

B. Regulatory Flexibility Act

DoD does not expect this rule to 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 applies only to time-and-materials and labor-hour contracts. Most contracts awarded to small entities use simplified acquisition procedures or are awarded on a competitive, fixed-price basis. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2002-D017.

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 232 and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, DoD proposes to amend 48 CFR Parts 232 and 252 as follows:

1. The authority citation for 48 CFR Parts 232 and 252 continues to read as follows:

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

PART 232—CONTRACT FINANCING

2. Section 232.111 is added to read as follows:

232.111 Contract clauses for non-commercial purchases.

(b) Use the clause at FAR 52.232-7, Payments under Time-and-Materials and Labor-Hour Contracts, with 252.232-7XXX, Alternate A, in solicitations and contracts when a time-and-materials or labor-hour contract is contemplated.

(i) Alternate A permits the administrative contracting officer (ACO) to withhold 5 percent of the amount due until a reserve is set aside in an amount the ACO considers to be necessary, but not to exceed \$50,000, to protect the Government's interests.

(ii) Normally, there should be no need to withhold payment for a contractor

with a record of timely submittal of the release discharging the Government from all liabilities, obligations, and claims.

(iii) If the ACO determines that it is necessary to withhold payment to protect the Government's interests, the ACO shall issue written direction to the contractor to withhold 5 percent of amounts due until a sufficient reserve is set aside.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 252.232-7XXX is added to read as follows:

252.232-7XXX Alternate A.

Alternate A (XXX 2003)

As prescribed in 232.111(b), substitute the following paragraph (a)(2) for paragraph (a)(2) of the clause at FAR 52.232-7:

(a)(2) The Administrative Contracting Officer (ACO) may unilaterally issue written direction to the Contractor to withhold amounts from its billings until a reserve is set aside in an amount that the ACO considers necessary to protect the Government's interests. The ACO may withhold 5 percent of the amounts due under this paragraph (a), but the total amount withheld shall not exceed \$50,000. The amounts withheld shall be retained until the Contractor executes and delivers the release required by paragraph (f) of this clause.

[FR Doc. 03-4700 Filed 2-27-03; 8:45 am]

BILLING CODE 5001-08-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 021903E]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permit (EFP)

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

ACTION: Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

SUMMARY: The Administrator, Northeast Region, NMFS (Regional Administrator) has made a preliminary determination that the subject EFP application contains all the required information and warrants further consideration. The Regional Administrator has also made a preliminary determination that the

activities authorized under the EFP would be consistent with the goals and objectives of the Northeast (NE) Multispecies Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue the EFP. Therefore, NMFS announces that the Regional Administrator proposes to issue an EFP that would allow one vessel to conduct fishing operations that are otherwise restricted by the regulations governing the fisheries of the Northeastern United States. The EFP would exempt one vessel from the minimum mesh size requirements for the Gulf of Maine (GOM) Regulated Mesh Area (RMA); regulations pertaining to the GOM Rolling Closure Areas II, III, IV, and V; days-at-sea (DAS) restrictions; and minimum fish size requirements. The experiment proposes to conduct a study to target cod and flounder using a modified trawl net constructed with a changeable inner mesh size codend surrounded by a small mesh codend cover to determine the selectivity of various square mesh sizes and mesh types. The EFP would allow these exemptions for one commercial vessel, for not more than 24 days of sea trials. All experimental work would be monitored at sea by a biologist from a contracted consulting group and supervised ashore and on board (during key trips) by the project coordinator for the Cooperative Research Partners Initiative-funded project.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments on this document must be received on or before March 17, 2003.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on the Cooperative Research Partners Initiative Gloucester, MA Trawl Selection Study." Comments may also be sent via facsimile (fax) to (978) 281-9135.

FOR FURTHER INFORMATION CONTACT: Douglas W. Christel, Fisheries Management Specialist, 978-281-9141.

SUPPLEMENTARY INFORMATION: A completed application for an EFP was submitted by Joseph B. Novello as part of a Cooperative Research Partners Initiative-funded project on January 13, 2003. The EFP would exempt one federally permitted commercial fishing vessel from the following NE

multispecies provisions: The minimum mesh size requirements for the GOM RMA at 50 CFR 648.80(a)(3)(i); regulations pertaining to the GOM Rolling Closure Areas II, III, IV, and V at 50 CFR 648.81(g)(1)(ii), (iii), (iv), and (v), respectively; NE multispecies DAS restrictions at 50 CFR 648.82(a); and minimum fish size requirements specified at 50 CFR 648.83(a)(1).

