

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

PART 212—ACQUISITION OF COMMERCIAL ITEMS

2. Section 212.102 is revised to read as follows:

212.102 Applicability.

(a)(i) In accordance with Section 821 of the National Defense Authorization Act for Fiscal Year 2001 (Pub. L. 106-398), the contracting officer also may use FAR Part 12 for any performance-based contracting for services if the contract or task order—

(A) Is not awarded using the procedures in FAR Subpart 13.5;

(B) Is entered into on or before October 30, 2003;

(C) Has a value of \$5 million or less;

(D) Meets the definition of performance-based contracting at FAR 2.101;

(E) Uses quality assurance surveillance plans;

(F) Includes performance incentives where appropriate;

(G) Specifies a firm-fixed price; and

(H) Is awarded to an entity that provides similar services at the same time to the general public under terms and conditions similar to those in the contract or task order.

(ii) In exercising the authority specified in paragraph (a)(i) of this section, the contracting officer should tailor paragraph (a) of the clause at FAR 52.212-4 as may be necessary to ensure the contract's remedies adequately protect the Government's interests.

PART 226—OTHER SOCIOECONOMIC PROGRAMS

3. Section 226.104 is revised to read as follows:

226.104 Contract clause.

Use the clause at 252.226-7001, Utilization of Indian Organizations and Indian-Owned Economic Enterprises—DoD Contracts, in solicitations and contracts for supplies or services that—

(1)(i) Are other than commercial items; or

(ii) Qualify to use FAR Part 12 procedures solely through the authority in 212.102; and

(2) Are expected to exceed the simplified acquisition threshold.

[FR Doc. 02-27108 Filed 10-24-02; 8:45 am]

BILLING CODE 5001-08-P

DEPARTMENT OF DEFENSE

48 CFR Part 252

[DFARS Case 2002-D028]

Defense Federal Acquisition Regulation Supplement; Caribbean Basin Country—Honduras

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to add Honduras to the list of Caribbean Basin countries whose products DoD may acquire under the Trade Agreements Act, in accordance with a determination of the United States Trade Representative.

EFFECTIVE DATE: October 25, 2002.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations Council, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0328; facsimile (703) 602-0350. Please cite DFARS Case 2002-D028.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends the clauses at DFARS 252.225-7007, Buy American Act-Trade Agreements—Balance of Payments Program, and 252.225-7021, Trade Agreements, to add Honduras to the definition of "Caribbean Basin country." The rule implements the direction of the United States Trade Representative to treat the products of Honduras as eligible products in acquisitions subject to the Trade Agreements Act (67 FR 46239, July 12, 2002).

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

B. Regulatory Flexibility Act

This rule will not have a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating procedures of DoD. Therefore, publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2002-D028.

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, 48 CFR Part 252 is amended 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

252.225-7007 [Amended]

2. Section 252.225-7007 is amended as follows:

a. By revising the clause date to read "(OCT 2002)"; and

b. In paragraph (a)(1) by adding, in alphabetical order, "Honduras" to the list of countries.

252.225-7021 [Amended]

3. Section 252.225-7021 is amended as follows:

a. By revising the clause date to read "(OCT 2002)"; and

b. In paragraph (a)(1) by adding, in alphabetical order, "Honduras" to the list of countries.

[FR Doc. 02-27105 Filed 10-24-02; 8:45 am]

BILLING CODE 5001-08-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 020430101-2101-01; I.D. 101102F]

Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 16-Adjustment of the Commercial Fishery from the Oregon-California Border to the Humboldt South Jetty

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

ACTION: Inseason adjustment; request for comments.

SUMMARY: NMFS announces that the commercial salmon fishery in the area from the Oregon-California Border to the Humboldt South Jetty, was modified to

close at midnight on Friday, September 20, 2002, and then reopen Thursday, September 26, 2002, through midnight on Friday, September 27, 2002. On September 19, 2002, the Northwest Regional Administrator, NMFS (Regional Administrator), determined that available catch and effort data indicated that the quota of 10,000 chinook salmon would be reached by September 20, 2002. However, after reevaluating the available catch and effort data on September 24, 2002, it was found that there was enough salmon left in the chinook quota to allow an additional 2 days of fishing. These actions were necessary to conform to the 2002 management goals.

DATES: Closure in the area from the Oregon-California Border to the Humboldt South Jetty effective 2359 hours local time (l.t.), September 20, 2002;

Reopening in the area from the Oregon-California Border to the Humboldt South Jetty effective 0001 hours l.t., September 26, 2002, through 2359 hours l.t., September 27, 2002, after which the fishery will remain closed until opened through an additional inseason action, which will be published in the **Federal Register** for the west coast salmon fisheries, or until the effective date of the year 2003 management measures.

Comments will be accepted through November 12, 2002.

ADDRESSES: Comments on this action must be mailed to D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115-0070; or faxed to 206-526-6376; or Rod McInnis, Acting Regional Administrator, Southwest Region, NMFS, NOAA, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4132; or faxed to 562-980-4018. Comments will not be accepted if submitted via e-mail or the Internet. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

FOR FURTHER INFORMATION CONTACT: Christopher Wright, 206-526-6140.

