

(b) No ENERGY STAR® or FEMP-designated product is cost effective over the life of the product taking energy cost savings into account. Such determinations should be rare as such products are normally life cycle cost effective.

\* \* \* \* \*

### 23.207 Contract clause.

Unless exempt pursuant to 23.205, insert the clause at 52.223-XX, Energy Efficiency in Energy-Consuming Products, in solicitations and contracts when energy-consuming products listed in the ENERGY STAR® Program or FEMP will be—

- (a) Delivered by the contractor;
- (b) Furnished by the contractor in the performance of services at a Federally-controlled facility; or
- (c) Specified in the design, construction, renovation, or maintenance of a facility.

### PART 36—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

3. Amend section 36.601-3 by redesignating paragraph (a) as paragraph (a)(1) and adding a new paragraph (a)(2) to read as follows:

#### 36.601-3 Applicable contracting procedures.

- (a)(1) \* \* \*
- (2) Facility design solicitations and contracts that include the specification of energy-consuming products must comply with the requirements at Subpart 23.2.

\* \* \* \* \*

### PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Amend section 52.212-5 by revising the date of the clause; redesignating paragraphs (b)(23) through (b)(35) as (b)(24) through (b)(36), respectively; and adding a new paragraph (b)(23) to read as follows:

#### 52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.

\* \* \* \* \*

CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS—COMMERCIAL ITEMS (DATE)

\* \* \* \* \*

- (b) \* \* \*
- 1 (23) 52.223-XX, Energy Efficiency in Energy-Consuming Products (Date).

\* \* \* \* \*

5. Amend section 52.213-4 by revising the date of the clause; redesignating paragraphs (b)(1)(viii) through (b)(1)(xi) as paragraphs

(b)(1)(ix) through (b)(1)(xii), respectively; and adding a new paragraph (b)(1)(viii) to read as follows:

#### 52.213-4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items).

\* \* \* \* \*

TERMS AND CONDITIONS—SIMPLIFIED ACQUISITIONS (OTHER THAN COMMERCIAL ITEMS) (DATE)

\* \* \* \* \*

- (b) \* \* \*
- (1) \* \* \*
- (viii) 52.223-XX, Energy Efficiency in Energy-Consuming Products (Date) (42 U.S.C. 8259b). Unless exempt pursuant to 23.205, applies to contracts when energy-consuming products listed in the ENERGY STAR® Program or FEMP will be—
  - (A) Delivered by the Contractor;
  - (B) Furnished by the Contractor in the performance of services at a Federally-controlled facility; or
  - (C) Specified in the design, construction, renovation, or maintenance of a facility.

\* \* \* \* \*

6. Add section 52.223-XX to read as follows:

#### 52.223-XX Energy Efficiency in Energy-Consuming Products.

As prescribed in 23.207, insert the following clause:

ENERGY EFFICIENCY IN ENERGY-CONSUMING PRODUCTS (DATE)

(a) *Definition.* As used in this clause, *FEMP-designated product* means a product that is designated under the Federal Energy Management Program (FEMP) of the Department of Energy as being among the highest 25 percent of equivalent products for energy efficiency.

(b) The Contractor shall ensure that energy-consuming products are ENERGY STAR® products, or FEMP-designated products, for products that are—

- (1) Delivered;
- (2) Furnished by the Contractor in performing services at a Federally-controlled facility;
- (3) Specified in architect-engineer designs, plans and specifications; or
- (4) Provided as an article, material, or supply brought to the construction site for incorporation into the building or work.

(c) The requirements of paragraph (b) apply unless—

- (1) The energy-consuming product is not listed in the ENERGY STAR® Program or FEMP; or
  - (2) Otherwise approved in writing by the Contracting Officer.
- (d) Information about these products is available for—

(1) ENERGY STAR® at <http://www.energystar.gov/products>; and

(2) FEMP at [http://www.eere.energy.gov/femp/procurement/eeep\\_requirements.cfm](http://www.eere.energy.gov/femp/procurement/eeep_requirements.cfm).

(End of clause)

[FR Doc. 06-9523 Filed 12-6-06; 8:45 am]

BILLING CODE 6820-EP-S

### AGENCY FOR INTERNATIONAL DEVELOPMENT

#### 48 CFR Part 719

RIN 0412-AA58

#### Mentor-Protege Program

**AGENCY:** U.S. Agency for International Development (USAID).

**ACTION:** Proposed rulemaking; correction.

**SUMMARY:** The United States Agency for International Development (USAID) is correcting the date for receiving public comments on the proposed rule published on November 22, 2006 in Vol. 71, No. 225, pp. 67518-67523. The date printed was December 8, 2006 but should read February 22, 2007.

