

PART 101-49—UTILIZATION, DONATION, AND DISPOSAL OF FOREIGN GIFTS AND DECORATIONS

1. The authority citation for part 101-49 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)); sec. 515, 91 Stat. 862 (5 U.S.C. 7342).

2. Section 101-49.001-5 is amended by revising the introductory text to read as follows:

§ 101-49.001-5 Minimal value.

Minimal value means a retail value in the United States at the time of acceptance of \$225 or less, except that:

* * * * *

Dated: July 13, 1993.

Roger W. Johnson,

Administrator of General Services.

[FR Doc. 93-21174 Filed 8-31-93; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Refugee Resettlement Office

45 CFR Part 400

Refugee Resettlement Program: Refugee Cash Assistance and Refugee Medical Assistance

AGENCY: Office of Refugee Resettlement, Administration for Children and Families (ACF), HHS.

ACTION: Final rule.

SUMMARY: This rule amends current rules to continue the duration of the special programs of refugee cash assistance (RCA) and refugee medical assistance (RMA) for a refugee's first 8 months in Federal FY 1994. If a regulation is not issued, funds for RCA and RMA are expected to be insufficient under current policy to provide support during the latter months of FY 1994, seriously jeopardizing the health and safety of refugees who are not eligible for AFDC, Medicaid, or SSI.

EFFECTIVE DATE: October 1, 1993.

ADDRESSES: Office of Refugee Resettlement, Administration for Children and Families, Department of Health and Human Services, 370 L'Enfant Promenade, Washington, DC 20447.

FOR FURTHER INFORMATION CONTACT: Toyo A. Biddle, (202) 401-9253.

SUPPLEMENTARY INFORMATION:

Background

Current regulations at 45 CFR 400.203(b) and 400.204(b) provide for

Federal refugee funding, subject to the availability of funds (45 CFR 400.202), to be provided to States for the special programs of refugee cash assistance (RCA) and refugee medical assistance (RMA) "during the 12-month period (except during Federal FY 1993, 8-month period) beginning with the first month the refugee entered the United States."

Description of the Proposed Regulation

The Department expects that funds will not be sufficient in FY 1994 to provide RCA and RMA for more than the 8-month level currently in effect for FY 1993. The Department anticipates that appropriations for the refugee program for FY 1994 will not be at a level which enables coverage of more than 8 months of RCA and RMA and, therefore, will not be sufficient to sustain a 12-month RCA/RMA eligibility period to which the program would revert in FY 1994 in the absence of additional regulatory action. When the FY 1994 appropriation for the refugee program is enacted, if the appropriation level is either insufficient to maintain 8 months of RCA/RMA coverage throughout the fiscal year or allows more than 8 months of coverage, ORR will notify States of the new RCA/RMA eligibility period.

The Department considers it of the utmost importance to provide refugee support at a level that does not exceed available funds. Failure to do so would result in an insufficient level of support during the latter months of FY 1994, seriously jeopardizing the health and welfare of an estimated 30,000 needy refugees who are not eligible for AFDC, Medicaid, or SSI.

This rule will address this issue by continuing in FY 1994 the current 8-month period of RCA/RMA eligibility, thereby reducing costs and helping to assure the availability of refugee cash and medical support throughout the entire year.

Consistent with the preceding actions, 45 CFR 400.2, 400.60(b), 400.100(b), 400.203(b), 400.204(b), and 400.209(b) are being amended to continue the duration of RCA and RMA for a refugee's first 8 months in the U.S. during FY 1994.

Justification for Dispensing With Notice of Proposed Rulemaking

A period for public comment is not being provided because it would be impracticable, unnecessary, and not in the public interest for the following reasons:

Under the current statute and regulations, the duration of benefits is a function of the level of appropriations.

Congressional funding limitations effectively establish the eligibility period, rendering notice of proposed rulemaking and comment procedures unnecessary.

Because there is a continuing flow of refugees into the United States and because continuing costs for RCA and RMA are being incurred by the States, any delays in maintaining the 8-month period of time-eligibility would result in the need for ever-greater reductions in the RCA and RMA programs in order to avoid the abrupt and complete termination of such assistance to both current and newly arriving refugees.

Accordingly, the agency finds good cause for issuance of an immediately effective final rule.

