

Secretary of the Navy (without further delegation) makes a determination; and (2) foreign contractors may not be used to perform facilities maintenance unless approved by the Secretary of the Navy. The objective of the rule is to implement the restrictions of section 1025 of the NDAA for FY 2021 on the overhaul or repair of a naval vessel in a shipyard outside the United States or Guam, with exceptions as described in this paragraph.

No public comments were received in response to the initial regulatory flexibility analysis.

DoD reviewed data from the Federal Procurement Data System for fiscal years 2020, 2021, and 2022 for contracts for the repair or overhaul of naval vessels outside the United States or Guam that exceeded the simplified acquisition threshold. DoD awarded a total of 383 contracts to an average of 76 unique small entities.

It is expected that this rule will continue to provide small businesses the opportunity to participate in acquisitions for the overhaul or repair of a naval vessel in a shipyard outside the United States or Guam, since naval vessel overhaul restrictions currently exist, and this rule provides exceptions that allow for U.S. contractor personnel to perform certain repairs and maintenance in accordance with 10 U.S.C. 8680(a).

This rule does not include any new reporting, recordkeeping, or other compliance requirements for small entities.

There are no known significant alternative approaches to the rule that would meet the requirements of the statute.

### VIII. Paperwork Reduction Act

This rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

#### List of Subjects in 48 CFR Part 225

Government procurement.

#### Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

Therefore, 48 CFR part 225 is amended as follows:

### PART 225—FOREIGN ACQUISITION

■ 1. The authority citation for 48 CFR part 225 continues to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

### 225.7013 [Amended]

- 2. Amend section 225.7013 by removing the introductory text and paragraphs (a) and (b).
- 3. Add sections 225.7013–0, 225.7013–1, and 225.7013–2 to read as follows:

#### 225.7013–0 Scope.

This section implements 10 U.S.C. 8679 and 10 U.S.C. 8680.

#### 225.7013–1 Definitions.

As used in this section—  
*Corrective and preventive maintenance or repair* means—

- (1) Maintenance or repair actions performed as a result of a failure in order to return or restore equipment to acceptable performance levels; and
- (2) Scheduled maintenance or repair actions to prevent or discover functional failures.

*Facilities maintenance* means the effort required to—

- (1) Provide housekeeping services throughout the ship;
- (2) Perform coating maintenance and repair to exterior and interior surfaces due to normal environmental conditions; and
- (3) Clean mechanical spaces, mission zones, and topside spaces.

#### 225.7013–2 Restrictions.

(a) *Contract award* (10 U.S.C. 8679). Do not award a contract to construct in a foreign shipyard—

- (1) A vessel for any of the armed forces; or
- (2) A major component of the hull or superstructure of a vessel for any of the armed forces.

(b) *Overhaul, repair, or maintenance* (10 U.S.C. 8680). (1) Do not overhaul, repair, or maintain, in a shipyard outside the United States or Guam, a naval vessel (or any other vessel under the jurisdiction of the Secretary of the Navy) homeported in the United States or Guam.

- (2) This restriction on overhaul, repair, or maintenance does not apply to—
  - (i) Voyage repairs; or
  - (ii) Repairs necessary to correct damage sustained due to hostile actions or interventions.

(3) For a naval vessel classified as a littoral combat ship and operating on deployment—

- (i) Corrective and preventive maintenance or repair, whether intermediate or depot level, and facilities maintenance may be performed if the work is performed by U.S. Government personnel or U.S. contractor personnel—

(A) In a foreign shipyard;

(B) At a facility outside of a foreign shipyard; or

(C) At any other facility convenient to the vessel;

(ii) Foreign workers may be used to perform corrective and preventive maintenance or repair, only if the Secretary of the Navy, without power of delegation, determines that travel by U.S. Government or contractor personnel to perform the maintenance or repair is not advisable for health or safety reasons; and

(iii) Foreign contractors may perform facilities maintenance only as approved by the Secretary of Navy.

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## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Part 252

[Docket DARS–2023–0038]

RIN 0750–AL98

### Defense Federal Acquisition Regulation Supplement: New Designated Country—North Macedonia (DFARS Case 2024–D001)

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

**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to add North Macedonia as a new designated country under the World Trade Organization Government Procurement Agreement.

**DATES:** Effective October 30, 2023.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kimberly Bass, 703–717–3446.

**SUPPLEMENTARY INFORMATION:**

#### I. Background

On June 7, 2023, the World Trade Organization (WTO) Committee on Government Procurement approved the accession of North Macedonia to the WTO Government Procurement Agreement (GPA). This final rule amends the DFARS to add North Macedonia to the list of World Trade Organization (WTO) Government Procurement Agreement (GPA) countries wherever it appears in the DFARS, as part of the definition of “designated country”.

The Trade Agreements Act (19 U.S.C. 2501 *et seq.*) provides the authority for the President to waive the Buy

American statute and other discriminatory provisions for eligible products from countries that have signed an international trade agreement with the United States (such as the WTO GPA). The President has delegated this authority to the U.S. Trade Representative.

