

(2) An individual deviation to the GSAR must be approved by the HCA. The authority to grant an individual deviation may be re-delegated to the Contracting Director.

\* \* \* \* \*

(c) Send a copy of each deviation to GSA's SPE (V).

■ 3. Amend section 501.404 by revising paragraphs (a), (c), and (e)(2) to read as follows:

#### 501.404 Class deviations.

(a) A class deviation affects more than one contract action. A deviation for any solicitation that will result in multiple awards or any solicitation under the multiple award Federal Supply Schedule program is considered to be a class deviation. Each award under such a solicitation is considered an individual contract action.

(1) A class deviation to the FAR must be forwarded by the cognizant HCA to GSA's SPE for approval. Prior to approving a class deviation to the FAR, the SPE will consult with the Chairman of the Civilian Agency Acquisition Council (CAAC) in accordance with FAR 1.404(a)(1).

(2) A class deviation to the GSAR must be forwarded by the cognizant HCA to GSA's SPE for approval.

(3) When an HCA knows that a proposed class deviation will be required on a permanent basis, the HCA should propose or recommend an appropriate FAR and/or GSAR revision.

\* \* \* \* \*

(c) Send a copy of each deviation to GSA's SPE (V).

\* \* \* \* \*

(e) \* \* \*

(2) May be rescinded earlier by GSA's SPE or by officials designated under paragraph (a) of this section without prejudice to any action taken previously.

■ 4. Add sections 501.404–70 and 501.404–71 to read as follows:

#### 501.404–70 Contract action.

**Contract action.** A contract action, for the purpose of determining whether an individual or class deviation is appropriate, has the same meaning as that used for reporting contract actions to Federal Procurement Data System—Next Generation (FPDS-NG). A contract action includes, but is not limited to, any of the following:

- (a) Initial letter contract.
- (b) Definitive contract superseding letter contract.
- (c) New definitive contract.
- (d) Purchase order/BPA calls using simplified acquisition procedures.
- (e) Orders under single award indefinite delivery contracts.

(f) Orders under BOA.

(g) Order/modification under Federal schedule contract.

(h) Modification.

(i) Termination for Default.

(j) Termination for Convenience.

(k) Order under multiple award contract.

(l) Initial load of Federal schedule contract.

#### 501.404–71 Deviations to the nonregulatory GSAM.

Handle individual and class deviations to the nonregulatory (unshaded) part of the GSAM as stated in 501.403 and 501.404.

[FR Doc. 05–6186 Filed 3–28–05; 8:45 am]

BILLING CODE 6820–61–S

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018–AE04

#### Endangered and Threatened Wildlife and Plants; Reclassification of Certain Vicuña Populations From Endangered to Threatened With a Special Rule; Technical Amendment

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** This document amends the special rule for the vicuña (*Vicugna vicugna*), as published in the **Federal Register** on May 30, 2002. The May 30, 2002, special rule allows the importation into the United States of legal fiber and legal products produced with fiber from vicuña populations listed as threatened under the U.S. Endangered Species Act of 1973 (ESA) and in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), if certain conditions are satisfied by the countries of origin and re-export. This document: (1) Corrects and clarifies the labeling requirements for legal vicuña fiber and fiber products; and (2) corrects an inadvertent typographical error in the section on annual reporting requirements.

**DATES:** This amendment to the special rule for vicuña is effective on March 29, 2005.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert R. Gabel, Chief, Division of Scientific Authority, U.S. Fish and Wildlife Service, 18th and C Streets, NW., Mail Stop ARLSQ–750,

Washington, DC 20240; phone: 703–358–1708; fax: 703–358–2276; e-mail: [scientificauthority@fws.gov](mailto:scientificauthority@fws.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 30, 2002, the U.S. Fish and Wildlife Service (Service), published a final rule (67 FR 37695) reclassifying the vicuña (*Vicugna vicugna*) in Argentina, Bolivia, Chile, and Peru from endangered to threatened under the ESA. The final rule also established a special rule (under section 4(d) of the ESA) allowing the importation into the United States of legal fiber and legal products produced with fiber from vicuña populations listed as threatened under the Act and in Appendix II of CITES, if certain conditions are satisfied by the exporting (range) or re-exporting country. This special rule is contained in 50 CFR 17.40(m).

The special rule contains errors in two paragraphs: (1) Paragraph (m)(2)(i)(A) on labeling requirements for legal vicuña fiber and fiber products; and (2) paragraph (m)(4)(i) on annual reporting requirements. With this technical amendment, we are correcting existing errors, as well as making changes to these paragraphs to clarify language that has been identified as unclear.

Paragraph (m)(2)(i)(A) addresses labeling requirements for legal vicuña fiber and fiber products. The special rule is perhaps not explicit enough in explaining that labeling requirements pertain to all imports, exports, and re-exports. We are amending paragraph (m)(2)(i)(A) to explicitly state that labeling requirements pertain to all imports, exports, and re-exports, including raw fiber re-exported from, or products manufactured in, intermediary countries.