Regulatory Procedures

Regulatory Impact Analysis

Executive Order 12291 requires that a regulatory impact analysis be prepared for major rules, which are defined in the Order as any rule that has an annual effect on the national economy of \$100 million or more, or certain other specified effects. The Department has determined that these rules are not major rules within the Executive Order because they will not have an annual effect on the economy of \$100 million or more; nor will they result in a major increase in costs or prices for consumers, any industries, any governmental agencies, or any geographic region; and, they will not have an adverse effect on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or import markets.

Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96-354) requires the Federal government to anticipate and reduce the impact of regulations and paperwork requirements on small businesses. The primary impact of these rules is on State governments and individuals. Therefore, we certify that these rules will not have a significant impact on a substantial number of small entities because they affect benefits to individuals and payments to States. Thus, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

This rule does not contain collection-of-information requirements.

Statutory Authority

Section 412(a)(9) of the Immigration and Nationality Act, 8 U.S.C. 1522(a)(9), authorizes the Secretary of HHS to issue

regulations needed to carry out the program.

[Catalogue of Federal Domestic Programs: 93.566, Refugee and Entrant Assistance—State-Administered Programs]

List of Subjects in 45 CFR Part 400

Grant programs—Social programs, Health care, Public assistance programs, Refugees, Reporting and recordkeeping requirements.

Dated: August 13, 1993.

Laurence J. Love,

Acting Assistant Secretary for Children and Families.

Approved: August 23, 1993.

Donna E. Shalala,

Secretary, Department of Health and Human Services.

For the reasons set forth in the preamble, 45 CFR part 400 is amended as follows:

PART 400—REFUGEE RESETTLEMENT PROGRAM

1. The authority citation for part 400 continues to read as follows:

Authority: Section 412(a)(9), Immigration and Nationality Act (8 U.S.C. 1522(a)(9)).

§ 400.2 [Amended]

2. Section 400.2 is amended in the definitions of "Refugee cash assistance" and "Refugee medical assistance" by removing the words "(except during Federal FY 1993, less than an 8-month period)" and by adding in their place "(except during Federal FY 1994, less than an 8-month period)".

§§ 400.60(b) and 400.100(b) [Amended]

3. Sections 400.60(b) and 400.100(b) are amended by removing the words "(except during Federal FY 1993, 8-month period)" and adding in their place "(except during Federal FY 1994, 8-month period)".

§§ 400.203(b) and 400.204(b) [Amended]

4. Sections 400.203(b) and 400.204(b) are amended by removing the words "(except during Federal FY 1993, 8-month period)" and adding in their place "(except during Federal FY 1994, 8-month period)".

§ 400.209(b) [Amended]

5. Section 400.209(b) is amended by removing the words "(except during Federal FY 1993, 8 months)" and adding in their place "(except during Federal FY 1994, 8 months)".

[FR Doc. 93-21349 Filed 8-31-93; 8:45 am]
BILLING CODE 4184-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93-90; RM-8198]

Radio Broadcasting Services; Toledo, Oregon

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of AGPAL Broadcasting Co., substitutes Channel 264C2 for Channel 264A at Toledo, Oregon, and modifies the license of Station KZUS to specify operation on the higher class channel. See 58 FR 21137, April 19, 1993. Channel 264C2 can be allotted to Toledo in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.9 kilometers (4.9 miles) northwest, at coordinates North Latitude 44-39-01 and West Longitude 124-01-42, to avoid a short-spacing to Station KICE, Channel 264C1, Bend, Oregon. With this action, this proceeding is terminated.

EFFECTIVE DATE: October 12, 1993.

FOR FURTHER INFORMATION CONTACT:

Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 93-90, adopted August 9, 1993, and released August 26, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

47 CFR Part 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by removing Channel 264A and adding Channel 264C2 at Toledo.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93-21161 Filed 8-31-93; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

Radio Broadcasting Services; Various Locations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, on its own motion, amends the Table of FM Allotments to specify the correct classes of channels allotted to various communities. These amendments are necessary to reflect changes that have been authorized in response to applications filed by licensees and permittees operating on these channels. This action constitutes an editorial change in the Table of FM Allotments. Therefore, a public notice and comment proceeding is unnecessary. See 5 U.S.C. 553(b) (A) and (B). With this action, this proceeding is terminated.

EFFECTIVE DATE: September 1, 1993.

FOR FURTHER INFORMATION CONTACT:

Michael Ruger, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, adopted August 6, 1993, and released August 26, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference center (room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

47 CFR Part 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Alaska, is amended by removing Channel 266C2 and adding Channel 266A at Kodiak.

3. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by removing Channel 226C and adding

Channel 226C1 at Batesville, by removing Channel 274C2 and adding Channel 274C3 at North Crossett, by removing Channel 285C2 and adding Channel 285A at Springdale, and by removing Channel 274C2 and adding Channel 274C3 at Van Buren.

4. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 296B1 and adding Channel 296A at Seaside, and by removing Channel 285B1 and adding Channel 285A at Tipton.

5. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by removing Channel 300C and adding Channel 300C1 at Fort Collins.

6. Section 73.202(b), the Table of FM Allotments under Florida, is amended by removing Channel 300C and adding Channel 300C1 at Panama City, and by removing Channel 284C and adding Channel 284C1 at Tampa.

7. Section 73.202(b), the Table of FM Allotments under Garapan, is amended by removing Channel 258C and adding Channel 258C1 at Saipan.

8. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Channel 286C2 and adding Channel 286C3 at Blackshear.

9. Section 73.202(b), the Table of FM Allotments under Hawaii, is amended by removing Channel 284C and adding Channel 284C2 at Lanai City.

10. Section 73.202(b), the Table of FM Allotments under Kansas, is amended by removing Channel 231C and adding Channel 231C2 at Downs, and by removing Channel 294C1 and adding Channel 294A at Norton.

11. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by removing Channel 252C1 and adding Channel 252C2 at West Monroe.

12. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by removing Channel 290C and adding Channel 290C1 at Charlevoix.

13. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by removing Channel 290C2 and adding Channel 290C3 at Red Wing.

14. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by removing Channel 267C and adding Channel 267C1 at Meridian.

15. Section 73.202(b), the Table of FM Allotments under Nebraska, is amended by removing Channel 300C1 and adding Channel 300C2 at West Point.

16. Section 73.202(b), the Table of FM Allotments under Nevada, is amended by removing Channel 237C and adding Channel 237C1 at Elko.

17. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by removing Channel 266C2

and adding Channel 266C3 at White Rock.

18. Section 73.202(b), the Table of FM Allotments under North Dakota, is amended by removing Channel 266C1 and adding Channel 266C2 at Valley City and by removing Channel 262C and adding Channel 262C1 at Wishek.

19. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by removing Channel 300C2 and adding Channel 300A at Altus.

20. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by removing Channel 234C3 and adding Channel 234A at Rouge River.

21. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 225C and adding Channel 225C1 at Wichita Falls, by removing Channel 277C and adding Channel 277C1 at Wichita Falls, and by removing Channel 249C2 and adding Channel 249C3 at Winfield.

22. Section 73.202(b), the Table of FM Allotments under Washington, is amended by removing Channel 296C2 and adding Channel 296C3 at Deer Park, and by removing Channel 270C2 and adding Channel 270C3 at Medical Lake.

23. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by removing Channel 222C3 and adding Channel 222A at Clintonville, by removing Channel 222C3 and adding Channel 222A at Hayward, and by removing Channel 240C1 and adding Channel 240C3 at Minocqua.

Federal Communications Commission
Michael C. Ruger,
Chief, Allocations Branch, Policy and Rules
Division, Mass Media Bureau.
[FR Doc. 93-21165 Filed 8-31-93; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF DEFENSE

48 CFR Parts 232 and 252

Defense Federal Acquisition Regulation Supplement; Incremental Funding of Fixed-Price Contracts

AGENCY: Department of Defense (DOD).

ACTION: Interim rule with request for comments.

SUMMARY: The Director of Defense Procurement has issued an interim rule that revises the Defense Federal Acquisition Regulation Supplement to establish a formal DoD policy on funding fixed-price contracts, to prescribe limitations on the use of incrementally funded fixed-price contracts, and to provide a standard

clause for use in incrementally funded fixed-price contracts.

DATES: Effective Date: August 23, 1993.

Comment Date: Comments on the interim rule should be submitted in writing at the address shown below on or before October 1, 1993, to be considered in the formulation of the final rule. Please cite DAR Case 90-037 in all correspondence.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, ATTN: Mr. Eric Mens, OUSD(A)DP, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax Number (703) 697-9845.

FOR FURTHER INFORMATION CONTACT: Mr. Eric Mens, (703) 697-7266.

