

**SUMMARY:** The Director of Defense Procurement is adopting as final, without change, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS). The rule implements Section 213 of the Strom Thurmond National Defense Authorization Act of Fiscal Year 1999. Section 213 requires that, for each contract entered into on a cost-sharing basis under the Manufacturing Technology Program, the ratio of contract recipient cost to Government cost must be determined by competitive procedures.

**EFFECTIVE DATE:** September 21, 1999.

**FOR FURTHER INFORMATION CONTACT:** Ms. Melissa Rider, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-4245; telefax (703) 602-0350. Please cite DFARS Case 98-D306.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

This rule adopts as final, without change, the interim rule published at 64 FR 18829 on April 16, 1999. The rule implements Section 213 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261).

DoD received one comment in response to the interim rule and considered that comment in the development of the final rule.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

**B. Regulatory Flexibility Act**

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the only new requirement for offerors is the inclusion of a cost-sharing ratio in proposals under the Manufacturing Technology Program. This change is not expected to significantly alter the procedures for award of contracts under the Manufacturing Technology Program since the DFARS already requires the use of cost-sharing arrangements under the Program.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

**List of Subjects in 48 CFR part 235**

Government procurement.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

**Interim Rule Adopted as Final Without Change**

Accordingly, the interim rule amending 48 CFR Part 235, which was published at 64 FR 18829 on April 16, 1999, is adopted as a final rule without change.

[FR Doc. 99-24387 Filed 9-20-99; 8:45 am]

BILLING CODE 5000-04-M

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Parts 1811, 1812, 1813, 1815, 1816, 1837, 1842, 1847, and 1852**

**Revisions to the NASA FAR Supplement on Brand Name or Equal Procedures**

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the NASA FAR Supplement (NFS) to remove brand name or equal guidance no longer necessary as a result of FAR changes contained in Federal Acquisition Circular (FAC) 97-12. This rule also makes editorial corrections and miscellaneous changes dealing with NASA internal and administrative matters.

**EFFECTIVE DATE:** September 21, 1999.

**FOR FURTHER INFORMATION CONTACT:** James H. Dolvin, NASA Headquarters, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546, (202) 358-1279, e-mail: jdolvin1@mail.hq.nasa.gov.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

FAC 97-12, dated June 17, 1999, contains guidance for use of brand name or equal procedures at FAR 11.4, Use of brand name or equal purchase descriptions, and a corresponding solicitation provision at FAR 52.211-6, Brand Name or Equal. The NASA FAR Supplement already has almost identical guidance at 1811.104-70, Brand name or equal purchase descriptions, and a solicitation provision at 1852.211-70, Brand Name or Equal. Because of this resulting duplication, the NFS coverage in Parts 1811 and 1852 is being removed in its entirety. Other editorial changes unrelated to brand name or equal

guidance are made to: correct clause and referenced document titles; correct listing of clauses authorized for use in acquisition of commercial items; update the agency program coordinator for the Governmentwide commercial purchase card; allow electronic submission of RFPs for Headquarters review; and correct the numbering within Section 1842.202.

**B. Regulatory Flexibility Act**

This rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98-577, and publication for public comment is not required. However, comments from small entities concerning the affected NFS subparts will be considered in accordance with 5 U.S.C. 601. Such comments must be submitted separately and should cite 5 U.S.C. 601, *et seq.*

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the changes to the NFS does not impose recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

**List of Subjects in 48 CFR Parts 1811, 1812, 1813, 1815, 1816, 1837, 1842, 1847, and 1852**

Government procurement.

**Tom Luedtke,**

*Associate Administrator for Procurement.*

Accordingly, 48 CFR Parts 1811, 1812, 1813, 1815, 1816, 1837, 1842, 1847, and 1852 are amended as follows:

1. The authority citation for 48 CFR Parts 1811, 1812, 1813, 1815, 1816, 1837, 1842, 1847, and 1852 continues to read as follows:

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

**PART 1811—DESCRIBING AGENCY NEEDS**

2. Subpart 1811.1 is removed.

**PART 1812—ACQUISITION OF COMMERCIAL ITEMS**

3. In section 1812.301, paragraph (f)(i)(J) is removed, and the designated paragraph (f)(i)(K) is redesignated as (f)(i)(J), and paragraph (f)(i)(E) is revised to read as follows:

**1812.301 Solicitation provisions and contract clauses for the acquisition of commercial items.**

(f)(i) \* \* \*

(E) 1852.219-76, NASA 8 Percent Goal.

