

option prices are significantly unbalanced. Evaluation of options shall not obligate the Government to exercise the option(s).

(End of provision)

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 48 CFR Parts 1847 and 1852

RIN 2700-AC33

#### Shipment by Government Bills of Lading

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Interim rule.

**SUMMARY:** This is an interim rule amending the NASA FAR Supplement (NFS) to specify that shipment by Government Bills of Lading (GBLs) may only be used to ship international and domestic overseas items deliverable under contracts. All other shipments shall be made via Commercial Bills of Lading (CBLs).

**DATES:** *Effective Date:* This interim rule is effective June 6, 2002.

*Applicability Date:* This amendment applies to all contracts awarded on or after the effective date.

*Comment Date:* Comments should be submitted to NASA at the address below on or before August 5, 2002, to be considered in the formulation of a final rule.

**ADDRESSES:** Interested parties should submit written comments to Lou Becker, NASA Headquarters, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546. Comments may also be submitted by e-mail to [lbecker@hq.nasa.gov](mailto:lbecker@hq.nasa.gov).

**FOR FURTHER INFORMATION CONTACT:** Lou Becker, (202) 358-4593, or [lbecker@hq.nasa.gov](mailto:lbecker@hq.nasa.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

Effective March 31, 2002, the General Services Administration (GSA) is retiring the use of Optional Form 1103, U.S. Government Bill of Lading (GBL) and Optional Form 1203, U.S. Government Bill of Lading—Privately Owned Personal Property (PPGBL) for domestic shipments. This interim rule amends the NFS to comply with Federal Management Regulation (FMR) Part 102-117 (41 CFR 102-117), Transportation Management, published in the Federal Register on October 6, 2000 (65 FR 60060), and FMR Part 102-

118 (41 CFR 102-118), Transportation Payment and Audit, published in the **Federal Register** on April 26, 2000 (65 FR 24568). NASA clause 1852.247-73 is revised to change the title to "Bills of Lading," and indicate that GBLs may only be used to ship international and domestic overseas items deliverable under contracts, and all other domestic shipments shall be made via Commercial Bills of Lading (CBL).

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This interim rule is not a major rule under 5 U.S.C. 804.

##### B. Regulatory Flexibility Act

NASA certifies that this interim 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 the change only affects contracts where the point of delivery for domestic shipments of items deliverable under a contract is f.o.b. origin.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, does not apply because the changes to the NFS do not impose recordkeeping or information collection requirements, or collections of information for offerors, contractors, or members of the public which require the approval of the Office of Management and Budget.

##### D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Administrator of the National Aeronautics and Space Administration (NASA) that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary to amend shipping instructions that are now obsolete as a result of changes to the Federal Management Regulation (FMR) Part 102-117 (41 CFR 102-117), Transportation Management, published in the **Federal Register** on October 6, 2000 (65 FR 60060), and FMR Part 102-118 (41 CFR 102-118), Transportation Payment and Audit, published in the **Federal Register** on April 26, 2000 (65 FR 24568).

### List of Subjects in 48 CFR Parts 1847 and 1852

Government Procurement.

**Scott Thompson,**

*Acting Assistant Administrator for Procurement.*

Accordingly, 48 CFR Parts 1847 and 1852 are amended as follows:

1. The authority citation of 48 CFR Parts 1847 and 1852 continues to read as follows:

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

#### PART 1847—TRANSPORTATION

2. In section 1847.305-70, revise paragraph (b) to read as follows:

**1847.305-70 NASA contract clauses.**

\* \* \* \* \*

(b) The contracting officer shall insert a clause substantially as stated at 1852.247-73, Bills of Lading, in f.o.b. origin solicitations and contracts.

#### PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Revise section 1852.247-73 to read as follows:

**1852.247-73 Bills of Lading.**

As prescribed in 1847.305-70(b), insert a clause substantially as follows:

##### Bills of Lading (JUN 2002)

The purpose of this clause is to define when a commercial bill of lading or a government bill of lading is to be used when shipments of deliverable items under this contract are f.o.b. origin.

(a) *Commercial Bills of Lading.* All domestic shipments shall be made via commercial bills of lading (CBLs). The Contractor shall prepay domestic transportation charges. The Government shall reimburse the Contractor for these charges if they are added to the invoice as a separate line item supported by the paid freight receipts. If paid receipts in support of the invoice are not obtainable, a statement as described below must be completed, signed by an authorized company representative, and attached to the invoice.

"I certify that the shipments identified below have been made, transportation charges have been paid by (company name), and paid freight or comparable receipts are not obtainable.

Contract or Order Number: \_\_\_\_\_

Destination: \_\_\_\_\_".

(b) *Government Bills of Lading.* (1) International (export) and domestic overseas shipments of items deliverable under this contract shall be made by Government bills of lading (GBLs). As used in this clause, "domestic overseas" means non-continental United States, i.e. Hawaii, Commonwealth of Puerto Rico, and possessions of the United States.

