

219.201 General policy.

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(d) For the defense agencies, the director of the Office of Small and Disadvantaged Business Utilization must be appointed by, be responsible to, and report directly to the director or deputy director of the defense agency.

(8) The responsibility for assigning small business technical advisors is delegated to the head of the contracting activity.

(10) Contracting activity small business specialists perform this function by—

(A) Reviewing and making recommendations for all acquisition over \$10,000;

(B) Making the review before issue of the solicitation or contract modification and documenting it on DD Form 2579, Small Business Coordination Record; and

(C) Referring recommendations that have been rejected by the contracting officer to the Small Business Administration (SBA) procurement center representative. However, if an SBA representative is not assigned or available, the specialist refers the matter to the specialist's appointing authority.

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1842

Final Indirect Cost Rates

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This is a final rule amending the NASA FAR Supplement (NFS) to provide guidance on when NASA participation should occur in the determination of final indirect cost rates.

EFFECTIVE DATE: October 25, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Le Cren, NASA Headquarters, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546, telephone: (202) 358-0444, e-mail: joseph.lecren@hq.nasa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

A NASA Office of Inspector General report interpreted the coverage at NFS 1842.705-1 to always require NASA participation in final indirect cost rate

determinations where the agency has a major financial interest. The intent of the coverage was that NASA should participate in final indirect cost rate determinations when invited by the cognizant contracting officer, and the issues involved would have a significant financial impact on the agency. NASA should not participate when the issues would not have a significant impact on the agency. The NFS revision more clearly communicates this intent. The NFS revision also specifies that, in cases where the issues involved in the final indirect cost rate determination would have a significant financial impact on the agency and a decision is made not to participate, the decision needs to be communicated to the cognizant contracting officer.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Pub. L. 98-577, and publication for public comments is not required. However, comments from small entities concerning the affected NFS subpart will be considered in accordance with 5 U.S.C. 610. 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 do 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 Part 1842

Government procurement.

Tom Luedtke,

Associate Administrator for Procurement.

Accordingly, 48 CFR Part 1842 is amended as follows:

1. The authority citation for 48 CFR Part 1842 continues to read as follows:

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

PART 1842—CONTRACT ADMINISTRATION AND AUDIT SERVICES

2. Revise section 1842.705-1 to read as follows:

1842.705-1 Contracting officer determination procedure.

(b) *Procedures.*

(3)(i) When NASA is not the cognizant Federal agency, NASA should participate with the cognizant contracting officer (or cognizant Federal

agency official) in the final indirect cost rate determination procedure where the issues involved would have a significant financial impact on the agency. The NASA participant should be a representative from that installation providing the preponderance of NASA funding. If a determination is made that NASA's participation is not warranted, that decision must be communicated to the cognizant contracting officer (or cognizant Federal agency official).

(ii) When NASA is the cognizant Federal agency, settlement of indirect costs should be conducted by the cognizant NASA contracting officer (normally from the installation providing the preponderance of NASA funding).

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[I.D. 101700B]

Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna

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

ACTION: Retention limit adjustment.

SUMMARY: NMFS adjusts the daily retention limit for the Angling category fishery for Atlantic bluefin tuna (BFT) in all areas to two school BFT, measuring 27 to less than 47 inches (69 to less than 119 cm) curved fork length, and two BFT from either the large school or small medium size class, measuring 47 to less than 73 inches (119 to less than 150 cm) curved fork length, per vessel from October 22, 2000, through November 26, 2000. In addition, NMFS is making subsequent adjustments to the daily retention limit. This action is being taken to provide increased fishing and data collection opportunities in all areas without risking overharvest of this category.

DATES: Effective 1 a.m., local time, October 22, 2000, until 11:30 p.m., local time, November 26, 2000, the daily retention limit in all areas is adjusted to two school BFT and two large school or small medium BFT.

Effective November 27, 2000, the daily retention limit in all areas is adjusted to one large school or small medium BFT until May 31, 2001.

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 under the Magnuson-Stevens Fishery Conservation and Management 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.

Implementing regulations for the Atlantic tuna fisheries at 50 CFR 635.23 allow for adjustments to the daily retention limits in order to provide for maximum utilization of the quota spread over the longest possible period of time. NMFS may increase or reduce the per-angler retention limit for any size class BFT or may change the per-angler limit to a per-boat limit or the per-boat limit to a per-angler limit. In addition, NMFS may make closures or changes to a retention limit effective in certain areas and/or regions.

