

**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.*

**D. Determination to Issue an Interim Rule**

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish an interim rule prior to affording the public an opportunity to comment. This interim rule implements the determination made by the Under Secretary of Defense for Acquisition, Technology, and Logistics on August 15, 2008, that procuring articles that contain only domestic para-aramid fibers and yarns would result in sole-source contracts or subcontracts for such fibers and yarns; such sole-source contracts or subcontracts would not be in the best interest of the Government, except as specifically justified and approved consistent with 10 U.S.C. 2304; and all qualifying countries listed at DFARS 225.872-1 permit the United States firms that manufacture para-aramid fibers and yarns to compete with foreign firms for the sale of para-aramid fibers and yarns in that country. Comments received in response to this interim rule will be considered in the formation of the final rule.

**List of Subjects in 48 CFR Parts 225 and 252**

Government procurement.

**Michele P. Peterson,**

*Editor, Defense Acquisition Regulations System.*

■ Therefore, 48 CFR Parts 225 and 252 are amended as follows:

■ 1. The authority citation for 48 CFR Parts 225 and 252 continues to read as follows:

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

**PART 225—FOREIGN ACQUISITION**

■ 2. Section 225.003 is amended by revising paragraph (9) to read as follows:

**225.003 Definitions.**

\* \* \* \* \*

(9) *Qualifying country* means a country with a memorandum of understanding or international agreement with the United States. The following are qualifying countries:

- Australia
- Austria
- Belgium
- Canada

- Denmark
- Egypt
- Finland
- France
- Germany
- Greece
- Israel
- Italy
- Luxembourg
- Netherlands
- Norway
- Portugal
- Spain
- Sweden
- Switzerland
- Turkey
- United Kingdom of Great Britain and Northern Ireland.

\* \* \* \* \*

■ 3. Section 225.7002-2 is amended by revising paragraph (o)(2) to read as follows:

**225.7002-2 Exceptions.**

\* \* \* \* \*

(o) \* \* \*

(2) The fibers and yarns are para-aramid fibers and yarns manufactured in a qualifying country.

\* \* \* \* \*

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

**252.212-7001 [Amended]**

■ 4. Section 252.212-7001 is amended as follows:

■ a. By revising the clause date to read “(DEC 2008)”; and

■ b. In paragraph (b)(5) by removing “(MAR 2008)” and adding in its place “(DEC 2008)”.

■ 5. Section 252.225-7012 is amended as follows:

■ a. By revising the clause date;

■ b. By redesignating paragraphs (a)(3) and (4) as paragraphs (a)(4) and (5) respectively;

■ c. By adding a new paragraph (a)(3); and

■ d. By revising paragraphs (c)(5) and (c)(6)(ii) to read as follows:

**252.225-7012 Preference for certain domestic commodities.**

\* \* \* \* \*

Preference for Certain Domestic Commodities (DEC 2008)

(a) \* \* \*

(3) *Qualifying country* means a country with a memorandum of understanding or international agreement with the United States. The following are qualifying countries:

- Australia
- Austria
- Belgium

- Canada
- Denmark
- Egypt
- Finland
- France
- Germany
- Greece
- Israel
- Italy
- Luxembourg
- Netherlands
- Norway
- Portugal
- Spain
- Sweden
- Switzerland
- Turkey
- United Kingdom of Great Britain and Northern Ireland.

\* \* \* \* \*

(c) \* \* \*

(5) To chemical warfare protective clothing produced in a qualifying country; or

(6) \* \* \*

(ii) The fibers and yarns are para-aramid fibers and yarns manufactured in a qualifying country.

\* \* \* \* \*

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**DEPARTMENT OF DEFENSE**

**Defense Acquisition Regulations System**

**48 CFR Part 252**

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

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

**ACTION:** Final rule.

**SUMMARY:** DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement (DFARS) to update contact information in a contract clause and to make minor editorial corrections.

**DATES:** *Effective Date:* December 18, 2008.

**FOR FURTHER INFORMATION CONTACT:** Ms. Michele Peterson, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone 703-602-0311; facsimile 703-602-7887.

**SUPPLEMENTARY INFORMATION:** This final rule amends DFARS text as follows:

- 252.203-7001. Updates a phone number and adds a Web link.

○ 252.211–7007. Corrects punctuation.

