

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

1. The authority citation for part 101-47 is revised to read as follows:

Authority: 40 U.S.C. 486(c).

2. Section 101-47.303-4 is amended by revising paragraph (c) and adding paragraph (d) to read as follows:

§ 101-47.303-4 Appraisal.

* * * * *

(c) The disposal agency shall have the property appraised by experienced and qualified persons familiar with the types of property to be appraised by them. If the property is included in or eligible for inclusion on the National Register of Historic Places, the appraisal should consider the effect of historic covenants on fair market value.

(d) *Appraisal confidentiality.* Appraisals, appraisal reports, appraisal analyses, and other pre-decisional documents obtained in accordance with this subpart are confidential and for the use of authorized personnel of Government agencies having a need for such information. Further, such information shall not be divulged prior to the delivery and acceptance of the deed. Any person engaged to collect or evaluate information pursuant to this paragraph shall certify that there is no interest, direct or indirect, in the property which would conflict in any manner with the preparation and submission of an impartial appraisal report.

Dated: April 20, 1999.

David J. Barram,

Administrator of General Services.

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DEPARTMENT OF DEFENSE**48 CFR Part 207**

[DFARS Case 99-D012]

Defense Federal Acquisition Regulation Supplement; Contract Actions for Leased Equipment

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 add guidance pertaining to funding of contract actions for leased equipment. The guidance emphasizes that capital leases are essentially installment purchases of property and,

therefore, must use procurement funding.

EFFECTIVE DATE: June 14, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Pelkey, 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 99-D012.

SUPPLEMENTARY INFORMATION:**A. Background**

This final rule adds a new section at DFARS 207.471 to address funding of contract actions for leased equipment. The new text provides a reference to DoD Financial Management Regulation 7000.14-R and specifies that procurement funds must be used for capital leases.

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 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 99-D012.

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 207

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 207 is amended as follows:

1. The authority citation for 48 CFR Part 207 continues to read as follows:

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

PART 207—ACQUISITION PLANNING

2. Section 207.471 is added to read as follows:

207.471 Funding requirements.

(a) Fund leases in accordance with DoD Financial Management Regulation (FMR) 7000.14-R, Volume 2A, Chapter 1.

(b) DoD leases are either capital leases or operating leases. The difference between the two types of leases is described in FMR 7000.14-R, Volume 4, Chapter 7, Section 070308.

(c) Capital leases are essentially installment purchases of property. Use procurement funds for capital leases.

[FR Doc. 99-15029 Filed 6-11-99; 8:45 am]

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DEPARTMENT OF DEFENSE**48 CFR Part 209**

[DFARS Case 98-D304]

Defense Federal Acquisition Regulation Supplement; Congressional Medal of Honor

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 8118 of the National Defense Appropriations Act for Fiscal Year 1999. Section 8118 prohibits the award of a contract to, extension of a contract with, or approval of the award of a subcontract to any entity that, within the past 15 years, has been convicted of the unlawful manufacture or sale of the Congressional Medal of Honor.

DATES: *Effective date:* June 14, 1999.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before August 13, 1999, to be considered in the formation 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-D304 in all correspondence related to this rule. E-mail comments should cite DFARS Case 98-D304 in the subject line.

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

SUPPLEMENTARY INFORMATION:**A. Background**

This interim rule adds a new section at DFARS 209.471 to implement Section 8118 of the National Defense

Appropriations Act for Fiscal Year 1999 (Public Law 105-262). Section 8118 prohibits the award of a contract to, extension of a contract with, or approval of the award of a subcontract to any entity that, within the past 15 years, has been convicted under 18 U.S.C. 704 of the unlawful manufacture or sale of the Congressional Medal of Honor.

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 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 rule applies only to entities that have been convicted of the unlawful manufacture or sale of the Congressional Medal of Honor. Therefore, an initial regulatory flexibility analysis has not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subpart also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 98-D304 in correspondence.

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.*

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 8118 of the National Defense Appropriations Act for Fiscal Year 1999 (Pub. L. 105-262). Section 8118 became effective on October 17, 1998. Comments received in response to this interim rule will be considered in the formation of the final rule.

List of Subjects in 48 CFR Part 209

Government procurement.

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

Therefore, 48 CFR Part 209 is amended as follows:

1. The authority citation for 48 CFR Part 209 continues to read as follows:

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

PART 209—CONTRACTOR QUALIFICATIONS

2. Section 209.471 is added to read as follows:

209.471 Congressional Medal of Honor

In accordance with Section 8118 of Pub. L. 105-262, do not award a contract to, extend a contract with, or approve the award of a subcontract to any entity that, within the preceding 15 years, has been convicted under 18 U.S.C. 704 of the unlawful manufacture or sale of the Congressional Medal of Honor. Any entity so convicted will be listed as ineligible on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs published by the General Services Administration.

[FR Doc 99-15030 Filed 6-11-99; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304062-9062-01; I.D. 060899C]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 630 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the second seasonal apportionment of pollock total allowable catch (TAC) in this area.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), June 10, 1999, until 1200 hours, A.l.t., September 1, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson, 907-486-6919 or tom.pearson@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (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.

The second seasonal apportionment of pollock TAC is equal to 20 percent of the annual TAC (§ 679.20(a)(5)(ii)(C)). The Administrator, Alaska Region, NMFS (Regional Administrator), has determined that any amount of unharvested first seasonal apportionment of TAC or any amount of TAC harvested in excess of the first seasonal apportionment shall be proportionately added to or subtracted from subsequent seasonal apportionments throughout the remainder of the fishing year, with the provision that no seasonal apportionment shall exceed 30 percent of the annual TAC (§ 679.20(a)(5)(ii)(C)). This action is consistent with the manner in which underages and/or overages of seasonal apportionments of pollock TAC have been managed in previous years. The pollock TAC in Statistical Area 630 was established by the Final 1999 Harvest Specifications for Groundfish (64 FR 12094, March 11, 1999) as 30,520 metric tons (mt) for the entire 1999 fishing year. In accordance with § 679.20(a)(5)(ii)(C), the second seasonal apportionment of pollock TAC in the Statistical Area 630 is 5,660 mt. This is 444 mt less than the 1999 allocation of 6,104 mt because a 17 percent overage in the previous season's catch has been deducted for this seasonal allowance.

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the second seasonal apportionment of pollock TAC in Statistical Area 630 has been reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 5,160 mt, and is setting aside the remaining 500 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630.

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

Classification

This action responds to the second seasonal TAC limitations and other restrictions on the fisheries established in the final 1999 harvest specifications for groundfish in the GOA. It must be implemented immediately to prevent overharvesting the second seasonal apportionment of pollock TAC in Statistical Area 630 of the GOA. A delay