Paragraph (m)(2)(i)(A)(1) specifies that cloth and cloth products must bear the logo adopted by countries signatory to the “Convenio para la Conservación y Manejo de la Vicuña,” and the words “VICUÑA–(Country of Origin)” (where country of origin is the name of the original exporting country where the vicuña fiber in the products originated, either Argentina, Bolivia, or Chile) or “VICUÑA–PERU–ARTESANIA” (for Peru only). However, the words “VICUÑA–PERU–ARTESANIA” have never been used to label cloth and cloth products from Peru. Peru uses the words “VICUÑA–PERU” for these products. We are amending paragraph (m)(2)(i)(A)(1) to reflect that only the words “VICUÑA–(Country of Origin)” are used for cloth and cloth products.

In addition, paragraph (m)(2)(i)(A)(1) does not specify how the logo and

words must appear on the cloth or cloth product. We are amending paragraph (m)(2)(i)(A)(1) to clarify that the logo and words may be stitched into the cloth or may appear on a sewn-in label.

Finally, paragraph (m)(2)(i)(A)(1) does not explicitly state that the labeling requirement also pertains to samples of cloth or samples of cloth products, as well as to other manufactured goods not specifically covered in subsequent paragraphs. We are amending paragraph (m)(2)(i)(A)(1) to clarify that samples and other manufactured goods can be imported only if they meet the same requirements as cloth and cloth products.

Paragraph (m)(2)(i)(A)(2) describes the labeling requirements for finished vicuña products (including luxury handicrafts and knitted articles) and any bulk shipments of raw fiber. It specifies that finished vicuña products (including luxury handicrafts and knitted articles) and any bulk shipments of raw fiber must "have a seal or identification tag with codes describing the origin of the vicuña product, the trademark or label ("VICUÑA—(Country of Origin)" (where country of origin is the name of the original exporting country where the vicuña fiber in the products originated, either Argentina, Bolivia, or Chile) or "VICUÑA—PERU—ARTESANIA" (for Peru only), and the CITES export permit number, where country of origin is the name of the original exporting country where the vicuña fiber in the products originated." However, as a result of a proposal adopted at the 10th Meeting of the Conference of the Parties to CITES, luxury handicrafts and knitted articles produced by native craftpersons within the country of origin should bear the label "VICUÑA—(Country of Origin)—ARTESANIA." This label does not apply to all finished vicuña products, but only to luxury handicrafts and knitted articles made by native craftpersons in the country of origin. In addition, these products must have the logo adopted by countries signatory to the "Convenio para la Conservación y Manejo de la Vicuña." We are amending paragraph (m)(2)(i)(A)(2) to reflect that only luxury handicrafts and knitted articles made in the country of origin can have the label "VICUÑA—(Country of Origin)—ARTESANIA," and that these articles must also have the logo adopted by countries signatory to the "Convenio para la Conservación y Manejo de la Vicuña." We are also amending paragraph (m)(2)(i)(A)(2) to clarify that the logo and words may be woven into the item or may appear on a sewn-in label.

In addition, paragraph (m)(2)(i)(A)(2) states that the shipment must have a

seal or identification tag with codes describing the origin of the vicuña product and the CITES export permit number. It is not clear that this requirement pertains only to bulk shipments of raw fiber. We are amending the special rule, specifically by adding a new paragraph (m)(2)(i)(A)(3), to clarify that only bulk fiber shipments are subject to this requirement and to clarify the labeling information that is being required.

Paragraph (m)(4)(i) of the special rule describes the annual reporting requirement for range country governments wishing to export specimens of vicuña to the United States. In the list of types of information required in the annual report, we inadvertently labeled two paragraphs with the letter (E). Through this document, we are correcting the text in 50 CFR 17.40(m), paragraph (4)(i), to eliminate the duplicate (E) and to label each subparagraph in correct alphabetical order.

We are making no further amendments to the May 30, 2002, final rule.

#### Required Determinations

We have reviewed this rule under the following statutes and Executive Orders that govern the rulemaking process: Executive Order 12866 (Regulatory Planning and Review); Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*); Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2)); Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*); Executive Order 12630 (Takings); Executive Order 13132 (Federalism); Executive Order 12988 (Civil Justice Reform); Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*); National Environmental Policy Act; Executive Order 13175 (Tribal Consultation) and 512 DM 2 (Government-to-Government Relationship With Tribes); and Executive Order 13211 (Energy Supply, Distribution, or Use). We have determined that this rule does not trigger any of the procedural requirements of these Executive Orders or statutes since this rule is only making technical corrections to the May 30, 2002, special rule.

We, for good cause, have determined that the public notice and comment provisions of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(3)(B)) are unnecessary for this rule because it is only making technical corrections to the May 30, 2002, special rule. Further delaying the correction of this rule by engaging in normal public procedure would be contrary to the public interest.