The U.S. Trade Representative has determined that North Macedonia will provide appropriate reciprocal competitive Government procurement opportunities to United States products and services, because North Macedonia is a party to the WTO GPA. The U.S. Trade Representative published a notice in the **Federal Register** waiving the Buy American statute and other discriminatory provisions for eligible products from North Macedonia at 88 FR 68905 on October 4, 2023. The United States, which also is a party to the GPA, has agreed to waive discriminatory purchasing requirements for eligible products and suppliers of North Macedonia beginning on October 30, 2023, the date on which the WTO GPA will enter into force for North Macedonia.

## II. Publication of This Final Rule for Public Comment Is Not Required by Statute

The statute that applies to the publication of the Federal Acquisition Regulation (FAR) is 41 U.S.C. 1707, Publication of Proposed Regulations. Subsection (a)(1) of the statute requires that a procurement policy, regulation, procedure, or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure, or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because it only amends the DFARS definition of “designated country” to reflect that North Macedonia is now a party to the WTO GPA, without significant effect beyond the internal operating procedures of the Government.

## III. Applicability to Contracts at or Below the Simplified Acquisition Threshold (SAT) and for Commercial Products (Including Commercially Available Off-the-Shelf (COTS) Items), or for Commercial Services

This final rule amends the clauses at DFARS 252.225–7017, Photovoltaic Device; 252.225–7021, Trade Agreements; and 252.225–7045, Balance

of Payments Program—Construction Material Under Trade Agreements. However, this final rule does not impose any new requirements on contracts at or below the SAT, for commercial products including COTS items, or for commercial services. This final rule does not change the applicability of the clauses to acquisitions at or below the SAT, to acquisitions of commercial products including COTS items, or to acquisitions of commercial services.

## IV. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, as amended.

## V. Congressional Review Act

As required by the Congressional Review Act (5 U.S.C. 801–808) before an interim or final rule takes effect, DoD will submit a copy of the interim or final rule with the form, Submission of Federal Rules under the Congressional Review Act, to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States. A major rule under the Congressional Review Act cannot take effect until 60 days after it is published in the **Federal Register**. The Office of Information and Regulatory Affairs has determined that this rule is not a major rule as defined by 5 U.S.C. 804.

## VI. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule because this final rule does not constitute a significant DFARS revision within the meaning of FAR 1.501–1, and 41 U.S.C. 1707 does not require publication for public comment.

## VII. Paperwork Reduction Act

This final rule affects the information collection requirements in the provisions at DFARS 252.225–7018, Photovoltaic Devices-Certificate; and 252.225–7020, Trade Agreements Certificate, currently approved under OMB Control Number 0704–0229, entitled DFARS Part 225, Foreign

Acquisition, and associated clauses, in accordance with the Paperwork Reduction Act (44 U.S.C. chapter 35). DFARS provisions 252.225–7018 and 252.225–7020 rely on the definition of “designated country” in DFARS clauses 252.225–7017 and 252.225–7021, which now includes North Macedonia. The impact of this rule, however, is negligible, because the addition of North Macedonia to the definition of “designated country” merely provides another possible source of the items covered by these provisions and clauses.

## List of Subjects in 48 CFR Part 252

Government procurement.

**Jennifer D. Johnson,**

*Editor/Publisher, Defense Acquisition Regulations System.*

Therefore, 48 CFR part 252 is amended as follows:

### PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 1. The authority citation for 48 CFR part 252 continues to read as follows:

**Authority:** 41 U.S.C. 1303 and 48 CFR chapter 1.

#### 252.225–7017 [Amended]

■ 2. Amend section 252.225–7017—  
 ■ a. By removing the clause date of “(DEC 2022)” and adding “(OCT 2023)” in its place; and  
 ■ b. In paragraph (a) of the clause, in the definition of “Designated country” in paragraph (1), by adding, in alphabetical order, the country of “North Macedonia”.

#### 252.225–7021 [Amended]

■ 3. Amend section 252.225–7021—  
 ■ a. In the basic clause—  
 ■ i. By removing the clause date of “(JAN 2023)” and adding “(OCT 2023)” in its place;  
 ■ ii. In paragraph (a), in the definition of “Designated country” in paragraph (1), by adding, in alphabetical order, the country of “North Macedonia”;  
 ■ b. In the Alternate II clause—  
 ■ i. By removing the clause date of “(JAN 2023)” and adding “(OCT 2023)” in its place; and  
 ■ ii. In paragraph (a), in the definition of “Designated country” in paragraph (1), by adding, in alphabetical order, the country of “North Macedonia”.

