

(2) Items identified for deferral decisions are addressed in a timely manner; and

(3) The contractor periodically updates the make-or-buy plan based on changed circumstances or significant new work.

#### 970.15407-2-3 Contract clause.

The contracting officer shall insert the clause at 48 CFR (DEAR) 970.5204-76, Make-or-Buy Plan, in management and operating contracts.

#### 970.3102 Application of cost principles [Amended]

10. Subsection 970.3102-1 is amended at paragraph (c) by: revising "970.1509-1" to read "970.15404-4-1"; revising "970.1509-4" to read "970.15404-4-4"; and revising "970.1509-5" to read "970.15404-4-5".

11. Subsection 970.3102-15 is amended at paragraphs (b)(1) and (b)(2) by revising "FAR 15.8" to read "48 CFR (FAR) Subpart 15.4".

12. Section 970.5202 is revised to read as follows:

#### 970.5202 Deviations.

Deviations from FAR and DEAR contract clauses and solicitation provisions shall be made only in accordance with the deviation procedures of 48 CFR (FAR) Subpart 1.4 and written internal Departmental procedures.

#### 970.5204 [Amended].

13. Subsection 970.5204-9 is amended in the NOTE following paragraph (a) by revising "52.215-22" to read "52.215-11".

14. Subsection 970.5204-15 is amended in the prescriptive text by revising "970.1508(c)" to read "970.15405(c)".

15. Subsection 970.5204-22 in the clause, paragraph (f)(1), is amended by revising the dollar amount "\$25,000" to read "\$100,000", revising (f)(2), redesignating (f)(3) as (f)(4), and adding new (f)(3) to read as follows:

#### 970.5204-22 Contractor purchasing system.

\* \* \* \* \*

#### Contractor Purchasing System (Oct 1995)

\* \* \* \* \*

(f) \* \* \*

(2) For fixed-price, unit-priced and cost reimbursement construction subcontracts in excess of \$100,000 a payment bond shall be obtained on Standard Form 25A modified to name the contractor as well as the United States of America as obligees. The penal

amounts shall be determined in accordance with 48 CFR (FAR) 28.102-2(b).

(3) For fixed-price, unit-priced and cost-reimbursement construction subcontracts, greater than \$25,000, but not greater than \$100,000, the contractor shall select two or more of the payment protections at 48 CFR (FAR) 28.102-1(b), giving particular consideration to the inclusion of an irrevocable letter of credit as one of the selected alternatives.

\* \* \* \* \*

16. Subsection 970.5204-44 in the clause, is amended in paragraph (b)(5) by replacing "970.1508-1" with "970.15406-2"; replacing "52.215-22" with "52.215-10"; and replacing "52.215-23" with "52.215-11".

17. Subsection 970.5204-54 is revised in the prescriptive text by replacing "970.1509-8(d)" with "970.15404-4-8(d)".

18. Subsection 970.5204-76 is revised in the prescriptive text by replacing "970.1507-3" with "970.15407-2-3".

[FR Doc. 98-28239 Filed 10-22-98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 971015246-7293-02; I.D. 101998M]

#### Fisheries of the Northeastern United States; Summer Flounder Fisheries; Readjustment to the 1998 Commercial State Quota for North Carolina

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

**ACTION:** Commercial quota adjustment.

**SUMMARY:** NMFS announces an adjustment to the 1998 summer flounder commercial quota for North Carolina. The North Carolina adjustment complies with a court order setting aside the 1997 overage, which had been deducted from the 1998 quota earlier this year. The public is advised that the quota adjustment has been made and is informed of the revised quota.

**DATES:** Effective October 20, 1998, through December 31, 1998.

**FOR FURTHER INFORMATION CONTACT:** Myles Raizin, Fisheries Management Specialist, 978-281-9326.

#### SUPPLEMENTARY INFORMATION:

Regulations implementing summer flounder management measures are found at 50 CFR part 648, subparts A and G. The regulations require annual specification of a commercial quota that is apportioned among the Atlantic coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.100. Section 648.100(d)(2) provides that all landings for sale in a state shall be applied against that state's annual commercial quota. Any landings in excess of the state's quota must be deducted from that state's annual quota for the following year.

The final specifications for the 1998 summer flounder fishery (62 FR 66304, December 18, 1997), adopted to ensure achievement of a fishing mortality rate (F) of 0.24 for 1998, set a total commercial quota equal to 11,105,636 lb (5.0 million kg). In the preamble to the rule implementing these specifications, NMFS noted that associated adjustments to states' 1998 quotas would be required as a result of any landings in excess of the 1997 quota. Two adjustments were made to the 1998 state commercial quotas, effective January 16, 1998 (63 FR 3478, January 23, 1998) and April 23, 1998 (63 FR 23227, April 28, 1998) to reflect updated 1997 landings. This resulted in an overage of 399,740 lb (181,319 kg) for North Carolina for 1998.

The adjustment in this notification to the North Carolina quota is required by a court order. In response to a lawsuit filed by the North Carolina Fisheries Association, Inc., Georges Seafood, Inc., and the State of North Carolina, the United States District Court for the Eastern District of Virginia, Norfolk Division, on September 28, 1998, ordered that the 1997 overage for the North Carolina summer flounder fishery be set aside. Therefore, this adjustment subtracts 399,740 lb (181,319 kg) from North Carolina's 1997 overage and adds this amount to the 1998 North Carolina quota for summer flounder, revising it from 2,649,849 lb (1,201,951 kg) to 3,049,589 lb (1,383,270 kg) and total coastwide readjusted quota for summer flounder are revised from 10,558,994 lb (4,789,479 kg) to 10,958,734 lb (4,972,102 kg). Table 1. displays the current 1998 quotas resulting from this readjustment to the North Carolina quota.

TABLE 1.—SUMMER FLOUNDER FINAL READJUSTED 1998 QUOTAS

State	Unadjusted 1998 quota <sup>1</sup>		Adjusted 1998 quota <sup>2</sup>		Final readjusted 1998 quota	
	lb	(Kg) <sup>3</sup>	lb	(Kg)	lb	(Kg)
ME .....	5,284	2,397	4,791	2,173	4,791	2,173
NH .....	51	23	51	23	51	23
MA .....	757,841	343,751	721,889	327,448	721,899	327,448
RI .....	1,742,583	790,422	1,742,583	790,422	1,742,583	790,422
CT .....	250,791	113,757	250,791	113,757	250,457	113,605
NY .....	849,680	385,408	788,282	357,559	788,282	357,559
NJ .....	1,858,363	842,939	1,858,363	842,939	1,858,363	842,940
DE .....	<sup>4</sup> (3,685)	(1,671)	(14,534)	(6,593)	(14,534)	(6,593)
MD .....	226,570	102,770	199,876	90,662	199,876	90,662
VA .....	2,368,569	1,074,365	2,357,377	1,069,288	2,357,377	1,069,288
NC .....	3,049,589	1,383,270	2,649,849	1,201,951	3,049,589	1,383,270
Total .....	11,105,636	5,037,432	10,558,994	4,789,479	10,958,734	4,972,102

<sup>1</sup> As published on December 18, 1997 (62 FR 6304).

<sup>2</sup> As published on April 28, 1998 (63 FR 23227).

<sup>3</sup> Kilograms are as converted from pounds, and may not necessarily add due to rounding.

<sup>4</sup> Parentheses indicate a negative number.

### Classification

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12866.

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

Dated: October 20, 1998.

**Andrew A. Rosenberg,**

*Deputy Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

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