

FIGURE F98-9—Continued

Loaded vehicle mass (kg)	Equivalent inertial mass (kg)	Force coefficients		Force at 65 km/h (nt)	70 to 60 km/h coastdown calibration times		
		A (nt)	C (nt/(km/h) ²)		Target time (sec)	Allowable tolerance	
						Longest time (sec)	Shortest time (sec)
486–495	490	34.03	.0320	169.4	8.06	8.3	7.8
496–505	500	34.90	.0321	170.5	8.17	8.4	7.9
506–515	510	35.78	.0322	171.7	8.28	8.5	8.0
516–525	520	36.65	.0322	172.8	8.39	8.6	8.2
526–535	530	37.53	.0323	173.9	8.49	8.7	8.3
536–545	540	38.40	.0323	175.1	8.60	8.8	8.4
546–555	550	39.27	.0324	176.2	8.70	9.0	8.5
556–565	560	40.15	.0325	177.3	8.80	9.1	8.6
566–575	570	41.02	.0325	178.5	8.90	9.2	8.7
576–585	580	41.90	.0326	179.6	9.00	9.3	8.8
586–595	590	42.77	.0327	180.8	9.10	9.4	8.9
596–605	600	43.64	.0327	181.9	9.19	9.5	8.9
606–615	610	44.52	.0328	183.0	9.29	9.5	9.0
616–625	620	45.39	.0328	184.2	9.38	9.6	9.1
626–635	630	46.27	.0329	185.3	9.47	9.7	9.2
636–645	640	47.14	.0330	186.4	9.56	9.8	9.3
646–655	650	48.01	.0330	187.6	9.65	9.9	9.4
656–665	660	48.89	.0331	188.7	9.74	10.0	9.5
666–675	670	49.76	.0332	189.8	9.83	10.1	9.6
676–685	680	50.64	.0332	191.0	9.92	10.2	9.7
686–695	690	51.51	.0333	192.1	10.01	10.3	9.8
696–705	700	52.38	.0333	193.2	10.09	10.4	9.8
706–715	710	53.26	.0334	194.4	10.17	10.4	9.9
716–725	720	54.13	.0335	195.5	10.26	10.5	10.0
726–735	730	55.01	.0335	196.6	10.34	10.6	10.1
736–745	740	55.88	.0336	197.8	10.42	10.7	10.2
746–755	750	56.75	.0336	198.9	10.50	10.8	10.2
756–765	760	57.63	.0337	200.1	10.58	10.9	10.3
766–775	770	58.50	.0338	201.2	10.66	10.9	10.3
776–785	780	59.38	.0338	203.3	10.74	11.0	10.4
786–795	790	60.25	.0339	204.5	10.82	11.1	10.5
796–805	800	61.12	.0339	205.6	10.91	11.2	10.6
806–815	810	62.00	.0340	206.7	10.99	11.3	10.7
816–825	820	62.87	.0341	207.9	11.07	11.4	10.8
826–835	830	63.75	.0341	209.0	11.15	11.5	10.8
836–845	840	64.62	.0342	210.1	11.24	11.5	10.9
846–855	850	65.49	.0343	211.3	11.32	11.6	11.0
856–865	860	66.37	.0343	212.4	11.40	11.7	11.1
866–873	870	67.24	.0344	213.5	11.48	11.8	11.2

(c) The dynamometer shall be adjusted to reproduce the specified road load as determined by the most recent calibration. Alternatively, the actual vehicle road load can be measured and duplicated:

(1) Make at least 5 replicate coastdowns in each direction from 70 to 60 km/h on a smooth, level track under balanced wind conditions. The driver must have a mass of 80 ± 10 kg and be in the normal driving position. Record the coastdown time.

(2) Average the coastdown times. Adjust the dynamometer load so that the coastdown time is duplicated with the vehicle and driver on the dynamometer.

(3) Alternate procedures may be used if approved in advance by the Administrator.

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DEPARTMENT OF DEFENSE

48 CFR Parts 209, 212, 213, 217, 222, and 252

[DFARS Case 97-D314]

Defense Federal Acquisition Regulation Supplement; Veterans Employment Emphasis

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 8117 of the National Defense Appropriations Act for Fiscal Year 1998, which prohibits the obligation or expenditure of funds under a contract with a contractor that has not submitted a required report pertaining to employment of veterans.

DATES: Effective date: March 11, 1998.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before May 11, 1998, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Michael Pelkey, PDUSD (A&T) DP

(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350.