The EFP would allow the commercial vessel to conduct the proposed study using a modified trawl net constructed with a changeable inner mesh size codend (liner) surrounded by a small mesh (3-inch (7.62-cm)) codend cover in order to determine the optimal square mesh net size and net type (knotted vs. unknotted) for bottom trawl gear for the purpose of reducing bycatch. A total of four liners would be constructed, including three using larger square panel knotted mesh nets (6.5, 7.0, and 7.4-inch (16.51-cm, 17.78-cm, and 18.80-cm, respectively)) and one consisting of 6.5-inch (16.51-cm) square panel unknotted mesh. For each liner, three 1-day fishing trips would be directed on cod, and three, 1-day trips would target witch flounder, for a total of 24 DAS. The incidental catch is expected to be primarily dogfish, skates, monkfish, and American lobster; however, summer flounder, winter flounder, yellowtail flounder, and American plaice may be caught during the targeted witch flounder trips.

The applicant requested that the research be conducted in the GOM in an area including 30-minute statistical squares 124, 125, 132, and 133, or between 42°00' and 43°00' N. lat. and between 70°00' and 71°00' W. long. The tows would take place between April 1 and December 31, 2003. Fish retained by the experimental net would be enumerated, weighed and measured, and returned to the sea as quickly as possible. Selection curves, 50-percent retention lengths, selection factors, and selection ranges would be determined for each of the four square-mesh liners. Since no fish would be landed as a result of this study, a NE multispecies DAS exemption would compensate for the fact that no economic benefit would result from fishing during the course of this EFP.

The participating vessel would be required to report all landings in its Vessel Trip Report. The data collection activities aboard the participating vessel would be conducted by a biologist with the Allan D. Michael & Associates consulting group and supervised ashore and aboard (on key trips) by the project coordinator, or his official designee, to ensure compliance with the experimental fishery objectives. The

EFP would also contain a provision that the Regional Administrator has the authority to reconsider the continuation of the experimental fishery on a month-to-month basis, based upon a monthly status report outlining total catch and bycatch submitted by the applicant, and would authorize the Regional Administrator to terminate the experimental fishery at any time, at her discretion.

Based on the results of the EFPs, this action may lead to future rulemaking.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 21, 2003.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 03-4681 Filed 2-27-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 021403B]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits (EFPs)

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

ACTION: Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

SUMMARY: The Administrator, Northeast Region, NMFS (Regional Administrator) has made a preliminary determination that the subject EFP application contains all the required information and warrants further consideration. The Regional Administrator has also made a preliminary determination that the activities authorized under the EFP are consistent with the goals and objectives of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) and the Atlantic Mackerel, Squid, and Butterfish FMP. However, further review and consultation may be necessary before a final determination is made to issue an EFP. Therefore, NMFS announces that the Regional Administrator proposes to issue EFPs that would allow up to 10 vessels to test the effectiveness of a 5.5-inch (13.97-cm) square mesh extension escapement panel for reducing bycatch of scup and retain Loligo squid inside the Gear Restricted Areas (GRAs), and up to 15

additional vessels to conduct fishing operations otherwise restricted by the regulations governing the fisheries of the Northeastern United States. In order to fund the survey, the 15 additional vessels would be fishing for specific amounts of named species under the Research Set-Aside (RSA) Program. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments on this document must be received on or before 5 p.m. EST March 17, 2003.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on NFI Squid Scup GRA EFP Proposal." Comments may also be sent via facsimile (fax) to (978) 281-9135.

FOR FURTHER INFORMATION CONTACT: Paul Perra, Fishery Policy Analyst, 978-281-9153.

SUPPLEMENTARY INFORMATION: The application process for an EFP was completed by the National Fisheries Institute (NFI) on January 28, 2002. To conduct the experiment, NFI, in cooperation with Rutgers University and Manomet Center for Conservation Sciences, requested EFPs for up to 10 vessels to test the effectiveness of a 5.5-inch (13.97-cm) square mesh extension escapement panel for reducing bycatch of scup and retaining Loligo squid inside the GRAs (mesh study), and for up to 15 additional vessels to harvest RSA allocations. Coordinates of the GRAs are listed at 50 CFR 648.122(a) and (b). The 10 vessels participating in the mesh study and up to 15 additional vessels would make additional compensation fishing trips, during closed seasons, to land up to the total RSA quota allocation of 140,543 lb (63,749 kg) of Loligo squid, 23,325 lb (10,580 kg) of scup, and 21,338 lb (9,679 kg) of black sea bass. However, no fish caught during these compensation fishing trips smaller than the legal minimum size would be sold, traded, bartered, or processed for sale. Landings from such trips would be sold to generate funds that would defray the costs associated with the research project.

The research project would be carried out by the research vessels conducting discard monitoring and net testing. Discard monitoring will rely on vessel reports to identify areas of high scup discarding. Once areas of high scup