

(B) Establish that it is not possible at the time of placing the contract or order to accurately estimate the extent or duration of the work or to anticipate costs with any reasonable degree of certainty;

(C) Establish that the requirement has been structured to minimize the use of time-and-materials requirements (e.g., limiting the value or length of the time-and-materials portion of the contract or order; establishing fixed prices for portions of the requirement); and

(D) Describe the actions planned to minimize the use of time-and-materials contracts on future acquisitions for the same requirements.

(ii) For indefinite-delivery contracts, the contracting officer shall—

(A) Structure contracts that authorize time-and-materials orders to also authorize orders on a cost-reimbursement, incentive, or fixed-price basis, to the maximum extent practicable; and

(B) Execute the determination and findings for—

(1) Each order placed on a time-and-materials basis if the indefinite-delivery contract also authorizes orders on a cost-reimbursement, incentive, or fixed-price basis; or

(2) The basic contract if the indefinite-delivery contract only authorizes time-and-materials orders. The determination and findings shall—

(i) Contain sufficient facts and rationale to justify why orders on a cost-reimbursement, incentive, and fixed-price basis are not practicable; and

(ii) Be approved one level above the contracting officer.

\* \* \* \* \*

[FR Doc. E8-27780 Filed 11-21-08; 8:45 am]

BILLING CODE 5001-08-P

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Part 252

RIN 0750-AG08

#### Defense Federal Acquisition Regulation Supplement; Least Developed Countries That Are Designated Countries DFARS Case 2008-D019

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

**ACTION:** Final rule.

**SUMMARY:** DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement

(DFARS) to update the list of “least developed” countries that are designated as eligible countries under the Trade Agreements Act, in accordance with direction from the United States Trade Representative.

**DATES:** *Effective Date:* November 24, 2008.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone 703-602-0328; facsimile 703-602-7887. Please cite DFARS Case 2008-D019.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

The United States Trade Representative has revised the list of “least developed” countries that are designated as eligible countries under the Trade Agreements Act (19 U.S.C. 2501, *et seq.*), to add Liberia and to remove Cape Verde. This final rule makes corresponding changes to the list of designated countries in the clauses at DFARS 252.225-7021, Trade Agreements, and 252.225-7045, Balance of Payments Program—Construction Material Under Trade Agreements.

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

##### B. Regulatory Flexibility Act

This rule will not have a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating procedures of DoD. Therefore, publication for public comment under 41 U.S.C. 418b is not required. However, DoD will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2008-D019.

##### 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 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.

#### 252.212-7001 [Amended]

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

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

■ b. In paragraph (b)(9) by removing “(MAR 2007)” and adding in its place “(NOV 2008)”.

■ 3. Section 252.225-7021 is amended by revising the clause date and paragraph (a)(3)(iii) to read as follows:

#### 252.225-7021 Trade Agreements.

\* \* \* \* \*

#### TRADE AGREEMENTS (NOV 2008)

(a) \* \* \*

(3) \* \* \*

(iii) A least developed country

(Afghanistan, Angola, Bangladesh, Benin, Bhutan, Burkina Faso, Burundi, Cambodia, Central African Republic, Chad, Comoros, Democratic Republic of Congo, Djibouti, East Timor, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Haiti, Kiribati, Laos, Lesotho, Liberia, Madagascar, Malawi, Maldives, Mali, Mauritania, Mozambique, Nepal, Niger, Rwanda, Samoa, Sao Tome and Principe, Senegal, Sierra Leone, Solomon Islands, Somalia, Tanzania, Togo, Tuvalu, Uganda, Vanuatu, Yemen, or Zambia); or

\* \* \* \* \*

■ 4. Section 252.225-7045 is amended as follows:

■ a. By revising the clause date; and

■ b. In paragraph (a), in the definition of “Designated country”, by revising paragraph (3) to read as follows:

#### 252.225-7045 Balance of Payments Program—Construction Material Under Trade Agreements.

\* \* \* \* \*

#### BALANCE OF PAYMENTS PROGRAM—CONSTRUCTION MATERIAL UNDER TRADE AGREEMENTS (NOV 2008)

(a) \* \* \*

*Designated country means—*

\* \* \* \* \*

(3) A least developed country (Afghanistan, Angola, Bangladesh, Benin, Bhutan, Burkina Faso, Burundi, Cambodia, Central African Republic, Chad, Comoros, Democratic Republic of Congo, Djibouti, East Timor, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Haiti, Kiribati, Laos, Lesotho, Liberia, Madagascar, Malawi, Maldives, Mali, Mauritania, Mozambique, Nepal, Niger, Rwanda, Samoa, Sao Tome and

