

**208.7102 Procedures.**

Follow the procedures at PGI 208.7102 when contracting or performing services for NASA.

**208.7103 through 208.7105 [Removed]**

12. Sections 208.7103, 208.7104, and 208.7105 are removed.

**Subpart 208.72 [Removed and Reserved]**

13. Subpart 208.72 (consisting of §§ 208.7201, 208.7202, 208.7203, and 208.7204) is removed and reserved.

**208.7301 [Amended]**

14. Section 208.7301 is amended by removing the definitions of “Dual pricing evaluation procedure” and “Precious Metals Indicator Code (PMIC)”.

**208.7302 [Amended]**

15. Section 208.7302 is amended in the first sentence by removing “(PMRP)”.

16. Sections 208.7303 and 208.7304 are revised to read as follows:

**208.7303 Procedures.**

Follow the procedures at PGI 208.7303 for use of the Precious Metals Recovery Program.

**208.7304 Refined precious metals.**

See PGI 208.7304 for a list of refined precious metals managed by DSCP.

**208.7401 [Amended]**

17. Section 208.7401 is amended by removing the definitions of “Golden Disk” and “Software product manager”.

18. Section 208.7403 is revised to read as follows:

**208.7403 Acquisition procedures.**

Follow the procedures at PGI 208.7403 when acquiring commercial software and related services.

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

19. Section 252.225–7025 is amended by revising the clause date and paragraph (a)(1) to read as follows:

**252.225–7025 Restriction on Acquisition of Forgings.**

\* \* \* \* \*

Restriction on Acquisition of Forgings (XXX 2005)

(a) \* \* \*

(1) *Domestic manufacture means:*

- (i) Manufactured in the United States or its outlying areas; or
- (ii) Manufactured in Canada, if the Canadian firm normally produces similar items or is currently producing

the item in support of DoD contracts (as a contractor or a subcontractor).

\* \* \* \* \*

**PART 253—FORMS**

20. Sections 253.208–1 and 253.208–2 are revised to read as follows:

**253.208–1 DD Form 448, Military Interdepartmental Purchase Request.**

Follow the procedures at PGI 253.208–1 for use of DD Form 448.

**253.208–2 DD Form 448–2, Acceptance of MIPR.**

Follow the procedures at PGI 253.208–2 for use of DD Form 448–2.

**Appendix B to Chapter 2 [Removed and Reserved]**

21. Appendix B to Chapter 2 is removed and reserved.

[FR Doc. 05–23724 Filed 12–8–05; 8:45 am]

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**DEPARTMENT OF DEFENSE****48 CFR Parts 225 and 252**

[DFARS Case 2005–D002]

**Defense Federal Acquisition Regulation Supplement; Restriction on Carbon, Alloy, and Armor Steel Plate**

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

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to clarify the restriction on the acquisition of foreign carbon, alloy, or armor steel plate. The restriction implements provisions of annual DoD appropriations acts.

**DATES:** Comments on the proposed rule should be submitted in writing to the address shown below on or before February 7, 2006, to be considered in the formation of the final rule.

**ADDRESSES:** You may submit comments, identified by DFARS Case 2005–D002, using any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Defense Acquisition Regulations Web Site:* <http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm>. Follow the instructions for submitting comments.

- *E-mail:* [dfars@osd.mil](mailto:dfars@osd.mil). Include DFARS Case 2005–D002 in the subject line of the message.

- *Fax:* (703) 602–0350.

- *Mail:* Defense Acquisition Regulations Council, Attn: Ms. Amy

Williams, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

- *Hand Delivery/Courier:* Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

All comments received will be posted to <http://emissary.acq.osd.mil/dar/dfars.nsf>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, (703) 602–0328.

**SUPPLEMENTARY INFORMATION:****A. Background**

Section 8111 of the Fiscal Year 1992 DoD Appropriations Act (Pub. L. 102–172) and similar sections in subsequent DoD Appropriations Acts (the most recent being section 8029 of Pub. L. 108–287) contain a restriction on the acquisition of carbon, alloy, or armor steel plate, that is not melted and rolled in the United States or Canada, for use in any Government-owned facility or property under the control of DoD. This restriction is implemented in the DFARS at 225.7011–1 through 225.7011–3 and in the corresponding contract clause at 252.225–7030. The wording of these DFARS sections is presently inconsistent. To clarify the restriction, this proposed rule revises DFARS 225.7011–1 and 225.7011–3 for consistency with the wording in paragraph (b) of the clause at 252.225–7030. In addition, the proposed rule separates paragraph (b) of the clause into subparagraphs to further clarify the applicability of the restriction.

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 does not expect this 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 proposed DFARS changes clarify existing policy regarding the statutory restriction on the acquisition of foreign carbon, alloy, or armor steel plate. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2005–D002.