**PART 1813—SIMPLIFIED ACQUISITION PROCEDURES**

4–5. In section 1813.301–73, paragraph (a) is revised to read as follows:

**1813.301–73 Program officials.**

(a) The Langley Research Center, Office of Procurement (Code AG), is the agency program coordinator.

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**PART 1815—CONTRACTING BY NEGOTIATION**

6. Section 1815.203–71 is revised to read as follows:

**§ 1815.203–71 Headquarters reviews.**

For RFPs requiring Headquarters review and approval, the procurement officer shall submit an electronic copy of the RFP to the Associate Administrator for Procurement (Code HS). Any significant information relating to the RFP or the planned evaluation methodology omitted from the RFP itself should also be provided.

**PART 1816—TYPES OF CONTRACTS**

7. In section 1816.505, paragraph (b)(4) is redesignated as paragraph (b)(6).

8. In section 1816.506–70, the reference “(See NHB 9501.2)” is revised to read “(see NPG 9501.2, NASA Contractor Financial Management Reporting System)”.

**PART 1837—SERVICE CONTRACTING**

9. In section 1837.203, the reference “(see NMI 3304.1, Employment of Experts and Consultants)” is revised to read “(see NPD 3000.1, Management of Human Resources)”.

**PART 1842—CONTRACT ADMINISTRATION AND AUDIT SERVICES**

10. In section 1842.202, paragraph (b)(1) is redesignated as (b)(i).

**PART 1847—TRANSPORTATION**

11. Section 1847.200–70 is revised to read as follows:

**1847.200–70 Charter of aircraft.**

When acquiring aircraft by charter, contracting officers shall comply with NPG 7900.3, Aircraft Operations Management.

**PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

12. Section 1852.211–70 is removed.

[FR Doc. 99–24361 Filed 9–20–99; 8:45 am]  
BILLING CODE 7510–01–P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 635**

[I.D. 091599A]

**Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna**

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

**ACTION:** Adjustment of General category daily retention limit on previously designated restricted-fishing days.

**SUMMARY:** NMFS has determined that the Atlantic bluefin tuna (BFT) General category restricted-fishing day (RFD) schedule should be adjusted, i.e., certain RFDs should be waived, in order to allow for maximum utilization of the General category quota. Therefore, NMFS increases the daily retention limit from zero to one large medium or giant BFT on the following previously-designated RFDs for 1999: September 19, 20, 26, and 27, and October 1.

**DATES:** Effective September 16, 1999.

**FOR FURTHER INFORMATION CONTACT:** Pat Scida or Brad McHale, 978–281–9260.

**SUPPLEMENTARY INFORMATION:** Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. General category effort controls (including time-period subquotas and RFDs) are specified annually under §§ 635.23(a) and 635.27(a). The 1999 General category effort controls were implemented June 1, 1999 (64 FR 29806, June 3, 1999).

**Adjustment of Daily Retention Limit for Selected Dates**

Under § 635.23 (a)(4), NMFS may increase or decrease the daily retention limit of large medium and giant BFT over a range from zero (on RFDs) to a maximum of three per vessel to allow for maximum utilization of the quota for BFT.

Based on a review of dealer reports, daily landing trends, and the availability of BFT on the fishing grounds, NMFS has determined that adjustment to the RFD schedule, and, therefore, an increase of the daily retention limit for selected, previously designated RFDs, is necessary. Therefore, NMFS adjusts the daily retention limit for September 19, 20, 26, and 27, and October 1, to one large medium or giant BFT per vessel. October 1 was designated as an RFD to facilitate enforcement of the October reopening after an anticipated closure in September. However, since the September subquota will most likely not be reached, it is no longer necessary for October 1 to be an RFD. Note that NMFS is not waiving the “market-smart” RFDs on Wednesdays in September that correspond to Japanese market closures (September 22 and 29).

The intent of this adjustment is to allow for maximum utilization of the General category quota (specified under § 635.27(a)) in order to help achieve optimum yield in the fishery, to collect a broad range of data for stock monitoring purposes, and to be consistent with the objectives of the HMS FMP.

**Classification**

This action is taken under § 635.23(a)(4) and is exempt from review under E.O. 12866.

**Authority:** 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: September 16, 1999.

**Gary C. Matlock,**

*Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 99–24566 Filed 9–16–99; 2:01 pm]

BILLING CODE 3510–22–F

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 660**

[Docket No. 981231333–8333–01; I.D. 091399D]

**Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Fixed Gear Sablefish Mop-Up**

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

**ACTION:** Announcement of fixed gear sablefish mop-up fishery; fishing restrictions, request for comments.