

here are a breakout of the numbers already entered in Sections B and C.

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22. Section 253.213 is amended by revising the section heading; by redesignating paragraph (e) as paragraph (f); and in newly designated paragraph (f) by revising the introductory text of (f) and paragraph (f)(i) to read as follows:

253.213 Simplified acquisition procedures (SF's 18, 30, 44, 1165, 1449, and OF's 336, 347, and 348).

(f) DoD uses the DD Form 1155, Order for Supplies or Services, instead of OF 347; and OF 336, Continuation Sheet, instead of OF 348.

(i) Use the DD Form 1155 as prescribed in 213.307(b)(i) and in accordance with the instructions at 253.213-70.

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DEPARTMENT OF DEFENSE

48 CFR Parts 225 and 252

[DFARS Case 98-D310]

Defense Federal Acquisition Regulation Supplement; Para-Aramid Fibers and Yarns

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: The Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 807 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999. Section 807 sets forth conditions under which DoD may procure articles containing para-aramid fibers and yarns manufactured in certain foreign countries.

DATES: Effective date: January 15, 1999.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before March 16, 1999, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD(A&T) DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax (703) 602-0350.

E-mail comments submitted over the Internet should be addressed to: dfars@acq.osd.mil

Please cite DFARS Case 98-D310 in all correspondence related to this issue. E-mail comments should cite DFARS Case 98-D310 in the subject line.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602-0131.

SUPPLEMENTARY INFORMATION:

A. Background

The "Berry Amendment" (10 U.S.C. 2241 note) restricts the procurement of foreign synthetic fabric or coated synthetic fabric, including textile fibers and yarns for use in such fabrics. Section 807 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) provides that the Secretary of Defense may waive the foreign source restrictions for para-aramid fibers and yarns under certain conditions. This interim rule amends DFARS 225.7002-2 and the clause at 252.225-7012 to implement Section 807.

B. Regulatory Flexibility Act

This interim 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 only known U.S. manufacturer of para-aramid fibers and yarns is DuPont, which is a large business. An initial regulatory flexibility analysis has, therefore, not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 98-D310 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this 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.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish this interim rule prior to affording the public an opportunity to comment. This interim rule implements Section 807 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, which sets forth conditions under which DoD may procure articles containing para-aramid fibers and yarns manufactured in certain foreign countries. Section 807 became

effective on October 17, 1998.

Comments received in response to the publication of this interim rule will be considered formulating the final rule.

List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 225 and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 225 and 252 continues to read as follows:

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

PART 225—FOREIGN ACQUISITION

2. Section 225.7002-2 is amended by adding paragraph (k) to read as follows:

225.7002-2 Exceptions.

* * * * *

(k) Purchases of articles containing para-aramid fibers and yarns manufactured in a qualifying country (see 225.872) if the Secretary of Defense makes a determination in accordance with Section 807 of Pub. L. 105-261 that—

(1) Procuring articles that contain only para-aramid fibers and yarns manufactured from suppliers within the United States or its possessions would result in sole source contracts or subcontracts for the supply of such para-aramid fibers and yarns;

(2) Such sole source contracts or subcontracts would not be in the best interest of the Government or consistent with the objectives of the Competition in Contracting Act (10 U.S.C. 2304); and

(3) The qualifying country permits U.S. firms that manufacture para-aramid fibers and yarns to compete with foreign firms for the sale of para-aramid fibers and yarns in that country.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 252.225-7012 is amended by revising the clause date; in paragraph (b)(3) by removing "or" at the end; in paragraph (b)(4)(iv) by removing the period and adding in its place "; or"; and by adding paragraph (b)(5) to read as follows:

252.225-7012 Preference for certain domestic commodities.

* * * * *

Preference for Certain Domestic Commodities (Jan 1999)

* * * * *

(b) * * *

(5) To purchases of articles containing para-aramid fibers and yarns manufactured in a country listed in subsection 225.872-1 of the Defense FAR Supplement, if the Secretary of Defense makes a determination for such purchases in accordance with Section 807 of Pub. L. 105-261.

(End of clause)

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DEPARTMENT OF DEFENSE**48 CFR Part 253**

[DFARS Case 97-D024]

Defense Federal Acquisition Regulation Supplement; Order for Supplies or Services

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update instructions for completion of a form that DoD contracting officers use to place orders for supplies and services.

EFFECTIVE DATE: January 15, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 97-D024.

SUPPLEMENTARY INFORMATION:**A. Background**

This final rule amends DFARS 253.213-70 to update instructions for completion of DD Form 1155, Order for Supplies or Services. The amendments address use of the form for purchases under blanket purchase agreements, and make other minor editorial changes.

B. Regulatory Flexibility Act

The final 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 DFARS subpart will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 97-D024.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final 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 253

Government procurement.

Michele P. Peterson,*Executive Editor, Defense Acquisition Regulations Council.*

Therefore, 48 CFR Part 253 is amended as follows:

1. The authority citation for 48 CFR Part 253 continues to read as follows:

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

PART 253—FORMS

2. Section 253.213-70 is amended in paragraph (e) by revising the introductory text and the entries for Blocks 1, 2, 3, and 13 to read as follows:

253.213-70 Instructions for completion of DD Form 1155.

* * * * *

(e) Instructions for DD Form 1155 entries. (Instructions apply to purchase orders, delivery orders, and calls, except Block 2, which applies only to delivery orders and calls, and Block 12, which applies only to purchase orders.)

Block

1 Contract/Purch Order/Agreement No.—Enter the Procurement Instrument Identification (PII) number and, when applicable, the supplementary identification number for contracts, purchase orders, and agreements as prescribed in Subpart 204.70.

2 Delivery Order/Call No.—Enter the PII number for delivery orders/calls, when applicable, as prescribed in Subpart 204.70.

3 Date of Order/Call—Enter the four position numeric year, three position alpha month, and two position numeric day.

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13 Mail Invoices to the Address in Block—Enter a reference to the block number containing the address to which invoices are to be mailed. When not in Block 6, 7, 14, or 15, insert in Block 13, "see schedule."

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 648**

[I.D. 010699B]

Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Summer Flounder Commercial Quota Transfer from North Carolina to Virginia

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

ACTION: Commercial quota transfer.

SUMMARY: NMFS announces that the State of North Carolina is transferring 5,000 lb (2,268 kg) of commercial summer flounder quota to the Commonwealth of Virginia from its 1999 quota. NMFS adjusted the quotas and announces the revised commercial quota for each state involved.

DATES: Effective January 12, 1999, through December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Mary M. Grim, Fishery Management Specialist, (978) 281-9326.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.100.

The initial total commercial quota for summer flounder for the 1999 calendar year was set equal to 11,111,191 lb (5,039,951 kg) (63 FR 72203, December 31, 1998). The resulting quota for Virginia is 2,368,569 lb (1,074,365 kg) and for North Carolina is 3,049,589 lb (1,383,270 kg).

The final rule implementing Amendment 5 to the Summer Flounder Fishery Management Plan (FMP) was published December 17, 1993 (58 FR 65936), and allows two or more states, under mutual agreement and with the concurrence of the Administrator, Northeast Region, NMFS, (Regional Administrator) to transfer or combine summer flounder commercial quota. The Regional Administrator is required to consider the criteria set forth in § 648.100(e)(1) in the evaluation of requests for quota transfers or combinations.

North Carolina has agreed to transfer 5,000 lb (2,268 kg) of its 1999