**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 Parts 225 and 252

Government procurement.

**Michele P. Peterson,**

*Editor, Defense Acquisition Regulations System.*

Therefore, DoD proposes to amend 48 CFR parts 225 and 252 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 225.7011–1 is revised to read as follows:

##### 225.7011–1 Restriction.

In accordance with section 8111 of the Fiscal Year 1992 DoD Appropriations Act (Pub. L. 102–172) and similar sections in subsequent DoD appropriations acts, do not acquire any of the following types of carbon, alloy, or armor steel plate as a raw material for use in a Government-owned facility or a facility under the control of (*e.g.*, leased by) DoD, unless it is melted and rolled in the United States or Canada:

(a) Carbon, alloy, or armor steel plate in Federal Supply Class 9515.

(b) Carbon, alloy, or armor steel plate described by specifications of the American Society for Testing Materials or the American Iron and Steel Institute.

3. Section 225.7011–3 is revised to read as follows:

##### 225.7011–3 Contract clause.

Unless a waiver has been granted, use the clause at 252.225–7030, Restriction on Acquisition of Carbon, Alloy, and Armor Steel Plate, in solicitations and contracts that:

(a) Require the delivery to the Government of carbon, alloy, or armor steel plate as a raw material that will be used in a Government-owned facility or a facility under the control of DoD; or

(b) Require contractors operating in a Government-owned facility or a facility under the control of DoD to purchase carbon, alloy, or armor steel plate as a raw material.

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

4. Section 252.225–7030 is revised to read as follows:

##### 252.225–7030 Restriction on Acquisition of Carbon, Alloy, and Armor Steel Plate.

As prescribed in 225.7011–3, use the following clause:

Restriction on Acquisition of Carbon, Alloy, and Armor Steel Plate (XXX 2005)

Carbon, alloy, and armor steel plate shall be melted and rolled in the United States or Canada if the carbon, alloy, or armor steel plate:

(a) Is in Federal Supply Class 9515 or is described by specifications of the American Society for Testing Materials or the American Iron and Steel Institute; and

(b)(1) Will be delivered to the Government as a raw material for use in a Government-owned facility or a facility under the control of the Department of Defense; or

(2) Will be purchased by the Contractor as a raw material for use in a Government-owned facility or a facility under the control of the Department of Defense.

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#### DEPARTMENT OF THE INTERIOR

##### Fish and Wildlife Service

##### 50 CFR Part 17

##### Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To Delist the Gray Wolf (*Canis lupus*) in Nevada

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

**ACTION:** Notice of petition finding.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce a 90-day finding on a petition to delist the gray wolf (*Canis lupus*) in Nevada. We find that the petition and the available literature cited in the petition do not present substantial scientific or commercial information indicating that delisting may be warranted. We will not be initiating a further status review in response to this petition. We ask the public to submit to us any new information that becomes available concerning the status of or threats to the gray wolf. This information will help us monitor and encourage the conservation of this species.

**DATES:** The finding announced in this document was made on December 9, 2005. You may submit new information concerning this species for our consideration at any time.

**ADDRESSES:** Data, information, or questions concerning this petition or this 90-day finding should be sent to the Field Supervisor, Nevada Fish and Wildlife Office, U.S. Fish and Wildlife Service, 1340 Financial Boulevard, Suite 234, Reno, Nevada 89502–7147. The petition finding and supporting information are available for public inspection, by appointment, during normal business hours at the above address.

##### FOR FURTHER INFORMATION CONTACT:

Robert D. Williams, Nevada Fish and Wildlife Office (see **ADDRESSES**) (telephone: 775/861–6300; facsimile: 775/861–6301).

##### SUPPLEMENTARY INFORMATION:

##### Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. We are to base this finding on information provided in the petition. To the maximum extent practicable, we are to make this finding within 90 days of our receipt of the petition and publish our notice of this finding promptly in the **Federal Register**.

Our standard for substantial information within the Code of Federal Regulations (CFR) with regard to a 90-day petition finding is “that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted” (50 CFR 424.14(b)). If we find that substantial information was presented, we are required to promptly commence a review of the status of the species.

In making this finding, we relied on information provided by the petitioners and evaluated that information in accordance with 50 CFR 424.14(b). Our process of coming to a 90-day finding under section 4(b)(3)(A) of the Act and section 424.14(b) of our regulations is limited to a determination of whether the information in the petition meets the “substantial information” threshold.

We do not conduct additional research at this point, nor do we subject the petition to rigorous critical review. Rather, at the 90-day finding stage, we accept the petitioner’s sources and characterizations of the information, to the extent that they appear to be based on accepted scientific principles (such as citing published and peer reviewed articles, or studies done in accordance with valid methodologies), unless we