

(b) No ENERGY STAR® or FEMP-designated product is cost effective over the life of the product taking energy cost savings into account. Such determinations should be rare as such products are normally life cycle cost effective.

\* \* \* \* \*

**23.207 Contract clause.**

Unless exempt pursuant to 23.205, insert the clause at 52.223-XX, Energy Efficiency in Energy-Consuming Products, in solicitations and contracts when energy-consuming products listed in the ENERGY STAR® Program or FEMP will be—

- (a) Delivered by the contractor;
- (b) Furnished by the contractor in the performance of services at a Federally-controlled facility; or
- (c) Specified in the design, construction, renovation, or maintenance of a facility.

**PART 36—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS**

3. Amend section 36.601-3 by redesignating paragraph (a) as paragraph (a)(1) and adding a new paragraph (a)(2) to read as follows:

**36.601-3 Applicable contracting procedures.**

- (a)(1) \* \* \*
- (2) Facility design solicitations and contracts that include the specification of energy-consuming products must comply with the requirements at Subpart 23.2.

\* \* \* \* \*

**PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

4. Amend section 52.212-5 by revising the date of the clause; redesignating paragraphs (b)(23) through (b)(35) as (b)(24) through (b)(36), respectively; and adding a new paragraph (b)(23) to read as follows:

**52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.**

\* \* \* \* \*

CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS—COMMERCIAL ITEMS (DATE)

\* \* \* \* \*

- (b) \* \* \*
- (23) 52.223-XX, Energy Efficiency in Energy-Consuming Products (Date).

\* \* \* \* \*

5. Amend section 52.213-4 by revising the date of the clause; redesignating paragraphs (b)(1)(viii) through (b)(1)(xi) as paragraphs

(b)(1)(ix) through (b)(1)(xii), respectively; and adding a new paragraph (b)(1)(viii) to read as follows:

**52.213-4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items).**

\* \* \* \* \*

TERMS AND CONDITIONS—SIMPLIFIED ACQUISITIONS (OTHER THAN COMMERCIAL ITEMS) (DATE)

\* \* \* \* \*

- (b) \* \* \*
- (1) \* \* \*
- (viii) 52.223-XX, Energy Efficiency in Energy-Consuming Products (Date) (42 U.S.C. 8259b). Unless exempt pursuant to 23.205, applies to contracts when energy-consuming products listed in the ENERGY STAR® Program or FEMP will be—
  - (A) Delivered by the Contractor;
  - (B) Furnished by the Contractor in the performance of services at a Federally-controlled facility; or
  - (C) Specified in the design, construction, renovation, or maintenance of a facility.

\* \* \* \* \*

6. Add section 52.223-XX to read as follows:

**52.223-XX Energy Efficiency in Energy-Consuming Products.**

As prescribed in 23.207, insert the following clause:

ENERGY EFFICIENCY IN ENERGY-CONSUMING PRODUCTS (DATE)

(a) *Definition.* As used in this clause, *FEMP-designated product* means a product that is designated under the Federal Energy Management Program (FEMP) of the Department of Energy as being among the highest 25 percent of equivalent products for energy efficiency.

(b) The Contractor shall ensure that energy-consuming products are ENERGY STAR® products, or FEMP-designated products, for products that are—

- (1) Delivered;
- (2) Furnished by the Contractor in performing services at a Federally-controlled facility;
- (3) Specified in architect-engineer designs, plans and specifications; or
- (4) Provided as an article, material, or supply brought to the construction site for incorporation into the building or work.

(c) The requirements of paragraph (b) apply unless—

- (1) The energy-consuming product is not listed in the ENERGY STAR® Program or FEMP; or
- (2) Otherwise approved in writing by the Contracting Officer.
- (d) Information about these products is available for—

(1) ENERGY STAR® at <http://www.energystar.gov/products>; and

(2) FEMP at [http://www.eere.energy.gov/femp/procurement/eeep\\_requirements.cfm](http://www.eere.energy.gov/femp/procurement/eeep_requirements.cfm).

(End of clause)

[FR Doc. 06-9523 Filed 12-6-06; 8:45 am]

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**AGENCY FOR INTERNATIONAL DEVELOPMENT**

**48 CFR Part 719**

**RIN 0412-AA58**

**Mentor-Protégé Program**

**AGENCY:** U.S. Agency for International Development (USAID).

**ACTION:** Proposed rulemaking; correction.

**SUMMARY:** The United States Agency for International Development (USAID) is correcting the date for receiving public comments on the proposed rule published on November 22, 2006 in Vol. 71, No. 225, pp. 67518-67523. The date printed was December 8, 2006 but should read February 22, 2007.

**DATES:** Written comments on the proposed rulemaking at 71 FR 67518 must be received on or before February 22, 2007.

**FOR FURTHER INFORMATION CONTACT:** If further questions remain please contact Rockefeller P. Herisse, Ph.D. on 202-712-0064 or [rherisse@usaid.gov](mailto:rherisse@usaid.gov).

Dated: December 1, 2006.

**Marilyn Marton,**

*Director, Office of Small and Disadvantaged Business Utilization (OSDBU).*

[FR Doc. E6-20782 Filed 12-6-06; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 660**

[Docket No. 061113298-6298-01; I.D. 110106A]

**RIN 0648-AU91**

**Fisheries Off West Coast States; Highly Migratory Species Fisheries**

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

**ACTION:** Proposed rule; request for comments.