

**DEPARTMENT OF DEFENSE****Defense Acquisition Regulations System****48 CFR Parts 225, 232, and 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 reinstate text that was inadvertently omitted from a previous amendment and to update references within the DFARS text.

**EFFECTIVE DATE:** April 26, 2007.

**FOR FURTHER INFORMATION CONTACT:** Ms. Michele Peterson, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0311; facsimile (703) 602-0350.

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

- *Section 225.7002-2.* Reinstates paragraphs (b)(1) through (5), which were inadvertently omitted from the interim rule published at 71 FR 58536 on October 4, 2006. These paragraphs appeared in section 225.7002-2 prior to the October 4, 2006, publication. Paragraph (b)(5) contains an update to a reference to corresponding text in the DFARS companion resource, Procedures, Guidance, and Information (PGI).
- *Section 232.070.* Corrects a typographical error in a cross-reference.
- *Section 252.212-7001.* Updates a reference to a contract clause to reflect the current clause date.

**List of Subjects in 48 CFR Parts 225, 232, and 252**

Government procurement.

**Michele P. Peterson,**  
*Editor, Defense Acquisition Regulations System.*

■ Therefore, 48 CFR parts 225, 232, and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 225, 232, and 252 continues to read as follows:

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

**PART 225—FOREIGN ACQUISITION**

■ 2. Section 225.7002-2 is amended by adding paragraphs (b)(1) through (5) to read as follows:

**225.7002-2 Exceptions.**

\* \* \* \* \*

(b) \* \* \*

(1) The following officials are authorized, without power of redelegation, to make such a domestic nonavailability determination:

(i) The Under Secretary of Defense (Acquisition, Technology, and Logistics).

(ii) The Secretary of the Army.

(iii) The Secretary of the Navy.

(iv) The Secretary of the Air Force.

(2) The supporting documentation for the determination shall include—

(i) An analysis of alternatives that would not require a domestic nonavailability determination; and

(ii) A written certification by the requiring activity, with specificity, why such alternatives are unacceptable.

(3) Defense agencies shall follow the procedures at PGI 225.7002-2(b)(3) when submitting a request for a domestic nonavailability determination.

(4) If an official listed in paragraph (b)(1)(ii) through (iv) of this subsection makes a domestic nonavailability determination for the acquisition of titanium or a product containing titanium, that official shall—

(i) Notify the congressional defense committees at least 10 days before the award of a contract that relies on such a determination; and

(ii) Provide a copy of the notification and the determination to the Director, Defense Procurement and Acquisition Policy, as specified in PGI 225.7002-2(b)(4).

(5) Follow the procedures at PGI 225.7002-2(b)(5) for reciprocal use of domestic nonavailability determinations.

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**PART 232—CONTRACT FINANCING****232.070 [Amended]**

■ 3. Section 232.070 is amended in paragraph (b), in the second sentence, by removing “Subpart 204.1” and adding in its place “Subpart 201.4”.

**PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES****252.212-7001 [Amended]**

■ 4. Section 252.212-7001 is amended in paragraph (b)(17) by removing

“(MAY 2006)” and adding in its place “(MAR 2007)”.

[FR Doc. E7-7914 Filed 4-25-07; 8:45 am]

BILLING CODE 5001-08-P

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 635**

[Docket No. 070302052-7088-02; I.D. 021307B]

RIN 0648-AV09

**Atlantic Highly Migratory Species; Atlantic Commercial Shark Management Measures**

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

**ACTION:** Final rule.

**SUMMARY:** This final rule establishes the 2007 second and third trimester seasons commercial quotas for large coastal sharks (LCS), small coastal sharks (SCS), and pelagic sharks based on over- or underharvests from the 2006 second and third trimester seasons. In addition, this rule finalizes the opening and closing dates for the LCS commercial fishery based on adjustments to the trimester quotas. The final rule also opens the existing mid-Atlantic shark closed area for two weeks at the end of July.

**DATES:** This rule is effective May 1, 2007. The Atlantic commercial shark fishing season opening and closing dates and quotas for the 2007 second and third trimester seasons are provided in Table 1 under **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:** For copies of the Final Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA), please write to Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910, or at (301) 713-1917 (fax). Copies are also available from the HMS Web site at <http://www.nmfs.noaa.gov/sfa/hms/>.

**FOR FURTHER INFORMATION CONTACT:** LeAnn Southward Hogan or Karyl Brewster-Geisz by phone: 301-713-2347 or by fax: 301-713-1917.

**SUPPLEMENTARY INFORMATION:****Background**

The Atlantic shark fishery is managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act