

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

47 CFR PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Montana, is amended by adding Channel *240C3 at Bozeman.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98-13564 Filed 5-20-98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[MM Docket No. 98-15; RM-9142]

Radio Broadcasting Services; Brinkley and Colt, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document reallots Channel 272C2 from Brinkley to Colt, Arkansas, and modifies the authorization of East Arkansas Broadcasters, Inc. for Station KQMC-FM to specify operation on Channel 272C2 at Colt, Arkansas, as requested, pursuant to the provisions of Section 1.420(i) of the Commission's Rules. See 63 FR 7361, February 13, 1998. The allotment of Channel 272C2 to Colt will provide that community with its first local aural transmission facility without depriving Brinkley of local aural service. Coordinates used for Channel 272C2 at Colt are 34-58-10 NL and 90-51-07 WL. With this action, the proceeding is terminated.

EFFECTIVE DATE: June 29, 1998.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 98-15, adopted May 6, 1998, and released May 15, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW.,

Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 reads as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by removing Channel 272C2 at Brinkley and adding Colt, Channel 272C2.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98-13563 Filed 5-20-98; 8:45 am]

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**48 CFR Parts 1842 and 1853****Revision to the NASA FAR Supplement on Contractor Performance Information**

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Interim rule.

SUMMARY: This is an interim rule amending the NASA FAR Supplement (NFS) to implement FAR requirement to evaluate contractor performance. Since the changes either conform NASA procedures to those of the FAR, implement FASA-related FAR changes, or affect acquisition procedures to the extent that immediate adoption is necessary, NASA is issuing the changes as an interim rule, with an effective date 60 days after publication.

DATES: This rule is effective July 20, 1998. All comments on this interim rule should be in writing and must be received by July 20, 1998.

ADDRESSES: Paul Brundage, Code HK, NASA Headquarters, 300 E Street, SW, Washington, DC 20456-0001.

FOR FURTHER INFORMATION CONTACT: Paul Brundage, (202) 358-0481.

SUPPLEMENTARY INFORMATION:

Background

FAR 42.15 requires that Federal agencies evaluate contract performance for each contract in excess of \$100,000. NASA is amending the NFS to provide specific internal procedures for accomplishing this evaluation.

Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This interim rule does not impose any reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

Lists of Subjects in 48 CFR Parts 1842 and 1853

Government procurement.

Deidre Lee,

Associate Administrator for Procurement.

Accordingly, 48 CFR Parts 1842 and 1853 are amended as follows:

1. The authority citation for 48 CFR Parts 1842 and 1853 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1842—CONTRACT ADMINISTRATION**Subpart 1842.15 [Added]**

2. Subpart 1842.15 is added to read as follows:

Subpart 1842.15—Contractor Performance Information

Sec.

1842.1501 General.

1842.1502 Policy.

1842.1503 Procedures.

1842.1501 General.

Communications with contractors are vital to improved performance and this is NASA's primary objective in evaluating past performance. Other objectives include providing data for both future source selections and for reports under NASA's Contractor Performance Assessment Program (CPAP). While the evaluations must reflect both shortcomings and achievements during performance, they should also elicit from the contractors their views on impediments to improved performance emanating from the Government or other sources.

1842.1502 Policy. (NASA Supplement paragraph (a))

(a) Within 60 days of every anniversary of the award of a contract having a term exceeding one year, contracting officers shall conduct interim evaluations of performance on

contracts subject to FAR subpart 42.15 and this subpart. The final evaluation shall cover only the last period of performance (i.e., it shall not be cumulative).

1842.1503 Procedures. (NASA Supplement paragraphs (a), (b), and (c))

(a) The contracting officer shall determine who (e.g., the technical office or end users of the products or services) evaluates appropriate portions of the contractor's performance. The evaluations are subjective in nature. Nonetheless, the contracting officer, who has responsibility for the evaluations, shall ensure that they are reasonable.

(b) NASA Form 1680, entitled, "Evaluation of Performance," shall be used to document evaluations. This provides for a five-tiered rating (using the definitions for award fee evaluation scoring found in 1816.405-275) covering the following attributes: quality, timeliness, price or control of costs (not required for firm-fixed-price contracts or firm-fixed-price contracts with economic price adjustment), and other considerations. Evaluations used in determining award fee payments satisfy the requirements of this subpart and do not require completion of NASA Form 1680. In addition, hybrid contracts containing both award fee and non-award fee portions do not require completion of NASA Form 1680.