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

Please cite DFARS Case 97-D314 in all correspondence related to this issue. E-mail comments should cite DFARS Case 97-D314 in the subject line.

FOR FURTHER INFORMATION CONTACT: Michael Pelkey, (703) 602-0131.

SUPPLEMENTARY INFORMATION:

A. Background

Section 8117 of the National Defense Appropriations Act for Fiscal Year 1998 (Pub. L. 105-56) prohibits the obligation or expenditure of funds appropriated by the Act to enter into or renew a contract with a contractor that is subject to the reporting requirements of 38 U.S.C. 4212(d), but has not submitted the most recent report required for 1997 or a subsequent year. The report is prescribed in 41 CFR 61-250 and is known as the "Federal Contractor Veterans' Employment Report VETS-100." Reports for 1997 are due on March 31, 1998.

B. Regulatory Flexibility Act

The proposed 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 requires only that an offeror represent, by submission of its offer, that it has submitted the most recent report required by 38 U.S.C. 4212(d) pertaining to employment of veterans. 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 97-D314 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 approval by 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 8117 of the National Defense Appropriations Act for Fiscal Year 1998, which prohibits the obligation or expenditure of fiscal year 1998 funds under a contract with a contractor that has not submitted the most recent report required by 38 U.S.C. 4212(d) for 1997 or a subsequent year. Immediate implementation is necessary to preclude violation of the prohibition, which could occur after the 1997 reports are due to the Department of Labor on March 31, 1998. Comments received in response to the publication of this interim rule will be considered in formulating the final rule.

List of Subjects in 48 CFR Parts 209, 212, 213, 217, 222, and 252

Government procurement.

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

Therefore, 48 CFR Parts 209, 212, 213, 217, 222, and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 209, 212, 213, 217, 222, and 252 continues to read as follows:

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

PART 209—CONTRACTOR QUALIFICATIONS

2. Section 209.104-1 is amended by adding paragraph (g)(iii) at the end of the section to read as follows:

§ 209.104-1 General standards.

* * *

(g) * * *

(iii) A contracting officer shall not enter into or renew a contract with a contractor that is subject to the reporting requirements of 38 U.S.C. 4212(d) pertaining to employment of veterans, but has not submitted the most recent report required by 38 U.S.C. 4212(d) for 1997 or a subsequent year (see 222.1304(b)).

3. Section 209.104-70 is amended by adding paragraph (c) to read as follows:

§ 209.104-70 Solicitation provisions.

* * *

(c) Use the provision at 252.209-7003, Compliance with Veterans' Employment Reporting Requirements, in solicitations with a value estimated to exceed the simplified acquisition threshold.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

4. Section 212.503 is amended by adding paragraph (a)(xii) to read as follows:

§ 212.503 Applicability of certain laws to Executive Agency contracts for the acquisition of commercial items.

(a) * * *

(xii) Section 8117, Pub. L. 105-56, Restriction on Use of Funds Appropriated for Fiscal Year 1998 (see 222.1304(b)).

* * *

PART 213—SIMPLIFIED ACQUISITION PROCEDURES

5. Section 213.005 is added immediately following section 213.000 to read as follows:

§ 213.005 Federal Acquisition Streamlining Act of 1994 list of inapplicable laws.

(a) The restriction on use of funds appropriated for fiscal year 1998 in Section 8117 of the National Defense Appropriations Act for Fiscal Year 1998 (Pub. L. 105-56) is inapplicable to contracts at or below the simplified acquisition threshold (see 222.1304(b)).

PART 217—SPECIAL CONTRACTING METHODS

6. Section 217.207 is added to read as follows:

§ 217.207 Exercise of options.

(c) Except for contracts for the acquisition of commercial items, if the contractor has any contract containing the clause at FAR 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era, the contracting officer may exercise an option with a value exceeding the simplified acquisition threshold only after determining that the contractor has submitted the most recent report required by that clause (see 222.1304(b)).

PART 222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

7. Section 222.1304 is added to read as follows:

§ 222.1304 Department of Labor notices and reports.

(b) As provided in Section 8117 of the National Defense Appropriations Act for Fiscal Year 1998 (Pub. L. 105-56), no funds made available in that Act may be obligated or expended to enter into or renew a contract with a contractor that is subject to the reporting requirements of 38 U.S.C. 4212(d) (i.e., the VETS-100 report required by FAR 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era) but has not submitted the most recent report required by 38 U.S.C. 4212(d) for 1997 or a subsequent year.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

8. Section 252.209–7003 is added to read as follows:

§ 252.209–7003 Compliance with Veterans' Employment Reporting Requirements.