SUPPLEMENTARY INFORMATION: The Regional Administrator modified the season for the commercial salmon fishery in the area from the Oregon-California Border to the Humboldt South Jetty, to close at midnight on Friday, September 20, 2002, and then reopen Thursday, September 26, 2002, through midnight on Friday, September 27, 2002. On September 19, 2002, the Northwest Regional Administrator,

NMFS (Regional Administrator), determined that available catch and effort data indicated that the quota of 10,000 chinook salmon would be reached by September 20, 2002. However, after reevaluating the available catch and effort data on September 24, 2002, it was found that there was enough salmon left in the chinook quota to allow an additional 2 days of fishing. Automatic season closures based on quotas are authorized by regulations at 50 CFR 660.409(a)(1), and modification of fishing seasons is authorized by regulations at 50 CFR 660.409(b)(1)(i).

In the 2002 annual management measures for ocean salmon fisheries (67 FR 30616, May 7, 2002), NMFS announced the commercial fishery for all salmon except coho in the area from the Oregon-California Border to the Humboldt South Jetty would open August 16, 2002, through the earlier of August 30, 2002, or an 3,000-chinook quota, and September 1, 2002, through the earlier of September 30, 2002, or a 10,000-chinook quota. The area also had a possession and landing limit of 40 fish per day, with all fish required to be landed within the area and within 24 hours of any closure of the fishery.

On September 19, 2002, the Regional Administrator consulted with representatives of the Pacific Fishery Management Council (Council) and the California Department Fish and Game (CDFG) by conference call. Information related to catch to date, the chinook catch rate, and effort data indicated that it was likely that the chinook quota would be reached by Friday, September 20, 2002. As a result, the State of California recommended, and the Regional Administrator concurred, that the area from the Oregon-California Border to the Humboldt South Jetty close effective at midnight on Friday, September 20, 2002. All other restrictions that apply to this fishery remained in effect as announced in the 2002 annual management measures. In addition, the parties agreed to reevaluate the fishery the following week and assess the possibility of further open fishing periods if the catch estimates turned out to be low.

On September 24, 2002, the Regional Administrator again consulted with representatives of the Council and the CDFG by conference call. Information related to catch to date, the chinook catch rate, and effort data indicated that there was enough chinook left in the quota to allow 2 more days of fishing. As a result, the State of California recommended, and the Regional Administrator concurred, that the commercial salmon fishery in the area

from the Oregon-California Border to the Humboldt South Jetty should be modified to reopen Thursday, September 26, 2002, through midnight on Friday, September 27, 2002, to access the available chinook left in the quota. In addition, the landing restriction language was modified to a possession and landing limit of 40 fish per day, with no vessel landing or delivering more than 80 chinook for the entire 2 day open period, all fish required to be landed within the area and within 24 hours of the fishery closure. Additionally, salmon caught outside the open area were not allowed to be landed in the area until after midnight on Saturday, September 28, 2002. This final modification was needed to clarify the intent of the landing restriction and minimize complications related to catch accounting that may result from landing salmon from outside the catch area. All other restrictions that applied to this fishery remained in effect as announced in the 2002 annual management measures and subsequent inseason actions.

The Regional Administrator determined that the best available information indicated that the catch and effort data, and projections, supported the above inseason actions recommended by the States. The States manage the fisheries in State waters adjacent to the areas of the U.S. exclusive economic zone in accordance with this Federal action. As provided by the inseason notice procedures of 50 CFR 660.411 (a)(2), actual notice to fishers of the above described actions were given prior to the effective dates by telephone hotline number 206-526-6667 and 800-662-9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz.

These actions do not apply to other fisheries that may be operating in other areas.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B), or delaying the effectiveness of this rule for 30 days under 5 U.S.C. 553(d)(3), because such notification and delay is impracticable and contrary to the public interest. As previously noted, actual notice of these actions was provided to fishers through telephone hotline and radio notification. These actions comply with the requirements of the annual management measures for ocean salmon fisheries (67 FR 30616, May 7, 2002) and the West

Coast Salmon Plan. Prior notice and opportunity for public comment is impracticable because NMFS and the State agencies have insufficient time to provide for prior notice and the opportunity for public comment between the time the fishery catch and effort data are collected to determine the extent of the fisheries, and the time the limits to which the fishery must be in place. Moreover, such prior notice and

the opportunity for public comment is contrary to the public interest because it does not allow fishers appropriately controlled access to the available fish at the time they are available.

The AA finds good cause to waive the 30-day delay in effectiveness required under 5 U.S.C. 553(d)(3). A delay in effectiveness of this action would not allow fishers appropriately controlled access to the available fish at the time they are available.

This action is authorized by 50 CFR 660.409 and 660.411 and is exempt from review under Executive Order 12866.

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

Dated: October 21, 2002.

Bruce C. Morehead,

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

[FR Doc. 02-27262 Filed 10-24-02; 8:45 am]

BILLING CODE 3510-22-S