

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Part 6**

[FAR Case 2007-008; Docket 2007-0001;
Sequence 14]

RIN 9000-AK90

Federal Acquisition Regulation; FAR Case 2007-008, Limiting Length of Noncompetitive Contracts in “Unusual and Compelling Urgency” Circumstances

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to limit the length of contracts awarded noncompetitively under unusual and compelling urgency circumstances to the minimum contract period necessary to meet the requirements, and no longer than one year, unless approved by the head of the contracting activity.

DATES: Interested parties should submit comments in writing on or before March 31, 2008 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by FAR Case 2007-008 by any of the following methods:

- Regulations.gov: <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by inputting “FAR Case 2007-008” under the heading “Comment or Submission”. Select the link “Send a Comment or Submission” that corresponds with FAR Case 2007-008. Follow the instructions provided to complete the “Public Comment and Submission Form”. Please include your name, company name (if any), and “FAR Case 2007-008” on your attached document.
- Fax: 202-501-4067.
- Mail: General Services

Administration, Regulatory Secretariat (VPR), 1800 F Street, NW., Room 4035, ATTN: Diedra Wingate, Washington, DC 20405.

Instructions: Please submit comments only and cite FAR Case 2007-008 in all correspondence related to this case. All comments received will be posted without change to <http://>

www.regulations.gov, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest Woodson, Procurement Analyst, at (202) 501-3775, for clarification of content. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501-4755. Please cite FAR Case 2007-008.

SUPPLEMENTARY INFORMATION:

A. Background

The Administrator of the Office of Federal Procurement Policy (OFPP) issued a memorandum on enhancing competition in Federal acquisition, dated May 31, 2007, to executive agency chief acquisition officers and senior procurement executives. One of the initiatives identified by the Administrator for strengthening competitive policies was limiting the length of contracts awarded noncompetitively under the authority in FAR Part 6.302-2, unusual and compelling urgency, to the minimum period necessary for meeting the requirements, and no longer than one year unless approved by the head of the contracting activity. This rule implements a contract period limitation under FAR Part 6.302-2.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Councils do not expect this proposed rule to 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 addresses internal agency procedures and will benefit small entities by encouraging competition after a one year contract period, except when a longer contract period is properly approved. Therefore, an Initial Regulatory Flexibility Analysis has not been performed. The Councils will consider comments from small entities concerning the affected FAR Part 6.303-2 in accordance with 5 U.S.C. 610.

Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 2007-008), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96-511) does not apply because the changes to the FAR do not contain 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 6

Government procurement.

Dated: January 15, 2008.

Al Matera,

Director, Office of Acquisition Policy.

Therefore, DoD, GSA, and NASA propose amending 48 CFR part 6 as set forth below:

PART 6—COMPETITION REQUIREMENTS

1. The authority citation for 48 CFR part 6 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Amend section 6.302-2 by adding paragraph (d) to read as follows:

6.302-2 Unusual and compelling urgency.

(d) *Period of Performance.* The total period of performance of a contract awarded using this authority shall not exceed the minimum period necessary for meeting the unusual and compelling urgency requirements, but no longer than one year unless a longer period of performance is approved by the head of the contracting activity. Approval of a longer contract period of performance is in addition to the justification approval of requirements in 6.304.

[FR Doc. E8-1681 Filed 1-30-08; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 16

[FWS-R9-FHC-2008-0015; 94410-1342-0000-N3]

RIN 1018-AV68

Injurious Wildlife Species; Review of Information Concerning Constrictor Snakes From *Python*, *Boa*, and *Eunectes* genera

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of inquiry.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service or We), are reviewing available biological and economic information on constrictor snakes in the *Python*, *Boa* and *Eunectes* genera for possible addition to the list of injurious wildlife under the Lacey Act. The importation and introduction of constrictor snakes into the natural ecosystems of the United States may

pose a threat to the interests of agriculture, horticulture, forestry; to the health and welfare of human beings; and to the welfare and survival of wildlife and wildlife resources in the United States. An injurious wildlife listing would prohibit the importation into, or transportation between, States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States by any means, without a permit. Permits may be issued for scientific, medical, educational, or zoological purposes. This document seeks comments from the public to aid in determining if a proposed rule is warranted.

DATES: We will accept comments received or postmarked on or before April 30, 2008.