As prescribed in 222.1304(b) use the following provision:

Compliance With Veterans' Employment Reporting Requirements (Mar 1998)

By submission of its offer, the offeror represents that, if it is subject to the reporting requirements of 37 U.S.C. 4212(d) (i.e., the VETS-100 report required by Federal Acquisition Regulation clause 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era), it has submitted the more recent report required by 37 U.S.C. 4212(d).

(End of provision)

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 030398A]

Atlantic Sea Scallop; Certified Vessel Tracking System Vendor

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

ACTION: Notification of Vessel Tracking System (VTS) Certification.

SUMMARY: NMFS announces the approval and certification of a VTS vendor for the Northeast Region. This action is necessary to inform owners of vessels required to report days-at-sea (DAS) with VTS units of the requirement to have an operational VTS unit on board effective May 15, 1998. This action implements the VTS requirement of the Atlantic sea scallop regulations for certain categories of vessels.

DATES: This action becomes effective on May 15, 1998.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, 978–281–9273.

SUPPLEMENTARY INFORMATION: Final regulations implementing Amendment 4 to the Atlantic Sea Scallop Fishery Management Plan were published on January 19, 1994 (59 FR 2757). This amendment established effort control, or DAS programs, and required vessels participating in a DAS program to install an operational VTS unit for DAS monitoring. The regulations implementing Amendment 5 to the Northeast Multispecies FMP (59 FR 9872, March 1, 1994) implemented similar provisions for certain sectors of this fishery. In 1994, NMFS notified vessels participating in the DAS programs that the VTS requirement was delayed pending certification of vendors that meet the specified minimum performance standards. During this period, vessels were required to report via the call-in system (see § 648.10(d)).

In the proposed rule for Amendment 4 (58 FR 46606, September 2, 1993), NMFS requested that vendors interested in having systems certified for use in these fisheries submit information showing that the VTS meets the minimum performance criteria. The NMFS Office for Law Enforcement worked with the vendors to develop VTS units that meet these specifications.

On October 29, 1996, NMFS announced an experiment to test VTS between January 2, 1997, and September 30, 1997, to determine the effectiveness of VTS units supplied by vendors for VTS monitoring. Limited access multispecies permit holders in the individual DAS and combination DAS permit categories, as well as scallop limited access permit holders in the full-time and part-time categories, were invited to participate in the VTS experiment. Two vendors, Boatrac and SeaConnect, and 56 fishing vessels participated in the VTS experimental program.

Regulations contained in 50 CFR 648.10(d) provide NMFS with the discretion to authorize the use of the call-in system to report DAS until such time VTS vendors are certified. NMFS has reviewed the results of the VTS

experiment and other information provided by the vendor and concluded the following vendor has VTS units that meet the requirements for certification: Boatrac, 6440 Lusk Blvd., Suite D201, San Diego, CA 92121–2758, (619) 587–1073, 1–800–336–8722. As the result of certification of this vendor, the existing requirement that limited access sea scallop vessels in the full-time and part-time permit categories report via the call-in system is rescinded.

The vendor SeaConnect did not meet the specifications required for certification. They were informed of the problems, continue to work with the NMFS Office of Law Enforcement, and may qualify in the future.

During its January 1998 meeting, the New England Fishery Management Council voted to propose a 1-year delay in the VTS requirement for all limited access multispecies individual DAS vessels. Therefore, this action applies only to scallop limited access permit holders in the full-time and part-time categories effective May 15, 1998. These vessels are required to have an operational Boatrac VTS unit on board to report DAS and are now subject to all the VTS provisions and requirements under §§ 648.9 and 648.10 regarding use of the VTS and the VTS prohibitions under § 648.14. Vessel owners holding limited access occasional permits may also elect to report DAS under the VTS notification program or continue to report under the current call-in system.

Vessel owners subject to the VTS requirement should be aware that, currently, the geographic range of the Boatrac system is limited and is not likely to extend beyond the U.S. Exclusive Economic Zone. Owners of vessels that anticipate fishing in a high seas fishery, or who wish to delay purchasing a system for any reason, are encouraged to consider leasing the Boatrac system or working out some other type of procurement arrangement.

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

Dated: March 4, 1998.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

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