

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

- 5. Amend section 252.225–7052 by—
 - a. Revising the clause date; and
 - b. Revising paragraphs (b) and (c)(1).
- The revisions read as follows:

252.225–7052 Restriction on the Acquisition of Certain Magnets, Tantalum, and Tungsten.

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Restriction on the Acquisition of Certain Magnets, Tantalum, and Tungsten (May 2024)

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(b) *Restriction.* (1) Except as provided in paragraph (c) of this clause—

(i) Effective through December 31, 2026, the Contractor shall not deliver under this contract any covered material melted or produced in any covered country, or any end item, manufactured in any covered country, that contains a covered material; and

(ii) Effective January 1, 2027, the Contractor shall not deliver under this contract any covered material mined, refined, separated, melted, or produced in any covered country, or any end item, manufactured in any covered country, that contains a covered material (section 854, Pub. L. 118–31; 10 U.S.C. 4872).

(2)(i)(A) Effective through December 31, 2026, for samarium-cobalt magnets and neodymium-iron-boron magnets, this restriction includes—

(1) Melting samarium with cobalt to produce the samarium-cobalt alloy or melting neodymium with iron and boron to produce the neodymium-iron-boron alloy; and

(2) All subsequent phases of production of the magnets, such as powder formation, pressing, sintering or bonding, and magnetization.

(B) Effective January 1, 2027, for samarium-cobalt magnets this restriction includes the entire supply chain from mining or production of a cobalt and samarium ore or feedstock, including recycled material, through production of finished magnets.

(ii) The restriction on melting and producing of samarium-cobalt magnets is in addition to any applicable restrictions on melting of specialty metals if the clause at 252.225–7009, Restriction on Acquisition of Certain Articles Containing Specialty Metals, is included in the contract.

(3) Effective January 1, 2027, for neodymium-iron-boron magnets, this restriction includes entire supply chain from mining of neodymium, iron, and boron through production of finished magnets.

(4)(i) Effective through December 31, 2026, for production of tantalum metals of any kind and alloys, this restriction includes the reduction or melting of any form of tantalum to create tantalum metal including unwrought, powder, mill products, and alloys. The restriction also covers all subsequent phases of production of tantalum metals and alloys.

(ii) Effective January 1, 2027, for production of tantalum metals of any kind and alloys, this restriction includes mining or production of a tantalum ore or feedstock, including recycled material, through production of metals of any kind and alloys.

(5)(i) Effective through December 31, 2026, for production of tungsten metal powder and tungsten heavy alloy, this restriction includes—

(A) Atomization;

(B) Calcination and reduction into powder;

(C) Final consolidation of non-melt derived metal powders; and

(D) All subsequent phases of production of tungsten metal powder, tungsten heavy alloy, or any finished or semi-finished component containing tungsten heavy alloy.

(ii) Effective January 1, 2027, for production of tungsten metal powder, tungsten heavy alloy, or any finished or semi-finished component containing tungsten heavy alloy, this restriction includes mining or production of a tungsten ore or feedstock, including recycled material, through production of tungsten metal powders, tungsten heavy alloy, or any finished or semi-finished component containing tungsten heavy alloy.

(c) *Exceptions.* This clause does not apply—

(1) To an end item containing a covered material that is—

(i) A commercially available off-the-shelf item, other than—

(A) A commercially available off-the-shelf item that is—

(1) 50 percent or more tungsten by weight effective through December 31, 2026; or

(2) 50 percent or more covered material by weight effective January 1, 2027;

(B) Effective through December 31, 2026, a tantalum metal, tantalum alloy, or tungsten heavy alloy mill product, such as bar, billet, slab, wire, cube, sphere, block, blank, plate, or sheet, that has not been incorporated into an end item, subsystem, assembly, or component;

(ii) Effective January 1, 2027, a covered material that is a mill product such as bar, billet, slab, wire, cube, sphere, block, blank, plate, or sheet, that

has not been incorporated into an end item, subsystem, assembly, or component;

(iii) An electronic device, unless otherwise specified in the contract; or

(iv) A neodymium-iron-boron magnet manufactured from recycled material if the milling of the recycled material and sintering of the final magnet takes place in the United States.

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[FR Doc. 2024–11513 Filed 5–29–24; 8:45 am]

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 252

[Docket DARS–2024–0001]

Defense Federal Acquisition Regulation Supplement; Technical Amendments

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

ACTION: Final rule; technical amendment.

SUMMARY: DoD is amending the Defense Federal Acquisition Regulation Supplement (DFARS) to make needed editorial changes.

DATES: Effective May 30, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer D. Johnson, Defense Acquisition Regulations System, telephone 703–717–8226.

SUPPLEMENTARY INFORMATION: This final rule amends the DFARS to make needed editorial changes to update two outdated hyperlinks at DFARS 252.204–7012.

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:

- 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.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

- 2. Amend section 252.204–7012—
- a. By revising the clause date;
- b. In paragraph (b)(2)(i) by removing “<http://dx.doi.org/10.6028/>”

NIST.SP.800-171” and adding “<https://csrc.nist.gov/publications/sp800>” in its place; and

■ c. In paragraph (b)(2)(ii)(D) by removing “<https://www.fedramp.gov/resources/documents/>” and adding “<https://www.fedramp.gov/documents-templates/>.” in its place.

