

adding in its place “(see paragraph (b)(16)(iv)(F) of this section)”;

b. In paragraph (b)(16)(iii) introductory text by removing “Defense Contract Management Command” and adding in its place “the Defense Contract Management Agency”;

c. In paragraph (b)(21)(ii) by removing “Command (DCMC)” and adding in its place “Agency (DCMA)”;

d. In paragraph (b)(21)(iii) in the second sentence and in paragraphs (b)(21)(iv)(B)(2), (b)(21)(iv)(B)(3), (b)(21)(iv)(D)(1), and (b)(21)(iv)(D)(2), by removing “DCMC” and adding in its place “DMCA”.

F-401 [Amended]

38. Appendix F to Chapter 2 is amended in Part 4, Section F-401, under the heading “Material Inspection and Receiving Report Table 1—Standard Distribution”, as follows:

a. In the parenthetical beneath the entry “Contract Administration Office”, by removing “DCMD, DCMAO, or a DPRO” and adding in its place “Defense Contract Management Agency (DCMA) office”;

b. In the parenthetical beneath the entry “Payment Office”, in paragraph (i), by removing “DCMD or DCMAO” and adding in its place “DCMA office”.

Appendix G—Activity Address Numbers

39. Appendix G to Chapter 2 is amended in Part 4 as follows:

a. By removing the entries “M60050” and “M67438”;

b. By revising the entry “M67400”;

c. By adding, in alpha-numerical order, a new entry “M67865”. The revised and added text reads as follows:

Part 4—Marine Corps Activity Address Numbers

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M67400—QJ

Marine Corps Regional Contracting Office (Far East), Marine Corps Base Camp Smedley D. Butler, PSC 577, Box 2000, FPO AP, NA 96379-2000

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M67865—J9

Contracting Office, MCAS Miramar (Code 5KB), PO Box 452007, San Diego, CA 92145-2007

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40. Appendix G to Chapter 2 is amended in Part 5 as follows:

a. In the entry “F61521” by removing “UH, UJ” and adding in its place “UH”;

b. By adding, in alpha-numerical order, a new entry “F63197” to read as follows:

Part 5—Air Force Activity Address Numbers

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F63197—UJ

731 MUNSS/LGC, Unit 7230, Box 49, Araxos AB APO AE 09843-0049

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[FR Doc. 00-22094 Filed 8-30-00; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF DEFENSE

48 CFR Parts 209 and 223

[DFARS Case 2000-D004]

Defense Federal Acquisition Regulation Supplement; Pollution Control and Clean Air and Water

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 revise and relocate policy on the level of approval required to except a contract from certain restrictions of the Clean Air Act or the Clean Water Act. The policy is moved from the Pollution Control and Clean Air and Water subpart to the Debarment, Suspension, and Ineligibility subpart of the DFARS, because the Federal Acquisition Regulation (FAR) subpart on Pollution Control and Clean Air and Water has been removed.

EFFECTIVE DATE: August 31, 2000.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Haberman, Defense Acquisition Regulations Council, OUSD(AT&L)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0289; telefax (703) 602-0350. Please cite DFARS Case 2000-D004.

SUPPLEMENTARY INFORMATION:

A. Background

On December 27, 1999, Item I of Federal Acquisition Circular 97-15 (64 FR 72415) removed Subpart 23.1, Pollution Control and Clean Air and Water, from the FAR. Subpart 23.1 contained policy pertaining to entities that are ineligible for contract award due to a violation of the Clean Air Act or the Clean Water Act. The FAR text was deemed unnecessary, because contracting officers can use the General Services Administration List of Parties Excluded from Federal Procurement and Nonprocurement Programs to ensure that they do not award contracts to ineligible entities. In accordance with Environmental Protection Agency

regulations at 40 CFR 32.215(b), FAR Subpart 23.1 permitted an agency head to except a contract from the prohibition on award to a Clean Air Act or Clean Water Act violator if it was in the paramount interest of the United States to do so. DFARS Subpart 223.1 limited delegation of this exception authority to a level no lower than an official who is appointed by and with the advice of the Senate.

This final rule—

1. Removes the text from DFARS Subpart 223.1, since FAR Subpart 23.1 no longer exists; and relocates the text to DFARS 209.405(b), since the corresponding text at FAR 9.405(b) addresses matters relating to entities on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs;

2. Retains a limitation on delegation of the exception authority, but lowers the permitted level of delegation to a level no lower than a general or flag officer or a member of the Senior Executive Service; and

3. Designates the text already located at DFARS 209.405 as 209.405(a), and amends the text to clarify that the provisions of 10 U.S.C. 2393 regarding a “compelling reason” determination apply only to the conduct of business with entities that are debarred or suspended.

