

**AGENCY FOR INTERNATIONAL DEVELOPMENT****48 CFR Parts 715 and 742**

[AIDAR Circular 00-1]

RIN 0412-AA44

**Contractor Performance Evaluation****AGENCY:** Agency for International Development.**ACTION:** Final rule.

**SUMMARY:** The U.S. Agency for International Development is amending the USAID Acquisition Regulation (AIDAR) to implement its contractor performance evaluation system as a subscriber to the National Institutes of Health (NIH) Contractor Performance System.

**EFFECTIVE DATE:** July 10, 2000.

**FOR FURTHER INFORMATION CONTACT:** M/OP/P, Mr. Kenneth Monsess, U.S. Agency for International Development (USAID), 1300 Pennsylvania Ave., N.W., Washington, D.C. 20523. Telephone: (202) 712-4913. E-mail: partperformance@usaid.gov.

**SUPPLEMENTARY INFORMATION:** The AIDAR is being amended to implement USAID's adoption of the NIH Contractor Performance System. As a corollary to the implementation of this system, USAID has authorized a deviation to the Federal Acquisition Regulation (FAR) to:

1. recognize that USAID personal services contractors are Government personnel with respect to the restriction on the disclosure of contractor performance information in FAR 42.1503(b) when such access is required in the performance of their duties as contracting office personnel and/or in their participation on source evaluation panels; and

2. exempt USAID personal services contracts from the FAR 42.1502(a) requirement for preparing contractor performance evaluations.

The changes made by this Notice are administrative and not considered major rules as defined by E.O. 12866. This Notice will neither impact a substantial number of small entities, nor establish an information collection as contemplated by the Regulatory Flexibility Act and the Paperwork Reduction Act. Because of the nature of this Notice, use of the proposed rule/public comment approach was not considered necessary. USAID has decided to issue this Notice as a final rule; however, the Agency welcomes public comment on the material covered by this Notice or any part of the AIDAR

at any time. Comments or questions may be addressed as specified in the **FOR FURTHER INFORMATION CONTACT** section of the preamble.

**List of Subjects in 48 CFR Parts 715 and 742**

Government procurement.

Accordingly, for the reasons set out in the preamble, 48 CFR Chapter 7 is amended as follows:

1. The authority citations in Parts 715 and 742 continue to read as follows:

**Authority:** Sec. 621, Pub. L. 87-195, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR, 1979 Comp., p. 435.

**SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES****PART 715—CONTRACTING BY NEGOTIATION****Subpart 715.3—Source Selection**

2. In Section 715.305, paragraph (a) is added to read as follows:

**715.305 Proposal evaluation.**

(a)(1) [Reserved].

(2) USAID shall use the information on offerors made available from the NIH Contractor Performance System to evaluate past performance. (Access to the system by USAID contracting office personnel is authorized by the USAID Past Performance Coordinator, E-mail address: AIDNET: Past Performance@op.spu.aidw/Internet: pastperformance@usaid.gov.)

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**AIDAR Subchapter G—Contract Management****PART 742—CONTRACT ADMINISTRATION**

3. Subpart 742.15 is added to read as follows:

**Subpart 742.15—Contractor Performance Information**

Sec.

742.1501 [Reserved]

742.1502 Policy.

742.1503 Procedures.

**Subpart 742.15—Contractor Performance Information****742.1501 [Reserved]****742.1502 Policy.**

(a) USAID contracting officers shall report contractor performance information at least annually, employing the procedures prescribed by the NIH Contractor Performance System. (Access to the system by USAID contracting officer personnel is authorized by the USAID Past

Performance Coordinator, E-mail address: AIDNET: Past Performance@op.spu.aidw/Internet: pastperformance@usaid.gov.)

(b) Performance for personal services contracts awarded under AIDAR Appendices D and J shall not be evaluated under the contractor performance reporting procedures prescribed in FAR subpart 42.15.

**742.1503 Procedures.**

(a) [Reserved]

(b) Personal services contractors shall be recognized as Government personnel for the purposes of the restriction on access to contractor performance information in FAR 42.1503(b).

Dated: May 2, 2000.

**Rodney W. Johnson,***Director, Office of Procurement.*

[FR Doc. 00-13486 Filed 6-8-00; 8:45 am]

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**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 32**

RIN 1018-AF52

**1999-2000 Refuge-Specific Hunting and Sport Fishing Regulations; Correction****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Correction to final regulations.

**SUMMARY:** This document contains corrections to the final regulations which were published Friday, May 12, 2000 (65 FR 30772). The document related to the 1999-2000 refuge-specific hunting and sport fishing regulations.

**DATES:** This correction is effective May 12, 2000.

**FOR FURTHER INFORMATION CONTACT:** Leslie Marler, (703) 358-2397.

**SUPPLEMENTARY INFORMATION:****Background**

The final regulations that are the subject of these corrections add certain national wildlife refuges to the list of areas open for hunting and/or sport fishing, along with pertinent refuge-specific regulations for such activities; and amend certain regulations on other refuges that pertain to migratory game bird hunting, upland game hunting, big game hunting, and sport fishing for the 1999-2000 season.

**Need for Correction**

As published, an amendatory instruction contains an error which may

prove to be misleading and is in need of clarification.

