

subcontractor in accordance with the Disputes clause of this contract. In order to sustain the challenge for commercial items, the Contracting Officer will provide information demonstrating that the commercial item was not developed exclusively at private expense. This final decision will be issued as soon as possible after the expiration of the time period of paragraph (e)(1)(ii) or (e)(2) of this clause. Following issuance of the final decision, the Contracting Officer will comply with the procedures in paragraphs (g)(2)(ii) through (iv) of this clause.

(g) * * *

(2)(i) If the Contracting Officer determines that the validity of the restrictive marking is not justified, the Contracting Officer will issue a final decision to the Contractor or subcontractor in accordance with the Disputes clause of this contract. In order to sustain the challenge for commercial items, the Contracting Officer will provide information demonstrating that the commercial item was not developed exclusively at private expense. Notwithstanding paragraph (e) of the Disputes clause, the final decision will be issued within 60 days after receipt of the Contractor's or subcontractor's response to the challenge notice, or within such longer period that the Contracting Officer has notified the Contractor or subcontractor that the Government will require. The notification of a longer period for issuance of a final decision will be made within 60 days after receipt of the response to the challenge notice.

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 232 and 252

[Docket DARS-2022-0009]

RIN 0750-AL53

Defense Federal Acquisition Regulation Supplement: Repeal of DFARS Provision "Payment in Local Currency (Afghanistan)" (DFARS Case 2022-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 remove a solicitation provision that is no longer necessary.

DATES: Effective April 28, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara J. Salcido, telephone 571-372-6102.

SUPPLEMENTARY INFORMATION:

I. Background

As required at DFARS subpart 232.72, Payment in Local Currency (Afghanistan), DFARS solicitation provision 252.232-7014, Payment in Local Currency (Afghanistan), is included in all solicitations, including solicitations using Federal Acquisition Regulation (FAR) part 12 procedures for the acquisition of commercial items, for performance in Afghanistan. The provision notifies host nation (Afghan) vendors that the contract resulting from the solicitation will be paid in local currency (Afghani) via electronic funds transfer to a local (Afghan) banking institution unless an exception applies. It also notifies host nation vendors that contracts would not be awarded if they did not bank locally. Host nation vendors were required to submit quotations and offers in U.S. dollars, but the contract would be converted to Afghani using the current U.S. budget rate (*i.e.*, U.S. Treasury rate of exchange) upon award.

Due to the drawdown of operations in Afghanistan, the text at DFARS 232.72 and solicitation provision 252.232-7014 are no longer required. The U.S. Department of the Treasury has placed the Taliban, the de facto government in Afghanistan, on the Office of Foreign Assets Control Sanction List. Therefore, payment cannot be made to an Afghan vendor in Afghani via electronic funds to an Afghan banking institution. Consequently, this rule is repealing DFARS subpart 232.72 and solicitation provision 252.232-7014, since these requirements are rendered inoperable with the drawdown of operations in Afghanistan.

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

The statute that applies to the publication of the 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 the rule is merely removing an obsolete solicitation provision from the DFARS. The rule does not have a significant cost or administrative impact on contractors or offerors and does not have a significant effect beyond DoD's internal operating procedures.

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

This rule only removes obsolete DFARS subpart 232.72, Payment in Local Currency (Afghanistan), and DFARS solicitation provision 252.232-7014, Payment in Local Currency (Afghanistan). The rule does not impose any new requirements on contracts valued at or below the simplified acquisition threshold, for commercial products including commercially available off-the-shelf items, or for commercial services.

IV. Executive Orders 12866 and 13563

Executive Orders (E.O.) 12866 and E.O. 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, dated September 30, 1993.

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

The 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 Parts 232 and 252

Government procurement.

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 232 and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 232 and 252 continues to read as follows:

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

PART 232—CONTRACT FINANCING

Subpart 232.72 [Removed and Reserved]

■ 2. Subpart 232.72, consisting of sections 232.7200, 232.7201, and 232.7202, is removed and reserved.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.232-7014 [Removed and Reserved]

■ 3. Section 252.232-7014 is removed and reserved.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 220421-0102]

RIN 0648-BK74

Pacific Island Fisheries; Pelagic Longline Gear and Operational Requirements

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

ACTION: Final rule.

SUMMARY: In this final rule, NMFS prohibits the use of wire leaders in the Hawaii deep-set longline fishery, and requires the removal of fishing gear from any oceanic whitetip shark caught in all of the region's domestic longline fisheries. The rule is intended to increase post-hooking survival of threatened oceanic whitetip sharks.

DATES: The final rule is effective May 31, 2022.

ADDRESSES: Copies of the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific (FEP) are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel. 808-522-8220, fax 808-522-8226, or www.wpcouncil.org.

Copies of the environmental analyses and other supporting documents for this action are available from <https://www.regulations.gov/docket?D=NOAA-NMFS-2021-0099>, or from Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Regional Office (PIRO), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

FOR FURTHER INFORMATION CONTACT: David O'Brien, NMFS Pacific Islands Regional Office, Sustainable Fisheries, 808-725-5038.

SUPPLEMENTARY INFORMATION: NMFS and the Western Pacific Fishery Management Council (Council) manage the Hawaii (shallow-set and deep-set) and America Samoa longline fisheries under the FEP as authorized by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). These fisheries occasionally catch oceanic whitetip sharks (*Carcharhinus longimanus*). NMFS listed oceanic whitetip sharks as threatened under the Endangered Species Act (ESA) on January 30, 2018 (83 FR 4153). In an effort to improve survival of oceanic whitetip sharks

unintentionally caught in the FEP longline fisheries, this rule prohibits the use of wire leaders, specifically steel wire line within 1 meter of the hook, in the Hawaii deep-set fishery. Wire leaders are difficult for sharks to bite off and free themselves and difficult for fishermen to cut from deck height as compared to alternative monofilament leaders. The rule also requires, with limited exceptions for safety and data collection, that fishermen remove fishing gear from any oceanic whitetip shark caught in all longline fisheries operating under the FEP. The rule is intended to reduce the amount of fishing gear (aka, trailing gear) attached to released oceanic whitetip sharks. Long trailing gear reduces survivorship of oceanic whitetip sharks unintentionally caught in the fisheries.

You may find additional background information on this action in the preamble to the proposed rule published on January 19, 2022 (87 FR 2742).

Comments and Responses

On January 19, 2022, NMFS published a proposed rule, an Environmental Assessment (EA), and Regulatory Impact Review (RIR) for public comment (86 FR 2742). The comment period ended February 18, 2022. We received 46 comments from individuals and 2 from organizations. In general, all comments supported the proposed rule. All comments related to the proposed rule; there were no comments directed at analysis presented in the EA or the RIR. We summarize and respond to the comments here, combining substantially similar comments.

Comment 1: Many commenters expressed strong support for the proposed rule noting the importance of sharks to marine ecosystem and threats to the species, including fisheries interactions and climate change.

Response: NMFS agrees and will continue to manage and regulate Federal fisheries for sustainability, and to minimize bycatch, bycatch mortality, and interactions with protected species consistent with the Magnuson-Stevens Act, the ESA, the FEP, and implementing regulations.

Comment 2: Several commenters expressed strong support for the proposed rule, noting benefits to both marine species and fishing industry participants.

Response: We agree. Building from an industry-led initiative and recommendation from the Council, the Council and NMFS developed this rule to improve post-hooking survival of threatened oceanic whitetip sharks