SUPPLEMENTARY INFORMATION:

A. Background

Incrementally funded fixed-price contracts have been used in limited situations throughout DoD for a number of years. This technique has permitted DoD to award fixed-price contracts and to initiate work in specific circumstances where full funding was not available (e.g. contracts funded with research and development appropriations, etc.), precluding the need to use a cost-type contract when the nature of the requirement was more suitable for a fixed-price contract. To support the use of this technique, a number of nonstandard clauses had been developed for use in the Services and agencies. In recognition of the need for a standard clause for such contracts, the Defense Acquisition Regulations Council developed language and a clause for inclusion in the Defense Federal Acquisition Regulation Supplement (DFARS) that, while maintaining the preference for full funding of fixed-price contracts, would permit the use of incremental funding in clearly defined and limited situations.

The interim rule amends DFARS 232 and 252 to establish specific situations where incremental funding of fixed-price contracts would be appropriate. Under this rule, the use of incrementally funded fixed-price contracts is limited to situations where the contract is funded with research and development (R&D) funds; where Congress has incrementally appropriated program funds; or where the head of the contracting activity has approved the use of incremental funding for either base services or hazardous/toxic waste remediation contracts. A new clause at 252.232-7007, Limitation of Government's Obligation, identifies procedures for incrementally funding the contract and requires the contractor

to provide the Government with written notice when the work will reach the point at which the amount payable by the Government, including any termination costs, approximates 85 percent of the funds currently allotted to the contract.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, applies but the interim rule is not expected to have a significant economic impact on a substantial number of small entities. An Initial Regulatory Flexibility Analysis (IRFA) has been performed and a copy has been submitted to the Chief Counsel for Advocacy of the Small Business Administration. The IRFA states that while a substantial number of small businesses which are awarded fixed-price contracts for R&D, base services, and hazardous/toxic waste remediation may be impacted (estimated at 39 percent), the DoD expects that the economic impact on such entities will not be significant. This is because the rule places little cost risk on the contractor. While the interim rule establishes a clear preference for fully funding fixed-price contracts, it also creates a standard clause to be used in clearly defined and limited circumstances to permit DoD to award, and the contractor to begin work under, a contract prior to the availability of full funding. The interim rule requires that the contract be fully funded as soon as the full amount of funds are made available. Under the rule, there is no requirement for the contractor to perform beyond the available funds allotted to the contract and the rule provides specific protections to the contractor until full funding is provided. The economic impact on small entities is also expected to be minimal with regard to the reporting requirement of the clause because the type of accounting data which is needed to make a determination concerning the timing of the required notice is data which is generally already available under contract cost/funds reporting procedures as well as part of the normal conduct of business (e.g. data on labor and material costs, accounts receivable and payable, cash flow, profit/loss projections, estimates at completion, etc.). A copy of the IRFA may be obtained from Mr. Eric Mens, telephone number (703) 697-7266 or telefax number (703) 697-9845. Comments from small entities concerning the affected DFARS subpart will be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite 5 U.S.C.

610 (DAR Case 90-037) in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96-511) applies because the interim rule imposes a new reporting requirement which requires the approval of OMB under 44 U.S.C. 3501 *et seq.* DoD has submitted a request for expedited OMB approval of this new information collection requirement.

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense to issue this rule as an interim rule. Urgent and compelling reasons exist to promulgate this rule before affording the public an opportunity to comment. The lack of a standard clause for use in incrementally funded fixed-price contracts may seriously impair the ability of DoD components to support mission requirements by precluding the award of fixed-price contracts in circumstances where full funding is not available. Therefore, it is essential that guidance be issued as expeditiously as possible.

List of Subjects in 48 CFR Parts 232 and 252

Government procurement.

Claudia L. Naugle,
Deputy Director, Defense Acquisition
Regulations Council.

Therefore, 48 CFR parts 232 and 252 are amended as follows:

1. The authority citation for 48 CFR parts 233 and 252 is revised to read as follows:

Authority: 41 U.S.C. 421 and FAR subpart 1.3.

PART 232—CONTRACT FINANCING

2. A new subpart 232.7 is added to read as follows:

Subpart 232.7—Contract Funding

Sec.

- 232.702 Policy.
- 232.703 Contract funding requirements.
- 232.703-1 General.
- 232.704 Limitation of cost or funds.
- 232.704-70 Incrementally funded fixed-price contracts.
- 232.705 Contract clauses.
- 232.705-70 Clause for limitation of Government's obligation.