#### Correction of Publication

Accordingly, the publication on May 12, 2000 of the final regulation, which was the subject of FR Doc. 00-11410, is corrected as follows:

#### § 32.67 [Corrected]

1. On page 30793, in the first column, amendatory instruction 44.e. is corrected to read as follows:

e. Revising paragraphs A.6. and B.4. of Umatilla National Wildlife Refuge to read as follows:

Dated: June 1, 2000.

Leslie A. Marler,

Division of Refuges, Federal Register Liaison.

[FR Doc. 00-14202 Filed 6-8-00; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 991210334-0122-02; I.D. 112399A]

RIN 0648-AN41

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Extension of Effective Date of Red Snapper Management Measures

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

**ACTION:** Interim rule; extension of effective date.

**SUMMARY:** An interim rule is in effect through June 19, 2000, that changes the management measures for the red snapper fishery in the exclusive economic zone (EEZ) of the Gulf of Mexico in order to reduce overfishing, as requested by the Gulf of Mexico Fishery Management Council (Council). That interim rule modifies the recreational and commercial fishing seasons, increases the recreational minimum size limit, and reinstates a 4-fish bag limit for the captain and crew of for-hire vessels (i.e., charter vessels and headboats). NMFS extends this interim rule for an additional 180 days. The intended effect is to reduce overfishing of red snapper in the Gulf of Mexico.

**DATES:** The effective date for the interim rule published at 64 FR 71056, December 20, 1999, is extended from June 19, 2000, through December 16, 2000.

**ADDRESSES:** Copies of the documents supporting this rule, i.e., an analysis of the economic consequences and an environmental assessment, may be obtained from the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, telephone: 727-570-5305, fax: 727-570-5583.

**FOR FURTHER INFORMATION CONTACT:** Dr. Roy Crabtree, telephone: 727-570-5305; fax: 727-570-5583; e-mail: Roy.Crabtree@noaa.gov.

**SUPPLEMENTARY INFORMATION:** The reef fish fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

In response to a request from the Council, NMFS issued an interim rule (64 FR 71056, December 20, 1999), under section 305(c)(1) of the Magnuson-Stevens Act, that changed the management measures for the red snapper fishery in the exclusive economic zone (EEZ) of the Gulf of Mexico by (1) increasing the recreational minimum size limit to 16 inches (40.6 cm); (2) establishing a recreational season of April 21 to October 31, 2000; (3) reinstating the 4-fish bag limit for captain and crew of for-hire vessels; and (4) changing the openings of the spring red snapper commercial season from the first 15 days of each month to the first 10 days of each month, beginning February 1. This action was, and remains, necessary to address overfishing of the red snapper resource.

Under section 305(c)(3)(B) of the Magnuson-Stevens Act, NMFS may extend the effectiveness of an interim rule for one additional period of 180 days, provided the public has had an opportunity to comment on the interim rule and the Council is actively preparing proposed regulations to address the overfishing on a permanent basis. NMFS solicited public comments on the initial interim rule and received numerous comments. These comments are summarized herein along with agency responses. The Council has prepared a regulatory amendment, under the FMP's framework procedure for regulatory adjustments, that is intended to address overfishing of the red snapper resource; if approved and implemented by NMFS, the regulatory amendment would replace this interim rule. The expiration date of the interim rule is being extended because red

snapper remain overfished and NMFS cannot take action to address the overfishing via the regulatory amendment by June 19, 2000.

Additional details concerning the basis for these changes to the red snapper management measures and discussion of the ongoing efforts of the Council and NMFS to evaluate and implement measures to rebuild the red snapper stock consistent with the requirements of the Magnuson-Stevens Act are contained in the preamble to the interim rule and are not repeated here.

#### Comments and Responses

NMFS received a total of 1,488 comments addressing the interim rule (64 FR 71056, December 20, 1999). Most of these supported the Council's request for the interim rule and were received prior to publication of the interim rule. All comments received before, during, or after the comment period are summarized and addressed below.

*Comment 1:* A total of 1,359 letters supported the measures contained in the interim rule. Specifically, these letters supported the April 21-to-October 31 recreational season because this season would provide the greatest economic benefits.

*Response:* NMFS agrees that the measures implemented by the interim rule will provide economic benefits to the greatest number of Gulf fishers, as well as reduce overfishing and allow the recovery of the red snapper stock.

*Comment 2:* A total of 179 letters opposed the interim rule. Most opposition was from fishers and organizations in south Texas who believe that the recreational season will cause economic hardship in their area. Many of those who objected to the April 21-to-October 31 recreational season requested a year-round fishery.

*Response:* Based on public testimony and the best available scientific information, NMFS concluded that a season from April 21 to October 31 offers the greatest benefits to Gulf anglers and is compatible with the recreational quota. A year-round fishery is expected to exceed the 2000 recreational quota.

The measures implemented by this interim rule are based, in part, on the recommendations to the Council from a stakeholder conference held in New Orleans, LA, on September 27, 1999. Stakeholders' recommendations for the 2000 recreational red snapper fishery included a 4-fish bag limit for the captain and crew of for-hire vessels, a size limit not to exceed 16 inches (40.6