Principe, Senegal, Sierra Leone, Solomon Islands, Somalia, Tanzania, Togo, Tuvalu, Uganda, Vanuatu, Yemen, or Zambia); or  
\* \* \* \*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Parts 20 and 21

[FWS-R9-MB-2008-0113; 91200-1231-9BPP-L2]

RIN 1018-AI07

#### Migratory Bird Hunting and Permits; Regulations for Managing Harvest of Light Goose Populations

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

**ACTION:** Final rule; correction.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, published a final rule in the **Federal Register** on November 5, 2008, that sets forth regulations that authorize measures to increase harvest of certain populations of light geese, revise the regulations for the management of overabundant light goose populations, and modify the conservation order that will increase take of birds from such populations. That final rule contained errors in two amendatory instructions and certain corresponding text of the regulations; one error would incorrectly remove changes made to the regulations at 50 CFR part 20 in a series of final rules we published concerning hunting methods for resident Canada geese and the other mischaracterizes the contents of subpart E of 50 CFR part 21. This document corrects those errors.

**DATES:** This rule is effective on December 5, 2008.

**FOR FURTHER INFORMATION CONTACT:** Robert Blohm, Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 703-358-1714.

#### SUPPLEMENTARY INFORMATION:

#### Background

On November 5, 2008, we published in the **Federal Register** (73 FR 65926) a final rule to authorize measures to increase harvest of certain populations of light geese, revise the regulations for the management of overabundant light goose populations, and modify the conservation order that will increase take of birds from such populations. That final rule contained errors in two amendatory instructions and certain corresponding text of the regulations, as described below. This document corrects those errors.

The first error, which appears within and as a result of amendatory instruction 2, would incorrectly remove changes made to the regulations at 50 CFR part 20 in a series of final rules concerning hunting methods for resident Canada geese (71 FR 45963, August 10, 2006; 72 FR 46403, August 20, 2007; 73 FR 65274, November 3, 2008). As published on November 5, 2008 (73 FR 65926), amendatory instruction 2 would:

- Revise the introductory texts of 50 CFR 20.21(b) and (g), which we did not intend to revise; and

- Remove 50 CFR 20.21(b)(1) and (b)(2), and 50 CFR 20.21(g)(1) and (g)(2), which we did not intend to remove.

The introductory texts of 50 CFR 20.21(b) and (g) provide the initial, necessary structure for the subparagraphs in those paragraphs. Section 20.21(b)(1) and (g)(1) concern light goose hunting methods and are necessary subparagraphs to maintain a clear and understandable structure for § 20.21(b) and (g). Section 20.21(b)(2) and (g)(2) concern Canada goose hunting methods and were put into place by a series of final rules concerning hunting methods for resident Canada geese (71 FR 45963, August 10, 2006; 72 FR 46403, August 20, 2007; 73 FR 65274, November 3, 2008). As corrected by this document, amendatory instruction 2 and the corresponding text of the regulations now revise only § 20.21(b)(1) and (g)(1). We retain the introductory texts of paragraphs (b) and (g), as well as subparagraphs (b)(2) and (g)(2).

The second error, which appears in amendatory instruction 6, mischaracterizes the contents of subpart E of 50 CFR part 21. As published on November 5, 2008 (73 FR 65926), amendatory instruction 6 states that subpart E of part 21 contains only one section: § 21.60. This statement is incorrect. Subpart E of part 21 actually contains two sections: §§ 21.60 and 21.61. We correct amendatory instruction 6 to reflect this.

All other amendments to the regulations at 50 CFR parts 20 and 21 made in the final rule published in the **Federal Register** on November 5, 2008 (73 FR 65926), stand.

In rule FR Doc. E8-26171, published on November 5, 2008 (73 FR 65926), make the following corrections.

1. On page 65951, in the second column, revise amendatory instruction 2 (and corresponding amendatory language) to read as follows:

Revise paragraphs (b)(1) and (g)(1) of § 20.21 to read as follows:

#### § 20.21 What hunting methods are illegal?

\* \* \* \*

(b) \* \* \*

(1) A light-geese-only season (greater and lesser snow geese and Ross' geese) when all other waterfowl and crane hunting seasons, excluding falconry, are closed.

\* \* \* \*

(g) \* \* \*

(1) A light-geese-only season (greater and lesser snow geese and Ross' geese) when all other waterfowl and crane hunting seasons, excluding falconry, are closed.

\* \* \* \*

2. On page 65951, in the third column, revise amendatory instruction 6 to read as follows:

Revise § 21.60 of subpart E to read as follows:

Dated: November 13, 2008.

**Sara Prigan,**

*Fish and Wildlife Service, Federal Register Liaison.*

[FR Doc. E8-27700 Filed 11-21-08; 8:45 am]

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