DoD published a proposed rule at 65 FR 32065 on May 22, 2000. DoD received no public comments on the proposed rule. The proposed rule is converted to a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not 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 pertains only to the exceptional situations where there is a need to conduct business with entities that are debarred or suspended or, because of a violation of the Clean Air Act or the Clean Water Act, are ineligible for award.

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 Parts 209 and 223

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 209 and 223 are amended as follows:

1. The authority citation for 48 CFR Parts 209 and 223 continues to read as follows:

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

PART 209—CONTRACTOR QUALIFICATIONS

2. Section 209.405 is revised to read as follows:

209.405 Effect of listing.

(a) Under 10 U.S.C. 2393(b), when a department or agency determines that a compelling reason exists for it to conduct business with a contractor that is debarred or suspended from procurement programs, it must provide written notice of the determination to the General Services Administration, Office of Acquisition Policy. Examples of compelling Reasons are—

(i) Only a debarred or suspended contractor can provide the supplies or services;

(ii) Urgency requires contracting with a debarred or suspended contractor;

(iii) The contractor and a department or agency have an agreement covering the same events that resulted in the debarment or suspension and the agreement includes the department or agency decision not to debar or suspend the contractor; or

(iv) The national defense requires continued business dealings with the debarred or suspended contractor.

(b)(i) The Procurement Cause and Treatment Code "H" annotation in the GSA List of Parties Excluded from Federal Procurement and Nonprocurement Programs identifies contractors that are declared ineligible for award of a contract or subcontract because of a violation of the Clean Air Act (42 U.S.C. 7606) or the Clean Water Act (33 U.S.C. 1368).

(ii) Under the authority of 40 CFR 32.215(b), the agency head may grant an exception permitting award to a Code "H" ineligible contractor if it is in the paramount interest of the United States.

(A) The agency head may delegate this exception authority to a level no lower than a general or flag officer or a member of the Senior Executive Service.

(B) The official granting the exception must provide written notice to the Environmental Protection Agency debarring official.

PART 223—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE**Subpart 223.1—[Removed]**

3. Subpart 223.1 is removed.

[FR Doc. 00-22093 Filed 8-30-00; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 622**

[Docket No. 000511131-0234-02; I.D. 021500A]

RIN 0648-AM75

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Amendment 12

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 12 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (Amendment 12). This rule extends the current moratorium on the issuance of commercial vessel permits for king mackerel through October 15, 2005. The intended effects of this final rule are to prevent speculative entry into the fishery and provide stability in the fishery.

DATES: This final rule is effective October 2, 2000.

ADDRESSES: Comments regarding the collection-of-information requirements contained in this final rule should be sent to Dr. Roy Crabtree, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer). Comments on any ambiguity or unnecessary complexity arising from the language used in this rule should be directed to the Southeast Regional Office, NMFS, at the above address.

FOR FURTHER INFORMATION CONTACT: Dr. Steve Branstetter, telephone: 727-570-

5305, fax: 727-570-5583, e-mail: Steve.Branstetter@noaa.gov.

SUPPLEMENTARY INFORMATION: The fisheries for coastal migratory pelagic resources are managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared jointly by the Gulf of Mexico Fishery Management Council and the South Atlantic Fishery Management Council (Councils), approved by NMFS, and implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

On March 1, 2000, NMFS announced the availability of proposed Amendment 12 to the FMP and requested comments on it (65 FR 11028). NMFS approved Amendment 12 on May 31, 2000, and on June 1, 2000, published a proposed rule to implement the extended commercial vessel permit moratorium in Amendment 12 (65 FR 35040). The background and rationale for the extended permit moratorium in the amendment and proposed rule are contained in the preamble to the proposed rule and are not repeated here.

Comments and Responses

NMFS received comments from five individuals regarding Amendment 12 or the proposed rule. A summary of those comments and NMFS responses follows.

Comment 1: All five individuals supported the extension of the permit moratorium because it would maintain stability in the fishery, prevent increasing effort, and aid in maintaining healthy fish stocks and fisheries.

Response: NMFS agrees that the action is appropriate. NMFS has approved Amendment 12 and is issuing this implementing final rule.

Comment 2: Two commenters offered suggestions for additional management measures for king mackerel, including slot limits, elimination of gears, and separate quotas for the charter industry. The commenters also suggested additional research to address the status of the king mackerel stocks in the Gulf of Mexico and the South Atlantic.

Response: NMFS agrees that there are numerous additional management options available to the Councils to effectively manage the coastal migratory pelagic resources of the southeastern United States. However, under the Magnuson-Stevens Act, NMFS cannot substitute measures for, or add measures to, the specific measures proposed by the Councils; NMFS can only approve, disapprove, or partially approve the