Subpart 232.7—Contract Funding

232.702 Policy.

Fixed-price contracts shall be fully funded except as permitted by 232.703-1.

232.703 Contract funding requirements.

232.703-1 General.

(1) A fixed-price contract may be incrementally funded only if—

- (i) The contract is funded with research and development appropriations;
 - (ii) Congress has otherwise incrementally appropriated program funds; or
 - (iii) The head of the contracting activity approves the use of incremental funding for either base services contracts or hazardous/toxic waste remediation contracts.
- (2) Incrementally funded fixed-price contracts shall be fully funded as soon as practicable after full funding is available.

232.704 Limitation of cost or funds.

232.704-70 Incrementally funded fixed-price contracts.

(a) Upon receipt of the contractor's notice under paragraph (c) of the clause at 252.232-7007, Limitation of Government's Obligation, the contracting officer shall promptly provide written notice to the contractor that the Government is—

- (1) Allotting additional funds for continued performance and increasing the Government's limitation of obligation in a specified amount;
- (2) Terminating the contract; or
- (3) Considering whether to allot additional funds; and

(i) The contractor is entitled by the contract terms to stop work when the Government's limitation of obligation is reached; and

(ii) Any costs expended beyond the Government's limitation of obligation are at the contractor's risk.

(b) Upon learning that the contract will receive no further funds, the contracting officer shall promptly give the contractor written notice of the Government's decision and terminate for the convenience of the Government.

(c) The contracting officer shall ensure that, in accordance with paragraph (b) of the clause at 252.232-7007, Limitation of Government's Obligation, sufficient funds are allotted to the contract to cover the total amount payable to the contractor in the event of termination for the convenience of the Government.

232.705 Contract clauses.

232.705-70 Clause for limitation of Government's obligation.

Use the clause at 252.232-7007, Limitation of Government's Obligation, in solicitations and resultant incrementally funded fixed-price

contracts. The contracting officer may revise the contractor's notification period, in paragraph (c) of the clause, from "ninety" to "thirty" or "sixty" days, as appropriate.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 252.232-7007 is added to read as follows:

252.232-7007 Limitation of Government's obligation.

As prescribed in 232.705-70, use the following clause:

Limitation of Government's obligation (Aug. 1993)

(a) Contract line item(s) _____* through _____* are incrementally funded. For these item(s), the sum of \$ _____* of the total price is presently available for payment and allotted to this contract. An allotment schedule is set forth in paragraph (i) of this clause.

(b) For item(s) identified in paragraph (a) of this clause, the Contractor agrees to perform up to the point at which the total amount payable by the Government, including reimbursement in the event of termination of those item(s) for the Government's convenience, approximates the total amount currently allotted to the contract. The Contractor will not be obligated to continue work on those item(s) beyond that point. The Government will not be obligated in any event to reimburse the Contractor in excess of the amount allotted to the contract for those item(s) regardless of anything to the contrary in the clause entitled "Termination for Convenience of the Government." As used in this clause, the total amount payable by the Government in the event of termination of applicable contract line item(s) for convenience includes costs, profit, and estimated termination settlement costs for those item(s).

(c) Notwithstanding the dates specified in the allotment schedule in paragraph (i) of this clause, the Contractor will notify the Contracting Officer in writing at least ninety days prior to the date when, in the Contractor's best judgment, the work will reach the point at which the total amount payable by the Government, including any cost for termination for convenience, will approximate 85 percent of the total amount then allotted to the contract for performance of the applicable item(s). The notification will state (1) the estimated date when that point will be reached and (2) an estimate of additional funding, if any, needed to continue performance of applicable line items up to the next scheduled date for allotment of funds identified in paragraph (i) of this clause, or to a mutually agreed upon substitute date. The notification will also advise the Contracting Officer of the estimated amount of additional funds that will be required for the timely performance of the item(s) funded pursuant to this clause, for a subsequent period as may be specified in the allotment schedule in paragraph (i) of

this clause, or otherwise agreed to by the parties. If after such notification additional funds are not allotted by the date identified in the Contractor's notification, or by an agreed substitute date, the Contracting Officer will terminate any item(s) for which additional funds have not been allotted, pursuant to the clause of this contract entitled "Termination for Convenience of the Government."

