

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1801, 1802, 1803, 1804, 1805, 1814, 1815, 1816, 1817, 1832, 1834, 1835, 1842, 1844, 1852, 1853, 1871, and 1872

Contracting by Negotiation

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Interim rule adopted as final with changes.

SUMMARY: This is a final rule amending the NASA FAR Supplement (NSF) to: conform to the regulatory changes effected by Federal Acquisition Circular (FAC) 97-02, FAR Part 15 Rewrite; reflect the expiration of the waiver to the requirement to publish a synopsis in the Commerce Business Daily for certain acquisitions under NASA's MidRange procedures; and specify that the NASA Acquisition Internet Service (NAIS) is the Agency Internet site for posting solicitations and other acquisition information.

DATES: This rule is effective August 19, 1998.

ADDRESSES: Tom O'Toole, Code HK, NASA Headquarters, 300 E Street, SW, Washington, DC 20456-0001.

FOR FURTHER INFORMATION CONTACT: Tom O'Toole, (202) 358-0478.

SUPPLEMENTARY INFORMATION:**Background**

NASA is adopting as final, with changes, the interim rule published in the February 27, 1998 edition of the **Federal Register** (63 FR 9953) that revised NFS part 1815, Contracting by Negotiation. Several comments, largely addressing the structure of the regulation rather than its content, were received in response to the interim rule, and they were considered in the development of the final rule. Editorial, administrative, and structural changes are included in the final rule. Included in these change is a revision to the NASA MidRange procedures to reflect the expiration of the waiver of the requirement to publish synopses in the Commerce Business Daily for certain acquisitions under NASA'S MidRange procedures. Previously, these synopses had been posted only on the Internet. Another administrative changes is made to indicate that the NASA Acquisition Internet Service (NAIS) is the single Agency Internet site for posting solicitations and other acquisition information. All the revisions in this final rule are considered administrative

or editorial and involve no significant change in Agency policy.

Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small business entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) because this final rule does not impose any new requirements on offerors or contractors. This final rule does not impose any reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Parts 1801, 1802, 1803, 1804, 1805, 1814, 1815, 1816, 1817, 1832, 1834, 1835, 1842, 1844, 1852, 1853, 1871, and 1872

Government procurement.

Tom Luedtke,

Acting Associate Administrator for Procurement.

Interim Rule Adopted as Final With Changes

Accordingly, the interim rule published at 63 FR 9953, February 27, 1998, is hereby adopted as final with the following changes:

1. The authority citation for 48 CFR Parts 1801, 1802, 1803, 1804, 1805, 1814, 1815, 1816, 1817, 1832, 1834, 1835, 1842, 1844, 1852, 1853, 1871, and 1872 continues to read as follows:

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

PART 1804—ADMINISTRATIVE MATTERS

2. In section 1804.570-2, paragraph (a)(2) is revised to read as follows:

1804.570-2 Electronic posting system.

(a) * * *

(2) Post solicitation documents, including solicitation amendments or cancellations, and other procurement information on the Internet.

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PART 1815—CONTRACTING BY NEGOTIATION**1815.201 [Amended]**

3. In section 1815.201, paragraph (c)(6)(E), the word "name" in the first sentence is revised to read "nature."

1815.207-70 [Amended]

4. In section 1815.207-70, paragraphs (b)(1) and (2) are revised to read as follows:

1815.207-70 Release of proposal information.

* * * * *

(b)(1) Except as provided in paragraph (b)(2) of this section, the procurement officer is the approval authority to disclose proposal information outside the Government. If outside evaluators are involved, this authorization may be granted only after compliance with FAR 37.2 and 1837.204, except that the determination of unavailability of Government personnel required by FAR 37.2 is not required for disclosure of proposal information to JPL employees.

(2) Proposal information in the following classes of proposals may be disclosed with the prior written approval of a NASA official one level above the NASA program official responsible for the overall conduct of the evaluation. If outside evaluators are involved, the determination of unavailability of Government personnel required by FAR 37.2 is not required for disclosure in these instances.

(i) Proposals submitted in response to broad agency announcements such as Announcements of Opportunity and NASA Research Announcements;

(ii) Unsolicited proposals; and

(iii) SBIR and STTR proposals.

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5. In section 1815.207-71, paragraph (c) is revised to read as follows:

1815.207-71 Appointing non-Government evaluators as special Government employees.

* * * * *

(c) Non-Government evaluators need not be appointed as special Government employees when they evaluate:

(1) Proposals submitted in response to broad agency announcements such as Announcements of Opportunity and NASA Research Announcements;

(2) Unsolicited proposals; and

(3) SBIR and STTR proposals.

1815.303 [Amended]

6. In paragraph (a) to section 1815.303, the letters "SAA" in the second sentence are revised to read "SSA."

7. In section 1815.305, paragraph (a)(ii) is revised to read as follows:

1815.305 Proposal evaluation.

(a) * * *

(ii) All strengths and significant weaknesses;

* * * * *

1815.305-70 [Amended]

8. In paragraph (a)(3) of section 1815.305-70, the phrase "technical or business" is removed.

1815.306 [Amended]

9. In section 1815.306, paragraph (d)(3)(A) is removed, paragraphs

(d)(3)(B) and (d)(3)(C) are redesignated (d)(3)(A) and (d)(3)(B), and the sentence, "These items are not to be discussed with, or proposed to, other offerors," is removed from redesignated paragraph (d)(3)(B).