**DATES:** Written comments on the proposed rulemaking at 71 FR 67518 must be received on or before February 22, 2007.

**FOR FURTHER INFORMATION CONTACT:** If further questions remain please contact Rockefeller P. Herisse, Ph.D. on 202-712-0064 or [rherisse@usaid.gov](mailto:rherisse@usaid.gov).

Dated: December 1, 2006.

**Marilyn Marton,**

*Director, Office of Small and Disadvantaged Business Utilization (OSDBU).*

[FR Doc. E6-20782 Filed 12-6-06; 8:45 am]

BILLING CODE 6116-01-P

### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 061113298-6298-01; I.D. 110106A]

RIN 0648-AU91

#### Fisheries Off West Coast States; Highly Migratory Species Fisheries

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

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

**SUMMARY:** NMFS proposes to revise the method for renewing and replacing permits issued under the Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS). Permits are required for all commercial vessels and all recreational charter vessels participating in HMS fisheries managed under the FMP. NMFS proposes to modify the renewal process by substituting the month corresponding to the vessel identification number with the last day of the vessel owner's birth month as the renewal date. NMFS also proposes to require that vessel owners who want a duplicate permit submit a completed application form to NMFS. These proposed regulations are needed to improve the efficiency and timeliness of the permit system.

**DATES:** Comments must be received by 5 p.m. Pacific Standard Time January 8, 2006.

**ADDRESSES:** You may submit comments on this proposed rule identified by [I. D. 110106A] by any of the following methods:

- E-mail: [0648-AU91.swr@noaa.gov](mailto:0648-AU91.swr@noaa.gov). Include [I.D. 110106A] in the subject line of the message.
- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Fax: 562-980-4047, Attn. Mark Helvey.
- Mail to: Rodney R. McInnis, Regional Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

- Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to Mark Helvey, Sustainable Fisheries Division (SFD) Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802 and by e-mail to [David1Rostker@omb.eop.gov](mailto:David1Rostker@omb.eop.gov), or fax to (202) 395-7285.

**FOR FURTHER INFORMATION CONTACT:** Mark Helvey, NMFS, Southwest Region, SFD, (562) 980-4040.

**SUPPLEMENTARY INFORMATION:** These proposed regulations would modify the process NMFS uses to renew and replace permits in the U. S. West Coast HMS fisheries managed under the HMS FMP. The FMP was prepared by the Pacific Fishery Management Council and was implemented through regulations at 50 CFR part 660 under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.*

## Background

NMFS requires a permit for all commercial vessels and all recreational charter vessels that fish for HMS in the U.S. exclusive economic zone (EEZ) off the States of California, Oregon, and Washington, or land or transship HMS shoreward of the outer boundary of the U.S. EEZ off the States of California, Oregon, and Washington. The purpose of the HMS permit is to identify vessels in the HMS fisheries so that NMFS knows those participants who need to be contacted when management information is required and who to notify when potential management actions affecting the fisheries are being considered.

The requirement for a permit was established by final rule implementing the approved portions of the FMP for HMS published on April 7, 2004 (69 FR 18444). These permits were initially issued in 2005 after publishing a **Federal Register** notice on February 10, 2005 (70 FR 7022), that announced approval by the Office of Management and Budget of the collection-of-information components of the permit system.

## Permit Renewal

Permits are issued to the managing owner of a specific vessel for a 2-year term. The initial issuance of HMS permits began in 2005 and these permits will expire beginning in 2007. NMFS initially developed a permit term renewal process intentionally staggered so that there will be less likelihood of an excessive number of renewals at any one time of the year. NMFS used the last day of the month designated by the last digit of the vessel identification number as determining the renewal date for expiring permits (e.g., if the vessel identification number ends in 3, the renewal date is March 31, 2 years later). This procedure extends the renewal process over a 10-month term: January through October.

Based on the high number of permits in effect, NMFS proposes to modify this process by using the last day of the managing vessel owner's birth month as the renewal date. The managing vessel owner's date of birth is required in the Pacific HMS Vessel Permit Application and is currently contained in the Pacific HMS Vessel Permit database. NMFS believes that staggering the renewal process over 12 months rather than 10 months will improve the efficiency of the permit renewal process. This first renewal date under the new system would be the last day of the vessel owner's birthday month in the second calendar year after the permit is issued.

NMFS anticipates that the system presented in this proposed rule should result in delivery of permits to vessel operators in a more efficient manner. This proposed rule does not require any new information to be provided by the applicant. A Southwest Region Pacific HMS Vessel Permit Application form may still be obtained from the SFD (see **ADDRESSES**) or downloaded from the Southwest Region home page (<http://swr.nmfs.noaa.gov/permits.htm>) to apply for a permit under this section. A completed application is one that contains all the required information and signatures.