(c) Contracting Officers shall ensure that the Government discusses all evaluations with contractors and shall record the date and the participants on the evaluation form. Contracting officers shall sign and date the evaluation after considering any comments received from the contractor within 30 days of the contractor's receipt of the evaluation. If a contractor in its timely comments disagrees with an evaluation and requests a review at a level above the contracting officer, it shall be provided within 30 days. While the FAR forbids use of the evaluations for source selections more than three years after contract completion, they shall nevertheless be retained in the contract file as provided in FAR 4.8, Government Contract Files.

PART 1853—FORMS

1853.242-72 [Added]

3. Section 1853.242-72 is added to read as follows:

1853.242-72 Evaluation of Performance (NASA Form 1680).

NASA Form 1680, Evaluation of Performance. Prescribed in 1842.1503.

[FR Doc. 98-13511 Filed 5-20-98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 970129015-8123-06; I.D. 042798B]

RIN 0648-A184

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Pacific Offshore Cetacean Take Reduction Plan Regulations; Technical Amendment

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

ACTION: Final rule; technical amendment.

SUMMARY: NMFS issues this document to correct and clarify the meaning of a final rule to reduce bycatch of several marine mammal stocks that occur incidental to fishing for swordfish and thresher shark with drift gillnet gear offshore California and Oregon. These amendments are nonsubstantive.

DATES: Effective May 21, 1998.

FOR FURTHER INFORMATION CONTACT: Irma Lagomarsino, NMFS, Southwest Region, 562-980-4016; or Victoria Cornish, NMFS, Office of Protected Resources, 301-713-2322.

SUPPLEMENTARY INFORMATION:

Background

On October 3, 1997 (62 FR 51805), NMFS published a final rule requiring new training, equipment, and gear modifications for operators and vessels in the California/Oregon drift gillnet fishery for thresher shark and swordfish to reduce the mortality and serious injury of several marine mammal stocks that occurs incidental to fishing operations. The regulatory text was codified in subpart C of 50 CFR part 229.

Amendments to 50 CFR Part 229

NMFS has determined that the meaning of term "extender" might be unclear to some readers. An "extender" is a line that attaches a buoy (float) to a drift gillnet's floatline. To clarify this

term, NMFS is adding a definition for "extender" to § 229.31(b).

Since floatlines are attached at the top of drift gillnets, the length of extender lines determine the depth in the water column at which the net is fished. NMFS intended the final rule to require that all extenders used in the fishery be at least 6 fathoms (36 ft., 10.9 m) long because the length of extenders controls the depth the net is fished in the water column. The depth of the net in the water column is correlated with marine mammal bycatch; observer data indicate that nets deployed shallower in the water column entangle more marine mammals. However, the word, "all" was inadvertently omitted from the regulatory text. NMFS is clarifying that "all" extenders deployed must be at least 6 fathoms (36 ft., 10.9 m) long during all sets under § 229.31(b). Accordingly, since floatlines are attached to the top of the nets, all floatlines must be fished at a minimum of 36 feet (10.9 m) below the surface of the water.

NMFS is removing the outdated reference to "October 30, 1997" under § 229.31(c)(2).

Also, in the same section, the final rule requires that, while at sea, drift gillnet vessels with multifilament gillnets on board must carry enough pingers to meet the configuration requirements set forth under § 229.31(c)(3). The goal of this requirement is to facilitate enforcement of the pinger requirement during at-sea boardings by enforcement agents onto drift gillnet vessels that are not actively fishing. The term "multifilament" was intended to identify the typical gear type used in the fishery and not to describe a narrow class of fishing vessels. NMFS believes that any vessel that could potentially fish in the fishery should have the required number of pingers on board at all times while at sea. To ensure that the final rule remains inclusive, NMFS is deleting the term "multifilament" under § 229.31(c)(2).

NMFS is also adding a figure to part 229 which illustrates the pinger configuration and extender requirements (see figure 1).

Classification

The Assistant Administrator for Fisheries, NOAA (AA) has determined that this final rule, technical amendment, makes only minor, non-substantive changes and does not change operating practices in the fishery. Therefore, there is good cause under 5 U.S.C. 553(b)(B) to waive the requirement for prior notice and an opportunity for public comment. Such