

Information Assurance Contractor Training and Certification (JAN 2008)

(a) The Contractor shall ensure that personnel accessing information systems have the proper and current information assurance certification to perform information assurance functions in accordance with DoD 8570.01-M, Information Assurance Workforce Improvement Program. The Contractor shall meet the applicable information assurance certification requirements, including—

(1) DoD-approved information assurance workforce certifications appropriate for each category and level as listed in the current version of DoD 8570.01-M; and

(2) Appropriate operating system certification for information assurance technical positions as required by DoD 8570.01-M.

(b) Upon request by the Government, the Contractor shall provide documentation supporting the information assurance certification status of personnel performing information assurance functions.

(c) Contractor personnel who do not have proper and current certifications shall be denied access to DoD information systems for the purpose of performing information assurance functions.

(End of clause)

[FR Doc. E8-193 Filed 1-9-08; 8:45 am]

BILLING CODE 5001-08-P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 252

RIN 0750-AF57

Defense Federal Acquisition Regulation Supplement; New Designated Countries (DFARS Case 2006-D062)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has adopted as final, without change, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement the Dominican Republic-Central America-United States Free Trade Agreement with respect to the Dominican Republic. The rule also includes Bulgaria and Romania on the list of countries covered by the World Trade Organization Government Procurement Agreement.

DATES: *Effective Date:* January 10, 2008.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone 703-602-0328; facsimile 703-602-7887. Please cite DFARS Case 2006-D062.

SUPPLEMENTARY INFORMATION:

A. Background

DoD published an interim rule at 72 FR 14242 on March 27, 2007, to implement the Dominican Republic-Central America-United States Free Trade Agreement with respect to the Dominican Republic, and to add Bulgaria and Romania to the list of countries covered by the World Trade Organization Government Procurement Agreement.

DoD received no comments on the interim rule. Therefore, DoD has adopted the interim rule as a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* Although the rule opens up DoD procurement to the products of Bulgaria, the Dominican Republic, and Romania, there will be no significant impact on U.S. small businesses. DoD applies the trade agreements to only those non-defense items listed at DFARS 225.401-70, and procurements that are set aside for small businesses are exempt from application of the trade agreements.

C. Paperwork Reduction Act

This rule affects the certification and information collection requirements in the provisions at DFARS 252.225-7020 and 252.225-7035, currently approved under Office of Management and Budget Control Number 0704-0229. The impact, however, is negligible.

List of Subjects in 48 CFR Part 252

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

Interim Rule Adopted as Final Without Change

■ Accordingly, the interim rule amending 48 CFR Part 252, which was published at 72 FR 14242 on March 27,

2007, is adopted as a final rule without change.

[FR Doc. E8-201 Filed 1-9-08; 8:45 am]

BILLING CODE 5001-08-P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 252 and Appendix F to Chapter 2

RIN 0750-AF53

Defense Federal Acquisition Regulation Supplement; Receiving Reports for Shipments (DFARS Case 2006-D024)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to address requirements for the distribution of material inspection and receiving reports under DoD contracts. The rule clarifies that two copies of the receiving report must be distributed with each shipment.

DATES: *Effective Date:* January 10, 2008.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Benavides, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DARS), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone 703-602-1302; facsimile 703-602-7887. Please cite DFARS Case 2006-D024.

SUPPLEMENTARY INFORMATION:

A. Background

The clause at DFARS 252.246-7000, Material Inspection and Receiving Report, contains requirements for preparing and furnishing material inspection and receiving reports to the Government. Contractors can satisfy material inspection and receiving report requirements by using DD Form 250, in a manner and to the extent required by DFARS Appendix F, or by using the Wide Area Workflow-Receipt and Acceptance (WAWF-RA) electronic form. This rule clarifies that two copies of the receiving report (paper copies of either the DD Form 250 or the WAWF-RA report) must be distributed with the shipment in accordance with DFARS Appendix F. Such clarification is needed to ensure proper identification of all shipments.

DoD published a proposed rule at 71 FR 65769 on November 9, 2006. Three

sources submitted comments on the proposed rule. A discussion of the comments is provided below.

1. *Comment:* One respondent stated that the rule would increase administrative costs by significantly increasing paperwork creation, administration, and coordination. The respondent recommended that, at a minimum, alternative language be added to allow the use of contractor format DD Form 250 material inspection and receiving reports instead of WAWF-RA report printing.