(d) When additional funds are allotted for continued performance of the contract line item(s) identified in paragraph (a) of this clause, the parties will agree as to the period of contract performance which will be covered by the funds. The provisions of paragraph (b) through (d) of this clause will apply in like manner to the additional allotted funds and agreed substitute date, and the contract will be modified accordingly.

(e) If, solely by reason of failure of the Government to allot additional funds, by the dates indicated below, in amounts sufficient for timely performance of the contract line item(s) identified in paragraph (a) of this clause, the Contractor incurs additional costs or is delayed in the performance of the work under this contract and if additional funds are allotted, an equitable adjustment will be made in the price or prices (including appropriate target, billing, and ceiling prices where applicable) of the item(s), or in the time of delivery, or both. Failure to agree to any such equitable adjustment hereunder will be a dispute concerning a question of fact within the meaning of the clause entitled "Disputes."

(f) The Government may at any time prior to termination allot additional funds for the performance of the contract line item(s) identified in paragraph (a) of this clause.

(g) The termination provisions of this clause do not limit the rights of the Government under the clause entitled "Default." The provisions of this clause are limited to the work and allotment of funds for the contract line item(s) set forth in paragraph (a) of this clause. This clause no longer applies once the contract is fully funded except with regard to the rights or obligations of the parties concerning equitable adjustments negotiated under paragraphs (d) or (e) of this clause.

(h) Nothing in this clause affects the right of the Government to terminate this contract pursuant to the clause of this contract entitled "Termination for Convenience of the Government."

(i) The parties contemplate that the Government will allot funds to this contract in accordance with the following schedule:

On execution of contract.....	\$
(month) (day), 199x.....	\$
(month) (day), 199y.....	\$
(month) (day), 199z.....	\$
(End of clause)	

Alternate I (Aug. 1993). If only one line item will be incrementally funded, substitute the following paragraph (a) for paragraph (a) of the basic clause.

(a) Contract line item _____ is incrementally funded. The sum of \$ _____* is presently available for payment and allotted to this contract. An allotment

schedule is contained in paragraph (i) of this clause.

*To be inserted after negotiation.

[FR Doc. 93-21266 Filed 8-31-93; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 930402-3134; I.D. 082493A]

Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California

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

ACTION: Closure.

SUMMARY: NMFS announces that the recreational salmon fishery in the exclusive economic zone (EEZ) from the U.S.-Canada border to Cape Alava, Washington, was closed at midnight, August 22, 1993, to ensure that the coho salmon quota for this subarea is not exceeded. The Director, Northwest Region, NMFS (Regional Director), has determined that the recreational fishery quota of 19,700 coho salmon for the subarea has been reached. This action is necessary to conform to the preseason announcement of the 1993 management measures and is intended to ensure conservation of coho salmon.

DATES: Effective at 2400 hours local time, August 22, 1993. Comments will be accepted through September 15, 1993.

ADDRESSES: Comments may be mailed to Rolland A. Schmitt, Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way N.E., BIN C15700-Bldg. 1, Seattle, WA 98115-0070. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the office of the NMFS Northwest Regional Director.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at (206) 526-6140.

SUPPLEMENTARY INFORMATION: Regulations governing the ocean salmon fisheries at 50 CFR 661.21(a)(1) state that "When a quota for the commercial or the recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Director to be reached on or by a certain date, the Secretary will, by notice issued under § 661.23, close the commercial or recreational fishery,

or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached."

In its amended emergency interim rule (58 FR 31664, June 4, 1993), NMFS announced that the 1993 recreational fishery for all salmon species in the subarea from the U.S.-Canada border to Cape Alava, Washington, would open July 12 and continue through the earliest of September 30 or the attainment of either a subarea quota of 19,700 coho salmon or an overall quota of 25,000 chinook salmon north of Cape Falcon, Oregon.

Based on the best available information on August 19, 1993, the recreational fishery catch in the subarea from the U.S.-Canada border to Cape Alava was projected to reach the 19,700 coho salmon quota by midnight, August 22, 1993. Therefore, the recreational fishery in this subarea was closed to recreational fishing for all salmon species effective 2400 hours local time, August 22, 1993.