The revision reads as follows:

252.204-7012 Safeguarding Covered Defense Information and Cyber Incident Reporting.

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Safeguarding Covered Defense Information and Cyber Incident Reporting (MAY 2024)

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[FR Doc. 2024-11516 Filed 5-29-24; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS-R2-ES-2023-0215; FXES1111090FEDR-245-FF09E21000]

RIN 1018-BH68

Endangered and Threatened Wildlife and Plants; Revision of the Critical Habitat Designation for the Jaguar in Compliance With a Court Order

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are issuing this final rule to comply with a court order to vacate Subunit 4b and a portion of Unit 3 in Arizona from the March 5, 2014, final rule designating lands in Arizona as critical habitat for the jaguar (*Panthera onca*) under the Endangered Species Act of 1973, as amended (Act). In compliance with the court order, this final rule removes approximately 64,797 acres (26,222 hectares) of land within Arizona from the designation of critical habitat for the jaguar. The remaining total acreage of designated critical habitat for the jaguar is approximately 640,124 acres (259,049 hectares) in Pima, Santa Cruz, and Cochise Counties, Arizona.

DATES: This rule is effective May 30, 2024. However, the court order had legal effect immediately upon being filed on August 11, 2023.

FOR FURTHER INFORMATION CONTACT: Heather Whitlaw, U.S. Fish and Wildlife Service, 9828 North 31st Avenue #C3, Phoenix, AZ 85051; telephone: 602-

242-0210; email at incomingazcorr@fws.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Previous Federal Actions

On March 5, 2014, we published in the *Federal Register* (79 FR 12572) a final rule designating approximately 764,207 acres (309,263 hectares) of land in New Mexico and Arizona as critical habitat for the jaguar under the Act (16 U.S.C. 1531 *et seq.*). The jaguar’s critical habitat designation is set forth in our regulations in title 50 of the Code of Federal Regulations (CFR) at § 17.95(a) (50 CFR 17.95(a)). Please see the March 5, 2014, final rule for a complete discussion of previous Federal actions pertaining to this designation.

On July 22, 2021, we published in the *Federal Register* (86 FR 38570) a final rule revising the critical habitat designation for the jaguar in compliance with a different court order to remove Unit 6 and the New Mexico portion of Unit 5 from the designation. In that final rule, we erroneously stated that the rule removed approximately 110,438 acres (44,693 hectares) of land within New Mexico from the designation of critical habitat for the jaguar. On February 2, 2022, we published a correction in the *Federal Register* (87 FR 5737); the correction stated that the July 22, 2021, rule removed 59,286 acres (23,993 hectares) in New Mexico from the designation of critical habitat for the jaguar.

Background

In 2016, we issued a biological opinion, as required under the Act (16 U.S.C. 1536), regarding the development of a copper mine by the Rosemont Copper Company (Rosemont) on lands administered by the Coronado National Forest. The action area of the proposed mine and associated infrastructure included portions of the critical habitat designation for the jaguar, specifically portions of Unit 3 and Subunit 4b. In our biological opinion, we found that the proposed mine was not likely to jeopardize the continued existence of the jaguar or result in the destruction or adverse modification of its critical habitat.

On September 25, 2017, the Center for Biological Diversity filed a lawsuit against the Service and the U.S. Forest

Service. The Center for Biological Diversity alleged that we violated the Act and the Administrative Procedure Act (APA; 5 U.S.C. 551 *et seq.*) in concluding that the mine would not destroy or adversely modify the designated critical habitat. Rosemont intervened and filed a crossclaim challenging the March 5, 2014, final rule’s designation of Subunit 4b and a portion of Unit 3 in the Santa Rita Mountains as critical habitat for the jaguar. On February 10, 2020, the Arizona district court denied in part and affirmed in part the Service’s critical habitat designation. As part of its decision, the district court found that we erred in designating Unit 3 as occupied critical habitat but granted summary judgement in favor of designating Unit 3 and subunit 4B as unoccupied critical habitat.

Rosemont appealed the district court decision to the U.S. Court of Appeals for the Ninth Circuit. On May 17, 2023, the appellate court affirmed in part and reversed in part the decision of the district court and remanded the relevant portions of the jaguar critical habitat rule for proceedings consistent with its decision. See *Ctr. for Biological Diversity v. U.S. Fish and Wildlife Serv.*, 67 F.4th 1027 (May 17, 2023), which is available in Docket No. FWS-R2-ES-2023-0215 on <https://www.regulations.gov>. Upon remand, on August 11, 2023, the Arizona district court ordered the Service to vacate a portion of Unit 3 and all of Subunit 4b as critical habitat. This rule implements the district court’s August 11, 2023, order.

Administrative Procedure

This rulemaking is necessary to comply with the August 11, 2023, court order remanding to the agency to vacate the critical habitat designations challenged by Rosemont. Therefore, under these circumstances, the Service Director (Director) has determined, pursuant to 5 U.S.C. 553(b)(3)(B), that prior notice and opportunity for public comment are impracticable and unnecessary. Because the court order had legal effect immediately upon being filed on August 11, 2023, the Director has further determined, pursuant to 5 U.S.C. 553(d)(3), that the agency has good cause to make this rule effective immediately upon publication.

Effects of the Rule

This rule is an administrative action to remove approximately 64,797 acres (26,222 hectares) of land within Arizona from the jaguar’s critical habitat designation at 50 CFR 17.95(a).