

section 661.15(m), which sets strict limits on contract awards during the pendency of an investigation, the proposed rule provides that the grantee may not make an award until FTA has rendered its decision, unless the grantee determines that: the items to be procured are urgently required; delivery of performance will be unduly delayed by failure to make a prompt award; or, failure to make prompt award will cause undue harm to the grantee or the Federal Government.

FTA believes that this procedure will ensure that requests to correct inadvertent and clerical errors are processed in a timely manner that will not unduly delay the award of contracts, and that is fair to both grantees and bidders. Moreover, consistent with section 3020(b), it places the burden of establishing inadvertent or clerical error on the bidder or manufacturer, who must submit evidence of and attest under oath to the occurrence of an inadvertent or clerical error.

FTA requests comment on this proposed procedure. FTA particularly seeks comment on what type of evidence of inadvertent or clerical error should be required from bidders, and what factors FTA should consider in making its determination. FTA also requests comment on whether grantees should play any role in this decision-making process.

IV. Regulatory Impacts

A. Regulatory Analyses and Notices

FTA has determined that this action is not significant under Executive Order 12866 or the regulatory policies and procedures of Department of Transportation regulatory policies and procedures. Because this rule merely allows the correction of inadvertent or clerical errors in Buy America certifications, it is anticipated that the impact of this rulemaking will be minimal; therefore, a full regulatory evaluation is not required. There are not sufficient Federalism implications to warrant the preparation of a Federalism Assessment under Executive Order 12612. Because this rule does not mandate a business process change or require modifications to computer systems, its issuance will not affect a recipient's ability to respond to Year 2000 issues.

B. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., FTA certifies that this rule will not have a significant impact on a substantial number of small entities within the meaning of the Act, because, based on

its past experience with handling inquiries regarding inadvertent or clerical errors, FTA is anticipating only a very small number of requests for correction of Buy America certifications.

C. Paperwork Reduction Act

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1995.

List of Subjects in 49 CFR Part 661

Grant programs—transportation, Mass transportation, Reporting and recordkeeping requirements.

V. Amendment of 49 CFR Part 661

Accordingly, for the reasons described in the preamble, part 661 of Title 49 of the Code of Federal Regulations is proposed to be amended as follows:

PART 661—[AMENDED]

1. By revising the authority citation to read as follows:

Authority: 49 U.S.C. 5323(j) (formerly sec. 165, Pub. L. 97-424; as amended by sec. 337, Pub. L. 100-17, sec. 1048, Pub. L. 102-240, and sec. 3020(b), Pub. L. 105-178); 49 CFR 1.51.

2. By revising § 661.13(b) to read as follows:

§ 661.13 Grantee responsibility.

* * * * *

(b) The grantee shall include in its bid specification for procurement within the scope of these regulations an appropriate notice of the Buy America provision. Such specifications shall require, as a condition of responsiveness, that the bidder or offeror submit with the bid a completed Buy America certificate in accordance with § 661.6 or § 661.12 of this part, as appropriate.

(1) A bidder or offeror who has submitted an incomplete Buy America certificate or an incorrect certificate of noncompliance through inadvertent or clerical error (but not including failure to sign the certificate), may submit to the FTA Chief Counsel within ten (10) days of bid opening a written explanation of the circumstances surrounding the submission of the incomplete or incorrect certification of noncompliance, and an affidavit, sworn under penalty of perjury, stating that the submission resulted from inadvertent or clerical error. The bidder or offeror will simultaneously send a copy of this information to the FTA grantee.

(2) The FTA Chief Counsel may request additional information from the bidder or manufacturer, if necessary. The Chief Counsel will endeavor to

make a determination within ten (10) days of receipt of the bidder's or manufacturer's submission. The grantee may not make a contract award until the FTA Chief Counsel issues his/her determination, except as provided in § 661.15(m).

Issued on: February 12, 1999.

Gordon J. Linton,
Administrator.

[FR Doc. 99-3964 Filed 2-17-99; 8:45 am]

BILLING CODE 4910-57-U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 020899A]

RIN 0648-AL42

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Compliance with Sustainable Fisheries Act Provisions for Management Plans in the South Atlantic; Comprehensive Amendment to the Fishery Management Plans of the South Atlantic Region

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

ACTION: Notice of availability of a comprehensive amendment to fishery management plans (FMPs) for the South Atlantic Region addressing certain requirements of the Sustainable Fisheries Act; request for comments.

