

DEPARTMENT OF DEFENSE

48 CFR Parts 232 and 252

[DFARS Case 98-D400]

Defense Federal Acquisition Regulation Supplement; Flexible Progress Payments

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 remove references to the flexible progress payments method of contract financing. Prior to issuance of this rule, the DFARS coverage did not permit use of flexible progress payments for contracts awarded as a result of solicitations issued on or after November 11, 1993.

EFFECTIVE DATE: February 23, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Haberlin, 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 98-D400.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule removes references to flexible progress payments from the DFARS. Prior to issuance of this rule, Table 32-1 at DFARS 232.502-1-71 indicated that flexible progress payments were not permitted for contracts awarded as a result of solicitations issued on or after November 11, 1993. Therefore, this rule does not reflect a policy change but merely removes obsolete coverage.

This final rule is unchanged from the proposed rule that was published in the *Federal Register* on September 8, 1998 (63 FR 47460). All comments received in response to the proposed rule were considered in the development of the final rule.

B. Regulatory Flexibility Act

The Department of Defense certifies that this final rule will not 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 most contracts awarded to small entities have a dollar value less than the simplified acquisition threshold, and, therefore, would not use the flexible progress payments method of financing. In addition, prior to

issuance of this rule, flexible progress payments were not permitted for contracts awarded as a result of solicitations issued on or after November 11, 1993.

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 Parts 232 and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 232 and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 232 and 252 continues to read as follows:

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

PART 232—CONTRACT FINANCING

2. Section 232.501 is revised to read as follows:

232.501 General.

232.501-1 [Amended]

3. Section 232.501-1 is amended by removing paragraph (a)(iii).

232.501-2 [Amended]

4. Section 232.501-2 is amended in the second sentence by revising the parenthetical "(232.171)" to read "(see 232.071)".

232.502-1-71 [Removed]

5. Section 232.502-1-71 is removed.

232.502-4-70 [Amended]

6. Section 232.502-4-70 is amended by removing paragraph (b) and redesignating paragraph (c) as paragraph (b).

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.232-7003 [Removed and Reserved]

7. Section 252.232-7003 is removed and reserved.

8. Section 252.232-7004 is amended by revising the introductory text to read as follows:

252.232-7004 DoD progress payment rates.

As prescribed in 232.502-4-70(b), use the following clause:

* * * * *

[FR Doc. 99-4344 Filed 2-22-99; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 981021264-9016-02; I.D. 021799A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea Subarea

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

ACTION: Inseason adjustment; request for comments.

SUMMARY: NMFS closes the directed fishing season for pollock by vessels catching pollock for processing by the mothership component in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). NMFS adjusts the time of closure to prevent the underharvest of the interim A season pollock total allowable catch (TAC) specified to the mothership component for harvest within the Bering Sea subarea.

DATES: Effective 2400 hrs, Alaska local time (A.l.t.), February 17, 1999, until 1200 hrs, A.l.t., August 1, 1999.

ADDRESSES: Comments should be mailed to Susan J. Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, NMFS, P.O. Box 21668, Juneau AK 99802-1668.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.20(a)(5)(i)(C)(3), the revised interim 1999 TAC amounts for pollock in the Bering Sea subarea (64 FR 3437, January 22, 1999), and section 206(b)(3) of the American Fisheries Act, the interim A season TAC of pollock specified as a directed fishing allowance for the mothership component for harvest within the Bering Sea subarea is 33,569 metric tons (mt).

In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance soon will be reached. Consequently, NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the mothership component in the Bering Sea subarea of the BSAI.

Current information shows the catching capacity of vessels catching pollock for processing by the mothership component is in excess of 1,900 mt per day.

Section 679.23(b) specifies that the time of all openings and closures of fishing seasons other than the beginning and end of the calendar fishing year is 1200 hrs, A.l.t. The Administrator, Alaska Region, NMFS, has determined

that the remaining portion of the allocation to the mothership component would be underharvested if a 1200 hrs closure were allowed to occur.

NMFS, in accordance with § 679.25(a)(1)(i), is adjusting the season for pollock by vessels catching pollock for processing by the mothership component in the Bering Sea subarea by closing directed fishing at 2400 hrs, A.l.t., February 17, 1999. NMFS is taking this action to prevent the underharvest of the pollock allocation to vessels catching pollock for processing by the mothership component in the Bering Sea subarea of the BSAI as authorized by § 679.25(a)(2)(i)(C). In accordance with § 679.25(a)(2)(iii), NMFS has determined that closing the season at 2400 hrs on February 17, 1999, is the least restrictive management adjustment to harvest the pollock allocated to vessels catching pollock for processing by the offshore component in the AI of the BSAI and will allow other fisheries to continue in noncritical areas and time periods.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the interim TAC limitations and other restrictions on the fisheries established in the interim 1999 harvest specifications for groundfish for the BSAI. Without this inseason adjustment, the pollock allocation for vessels catching pollock for processing by the offshore component in the AI of the BSAI would be underharvested, resulting in an economic loss of more than \$220,000.

Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until March 10, 1999.

This action is required by § 679.22 and is exempt from review under E.O. 12866.

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

Dated: February 17, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 99-4333 Filed 2-17-99; 4:54 pm]

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