(2) At least 15 days before shipment, the Contractor shall request in writing GBLs from: \_\_\_\_\_ [Insert name, title, and mailing address of designated transportation officer or other official delegated responsibility for GBLs]. If time is limited, requests may be by telephone: \_\_\_\_\_ [Insert appropriate telephone number]. Requests for GBLs shall include the following information.

- (i) Item identification/ description.
  - (ii) Origin and destination.
  - (iii) Individual and total weights.
  - (iv) Dimensional Weight.
  - (v) Dimensions and total cubic footage.
  - (vi) Total number of pieces.
  - (vii) Total dollar value.
  - (viii) Other pertinent data.
- (End of clause)

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 011109274-1301-02; I.D. 053102C]

#### Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 2 Period

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

**ACTION:** Closure.

**SUMMARY:** NMFS announces that the black sea bass commercial quota available in the Quarter 2 period to the coastal states from Maine through North Carolina has been harvested. Commercial vessels may not land black sea bass in these states north of 35°15.3' N. lat. for the remainder of the 2002 Quarter 2 quota period (through June 30, 2002). Regulations governing the black sea bass fishery require publication of this notification to advise the coastal states from Maine through North Carolina that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no commercial quota is available for landing black sea bass in these states north of 35°15.3' N. lat.

**DATES:** Effective 0001 hrs local time, June 7, 2002, through 2400 hrs local time, June 30, 2002.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Pearson, Fishery Policy Analyst, at (978) 281-9279.

**SUPPLEMENTARY INFORMATION:** Regulations governing the black sea bass fishery are found at 50 CFR part 648.

The regulations require annual specification of a commercial quota that is allocated into four quota periods, based upon percentages of the annual quota. The Quarter 2 (April through June) commercial quota is distributed to the coastal states from Maine through North Carolina. The process to set the annual commercial quota is described in § 648.140.

The total commercial quota for black sea bass for the 2002 calendar year was initially set at 3,332,000 lb (1,511,370 kg) and then adjusted downward to 3,294,758 lb (1,494,477 kg) for research quota set-asides (66 FR 66351; December 26, 2001). The Quarter 2 period quota, which is equal to 29.26 percent of the annual commercial quota, is 964,046 lb (437,284 kg). The quota allocation was adjusted downward to compensate for 2001 Quarter 2 landings in excess of the 2001 Quarter 2 quota, consistent with the procedures in § 648.140. The final adjusted 2002 Quarter 2 quota is 856,208 lb (388,369 kg).

The Regional Administrator, Northeast Region, NMFS (Regional Administrator) monitors the commercial black sea bass quota for each quota period by means of dealer reports, state data, and other available information to determine when the commercial quota has been harvested. NMFS is required to publish a notification in the **Federal Register** advising and notifying commercial vessels and dealer permit holders that, effective upon a specific date, the black sea bass commercial quota has been harvested and no commercial quota is available for landing black sea bass for the remainder of the Quarter 2 period, north of 35°15.3' N. lat. The Regional Administrator has determined, based upon dealer reports and other available information, that the black sea bass commercial quota for the 2002 Quarter 2 period has been harvested.

The regulations at § 648.4(b) provide that Federal black sea bass moratorium permit holders agree, as a condition of the permit, not to land black sea bass in any state after NMFS has published a notification in the **Federal Register** stating that the commercial quota for the period has been harvested and that no commercial quota for black sea bass is available. The Regional Administrator has determined that the Quarter 2 period for black sea bass no longer has commercial quota available. Therefore, effective 0001 hrs local time, June 7, 2002, further landings of black sea bass in coastal states from Maine through North Carolina, north of 35°15.3' N. lat., by vessels holding commercial Federal fisheries permits are prohibited through

June 30, 2002. The 2002 Quarter 3 period for commercial black sea bass harvest will open on July 1, 2002. Effective June 7, 2002, federally permitted dealers are also advised that they may not purchase black sea bass from federally permitted black sea bass moratorium permit holders who land in coastal states from Maine through North Carolina, north of 35°15.3' N. lat., for the remainder of the Quarter 2 period (through June 30, 2002).

The regulations at § 648.4(b) also provide that, if the commercial black sea bass quota for a period is harvested and the coast is closed to the possession of black sea bass north of 35°15.3' N. lat., any vessel owners who hold valid commercial permits for both the black sea bass and the NMFS Southeast Region snapper-grouper fisheries may surrender their black sea bass moratorium permit by certified mail addressed to the Regional Administrator (see table 1 at § 600.502) and fish pursuant to their snapper-grouper permit, as long as fishing is conducted exclusively in waters, and landings are made, south of 35°15.3' N. lat. A moratorium permit for the black sea bass fishery that is voluntarily relinquished or surrendered will be reissued upon the receipt of the vessel owner's written request after a minimum period of 6 months from the date of cancellation.

#### Classification

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12866.

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

Dated: May 21, 2002.

**John H. Dunnigan,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 020215032-2127-02; I.D. 110701D]

RIN 0648-AP59

#### Fisheries of the Northeastern United States; Final 2002 Specifications for the Atlantic Bluefish Fishery

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