SUMMARY: NMFS announces that the South Atlantic Fishery Management Council (Council) has submitted to NMFS for review, approval, and implementation a comprehensive amendment to its FMPs that addresses the requirements of the Sustainable Fisheries Act other than those regarding essential fish habitat. Among several SFA requirements, this amendment would set criteria for determining when a fish stock is overfished and, in the case of a fishery approaching an overfished condition or that is overfished, establish measures to prevent or end overfishing and rebuild the fishery. Written comments are requested from the public.

DATES: Written comments must be received on or before April 19, 1999.

ADDRESSES: Comments must be mailed to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of the comprehensive amendment, which includes an Environmental Assessment, a Regulatory Impact Review, and a Social Impact Assessment/Fishery Impact Assessment, should be sent to the South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699; Phone: 843-571-4366; Fax: 843-769-4520.

FOR FURTHER INFORMATION CONTACT: Steve Branstetter, NMFS, 727-570-5305.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.*, requires each Regional Fishery Management Council to submit FMPs or amendments to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an amendment, immediately publish a document in the **Federal Register** stating that the amendment is available for public review and comment.

Section 303 of the Magnuson-Stevens Act requires that the Regional Fishery Management Councils submit, by October 11, 1998, amendments to their FMPs to comply with provisions set forth in the SFA regarding the required provisions of FMPs (P. L. 104-297). These required FMP provisions include defining overfishing (and related terms such as maximum sustainable yield (MSY) and optimum yield (OY)); preventing overfishing and rebuilding overfished stocks; assessing and minimizing bycatch; assessing the effects of conservation and management measures on fishing communities, specifying data requirements for commercial, recreational, and charter fishing; assessing and minimizing fish mortality in catch-and-release

recreational fisheries; and fairly and equitably allocating harvest restrictions and stock recovery benefits among commercial, recreational, and charter fisheries.

NMFS published revised national standard guidelines (63 FR 24212, May 1, 1998) to assist the Regional Fishery Management Councils in amending their FMPs to address these SFA requirements. NMFS also provided the Councils (August 1998) with technical guidance in addressing the new definition requirements of the SFA, as more generally explained in the revised national standard guidelines, for MSY, OY, overfishing, and overfished. Based on the statutory requirements of the SFA and NMFS' guidelines/guidance, the Council developed its comprehensive amendment.

The Council concluded that the definitions and word usage currently in its FMPs and implementing regulations were already consistent with SFA section 102 requirements regarding definitions. It also concluded that no action to amend existing bycatch management measures in its FMPs was required to meet the SFA requirements regarding bycatch.

Descriptions of each fishing sector and recent trends in landings are already provided in each of the Council's FMPs, and the Council determined that those descriptions and data are consistent with SFA section 108 provisions.

The comprehensive amendment contains a measure amending the existing framework procedures of the Council's FMPs. These procedures are used for making annual or periodic regulatory adjustments without requiring FMP amendments and allow the Council and NMFS to add or modify management measures in a timely

manner through a streamlined rulemaking process. The proposed action would allow the Council to incorporate biomass-based stock estimates of MSY into FMPs as replacements for spawning potential ratio proxies for MSY as data become available to calculate such estimates. The comprehensive amendment's measure amending the framework procedures of the FMPs would be implemented, if approved, through regulations. In accordance with the Magnuson-Stevens Act, NMFS is evaluating a proposed rule for this measure to determine whether it is consistent with the comprehensive amendment, the FMPs, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the *Federal Register* for public review and comment.

NMFS will consider comments received by April 19, 1999, whether specifically directed to the comprehensive amendment or to the proposed rule, in its decision to approve, disapprove, or partially approve the comprehensive amendment. Comments received after that date will not be considered by NMFS in this decision. All comments received by NMFS on the comprehensive amendment and on the proposed rule during their respective comment periods will be addressed in the final rule.

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

Dated: February 11, 1999.

Gary C. Matlock,

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

[FR Doc. 99-3999 Filed 2-17-99; 8:45 am]

BILLING CODE 3510-22-F