

**215.406-1 Prenegotiation objectives.**

Follow the procedures at PGI 215.406-1 for establishing renegotiation objectives.

**215.406-3 Documenting the negotiation.**

Follow the procedures at PGI 215.406-3 for documenting the negotiation.

■ 12. Section 215.407-4 is revised to read as follows:

**215.407-4 Should-cost review.**

See PGI 215.407-4 for guidance on determining whether to perform a program or overhead should-cost review.

■ 13. Section 215.407-5-70 is amended by revising paragraphs (a)(1), (b)(1), (e), and (f) to read as follows:

**215.407-5-70 Disclosure, maintenance, and review requirements.**

(a) \* \* \*

(1) *Acceptable estimating system* is defined in the clause at 252.215-7002, Cost Estimating System Requirements.

\* \* \* \* \*

(b) \* \* \*

(1) DoD policy is that all contractors have acceptable estimating systems that consistently produce well-supported proposals that are acceptable as a basis for negotiation of fair and reasonable prices.

\* \* \* \* \*

(e) *Review procedures.* Follow the procedures at PGI 215.407-5-70(e) for establishing and conducting estimating system reviews.

(f) *Disposition of survey team findings.* Follow the procedures at PGI 215.407-5-70(f) for disposition of the survey team findings.

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■ 14. Section 215.470 is amended by revising paragraph (b), removing paragraph (c), and redesignating paragraph (d) as paragraph (c). The revised text reads as follows:

**215.470 Estimated data prices.**

\* \* \* \* \*

(b) When data are required to be delivered under a contract, include DD Form 1423, Contract Data Requirements List, in the solicitation. See PGI 215.470(b) for guidance on the use of DD Form 1423.

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**PART 230—COST ACCOUNTING STANDARDS ADMINISTRATION**

■ 15. Section 230.201-5 is revised to read as follows:

**230.201-5 Waiver.**

(a)(1)(A) The military departments and the Director, Defense Procurement and Acquisition Policy, Office of the Under Secretary of Defense (Acquisition, Technology, and Logistics)—

(1) May grant CAS waivers that meet the conditions in FAR 30.201-5(b)(1); and

(2) May grant CAS waivers that meet the conditions in FAR 30.201-5(b)(2), provided the cognizant Federal agency official granting the waiver determines that—

(i) The property or services cannot reasonably be obtained under the contract, subcontract, or modification, as applicable, without granting the waiver;

(ii) The price can be determined to be fair and reasonable without the application of the Cost Accounting Standards; and

(iii) There are demonstrated benefits to granting the waiver.

(B) Follow the procedures at PGI 230.201-5(a)(1) for submitting waiver requests to the Director, Defense Procurement and Acquisition Policy.

(2) The military departments shall not delegate CAS waiver authority below the individual responsible for issuing contracting policy for the department.

(e) By November 30th of each year, the military departments shall provide a report to the Director, Defense Procurement and Acquisition Policy, ATTN: DPAP/CPF, of all waivers granted under FAR 30.201-5(a), during the previous fiscal year, for any contract, subcontract, or modification expected to have a value of \$15,000,000 or more. See PGI 230.201-5(e) for format and guidance for the report. The Director, Defense Procurement and Acquisition Policy, will submit a consolidated report to the CAS Board and the congressional defense committees.

**Subparts 230.70 and 230.71 [Removed]**

■ 16. Subparts 230.70 and 230.71 are removed.

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

■ 17. Section 252.215-7002 is amended as follows:

■ a. By revising the clause date;

■ b. In paragraph (a), by revising the paragraph heading and adding a definition of “Acceptable estimating system”; and

■ c. By revising paragraph (b). The revised and added text reads as follows:

**252.215-7002 Cost Estimating System Requirements.**

\* \* \* \* \*

**COST ESTIMATING SYSTEM REQUIREMENTS (DEC 2006)**

(a) *Definitions.*

*Acceptable estimating system* means an estimating system that—

(1) Is maintained, reliable, and consistently applied;

(2) Produces verifiable, supportable, and documented cost estimates that are an acceptable basis for negotiation of fair and reasonable prices;

(3) Is consistent with and integrated with the Contractor's related management systems; and

(4) Is subject to applicable financial control systems.

