP (CPF), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Comments also may be submitted by facsimile at (703) 602-7887, or by e-mail at [John.McPherson@osd.mil](mailto:John.McPherson@osd.mil).

**FOR FURTHER INFORMATION CONTACT:** Mr. John McPherson, by telephone at (703) 602-0296, or by e-mail at [John.McPherson@osd.mil](mailto:John.McPherson@osd.mil).

**SUPPLEMENTARY INFORMATION:** DoD policies on contract financing are described in Part 32 of the Federal Acquisition Regulation (FAR) and Part 232 of the Defense FAR Supplement. These policies cover a variety of contract finance issues, including non-commercial item purchase financing; commercial item purchase financing; loan guarantees for defense production; advance payments for noncommercial items; progress payments based on costs; contract debts; contract funding; assignment of claims; prompt payment; performance-based payments; electronic funds transfer; electronic submission and processing of payment requests; and levies on contract payments.

DoD is interested in receiving public input on these contract financing policies, particularly with regard to those that are considered to be especially effective or ineffective, along with supporting rationale.

**Michele P. Peterson,**

*Editor, Defense Acquisition Regulations System.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; Status of the Rio Grande Cutthroat Trout

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

**ACTION:** Notice of intent to initiate a status review.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce our intent to initiate a candidate status review for the Rio Grande cutthroat trout (*Oncorhynchus clarki virginalis*) to determine if candidate status is warranted. The Endangered Species Act of 1973, as amended (Act), requires that we identify species of wildlife and plants that are endangered or threatened, based on the best available scientific and commercial information.

Through the Federal rulemaking process, we add these species to the List of Endangered and Threatened Wildlife at 50 CFR 17.11 or the List of Endangered or Threatened Plants at 50 CFR 17.12. As part of this program, we maintain a list of species that we regard as candidates for listing. A candidate is one for which we have on file sufficient information on biological vulnerability and threats to support a proposal to list as endangered or threatened but for which preparation and publication of a proposal is precluded by higher-priority listing actions. During or prior to April 2008, we will make a determination concerning the results of the status review for the Rio Grande cutthroat trout, and, shortly thereafter, we will publish this determination in the **Federal Register**.

**DATES:** We will accept comments and information from all interested parties for our use in the status review and in preparing a revised finding until July 6, 2007.

**ADDRESSES:** If you wish to comment, you may submit your comments and materials by any of the following methods:

1. You may mail or hand-deliver your written comments and information to Wally "J" Murphy, Field Supervisor, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna NE, Albuquerque, New Mexico 87113.

2. You may fax your comments to Wally "J" Murphy, Field Supervisor, New Mexico Ecological Services Field Office, at (505) 346-2542.

3. You may send comments by electronic mail (e-mail) to [R2FWE\\_AL@fws.gov](mailto:R2FWE_AL@fws.gov).

4. You may go to the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments. In the event that our Internet connection is not functional, please submit your comments by one of the alternate methods mentioned above.

Comments and materials received, as well as supporting documentation used in the preparation of candidate status review, will be available for public inspection, by appointment, during normal business hours at the New Mexico Ecological Services Field Office, at the street address above (telephone: (505) 346-2525).

**FOR FURTHER INFORMATION CONTACT:** Wally "J" Murphy, Field Supervisor, New Mexico Ecological Services Field Office (see **ADDRESSES**) (telephone: (505) 346-2525; facsimile: (505) 346-2542). Persons who use a telecommunications device for the deaf (TDD) may call the

Federal Information Relay Service (FIRS) at 800/877-8339.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On February 25, 1998, we received a petition from the Southwest Center for Biological Diversity requesting that the Service add the Rio Grande cutthroat trout (*Oncorhynchus clarki virginalis*) to the List of Endangered and Threatened Wildlife. The petition addressed the range-wide distribution of the Rio Grande cutthroat trout, including populations in Colorado and New Mexico.

Section 4(b)(3)(B) of the Act requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. We subsequently published a notice of a 90-day finding in the **Federal Register** (63 FR 49062, September 14, 1998). In the 90-day finding, we concluded that the petition did not present substantial information indicating that listing of the Rio Grande cutthroat trout may be warranted.

On June 9, 1999, the Southwest Center for Biological Diversity filed a complaint challenging the September 14, 1998, 90-day petition finding as violating the Act and the Administrative Procedure Act (5 U.S.C. 551 *et seq.*). On November 8, 2001, a settlement agreement executed by both parties (the Service and the Southwest Center for Biological Diversity) was filed with the court. The settlement agreement stipulated that we would conduct a candidate status review for the Rio Grande cutthroat trout.

After completing the candidate status review for the Rio Grande cutthroat trout, the Service made a determination that listing of the trout was not warranted because the trout was neither endangered nor likely to become endangered within the foreseeable future throughout all or a significant portion of its range. Notice of that determination was published in the **Federal Register** on June 11, 2002 (67 FR 39936). Since that time, the Service has further defined how it analyzes what constitutes a "significant portion" of a species' range. For example, in the recent finding regarding the status of the Western Great Lakes distinct population segment of gray wolf (72 FR 6052, February 8, 2007), the Service outlined a framework for analyzing whether a species is in danger of extinction throughout a significant portion of its range. In addition, in the 5 years since the June 2002 determination, a significant amount of new information and data