

8 years before the effective date of the revision. Thus, for injuries or deaths related to rotavirus vaccine which occurred before October 22, 1998, petitions may be filed no later than October 22, 2000, provided that the injury or death occurred no earlier than October 22, 1990. Filing deadlines for injuries or deaths related to rotavirus vaccines administered after October 21, 1998, are governed by section 2116(a)(2) and (3) of the Act, 42 U.S.C. 300aa-16(a)(2) and (3).

**Justification for Omitting Notice of Proposed Rulemaking**

This amendment to 42 CFR 100.3 is required by section 2114(e) of the Act and 42 CFR 100.3, Vaccine injury table. Since this is a technical amendment, the Secretary has determined, under 5 U.S.C. 553 and departmental policy, that it is unnecessary and impractical to follow proposed rulemaking procedures or to delay the effective date of this final rule.

**Economic and Regulatory Impact**

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when rulemaking is necessary, to select regulatory approaches that provide the greatest net benefits (including potential economic, environmental, public health, safety distributive and equity effects). In addition, under the Regulatory Flexibility Act, if a rule has a significant economic effect on a substantial number of small entities the Secretary must specifically consider the economic effect of a rule on small entities and analyze regulatory options that could lessen the impact of the rule.

Executive Order 12866 requires that all regulations reflect consideration of alternatives, of costs, of benefits, of incentives, of equity, and of available information. Regulations must meet certain standards, such as avoiding an unnecessary burden. Regulations which are "significant" because of cost, adverse effects on the economy, inconsistency with other agency actions, effects on the budget, or novel legal or policy issues, require special analysis.

The Department has determined that no resources are required to implement the requirements in this rule. Therefore, in accordance with the Regulatory Flexibility Act of 1980 (RFA), and the Small Business Regulatory Enforcement Act of 1996, which amended the RFA, the Secretary certifies that this rule will not have a significant impact on a substantial number of small entities. The Secretary has also determined that this final rule does not meet the criteria for a major rule as defined by Executive

Order 12866 and would have no major effect on the economy or Federal expenditures. This technical amendment adds a new item to the Vaccine Injury Table.

We have determined that the rule is not a "major rule" within the meaning of the statute providing for Congressional review of agency rulemaking, 5 U.S.C. 801. Similarly, it will not have effects on State, local, and tribal governments and on the private sector such as to require consultation under the Unfunded Mandates Reform Act of 1995.

**Paperwork Reduction Act of 1980**

This final rule has no information collection requirements.

**List of Subjects in 42 CFR Part 100**

Biologics, Health insurance, and Immunization.

Dated: July 15, 1999.

**Donna E. Shalala,**  
*Secretary.*

Accordingly, 42 CFR part 100 is amended as set forth below.

**PART 100—VACCINE INJURY COMPENSATION**

1. The authority citation for 42 CFR part 100 is revised to read as follows:

**Authority:** Sec. 215 of the Public Health Service Act (42 U.S.C. 216); sec. 2115 of the PHS Act; 100 Stat. 3767, as revised (42 U.S.C. 300aa-15); § 100.3 Vaccine Injury Table, issued under secs. 312 and 313 of Pub. L. 99-660, 100 Stat. 3779-3782 (42 U.S.C. 300aa-1 note); and sec. 2114(c) and (e) of the PHS Act, 100 Stat. 3766 and 107 Stat. 645 (42 U.S.C. 300aa-14(c) and (e)); and sec. 904(b) of Pub. L. 105-34, 111 Stat. 873.

**§ 100.3 [Amended]**

2. The Vaccine Injury Table at § 100.3(a) is amended by redesignating Item XII as Item XIII, and by adding a new Item XII as follows:

Vaccine	Illness, disability, injury or condition covered	Time period for first symptom or manifestation of onset or of significant aggravation after vaccine administration
*	*	*
XII. Rotavirus vaccine.	No condition specified.	Not applicable.

**§ 100.3 [Amended]**

3. Section 100.3(c) is amended as follows:

a. Remove in paragraph (c)(1) the words "paragraph (c)(2) or (3) of this section" and add in its place the words

"paragraph (c)(2), (3) or (4) of this section";

b. Redesignate paragraph (c)(3) as paragraph (c)(4);

c. Remove in paragraph (c)(4), as redesignated, the words "(Item XII of the Table)" and add in its place the words "(Item XIII of the Table)"; and

d. Add a new paragraph (c)(3) to read as follows:

\* \* \* \* \*  
(c) Coverage provisions. \* \* \*

(3) Rotavirus vaccines (Item XII of the Table) are included in the Table as of October 22, 1998.

\* \* \* \* \*

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**DEPARTMENT OF VETERANS AFFAIRS**

**48 CFR Parts 828 and 852**

RIN 2900-AJ47

**VA Acquisition Regulation: Bonds and Insurance**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Department of Veterans Affairs Acquisition Regulation to revise and update section numbers and titles to correspond with the Federal Acquisition Regulation, to make minor grammatical corrections and revisions, to allow return of bid guarantees, other than bid bonds, to bidders by any method that will provide evidence of receipt, and to designate the Deputy Assistant Secretary for Acquisition and Materiel Management as the Department's designee for excluding individuals from acting as sureties on bonds and for making determinations to accept bonds from individuals named on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

**DATES:** *Effective Date:* July 27, 1999.

**FOR FURTHER INFORMATION CONTACT:** Don Kaliher, Acquisition Policy Team (95A), Office of Acquisition and Materiel Management, Department of Veterans Affairs, 810 Vermont Ave., NW, Washington DC 20420, (202) 273-8819.

