

In Section	In paragraph	Remove the entry
180.163	(a) table	Hay, spearmint
180.213	(a)(1) table	Alfalfa
180.213	(a)(1) table	Bermuda grass
180.213	(a)(1) table	Grass
180.227	(a)(1) table	Corn, forage
180.227	(a)(1) table	Corn, stover
180.462	(a) table	Corn, forage
180.484	(a)(1) table	Goat, milk
180.484	(a)(1) table	Hog, milk
180.484	(a)(1) table	Horse, milk

**§ 180.106 [Amended]**

■ 3. In § 180.106 the table to paragraph (a)(1), by removing one of the two entries for “Rye, forage.”

**§ 180.121 [Amended]**

■ 4. In § 180.121, the table to paragraph (e), by removing one of the two entries for “Peach.”

**§ 180.220 [Amended]**

■ 5. In § 180.220, the table to paragraph (a)(1), by removing one of the two entries for “Wheat, straw.”

**§ 180.253 [Amended]**

■ 6. In § 180.253, the table to paragraph (a), by removing one of the two entries for “Rye, forage.”

**§ 180.324 [Amended]**

■ 7. In § 180.324, the table to paragraph (a)(1), by removing one of the two entries for “Corn, field, stover.”

**§ 180.408 [Amended]**

■ 8. In § 180.408, the table to paragraph (a), by removing one of the two entries for “Peanut, hay;” and in the table to paragraph (d) by removing one of the two entries for “Oat, straw;” and one of the two entries for “Wheat, straw.”

[FR Doc. E7-12645 Filed 6-28-07; 8:45 a.m.]  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 273**

**Standards for Universal Waste Management**

*CFR Correction*

In Title 40 of the Code of Federal Regulations, Parts 266 to 299, revised as of July 1, 2006, in § 273.9, on page 463, in alphabetical order, reinstate the definition of “On-site” to read as follows:

**§ 273.9 Definitions.**

\* \* \* \* \*

*On-site* means the same or geographically contiguous property which may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Non-contiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access, are also considered on-site property.

[FR Doc. 07-55505 Filed 6-28-07; 8:45 am]

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**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Part 1816**

**RIN 2700-AD33**

**Award Fee Administrative Changes**

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Final rule.

**SUMMARY:** This final rule makes administrative changes to the NASA FAR Supplement (NFS) to clarify the requirements for award fee evaluation factors and to add a requirement for a documented cost/benefit analysis when an award fee contract is used.

**EFFECTIVE DATE:** This rule is effective June 29, 2007.

**FOR FURTHER INFORMATION CONTACT:** Tom O’Toole, NASA, Office of Procurement, Contract Management Division (Suite 5J86); (202) 358-0478; e-mail: [thomas.otoole@nasa.gov](mailto:thomas.otoole@nasa.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Background**

The Government Accountability Office (GAO) report entitled “NASA Procurement: Use of Award Fees for

Achieving Program Outcomes Should Be Improved” (GAO-07-58), dated January 2007, included recommendations for improving NASA award fee policy. The GAO recommended that NASA require cost/benefit analysis documentation when using an award fee contract and also recommended that NASA reemphasize the importance of tying award fee criteria to desired outcomes and limiting the number of evaluation subfactors. NASA agreed with both GAO recommendations, and is revising the NFS accordingly.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This interim rule is not a major rule under 5 U.S.C. 804.

**B. Regulatory Flexibility Act**

The Regulatory Flexibility Act does not apply to this final rule. This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98-577, and publication for public comment is not required. However, NASA will consider comments from small entities concerning the affected NFS coverage in accordance with 5 U.S.C. 610. Interested parties should cite 5 U.S.C. 601, *et seq.*, in correspondence.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act (Pub. L. 104-13) is not applicable because the NFS changes do not impose 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 Part 1816**

Government procurement.

