

Federal Communications Commission.

William F. Caton.

Acting Secretary.

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DEPARTMENT OF DEFENSE

48 CFR Part 215

Defense Federal Acquisition Regulation Supplement; Overhead Should-Cost Reviews

AGENCY: Department of Defense (DoD).

Q02

ACTION: Proposed rule with request for public comments.

SUMMARY: The Department of Defense is proposing changes to the Defense Federal Acquisition Regulation Supplement (DFARS) to provide criteria for when DoD activities should consider performing should-cost reviews.

DATES: Comments on the proposed DFARS rule should be submitted in writing to the address shown below on or before August 16, 1994 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to Defense Acquisition Regulations Directorate, Attn: IMD 3D139, PDUSD(A&T), 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 604-5971. Please cite DFARS Case 92-D010 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT:

Mrs. Alyce Sullivan, (703) 604-5929.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule originated based on a recommendation in the General Accounting Office (GAO) report dated October 30, 1991, entitled "Economy and Efficiency Audits Can Help Reduce Overhead Costs," which recommends that regulations be revised to provide guidance for the use of overhead should-cost reviews. The proposed rule modifies DFARS 215.810 to supplement the FAR rule published for public comment on April 6, 1994 (59 FR 16388). It provides specific criteria for when DoD activities should consider performing should-cost reviews.

B. Regulatory Flexibility Act

The proposed rule is not expected to have 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.*,

entities normally are not subject to program or overhead should-cost reviews. 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 sections will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 94-610 in correspondence.

C. Paperwork Reduction Act

The proposed rule does not impose any additional reporting or recordkeeping requirements which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 215

Government procurement.

Claudia L. Naugle,

Deputy Director, Defense Acquisition Regulations Council.

Therefore, it is proposed that 48 CFR part 215 be amended as follows:

1. The authority citation for 48 CFR part 215 continues to read as follows:

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

PART 215—CONTRACTING BY NEGOTIATION

2. Section 215.810 is revised to read as follows:

215.810 Should-cost review.

3. Section 215.810-2 is added to read as follows:

215.810-2 Program should-cost review.

(b) DoD contracting activities should consider performing a program should-cost review before award of a definitive major systems contract exceeding \$100 million.

4. Section 215.810-3 is added to read as follows:

215.810-3 Overhead should-cost review.

(b)(i) The Defense Contract Management Command/Defense Logistics Agency (DCMC/DLA), or the military department responsible for performing contract administration functions (e.g., Navy SUPSHIP), should consider performing an overhead should-cost review of a contractor business unit (as defined in FAR 31.001) when all the following conditions exist—

(A) Projected annual sales to DoD exceed \$1 billion;

(B) Projected DoD vs. total business exceeds 30 percent;

(C) High level of sole-source DoD

(D) Significant volume of proposal activity anticipated; and

(E) Production or development of major weapon system or program anticipated.

(ii) The head of the contracting activity may request an overhead should-cost review for a business unit which does not meet the criteria in paragraph (b)(i) of this subsection.

(iii) Overhead should-cost reviews are labor intensive and require participation by the buying activities, contract administration, and contract audit elements. The extent of availability of military department, contract administration, and contract audit resources to support DCMC/DLA-led teams should be considered when determining whether a review will be conducted. Overhead should-cost reviews generally shall not be conducted at a contractor business segment more frequently than every three years.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 676

[I.D. 060994B]

Limited Access Management of Federal Fisheries In and Off of Alaska

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

ACTION: Notice of availability of amendments to Fishery Management Plans and request for comments.

SUMMARY: NMFS announces that the North Pacific Fishery Management Council (Council) has submitted Amendment 31 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI) and Amendment 35 to the FMP for Groundfish of the Gulf of Alaska (GOA) for Secretarial review and is requesting comments from the public. These amendments would implement the Modified Block proposal, an action intended to discourage excessive consolidation in the Pacific halibut and sablefish individual fishing quota (IFQ) program.

DATES: Comments on the FMP amendments should be submitted by

ADDRESSES: Comments on the FMP amendments should be submitted to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, 709 W. 9th, Room 453, Juneau, AK 99801 or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel. Copies of the amendments and the environmental assessment/regulatory impact review/initial regulatory flexibility analysis prepared for the amendments are available from the Council, P.O. Box 103136, Anchorage, AK 99510.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907-586-7228.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (Magnuson Act) requires that each Regional Fishery Management Council submit any fishery

management plan or plan amendment it prepares to the Secretary of Commerce (Secretary) for review and approval, disapproval, or partial disapproval. The Magnuson Act also requires that the Secretary, upon reviewing the plan or amendment, must immediately publish a notice that the plan or amendment is available for public review and comment. The Secretary will consider the public comments received during the comment period in determining whether to approve the plan or amendment.

Amendments 31 and 35 to the respective FMPs would implement the Modified Block proposal to the Pacific halibut and sablefish IFQ program. These amendments would authorize the issuance of quota share (QS) blocks for QS that would have resulted in less than 20,000 lb (9 mt) of IFQ based on the

1994 total allowable catch for fixed gear in the halibut and sablefish fisheries, allow the combination of QS blocks that are less than 1,000 lb (0.5 mt) of IFQ for halibut and less than 3,000 lb (1.4 mt) for sablefish, and restrict the amount of blocks that may be held in any one IFQ regulatory area. These amendments are intended to prevent excessive consolidation of the Pacific halibut and sablefish fisheries off Alaska, and are consistent with the management objectives of the Magnuson Act and the Northern Pacific Halibut Act.

Dated: June 13, 1994.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

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