**SUPPLEMENTARY INFORMATION:** The requirement at 828.101-70 to return bid guarantees, other than bid bonds, by certified mail has been modified to allow any method of delivery that will provide evidence of receipt. This will

allow the use of express delivery services, may simplify the return and tracking process, and is consistent with similar coverage in the Federal Acquisition Regulation (FAR) at 11.403(d) and 33.211(b).

This final rule provides that the Deputy Assistant Secretary for Acquisition and Materiel Management (DAS for A&MM) is delegated authority to act as the Secretary's designee under section 28.203-7 of the FAR. Accordingly, the DAS for A&MM may make determinations to exclude individuals from acting as sureties on bonds and to accept bonds from individuals whose names appear on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs. We think the DAS for A&MM is the appropriate official to make these determinations.

This final rule concerns contracts and would not have a significant effect on individuals or entities. Accordingly, we are dispensing with prior notice and comment and a delayed effective date.

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. This rule would not cause a significant effect on any entities. Therefore, pursuant to 5 U.S.C. 605(b), this rule is exempt from the initial and final regulatory flexibility analysis requirements of §§ 603 and 604.

#### OMB Review

This document has been reviewed by OMB pursuant to Executive Order 12866.

#### List of Subjects

48 CFR Part 828

Government procurement, Insurance, Surety bonds.

48 CFR Part 852

Government procurement, Reporting and recordkeeping requirements.

Approved: April 14, 1999

**Togo D. West, Jr.,**

*Secretary of Veterans Affairs.*

For the reasons set forth in the preamble, 48 CFR Chapter 8 is amended as follows:

#### PART 828—BONDS AND INSURANCE

1. The authority citation for part 828 continues to read as follows:

**Authority:** 38 U.S.C. 501 and 40 U.S.C. 486(c).

2. The heading for subpart 828.1 is revised to read as follows:

#### Subpart 828.1—Bonds and Other Financial Protections

##### 828.101-3 [Redesignated as 828.101-2]

3. Section 828.101-3 is redesignated as 828.101-2.

##### 828.101-70 [Amended]

4. Section 828.101-70, paragraph (a) is amended by removing "certified mail or in person upon presentation of proper receipt after contract and bonds" and adding, in its place, "any method that will provide evidence of receipt, or in person upon presentation of proper receipt, after the contract and contract bonds"; paragraph (b) is amended by removing "certified mail, or" and adding, in its place, "by any method that will provide evidence of receipt or"; and paragraph (c) is amended by removing "until contract and bonds" and adding, in its place, "until the contract and contract bonds".

5. Section 828.106 heading is added immediately preceding 828.106-6 to read as follows:

##### 828.106 Administration.

6. Section 828.106-6 is revised to read as follows:

##### 828.106-6 Furnishing information.

For all contracts except contracts awarded by the Office of Facilities Management, the head of the contracting activity, as defined in 802.100, shall be the Department designee referenced in FAR 28.106-6(c) to furnish copies of payment bonds to requestors. For contracts awarded by the Office of Facilities Management, the Office of Facilities Management contracting officer shall be the Department designee.

7. Subpart 828.2 is added to read as follows:

#### Subpart 828.2—Sureties and Other Security for Bonds

##### 828.203-7 Exclusion of individual sureties.

The Deputy Assistant Secretary for Acquisition and Materiel Management is delegated authority to make the determinations referenced in FAR 28.203-7 to exclude individuals from acting as surety on bonds and to accept bonds from individuals named on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

##### 828.306 [Amended]

8. Section 828.306, paragraph (b) is amended by removing "this 828.306" and adding, in its place, "paragraph (a) of this section".

9. The heading of Subpart 828.70 is removed.

##### 828.7000 [Redesignated as 828.106-70]

10. Section 828.7000 is redesignated as 828.106-70.

##### 828.7100 [Amended]

11. Section 828.7100, paragraph (a) is amended by removing "contracts which involve a risk of an unusually hazardous nature, covering medical research or development as" and adding, in its place, "contracts covering medical research or development which involve risks of an unusually hazardous nature, as".

##### 828.7103 [Amended]

12. Section 828.7103, paragraph (a) is amended by removing "The financial protection to cover" and adding, in its place, "The amount of financial protection that the contractor is required to have and maintain to cover" and by removing "which the contractor is required to have and maintain".

#### PART 852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

13. The authority citation for part 852 continues to read as follows:

**Authority:** 38 U.S.C. 501 and 40 U.S.C. 486(c).

##### 852.228-70 [Amended]

14. Section 852.228-70, introductory text is amended by removing "828.7000" and adding, in its place, "828.106-70".

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 990119022-9164-02; I.D. 111998C]

RIN 0648-AM13

#### Fisheries of the Northeastern United States; Amendment 1 to the Atlantic Salmon Fishery Management Plan

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues final regulations to implement Amendment 1 to the Atlantic Salmon Fishery Management Plan (FMP). Specifically, these final regulations establish a framework process to implement, add to or adjust