

labeled with the name of the person making the submission and, if applicable, his or her title and organization. Either the document itself or a cover letter must also include the name of the person making the submission, his or her title and organization (if the submission is on behalf of an organization), mailing address, telephone number, telefax number (if any) and e-mail address (if any). The document itself must be in a single file in either (1) Adobe Portable Document File (PDF) format (preferred); (2) Microsoft Word Version 7.0 or earlier; (3) WordPerfect Version 7 or earlier; (4) ASCII text file format; or (5) Rich Text File (RTF) format.

3. *If by print only:* Anyone who is unable to submit a comment in electronic form should submit an original and fifteen paper copies by hand or by mail to the appropriate address listed above. It may not be feasible for the Office to place these comments on its website.

All written comments (in electronic or nonelectronic form) should contain the name of the person making the submission, his or her title and organization (if the submission is on behalf of an organization), mailing address, telephone number, telefax number (if any) and e-mail address (if any). All written comments must at a minimum contain the name of the person making the submission.

The Office has already received some comments designated as "reply comments." Persons submitting comments should note that a comment should not be designated as a "reply comment" unless submitted in response to one or more initial comments made by other persons. Moreover, reply comments, which are now due on March 20, 2000, should not be submitted until after the February 17, 2000 deadline for submission of initial comments.

Dated: February 8, 2000.

**David O. Carson,**

*General Counsel.*

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## DEPARTMENT OF DEFENSE

### 48 CFR Part 215

#### Defense Federal Acquisition Regulation Supplement; Profit Policy

**AGENCY:** Department of Defense (DoD).

**ACTION:** Advance notice of proposed rulemaking and notice of public meeting.

**SUMMARY:** The Acting Director of Defense Procurement is soliciting comments from both government and industry personnel regarding potential changes to the profit policy specified in the Defense Federal Acquisition Regulation Supplement (DFARS). The changes would increase the emphasis placed on technical risk as a factor in developing objective profit amounts. DoD will conduct a public meeting to discuss the potential changes as well as the comments received in response to this notice.

**DATES:** *Public Meeting:* The public meeting will be conducted at the address shown below on February 23, 2000, from 9:00 a.m. to 12:00 p.m., local time.

*Submission of Names of Expected Attendees:* The names of individuals expected to attend the public meeting should be submitted to the point of contact shown below no later than February 18, 2000, 4:00 p.m., local time.

*Submission of Comments:* Written comments on the potential DFARS changes should be submitted to the address shown below no later than February 17, 2000.

**ADDRESSES:** *Public Meeting:* The public meeting will be conducted at the Headquarters, Defense Logistics Agency, Command Conference Room (Room 2419), 8725 John J. Kingman Road, Fort Belvoir, Virginia.

*Submission of Names of Expected Attendees:* The names of individuals expected to attend the public meeting should be submitted to Mr. Robert Bemben, by telephone, FAX, mail, or e-mail at the phone number or address specified below. Walk-in attendance will be accommodated. However, pre-registration is desired, as the names of pre-registrants will be provided to building security to facilitate building access.

*Submission of Comments:* Interested parties should submit written comments to: Mr. Robert Bemben, PDUSD (AT&L) DP/CPF, 3060 Defense Pentagon, Washington, DC 20301-3060. E-mail comments should be sent to [bembenrj@acq.osd.mil](mailto:bembenrj@acq.osd.mil). Comments should be accompanied by supporting rationale for any proposed changes.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Bemben, by telephone at (703) 695-9764; by FAX at (703) 693-9616; or by e-mail at [bembenrj@acq.osd.mil](mailto:bembenrj@acq.osd.mil).

#### SUPPLEMENTARY INFORMATION:

##### A. Draft Materials

The potential changes to the DFARS are available in draft form electronically in Microsoft Word 6.0 text format at the Cost, Pricing, and Finance Office

Internet Home Page: <http://www.acq.osd.mil/dp/cpf>.

**Note:** The draft changes do not reflect a proposed rule; they are provided for information and discussion purposes only.

Paper copies may be obtained from the point of contact specified herein.

#### B. Background

Section 813 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) directed the Secretary of Defense to review the DoD profit guidelines to consider whether appropriate modifications, such as placing increased emphasis on technical risk as a factor for determining appropriate profit margins, would provide an increased profit incentive for contractors to develop and produce complex and innovative new technologies.

Section 813 further required the Secretary of Defense to make any changes to the profit guidelines that the Secretary determines to be necessary and to report to Congress on the results of the review.