DoD Response: Contractors presently are responsible for distributing DD Form 250 in accordance with DFARS Appendix F, Part 4, F-401, using the instructions in Tables 1 and 2, which require distribution of two copies with each shipment. Therefore, the requirement for contractors to print copies of the WAWF-RA report instead of the DD Form 250 will not significantly increase the cost or effort of preparing shipping documents. Only the forms already in WAWF-RA must be printed; thus this should not be a significant administrative burden. However, to allow flexibility, DoD has amended the rule to incorporate the respondent's recommendation that contractors be allowed to use the DD Form 250 instead of a printed WAWF-RA form.

2. *Comment:* One respondent stated that the requirement for two paper copies to be distributed with shipments would create unnecessary costs and additional administrative burdens for many vendors and would unnecessarily duplicate the electronic process, thwarting the goal of the WAWF-RA being a paperless system. The respondent further suggested that this and similar issues be addressed through the DFARS Procedures, Guidance, and Information (PGI) web page rather than as a change to the DFARS.

DoD Response: Printed copies of the receiving report are needed for each shipment to eliminate costly stocking, payment, and frustrated cargo issues now affecting both DoD and contractors. As noted in the response to Comment 1, contractors already are responsible for distributing copies of DD Form 250 with the shipment. Therefore, this rule will not significantly increase the cost or effort of preparing shipping documents. The respondent's recommendation to address this issue through PGI is not a feasible solution, since this issue relates to contractor requirements, whereas PGI addresses internal DoD procedures and guidance.

3. *Comment:* One respondent stated that the WAWF-RA receiving report does not include the unique

identification (UID) tab, where the contractor lists UIDs and serial numbers for items requiring them.

DoD Response: The respondent's comment has been noted; however, the content of the WAWF-RA receiving report is outside the scope of this DFARS rule.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule makes no significant change to DoD policy for preparation and use of material inspection and receiving reports.

C. Paperwork Reduction Act

The information collection requirements for DoD material inspection and receiving reports have been approved by the Office of Management and Budget, under Control Number 0704-0248, for use through March 31, 2008.

List of Subjects in 48 CFR Part 252

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR part 252 and Appendix F to chapter 2 are amended as follows:

■ 1. The authority citation for 48 CFR part 252 and Appendix F to subchapter I continues to read as follows:

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

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 2. Section 252.246-7000 is amended by revising the clause date and paragraph (b) to read as follows:

252.246-7000 Material Inspection and Receiving Report.

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Material Inspection and Receiving Report (JAN 2008)

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(b) Contractor submission of the material inspection and receiving information required by Appendix F of the Defense FAR Supplement by using the Wide Area WorkFlow-Receipt and Acceptance (WAWF-RA) electronic form (see paragraph (b)(1) of the clause

at 252.232-7003) fulfills the requirement for a material inspection and receiving report (DD Form 250). Two copies of the receiving report (paper copies of either the DD Form 250 or the WAWF-RA report) shall be distributed with the shipment, in accordance with Appendix F, Part 4, F-401, Table 1, of the Defense FAR Supplement.

■ 3. Appendix F to chapter 2 is amended in Part 4, Section F-401, by revising paragraph (a) to read as follows:

Appendix F—Material Inspection and Receiving Report

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F-401 Distribution

(a) The contractor is responsible for distributing the DD Form 250, including mailing and payment of postage. Use of the Wide Area WorkFlow-Receipt and Acceptance (WAWF-RA) electronic form satisfies the distribution requirements of this section, except for the copies required to accompany shipment.

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[FR Doc. E8-178 Filed 1-9-08; 8:45 am]

BILLING CODE 5001-08-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070213032-7032-01]

RIN 0648-XE84

Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2008 Gulf of Alaska Pollock Total Allowable Catch Amount

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

ACTION: Temporary rule; inseason adjustment; request for comments.

SUMMARY: NMFS is adjusting the 2008 total allowable catch (TAC) amounts for pollock in the Gulf of Alaska (GOA). This action is necessary because NMFS has determined these TACs are incorrectly specified. This action will ensure the GOA pollock TACs do not exceed the appropriate amount based on the best available scientific information for pollock in the GOA. This action is consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska Area (FMP).

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 7, 2008, until the