**Sheryl Goddard,**

*Acting Assistant Administrator for Procurement.*

■ Accordingly, 48 CFR part 1816 is amended as follows:

**PART 1816—TYPES OF CONTRACTS**

■ 1. The authority citation for 48 CFR part 1816 continues to read as follows:

**Authority:** 42 U.S.C. 2473(c)(1).

■ 2. Revise paragraph (a) of section 1816.405-270 to read as follows:

**1816.405-270 CPAF contracts.**

(a) Use of an award fee incentive shall be approved in writing by the procurement officer. The procurement officer’s approval shall include a discussion of the other types of

contracts considered and shall indicate why an award fee incentive is the appropriate choice, including evidence that any additional administrative effort and cost required to monitor and evaluate performance are justified by the expected benefits (see FAR 16.405–2(b)(1)(iii)). Award fee incentives should not be used on contracts with a total estimated cost and fee less than \$2 million per year. The procurement officer may authorize use of award fee for lower-valued acquisitions, but should do so only in exceptional situations, such as contract requirements having direct health or safety impacts, where the judgmental assessment of the quality of contractor performance is critical.

\* \* \* \* \*

■ 3. Revise paragraph (a) of section 1816.405–274 to read as follows:

**816.405–274 Award fee evaluation factors.**

(a) Explicit evaluation factors shall be established for each award fee period. Factors should be tied to desired outcomes. If used, subfactors should be limited to the minimum necessary to ensure a thorough evaluation and an effective incentive.

\* \* \* \* \*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 070213032–7032–01]

RIN 0648–XB12

**Fisheries of the Economic Exclusive Zone Off Alaska; Deep-water Species Fishery by Catcher Processor Rockfish Cooperatives in the Gulf of Alaska**

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for species that comprise the deep-water species fishery for catcher

processor rockfish cooperatives subject to sideboard limits established under the Central Gulf of Alaska (GOA) Rockfish Program in the GOA. This action is necessary because the 2007 Pacific halibut prohibited species catch (PSC) sideboard limit specified for the deep-water species fishery for catcher processor rockfish cooperatives subject to sideboard limits established under the Central GOA Rockfish Program in the GOA is insufficient to support directed fishing for the deep-water species fisheries.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), July 1, 2007, through 1200 hrs, A.l.t., July 31, 2007.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Hogan, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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 2007 Pacific halibut PSC sideboard limit specified for the deep-water species fishery for catcher processor rockfish cooperatives subject to sideboard limits established under the Central GOA Rockfish Program in the GOA is 8 metric tons as established by § 679.82(d), the 2007 and 2008 harvest specifications for groundfish of the GOA (72 FR 9676, March 5, 2007), and as posted as the Catcher Processor Sideboards at <http://www.fakr.noaa.gov/sustainablefisheries/goarat/default.htm>.

In accordance with § 679.82(d)(9)(i)(B), the Administrator, Alaska Region, NMFS, has determined that the 2007 Pacific halibut PSC sideboard limit specified for the deep-water species fishery for catcher processor rockfish cooperatives subject to sideboard limits established under the Central GOA Rockfish Program in the GOA is insufficient to support directed fishing for the deep-water species fisheries. Consequently, NMFS is prohibiting directed fishing for species that comprise the deep-water

species fishery for catcher processor rockfish cooperatives subject to sideboard limits established under the Central GOA Rockfish Program in the GOA. Section 679.82(d)(4)(iii) lists the species and species groups that comprise the deep-water species fishery as deep-water flatfish, rex sole, and arrowtooth flounder.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

**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 closure of the deep-water species fishery for catcher processor rockfish cooperatives subject to sideboard limits established under the Central GOA Rockfish Program in the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of June 25, 2007.

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 § 679.82 and is exempt from review under Executive Order 12866.

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

Dated: June 26, 2007.

**Alan D. Risenhoover,**  
*Director, Office of Sustainable Fisheries,*  
*National Marine Fisheries Service.*

[FR Doc. E7–12660 Filed 6–28–07; 8:45 am]

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