A review of the DoD profit policy has identified potential changes to the DFARS that would increase the emphasis placed on technical risk as a factor in developing objective profit amounts. The purpose of this notice is to provide the public with a preliminary indication of changes under consideration, and to solicit comments and suggestions on those changes. After consideration of the comments submitted in writing and those offered at the public meeting, the Director of Defense Procurement may submit a draft proposed rule to the Defense Acquisition Regulations (DAR) Council for consideration. The DAR Council will publish any resulting proposed rule for additional public comments.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

[FR Doc. 00-3141 Filed 2-9-00; 8:45 am]

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## DEPARTMENT OF DEFENSE

### 48 CFR Part 252

[DFARS Case 99-D025]

#### Defense Federal Acquisition Regulation Supplement; Contract Drawings, Maps, and Specifications

**AGENCY:** Department of Defense (DoD).

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

**SUMMARY:** The Acting Director of Defense Procurement is proposing to

amend the Defense Federal Acquisition Regulation Supplement (DFARS) to revise a clause used in construction contracts. The revised clause would explicitly allow the Government to furnish drawings and specifications to construction contractors in electronic form and would require construction contractors to reproduce and print contract drawings and specifications as needed.

**DATES:** Comments on the proposed rule should be submitted in writing to the address shown below on or before April 10, 2000, to be considered in the formation of the final rule.

**ADDRESSES:** Interested parties should submit written comments on the proposed rule to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD (AT&L)JDP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax (703) 602-0350.

E-mail comments submitted via the Internet should be addressed to: [dfars@acq.osd.mil](mailto:dfars@acq.osd.mil)

Please cite DFARS Case 99-D025 in all correspondence related to this proposed rule. E-mail correspondence should cite DFARS Case 99-D025 in the subject line.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, (703) 602-0288.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

DoD uses the clause at DFARS 252.236-7001, Contract Drawings, Maps, and Specifications, in fixed-price construction contracts. The clause presently states that the Government will provide five sets (unless another quantity is specified) of large-scale drawings and specifications to the contractor without charge; or, at the Government's option, may furnish the contractor with one set of reproducible, or half-size drawings. This rule proposes to revise the clause to specify that the Government will provide one set of large-scale drawings and specifications to the contractor in electronic or paper media, as chosen by the contracting officer, and that the contractor will reproduce and print contract drawings and specifications as needed.

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

**B. Regulatory Flexibility Act**

The proposed rule is not expected to 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 reproduction and printing of contract drawings and specifications normally does not constitute a significant cost, and the contractor can include this cost in the contract price. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 99-D025.

**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 252**

Government procurement.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

Therefore, DoD proposes to amend 48 CFR Part 252 as follows:

1. The authority citation for 48 CFR Part 252 continues to read as follows:

**Authority:** 41 U.S.C. 421 and 48 CFR Chapter 1.

**PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

2. Section 252.236-7001 is revised to read as follows:

**252.236-7001 Contract Drawings, Maps, and Specifications.**

As prescribed in 236.570(a), use the following clause:

Contract Drawings, Maps, and Specifications (XXX 2000)

- (a) The Government—
- (1) Will provide to the Contractor, without charge, one set of large-scale contract drawings and specifications, except publications incorporated into the technical provisions by reference; and
  - (2) Will provide the drawings and specifications in electronic or paper media, as chosen by the Contracting Officer.
- (b) The Contractor shall—
- (1) Check all drawings furnished immediately upon receipt;
  - (2) Compare all drawings and verify the figures before laying out the work;
  - (3) Promptly notify the Contracting Officer of any discrepancies;
  - (4) Be responsible for any errors that might have been avoided by complying with this paragraph (b); and
  - (5) Reproduce and print contract drawings and specifications as needed.

(c) In general—

(1) Large-scale drawings shall govern small-scale drawings; and

(2) The Contractor shall follow figures marked on drawings in preference to scale measurements.

(d) Omissions from the drawings or specifications or the misdescription of details of work that are manifestly necessary to carry out the intent of the drawings and specifications, or that are customarily performed, shall not relieve the Contractor from performing such omitted or misdescribed details of the work. The Contractor shall perform such details as if fully and correctly set forth and described in the drawings and specifications.

(e) The work shall conform to the specifications and the contract drawings identified on the following index of drawings:

Title  
File  
Drawing No.  
(End of clause)

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[I.D. 020200A]

**Fisheries of the Northeastern United States; Atlantic Herring Fishery; Scoping Process**

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

**ACTION:** Notice of intent to prepare a supplemental environmental impact statement (SEIS) and notice of scoping process; request for comments.

**SUMMARY:** The New England Fishery Management Council (Council) announces its intent to prepare an amendment to the Fishery Management Plan (FMP) for Atlantic Herring (*Clupea harengus*) and to prepare an SEIS, if necessary, to analyze the impacts of any proposed management measures. The Atlantic States Marine Fisheries Commission (Commission), under the authority of the Atlantic Coastal Fisheries Cooperative Management Act, may also prepare an amendment to its Interstate Fishery Management Plan for Atlantic Sea Herring. The Council and the Commission also formally announce a public process to determine the scope of alternatives to be addressed in the SEIS. The purpose of this notification is to alert the interested public of the commencement of the scoping process