NMFS is responsible for implementing a recommendation of the International Commission for the Conservation of Atlantic Tunas (ICCAT) to limit the catch of school BFT to no more than 8 percent by weight of the total domestic quota over each 4-consecutive-year period. NMFS implements this ICCAT recommendation through annual and inseason adjustments to the school BFT landings and school BFT reserve categories, as necessary, and through the establishment of a school BFT reserve (64 FR 29090, May 28, 1999; 65 FR 42883, July 12, 2000). The recent ICCAT recommendation allows NMFS more flexibility to make interannual adjustments for overharvests and underharvests, provided that the 8-percent landings limit is met over the applicable 4-consecutive-year period. This approach provides NMFS with the flexibility to enhance fishing opportunities and the collection of information on a broad range of BFT size classes and responds to requests from the recreational fishing community for more advance notice of retention limit adjustments and greater stability and certainty in planning for the fishing season.

Over the last several years, NMFS has received comments from Angling category fishermen that the implementation of an increased daily retention limit over a date-certain

period is preferable to a longer season with a lower daily retention limit as it facilitates the scheduling of fishing trips, particularly charter trips. In 2000, as in 1999, NMFS increased the daily retention limit for two date-certain time periods, and comments from Angling category participants have been positive. The most recent period with an increased daily retention limit was September 1 through October 15, 2000, when the limit was two school BFT and two large school or small medium BFT per vessel, in all areas.

Preliminary Large Pelagic Survey estimates of landings for June through October 1, 2000, indicate that approximately 16.3 metric tons (mt) of school BFT and approximately 37.8 mt of large school or small medium BFT have been landed. These figures are approximately 12.0 and 15.7 percent of the 2000 Angling category quotas for school and large school or small medium BFT, respectively, as established on July 12, 2000 (65 FR 42883) and subsequently adjusted by an inseason transfer of 60 mt from the Angling North large school or small medium subcategory to the General category.

Since October 16, 2000, the daily retention limit has been set at one large school or small medium BFT per vessel. Considering the relatively low landings to date, the availability of quota, and recent reports that BFT are still available to anglers in portions of the mid-Atlantic fishing area, NMFS has determined that an increase to the Angling category daily retention limit is warranted. Consistent with the objectives of the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks, such an increase would allow for maximum utilization of the U.S. landings quota of BFT while maintaining a fair distribution of fishing opportunities, would help achieve optimum yield in the Angling category fishery, and would help collect a broad range of data for stock monitoring purposes.

Effective October 22, 2000, through November 26, 2000, the BFT Angling category daily retention limit for all areas will be two school BFT and two BFT from either the large school or small medium size class per vessel. After November 26, 2000, the daily retention limit for all areas will be one large school or small medium BFT per vessel. The daily retention limit and the

duration of daily retention limit adjustment have been selected based on an examination of past and current catch and effort rates. NMFS will continue to monitor the Angling category fishery closely through the Automated Landings Reporting System, the state harvest tagging programs in North Carolina and Maryland, and the Large Pelagic Survey. Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that an interim closure or additional retention limit adjustment, in all or some areas, is necessary to enhance scientific data collection and fishing opportunities. Additionally, NMFS may determine that an allocation from the school BFT reserve is warranted to further fishery management objectives.

Closures or subsequent adjustments to the daily retention limit, if any, shall be announced through publication in the **Federal Register**. In addition, anglers may call the Atlantic Tunas Information Line at 888-USA-TUNA (888-872-8862) or 978-281-9305 for updates on quota monitoring and retention limit adjustments. Anglers aboard Charter/Headboat category vessels, when engaged in recreational fishing for school, large school, and small medium BFT are subject to the same rules as anglers aboard Angling category vessels. All BFT landed under the Angling category quota must be reported within 24 hours of landing to the NMFS Automated Landings Reporting System by calling 888-USA-TUNA (888-872-8862) or, if landed in the states of North Carolina or Maryland, to a reporting station prior to offloading. Information about these state harvest tagging programs, including reporting station locations, can be obtained in North Carolina by calling (800) 338-7804, and in Maryland by calling (410) 213-1531.

Classification

This action is taken under 50 CFR 635.23(b)(3). This action is exempt from review under Executive Order 12866.

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

Dated: October 19, 2000.

Dean Swanson,

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