Under the APA, our normal practice is to publish rules with a 30-day delay in effective date. But in this case, we are using the "good cause" exemption under 5 U.S.C. 553(d)(3) to make this rule effective upon publication because it is only making technical corrections to the May 30, 2002, special rule and for the reason just stated above.

#### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

#### Regulations Promulgation

■ Accordingly, the Service hereby amends § 17.40 by revising paragraph (m) to read as follows:

#### PART 17—[AMENDED]

■ 1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

■ 2. Amend § 17.40 as follows:

■ a. Revise paragraph (m)(2)(i)(A) to read as follows; and

■ b. Redesignate the second paragraph (m)(4)(i)(E) and paragraphs (m)(4)(i)(F), (G), and (H) as paragraphs (m)(4)(i)(F), (G), (H) and (I), respectively.

#### § 17.40 Special rules—mammals.

\* \* \* \* \*

(m) \* \* \*

(2) \* \* \*

(i) \* \* \*

(A) The vicuña product must comply with all CITES product annotations as given in the CITES Secretariat's official list of the CITES Appendices, and all imports, exports, and re-exports of vicuña products (including raw fiber re-exported from, or products manufactured in, intermediary countries) must be identified as follows:

(1) *Cloth, cloth products, and other finished products (including luxury handicrafts and knitted articles not produced in the country of origin):* The reverse side of cloth, cloth products, and other finished products (including luxury handicrafts and knitted articles not produced in the country of origin), and samples of any of these items, must bear the logo adopted by countries signatory to the "Convenio para la Conservación y Manejo de la Vicuña" and the words "VICUÑA—(Country of Origin)," where country of origin is the name of the country where the vicuña fiber in the products originated, either Argentina, Bolivia, Chile, or Peru. The logo and words may be woven into the

item, or may be on a label sewn into the item.

(2) *Luxury handicrafts and knitted articles produced in the country of origin*: The luxury handicraft or knitted article must bear the logo adopted by countries signatory to the "Convenio para la Conservación y Manejo de la Vicuña" and the words "VICUÑA—(Country of Origin)—ARTESANIA," where country of origin is the name of the country where the vicuña fiber in the products, and the products themselves, originated, either Argentina, Bolivia, Chile, or Peru. The logo and words may be woven into the item, or may be on a label sewn into the item.

(3) *Bulk shipments of raw fiber*: The bulk shipment of raw fiber must be sealed with a tamper-proof seal and have the following:

(i) An identification tag with a code identifying the country of origin of the vicuña fiber and the CITES export permit number; and

(ii) The logo adopted by countries signatory to the "Convenio para la Conservación y Manejo de la Vicuña" and the words "VICUÑA—(Country of Origin)," where country of origin is the name of the original exporting country where the vicuña fiber in the products originated, either Argentina, Bolivia, Chile, or Peru.

\* \* \* \* \*

Dated: March 17, 2005.

**Craig Manson,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 05-6152 Filed 3-28-05; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 041126332-5039-02; I.D. 032305B]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Modification of a closure.

**SUMMARY:** NMFS is reopening directed fishing for Pacific cod by catcher vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to utilize the remaining amount of the 2005 first seasonal allowance of the Pacific cod total allowable catch (TAC) specified for catcher vessels using trawl gear in the BSAI.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), March 29, 2005, through 1200 hrs, A.l.t., April 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2005 first seasonal allowance of the Pacific cod TAC specified for catcher vessels using trawl gear in the BSAI is 31,345 metric tons (mt) as established by the 2005 and 2006 final harvest specifications for groundfish in the BSAI (70 FR 8979, February 24, 2005), for the period 1200 hrs, A.l.t., January 1, 2005, through 1200 hrs, A.l.t., April 1, 2005. See §§ 679.20(c)(3)(iii), (c)(5), and (a)(7)(i)(B). In accordance with § 679.20(d)(1)(iii), the directed fishery for Pacific cod by catcher vessels using trawl gear was closed effective 1200 hrs, A.l.t., March 13, 2005 (70 FR 12811, March 16, 2005), because it was determined that the 2005 first seasonal allowance of the Pacific cod TAC specified for catcher vessels using trawl gear in the BSAI had been caught.

NMFS has determined that as of March 18, 2005, the remaining amount of the 2005 first seasonal allowance of the Pacific cod TAC specified for catcher vessels using trawl gear in the BSAI is 2,400 metric tons. Therefore, in

accordance with §§ 679.25(a)(1)(i), (a)(2)(i)(C) and 679.25(a)(2)(iii)(D), NMFS is terminating the previous closure and is reopening directed fishing for Pacific cod by catcher vessels using trawl gear in the BSAI effective 1200 hrs, A.l.t., March 29, 2005.

### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reopening of the fishery for the remaining 2005 first seasonal allowance of the Pacific cod TAC specified for catcher vessels using trawl gear in the BSAI.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: March 23, 2005.

**Alan D. Risenhoover,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 05-6184 Filed 3-24-05; 4:30 pm]

BILLING CODE 3510-22-S