#### 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.

##### 252.203–7001 [Amended]

■ 2. Section 252.203–7001 is amended as follows:

- a. By revising the clause date to read “(DEC 2008)”; and
- b. In paragraph (h) by removing “(301) 809–4904” and adding in its place “301–937–1542; [www.ojp.usdoj.gov/BJA/grant/DPFC.html](http://www.ojp.usdoj.gov/BJA/grant/DPFC.html)”.

##### 252.211–7007 [Amended]

■ 3. Section 252.211–7007 is amended as follows:

- a. In paragraph (d)(5) by adding an ending parenthesis before the period; and
- b. In paragraph (d)(10)(vi) by removing the ending parenthesis before the period.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

RIN 0648–XM15

#### Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; inseason retention limit adjustment.

**SUMMARY:** NMFS has determined that the Atlantic tunas General category daily Atlantic bluefin tuna (BFT) retention limit should be adjusted for the January 2009 time period, based on consideration of the determination criteria regarding inseason adjustments.

**DATES:** Effective January 1, 2009, through January 31, 2009.

**FOR FURTHER INFORMATION CONTACT:** Sarah McLaughlin or Brad McHale, 978–281–9260.

#### SUPPLEMENTARY INFORMATION:

Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) and the Magnuson–Stevens Fishery Conservation and Management Act (Magnuson–Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations established in the Consolidated Highly Migratory Species Fishery Management Plan (Consolidated HMS FMP) (71 FR 58058, October 2, 2006).

The 2009 BFT fishing year, which is managed on a calendar year basis and subject to an annual calendar year quota, begins January 1, 2009. Starting on January 1, 2009, the General category daily retention limit (§ 635.23(a)(2)), is scheduled to revert back to the default retention limit of one large medium or giant BFT (measuring 73 inches (185 cm) CFL) or greater per vessel per day/trip. This scheduled retention limit applies to General category permitted vessels and HMS Charter/Headboat category permitted vessels (when fishing commercially for BFT).

Each of the General category time periods (January, June–August, September, October–November, and December) is allocated a portion of the annual General category quota, thereby ensuring extended fishing opportunities in years when catch rates are high and quota is available. In August, NMFS adjusted the General category limit for September through December 2008 from the default level of one large medium or giant BFT to three (thus maintaining a three fish limit for all of the 2008 season). However, NMFS decided not to make an adjustment for January 2009 until after the 2009 western Atlantic BFT Total Allowable Catch (TAC) and resulting U.S. quota were set at the November 2008 ICCAT meeting (73 FR 50885, August 29, 2008).

The 2008 ICCAT recommendation reduced the TAC (currently 2,100 mt) to 1,900 mt for 2009, resulting in a 2009 U.S. quota of 1,034.9 mt. Consistent with the allocation scheme established in the Consolidated HMS FMP, the baseline General category share of the 2009 U.S. quota would be 475.7 mt, and

the baseline January 2009 General category subquota would be 25.2 mt.

In order to implement the ICCAT recommendation, NMFS is planning to publish proposed quota specifications in the beginning of 2009 to set BFT quotas for each of the established domestic fishing categories and to set effort controls for the General category and Angling category. In the meantime, the General category BFT fishery remains active into the winter, with substantial landings reported in November and December.

#### Adjustment of General Category Daily Retention Limits

Under § 635.23(a)(4), NMFS may increase or decrease the daily retention limit of large medium and giant BFT over a range of zero to a maximum of three per vessel based on consideration of the criteria provided under § 635.27(a)(8), which include: the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock; the catches of the particular category quota to date and the likelihood of closure of that segment of the fishery if no adjustment is made; the projected ability of the vessels fishing under the particular category quota to harvest the additional amount of BFT before the end of the fishing year; the estimated amounts by which quotas for other gear categories of the fishery might be exceeded; effects of the adjustment on BFT rebuilding and overfishing; effects of the adjustment on accomplishing the objectives of the fishery management plan; variations in seasonal distribution, abundance, or migration patterns of BFT; effects of catch rates in one area precluding vessels in another area from having a reasonable opportunity to harvest a portion of the category's quota; and a review of dealer reports, daily landing trends, and the availability of the BFT on the fishing grounds.

NMFS has considered the set of criteria cited above and their applicability to the General category BFT retention limit for the 2009 fishing year. For example, January 2008 catch rates were high, and under a 3–fish limit, the January subquota was exceeded. Based on these considerations, and the reduced 2009 quota and subquotas, NMFS has determined that the General category retention limit should be adjusted to allow for retention of the anticipated 2009 General category quota, but that an approach more conservative than used for January 2008 is warranted. Therefore, NMFS increases the General category retention limit from the default