

Government under cost-sharing contracts when evaluating proposed subcontractors or consenting to a subcontract during contract administration, where the subcontractor is a wholly-owned subsidiary of the prime. The vulnerability consists of the subsidiary earning a large amount of fee, which could be returned to the prime through stock dividends or other intercompany transactions. This could circumvent the objective of a cost-sharing contract.

1516.303-77 Administrative requirements.

(a) The initial Procurement Request shall reflect the total estimated cost of the cost-sharing contract. The face page of the contract award shall indicate the total estimated cost of the contract, the Contractor's share of the cost, and the Government's share of the cost.

(b) The manner of cost-sharing and how it is to be accomplished shall be set forth in the contract. Additionally, contracts which provide for cost-sharing shall require the contractor to maintain records adequate to reflect the nature and extent of their cost-sharing as well as those costs charged the Agency. Such records may be subject to an Agency audit.

3. Section 1516.307 is amended to add paragraph (c) to read as follows:

1516.307 Contract clauses.

* * * * *

(c) The Contracting Officer shall insert the clause at 1552.216-75, Estimated Cost and Cost-Sharing, in solicitations and contracts where the total incurred costs are shared by the contractor on a straight percentage basis. The Contracting Officer may develop other clauses, as appropriate, following the same approach, but reflecting different cost-sharing arrangements negotiated on specific contract actions.

4. Subpart 1516.3 is amended by adding section 1516.370 to read as follows:

1516.370 Solicitation provision.

The solicitation document shall state whether any cost-sharing is required, and may set forth a target level of cost-sharing. Although technical considerations are normally most important, the degree of cost-sharing may be considered in a selection decision when cost becomes a determinative factor in a selection decision.

5. Part 1552 is amended to add section 1552.216-75 to read as follows:

1552.216-75 Estimated cost and cost-sharing.

As prescribed in 1516.307(c), insert a clause to read substantially the same as follows:

Estimated Cost and Cost-Sharing (Aug 1995)

(a) The total estimated cost of performing the work under this contract is \$_____. The Contractor's share of this cost shall not exceed \$_____. The Government's share of this cost shall not exceed \$_____.

(b) For performance of the work under the contract, the Contractor shall be reimbursed for not more than _____ percent of the cost of performance determined to be allowable under the Allowable Cost and Payment clause. The remaining balance of allowable cost shall constitute the Contractor's share.

(c) Fee shall not be paid to the prime contractor under this cost-sharing contract.

(d) The Contractor shall maintain records of all costs incurred and claimed for reimbursement as well as any other costs claimed as part of its cost share. Those records shall be subject to audit by the Government.

(e) Costs contributed by the Contractor shall not be charged to the Government under any other contract, grant or agreement (including allocation to other contracts as part of an independent research and development program) nor be included as contributions under any other Federal contract.

(End of Clause)

Dated: August 9, 1995.

Jeanette L. Brown,

Acting Director, Office of Acquisition Management.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 95-65; Notice 1]

RIN 2127-AF72

Federal Motor Vehicle Safety Standards; Air Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Request for comments; correction.

SUMMARY: On July 24, 1995, NHTSA published a document requesting comments about devices that remove water and other contaminants from air brake systems. The agency has since learned that the docket number in the heading of that document is incorrect. (60 FR 37864) Today's document corrects the docket number to read

“[Docket No. 95-65; Notice 1]”. The July 24, 1995 document had read “[Docket No. 95-57; Notice 1]”.

EFFECTIVE DATE: The correction to the July 24, 1995 document is effective on August 17, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Carter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202-366-5274).

Issued on August 11, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[I.D. 081195A]

Summer Flounder Fishery; Notice of Availability; Amendment 7

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

ACTION: Notice of availability of an amendment to a fishery management plan and request for comments.

SUMMARY: NMFS issues this notice to advise the public that the Mid-Atlantic Fishery Management Council (Council) has submitted Amendment 7 to the Fishery Management Plan for Summer Flounder (FMP) for Secretarial review and is requesting comments from the public. The Amendment would revise the fishing mortality rate reduction schedule for summer flounder. Copies of the Amendment may be obtained from the Council (see ADDRESSES).