#### 252.225–7045 [Amended]

■ 4. Amend section 252.225–7045—  
 ■ a. In the basic clause—  
 ■ i. By removing the clause date of “(JAN 2023)” and adding “(OCT 2023)” in its place;

- ii. In paragraph (a), in the definition of “Designated country” in paragraph (1), by adding, in alphabetical order, the country of “North Macedonia”;
- b. In the Alternate I clause—
- i. By removing the clause date of “(JAN 2023)” and adding “(OCT 2023)” in its place;
- ii. In paragraph (a), in the definition of “Designated country” in paragraph (1), by adding, in alphabetical order, the country of “North Macedonia”;
- c. In the Alternate II clause—
- i. By removing the clause date of “(JAN 2023)” and adding “(OCT 2023)” in its place;
- ii. In paragraph (a), in the definition of “Designated country” in paragraph (1), by adding, in alphabetical order, the country of “North Macedonia”;
- d. In the Alternate III clause—
- i. By removing the clause date of “(JAN 2023)” and adding “(OCT 2023)” in its place;
- ii. In paragraph (a), in the definition of “Designated country” in paragraph (1), by adding, in alphabetical order, the country of “North Macedonia”.

[FR Doc. 2023–23434 Filed 10–24–23; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 231018–0249; RTID 0648–XD380]

#### Atlantic Surfclam and Ocean Quahog Fisheries; 2024 Fishing Quotas for Atlantic Surfclams and Ocean Quahogs; and Suspension of Atlantic Surfclam Minimum Size Limit

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

**ACTION:** Final rule.

**SUMMARY:** NMFS announces that the quotas for the Atlantic surfclam and ocean quahog fisheries for 2024 will remain status quo. NMFS also suspends the minimum size limit for Atlantic surfclams for the 2024 fishing year. Regulations for these fisheries require NMFS to notify the public of the allowable harvest levels for Atlantic surfclams and ocean quahogs from the Exclusive Economic Zone even if the previous year’s quota specifications remain unchanged. The 2024 quotas were previously announced as projected values. This action confirms the final quotas are unchanged from those

projections. This action would not result in harm to these fisheries.

**DATES:** Effective January 1, 2024, through December 31, 2024.

**FOR FURTHER INFORMATION CONTACT:** Douglas Potts, Fishery Policy Analyst, 978–281–9341.

**SUPPLEMENTARY INFORMATION:** The Atlantic Surfclam and Ocean Quahog Fishery Management Plan (FMP) requires that NMFS issue notice in the **Federal Register** of the upcoming year’s quota, even if the quota remains unchanged from the previous year. At its June 2023 meeting, the Mid-Atlantic Fishery Management Council (Council) recommended no change to the quota specifications for Atlantic surfclams and ocean quahogs for the 2024 fishing year. We are announcing 2024 quota levels of 3.4 million bushels (bu) (181 million L) for Atlantic surfclams, 5.36 million bu (285 million L) for ocean quahogs, and 100,000 million bu (3.52 million L) for Maine ocean quahogs. These quotas were published as projected 2024 limits in the **Federal Register** on May 13, 2021 (86 FR 26186). This rule establishes these quotas as unchanged from 2021 and final.

The regulations at 50 CFR 648.75(b)(3) allow the Regional Administrator to annually suspend the minimum size limit for Atlantic surfclams unless discard, catch, and biological sampling data indicate that 30 percent or more of the Atlantic surfclams have a shell length less than 4.75 inches (121 mm) and the overall reduced size is not attributable to harvest from beds where growth of the individual clams has been reduced because of density-dependent factors. The default minimum size limit is intended to prevent the fishery from harvesting too many small clams such that it could harm the overall population. The size limit is unnecessary if small clams are not a significant portion of overall catch. At its June 2023 meeting, the Council reviewed recent developments in the fishery and recommended the Regional Administrator once again suspend the minimum size limit for Atlantic surfclams for the 2024 fishing year. Commercial surfclam data for 2023 indicated that 19.7 percent of the overall commercial landings were composed of surfclams that were less than the 4.75-inch (121-mm) default minimum size.

Based on the information available, the Regional Administrator concurs with the Council’s recommendation and is suspending the minimum size limit for Atlantic surfclams for the upcoming fishing year (January 1 through December 31, 2024).

## Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the Assistant Administrator for Fisheries, NOAA, has determined that this rule is consistent with the Atlantic Surfclam and Ocean Quahog FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

This action does not introduce any new reporting, recordkeeping, or other compliance requirements. This rule does not duplicate, overlap, or conflict with other Federal rules.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be unnecessary and contrary to the public interest. This rule is routine and formulaic. The public was given the opportunity to comment on the proposed rule for the 2021–2026 specifications (86 FR 9901, February 17, 2021), including the projected 2024 specifications, which remain unchanged. Delaying this action would prolong public uncertainty about the final quotas for the 2024 fishing year, and could delay issuance of 2024 Individual Transferable Quota cage tags to quota shareholders. The public and industry participants expect this action because we previously alerted the public that we would conduct this review in interim years of the multi-year specifications and announce the final quotas before or as close as possible to the January 1 start of the fishing year. This rule could not be published earlier because of the time necessary to collect data and conduct the analysis to support suspending the minimum size limit for Atlantic surfclams.

This rule is exempt from the requirements of Executive Order 12866 because it contains no implementing regulations.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable. Accordingly, no Regulatory Flexibility Analysis is required and none has been prepared.

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

Dated: October 19, 2023.

**Jonathan M. Kurland,**

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

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