## Replacement Permits

Replacement permits are issued by NMFS to vessel owners to replace lost or mutilated permits. Vessel owners with a lost or mutilated permit primarily notify NMFS by telephone when requesting a replacement permit. NMFS has never established a formal process to provide replacement permits, but the number of requests for replacements over the past year make it clear that such a process is required. NMFS proposes that vessel owners requiring a replacement permit submit a new completed application form to NMFS by mail or fax (see **ADDRESSES**).

## Classification

This proposed rule revises procedures for renewing and replacing permits issued under regulations implementing the HMS FMP published in 69 FR 18444 on April 7, 2004. The Regional Administrator, NMFS Southwest Region, determined that this proposed rule is consistent with the Magnuson-Stevens Fishery Conservation and Management Act, codified at 16 U.S.C. 1801 *et seq.*

This proposed rule has been determined to be not significant for the purposes of Executive Order (E.O.) 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities as follows:

Based on the high number of permits in effect, NMFS proposes to modify this process by using the last day of the managing vessel owner's birth month as the renewal date. The managing vessel owner's date of birth is required in the Pacific HMS Vessel Permit Application (application) and is currently contained in the Pacific HMS Vessel Permit database. Staggering renewals over 12 months rather than 10 months is expected to maximize the efficiency of the permit renewal process. This proposed rule does not

require any new information to be provided by the applicant or impose any substantive costs.

Replacement permits are issued by NMFS to vessel owners to replace lost or mutilated permits. Vessel owners with a lost or mutilated permit primarily notify NMFS by telephone when requesting a replacement permit. NMFS has never established a formal process to provide replacement permits, but the number of requests for replacements over the past year (approximately 50) make it clear that such a process is required. NMFS proposes that vessel owners requiring a replacement permit submit a completed application form to NMFS by mail or fax. The estimated reporting burden to prepare the single page, application averages 0.42 hours per vessel, including the 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 this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see ADDRESSEES) and by e-mail to [David1.Rostker@omb.eop.gov](mailto:David1.Rostker@omb.eop.gov), or fax to (202) 395-7285.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

**List of Subjects in 50 CFR Part 660**

Administrative practice and procedure, Permits.

Dated: November 30, 2006.

**Samuel D. Rauch III,**  
*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 660 as follows:

burden for preparing a HMS Vessel Permit Application is estimated to average 0.42 hours per vessel, including the 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 this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see ADDRESSEES) and by e-mail to [David1.Rostker@omb.eop.gov](mailto:David1.Rostker@omb.eop.gov), or fax to (202) 395-7285.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

#### List of Subjects in 50 CFR Part 660

Administrative practice and procedure, Permits.

Dated: November 30, 2006.

#### Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 660 as follows:

#### PART 660—FISHERIES OFF WEST COAST STATES

1. The authority citation for part 660 continues to read as follows:

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

2. In § 660.707, paragraphs (b)(4) and (b)(5) are revised to read as follows:

#### § 660.707 Permits.

(b) \* \* \*

(4) Permits issued under this subpart will remain valid until the first date of renewal, and permits may be subsequently be renewed for 2-year terms. The first date of renewal will be the last day of the owner's birth month in the second calendar year after the permit is issued (e.g., if the birth month is March and the permit is issued on October 3, 2007, the permit will remain valid through March 31, 2009).

(5) Replacement permits may be issued without charge to replace lost or mutilated permits. Replacement permits may be obtained by submitting to the SFD c/o the Regional Administrator a complete, signed vessel permit application. An application for a

replacement permit is not considered a new application.

\* \* \* \* \*

[FR Doc. E6-20721 Filed 12-6-06; 8:45 am]

BILLING CODE 3510-22-S

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No 061127309-6309-01; I.D. 110706D]

RIN 0648-AU72

#### Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Reporting Requirements and Conservation Measures

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

**ACTION:** Proposed rule.

**SUMMARY:** NMFS proposes a regulation to implement new reporting and conservation measures under the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). These reporting requirements and prohibitive measures would require coastal pelagic species (CPS) fishermen/vessel operators to employ avoidance measures when southern sea otters are present in the area they are fishing and to report any interactions that may occur between their vessel and/or fishing gear and sea otters. The purpose of this proposed rule is to comply with the terms and conditions of an incidental take statement from a biological opinion issued by the U.S. Fish and Wildlife Service regarding the implementation of Amendment 11 to the CPS FMP.

**DATES:** Comments must be received by January 8, 2007.

**ADDRESSES:** You may submit comments on this proposed rule, identified by [insert ID] by any of the following methods:

- E-mail: [0648-AU72.SWR@noaa.gov](mailto:0648-AU72.SWR@noaa.gov). Include the I.D. number in the subject line of the message.
- Federal e-Rulemaking portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Mail: Rodney R. McInnis, Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.
- Fax: (562) 980-4047.
- Written comments regarding the burden-hour estimates or other aspects of the collection-of-information