DATES: Comments must be received on or before October 10, 1995.

ADDRESSES: Send comments to Dr. Andrew Rosenberg, Regional Director, National Marine Fisheries Service, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930-3799. Mark the outside of the envelope “Comments on Summer Flounder Plan.”

Copies of Amendment 7, the environmental assessment and the regulatory impact review are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115,

Federal Building, 300 S. New Street,
Dover, DE 19904-6790.

FOR FURTHER INFORMATION CONTACT:
Regina L. Spallone, Fishery Policy
Analyst, 508-281-9221.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Magnuson Act) requires that each fishery management council submit any fishery management plan or plan amendment it prepares to the Secretary of Commerce (Secretary) for review and approval, disapproval, or partial disapproval. The Magnuson Act also requires that the Secretary, upon receiving the plan or amendment, immediately make a preliminary evaluation of whether the Amendment is sufficient to warrant continued review, and publish a notice that the plan or amendment is available for public review and comment. The Secretary will consider the public comments in determining whether to approve the amendment.

Amendment 2 to the FMP enacted a broad spectrum of measures to stop overfishing and allow the stock to rebuild. These measures include a fishing mortality rate (F) reduction schedule. The reduction schedule was set at F of 0.53 for 1993-1995, and F_{max} (0.23) in 1996 and thereafter. F_{max} is the biological reference point that corresponds to the level of fishing mortality that produces the maximum yield per recruit. The schedule was developed and adopted by the Council and the Atlantic States Marine Fisheries

Commission (ASMFC) after lengthy deliberations. It was deemed an appropriate balance between effective reduction in fishing mortality and short-term economic burdens placed on participants in the fishery.

The Council and ASMFC conducted analyses of the fishing mortality rate reduction schedules during the development of Amendment 2. Based on these analyses, the Council believed that by the fourth year of the rebuilding schedule (1996), the level of rebuilding in the stock would offset any significant reductions in the total coastwide commercial and recreational quota (quota). That is, it was assumed that the stock growth from years 1 to 3 would be large enough that by 1996, the quota would not be significantly different from the 1995 level even with the reduction in the mortality rate.

However, although the stock has rebuilt from its 1989 low level, it has not recovered to the extent projected. Lower than expected recruitment levels in 1993, and redirected exploitation patterns on more ages 0 and 1 fish, produced a higher F than expected. Thus, in order to reach the target F of 0.23 in 1996, the resulting quota would be approximately 11 million pounds (4,990 mt), or about a 50% reduction from the 1995 quota. Because of the magnitude of this reduction, and the resulting short-term negative economic burdens on industry, the Council and ASMFC initiated a reexamination of the fishing mortality rate reduction schedule for summer flounder.

Amendment 7, if approved, would revise the fishing mortality rate reduction schedule for summer flounder by deferring attainment of F_{max} until 1998. This will allow for more stable landings from one year to the next. This change will alleviate short-term negative economic impacts on the industry, yet slow the rate of stock rebuilding only slightly. The Council and ASMFC have adopted the following strategy: the fishing mortality rate would be reduced from the 1995 target (0.53) to 0.41 in 1996, 0.3 in 1997, and F_{max} in 1998 and beyond. In addition, the Amendment specifies that the quota for 1996 and 1997 could not exceed 18.51 million pounds (8,400 mt). This cap on the quota could result in an F in 1996 and 1997 lower than 0.41 and 0.3 respectively, but would not exceed these values. A quota level above the cap could be set in 1996 or 1997 only if the resulting quota had an associated F of 0.23.

The receipt date for this Amendment is August 10, 1995. Proposed regulations to implement this Amendment are scheduled to be published within 15 days of the receipt date.

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

Dated: August 11, 1995.

Richard W. Surdi,

*Acting Director, Office of Fisheries
Conservation and Management, National
Marine Fisheries Service.*

[FR Doc. 95-20377 Filed 8-14-95; 3:19 pm]

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