The Regional Director consulted with representatives of the Pacific Fishery Management Council and the Washington Department of Fisheries regarding this closure. The State of Washington will manage the recreational fishery in state waters adjacent to this area of the EEZ in accordance with this Federal action. The recreational salmon fishery in Washington State Statistical Area 4B continues as regularly scheduled under State regulations. In accordance with the inseason notice procedures of 50 CFR 661.23, actual notice to fishermen of this action was given prior to 2400 hours local time, August 22, 1993, by telephone hotline number (206) 526-6667 or (800) 662-9825 and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 Khz. Because of the need for immediate action, the Secretary of Commerce has determined that good cause exists for this notice to be issued without affording a prior opportunity for public comment. This notice does not apply to treaty Indian fisheries or to other fisheries that may be operating in other areas.

Classification

This action is authorized by 50 CFR 661.21 and 661.23 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians, Reporting and recordkeeping requirements.

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

Dated: August 27, 1993.

Richard H. Schaefer,

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

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50 CFR Part 663

[Docket No. 921253-2353; ID. 082593B]

Pacific Coast Groundfish Fishery

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

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces the end of the large-scale Pacific whiting (whiting) fishery off Washington, Oregon, and California, and the reimposition of the 10,000-pound trip limit coastwide. This action is authorized under Amendment 4 to the Pacific Coast Groundfish Fishery Management Plan (FMP). It is intended to keep landings close to the harvest guideline while allowing small quantities of whiting to be landed by fresh fish and bait fisheries, and from bycatch in non-whiting fisheries.

EFFECTIVE DATES: Effective from 0001 hours (local time) September 4, 1993, until modified, superseded, or rescinded. Comments will be accepted through September 16, 1993.

ADDRESSES: Submit comments to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, BIN-C15700, Seattle, Washington 98115-0070; or Dr. Gary Matlock, Acting Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Blvd., suite 4200, Long Beach, California 90802-4213.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140; or Rodney McInnis at 310-980-4040.

SUPPLEMENTARY INFORMATION: Amendment 4 to the FMP (56 FR 736, January 8, 1991) authorizes the designation of certain management measures as "routine." Implementation and further adjustment of those measures may occur after consideration at a Pacific Fishery Management Council (Council) meeting. Trip landing and frequency limits for whiting caught outside the regular season were designated routine at 50 CFR 663.23(c)(1)(i)(I) (58 FR 11984, March 2, 1993). A trip limit is defined at 50 CFR 663.2 as the total allowable amount of a groundfish species or species complex

by weight, or by percentage of weight of fish on board, that may be taken and retained, possessed, or landed from a single fishing trip. The regular whiting season is the period during which the large-scale target fishery is conducted, and generally occurs between March/April and October/November.

At the September 1992 Council meeting, the Council recommended implementation of a 10,000-pound trip limit for whiting before and after the regular season in 1993. The 10,000-pound trip limit at the end of the regular season is necessary to keep landings close to the whiting harvest guideline while providing for small landings outside the regular season by the fresh fish and bait fisheries and from the bycatch of whiting in other fisheries.

The pre-season 10,000-pound trip limit became effective on February 25, 1993, concurrent with the routine designation. The regular season started on April 15, 1993. The whiting fishery was then closed to further at-sea processing on May 5, 1993, when its 100,000 metric-ton (mt) limit was projected to be reached (58 FR 27480). Shoreside processing continued to operate through the summer months. The best available data on August 20, 1993, indicate that approximately 131,500 mt of whiting had been harvested through August 10, 1993, with shoreside landings averaging 430 mt per day. At that rate, the 142,000-mt harvest guideline for whiting is projected to be reached on September 3, 1993. Therefore, NMFS is reimposing the 10,000-pound trip limit for whiting coastwide on September 4, 1993.

Note: The pre-season and post-season trip limits for whiting are not the same as the trip limits for whiting at 50 CFR 663.23(b)(3)(iii) which is intended to minimize bycatch of Pacific salmon under Amendment 7 to the FMP (58 FR 21261, April 20, 1993). The bycatch trip limit to protect salmon, which also is 10,000-pounds in 1993, only applies shoreward of the 100-fathom contour in the Eureka subarea (from 43°00'00" N. latitude to 43°30'00" N. latitude) and remains in effect year-round.

Secretarial Action

For the reasons given above, the Secretary of Commerce (Secretary) concurs with the Council's recommendation and announces the following action:

(1) Effective 0001 hours (local time) September 4, 1993, the trip limit for Pacific whiting is 10,000 pounds per vessel coastwide.

(2) All Pacific whiting caught and possessed zero and 200 nautical miles offshore, or landed in Washington, Oregon, or California are presumed to have been taken and retained from the