\* \* \* \* \*

(b) *General.* The Contractor shall establish, maintain, and comply with an acceptable estimating system.

\* \* \* \* \*

**PART 253—FORMS**

■ 18. Section 253.215-70 is revised to read as follows:

**253.215-70 DD Form 1547, Record of Weighted Guidelines Application.**

Follow the procedures at PGI 253.215-70 for completing DD Form 1547.

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 665**

[Docket No. 060724200-6302-03; I.D. 052506A and 071106G]

RIN 0648-AT95 and 0648-AT94

**Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish, Crustacean, and Precious Corals Fisheries; Permit and Reporting Requirements**

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

**ACTION:** Final rule; effectiveness of collection-of-information requirements.

**SUMMARY:** NMFS announces approval by the Office of Management and Budget (OMB) of collection-of-information requirements contained in regulations implementing the amendments to the

Bottomfish and Seamount Groundfish Fishery Management Plan (FMP), Crustaceans FMP, and Precious Corals FMP. The intent of this final rule is to inform the public of the permitting and reporting requirements.

**DATES:** Amendments to §§ 665.14, 665.41, and 665.61, published at 71 FR 53605 (September 12, 2006), and amendments to §§ 665.14 and 665.61, published at 71 FR 64474 (November 2, 2006) are effective on January 2, 2007.

**ADDRESSES:** Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to William L. Robinson, Administrator, NMFS Pacific Islands Region (PIR), 1601 Kapiolani Boulevard, Suite 1110, Honolulu, HI 96814-4700, and to David Rostker, OMB, by e-mail to [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov), or fax to 202-395-7285.

**FOR FURTHER INFORMATION CONTACT:** Bob Harman, NMFS PIR, 808-944-2271.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access**

This **Federal Register** document is also accessible at the web site of the Office of the **Federal Register**: [www.gpoaccess.gov/fr/index.html](http://www.gpoaccess.gov/fr/index.html).

**Background**

A final rule for amendments to the Bottomfish and Seamount Groundfish, Crustaceans, and Precious Corals FMPs was published in the **Federal Register** on September 12, 2006 (71 FR 53605),

and the requirements of that final rule, other than the collection-of-information requirements, were effective on October 12, 2006. Because OMB approval of the collection-of-information requirements had not been received by the date that final rule was published, the effective date of the permitting and reporting requirements in that rule was delayed. Also, another final rule for an amendment to the Bottomfish and Seamount Groundfish FMP was published in the **Federal Register** on November 2, 2006 (71 FR 64474), and the requirements of that final rule, other than the collection-of-information requirements, will be effective on December 4, 2006. Because OMB approval of the collection-of-information requirements had not been received by the date that rule was published, the effective date of the permitting and reporting requirements in that rule was also delayed.

OMB approved the collection-of-information requirements contained in the two rules on November 7, 2006. Accordingly, this final rule makes effective the collection-of-information requirements at §§ 665.14, 665.41, and 665.61, which were amended in the September 12, 2006, final rule, and the collection-of-information requirements at §§ 665.14 and 665.61, which were amended in the November 2, 2006, final rule.

**Classification**

This final rule has been determined to be not significant for purposes of Executive Order 12866.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), unless that collection of information displays a currently valid OMB control number.

This final rule contains revisions to collection-of-information requirements subject to the PRA under OMB control numbers 0648-0214 and 0648-0490. The public reporting burden for these requirements is estimated to be 30 min for a new permit application, and 5 min for completing a fishing logbook each day. These estimates include time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates or any other aspect of this data collection, including suggestions for reducing the burden, to William L. Robinson (see **ADDRESSES**), or by e-mail to [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov), or fax to 202-395-7285.

Dated: November 27, 2006.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

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