ADDRESSES: You may submit comments by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments.
- **U.S. mail or hand-delivery:** Public Comments Processing, Attn: RIN 1018-AV68, Division of Policy and Directives Management, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Suite 222, Arlington, VA 22203.

Instructions: We will not accept e-mail or faxes. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

FOR FURTHER INFORMATION CONTACT: Erin Williams, Branch of Invasive Species at (703) 358-2034 or erin_williams@fws.gov.

SUPPLEMENTARY INFORMATION: On September 21, 2006, we received a petition from the South Florida Water Management District (SFWMD) requesting that Burmese pythons be considered for inclusion in the injurious wildlife regulations pursuant to the Lacey Act (18 U.S.C. 42). SFWMD is concerned about the number of Burmese pythons found in Florida, particularly in the Everglades National Park. We are looking at obtaining information on constrictor species in the *Python*, *Boa* and *Eunectes* genera for possible addition to the injurious wildlife list under the Lacey Act.

The regulations contained in 50 CFR part 16 implement the Lacey Act, as amended. Under the terms of the injurious wildlife provisions of the Lacey Act, the Secretary of the Interior is authorized to prohibit the importation and interstate transportation of species

designated by the Secretary as injurious. Injurious wildlife are those species, offspring, and eggs that are injurious or potentially injurious to wildlife and wildlife resources, to human beings, and to the interests of forestry, horticulture, or agriculture of the United States. Wild mammals, wild birds, fish, mollusks, crustaceans, amphibians, and reptiles are the only organisms that can be added to the injurious wildlife list. The lists of injurious wildlife are at 50 CFR 16.11–16.15. If the process initiated by this notice results in the addition of a species to the list of injurious wildlife contained in 50 CFR part 16, their importation into or transportation between States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States would be prohibited, except by permit for zoological, educational, medical, or scientific purposes (in accordance with permit regulations at 50 CFR 16.22), or by Federal agencies without a permit solely for their own use.

Public Comments

This notice of inquiry solicits biological, economic, or other data on adding species in the *Python*, *Boa* and *Eunectes* genera to the list of injurious wildlife. This information, along with other sources of data, will be used to determine if these species are a threat, or potential threat, to those interests of the United States delineated above, and thus warrant addition to the list of injurious reptiles in 50 CFR 16.15.

You may submit your comments and materials concerning this notice of inquiry by one of the methods listed in the **ADDRESSES** section. We will not accept comments sent by e-mail or fax or to an address not listed in the **ADDRESSES** section. We will not accept anonymous comments; your comment must include your first and last name, city, State, country, and postal (zip) code. Finally, we will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in the **DATES** section.

We will post your entire comment—including your personal identifying information—on <http://www.regulations.gov>. If you provide personal identifying information in addition to the required items specified in the previous paragraph, such as your street address, phone number, or e-mail address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as supporting documentation we used in preparing this notice of inquiry, will be available for public inspection on <http://www.regulations.gov>, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Arlington, VA 22203.

We are soliciting public comments and supporting data to gain additional information and specifically seek comment on the following questions:

- (1) What regulations does your State have pertaining to the use, transport, or production of *Python*, *Boa* and *Eunectes* genera?
- (2) How many species in the *Python*, *Boa* and *Eunectes* genera are currently in production for wholesale or retail sale, and in how many and which States?
- (3) How many businesses sell *Python*, *Boa* or *Eunectes* species?
- (4) How many businesses breed *Python*, *Boa* or *Eunectes* species?
- (5) What are the annual sales for *Python*, *Boa* or *Eunectes* species?
- (6) Please provide the number of *Python*, *Boa* or *Eunectes* species, if any, permitted within each State.
- (7) What would it cost to eradicate *Python*, *Boa* or *Eunectes* individuals or populations, or similar species, if found?
- (8) What are the costs of implementing propagation, recovery, and restoration programs for native species that are affected by *Python*, *Boa* or *Eunectes* species, or similar snake species?

(9) What State-listed species would be impacted by the introduction of *Python*, *Boa* or *Eunectes* species?

(10) What species have been impacted, and how, by *Python*, *Boa* or *Eunectes* species?

Dated: January 11, 2008.

Lyle Laverty,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. E8-1770 Filed 1-30-08; 8:45 am]

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