1815.307 [Amended]

10. In section 1815.307, paragraph (b)(i)(A) is removed, and paragraphs (b)(i)(B) through (b)(i)(E) are redesignated as paragraphs (b)(i)(A) through (b)(i)(D).

11. In section 1815.370, paragraph (g)(3) is revised to read as follows:

1815.370 NASA source evaluation boards.

* * * * *

(g) Evaluation. * * *

(3) The SEB process must be adequately documented. Clear traceability must exist at all levels of the SEB process. All reports submitted by committees or panels will be retained as part of the SEB records.

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1815.403-3 [Amended]

12. In paragraph (b) of section 1815.403-3, the phrase "firm-fixed-price acquisitions" in the last sentence is revised to read "firm-fixed-price competitions."

1815.604 [Amended]

13. In paragraph (a) of section 1815.604 the URL "http://procure.msfc.nasa.gov/nashdbk.html" is revised to read "http://ec.msfc.nasa.gov/msfc/nasahdbk.html".

[FR Doc. 98-22290 Filed 8-18-98; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1819

Mentor-Protégé

AGENCY: National Aeronautics and Space Administration (NASA)

ACTION: Final rule.

SUMMARY: This is a final rule amending the NASA FAR Supplement (NFS) to extend the NASA Mentor-Protégé Program to complete a comprehensive evaluation of it.

EFFECTIVE DATE: August 19, 1998.

FOR FURTHER INFORMATION CONTACT: Christopher T. Jedrey, NASA Office of Procurement, Contract Management Division (Code HK), (202) 358-0483.

SUPPLEMENTARY INFORMATION:

Background

The NASA Mentor-Protege Program began on March 24, 1995.

The Program is designed to incentivize NASA prime contractors to assist small disadvantaged business concerns, Historically Black Colleges and Universities, minority institutions, and women-owned small business concerns. The NASA Mentor-Protege Program is fully described in NFS Subpart 1819.72, including the criteria for Program success. NASA is currently in the midst of the required Program evaluation which it expects to complete by approximately September 30, 1998. The duration of the program is being extended to March 31, 1999 to allow for this comprehensive evaluation to be completed, proposed changes or recommendations evaluated, and any resulting program changes codified.

Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) since it is only extending an existing program to allow for a comprehensive evaluation; no new requirements are imposed on offerors or contractors. This final rule does not impose any reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Part 1819

Government procurement.

Tom Luedtke,

Acting Associate Administrator for Procurement.

Accordingly, 48 CFR Part 1819 is amended as follows:

1. The authority citation for 48 CFR Part 1819 continues to read as follows:

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

PART 1819—SMALL BUSINESS PROGRAMS

1819.7205 [amended]

2. In section 1819.7205, the reference to "three" in the first sentence of paragraph (b) is revised to read "four".

[FR Doc. 98-22289 Filed 8-18-98; 8:45 am]

BILLING CODE 7510-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 980806211-8211-01; I.D. 071598I]

RIN 0648-AK24

Fisheries off West Coast States and in the Western Pacific; Northern Anchovy Fishery; Quotas for the 1998-99 Fishing Year

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

ACTION: Final quotas.

SUMMARY: NMFS announces the estimated spawning biomass and final harvest quotas for the northern anchovy fishery in the exclusive economic zone south of Point Reyes, CA, for the 1998-99 fishing year. These quotas may only be adjusted if inaccurate data were used or if errors were made in the calculations. Comments on these two points are invited. We will revise the quotas by a subsequent rulemaking if the comments warrant it. The intended effect of this action is to establish allowable harvest levels for the central subpopulation of Pacific anchovy.

DATES: Effective on August 15, 1998. Comments will be accepted until September 17, 1998.

ADDRESSES: Submit comments on the final quotas to Dr. William T. Hogarth, Administrator, Southwest Region, (Regional Administrator), NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Administrative Reports LJ-95-11 and LJ-97-08 are available from this same address.

FOR FURTHER INFORMATION CONTACT: Mr. James J. Morgan, Southwest Region, NMFS, (562) 980-4030.

SUPPLEMENTARY INFORMATION: In consultation with the California Department of Fish and Game and with the NMFS Southwest Fisheries Science Center, the Administrator, Southwest Region, NMFS, has decided to use the 1995 estimate of 388,000 metric tons (mt) spawning biomass for the central subpopulation of northern anchovy, *Engraulis mordax*, to set harvest limits for the 1998-99 fishing year. This is the same biomass estimate that was used for the 1995-96, 1996-97, and 1997-98 fishing years, and is being used because no new assessment has been made. Indices of relative abundance from fish-spotter logs and egg production from research cruises in 1997 indicated that