

must be filed by the same dates as listed in the first page of this document, and must have a separate and distinct heading designating them as responses to the IRFA. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of the NPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

#### *D. Paperwork Reduction Analysis*

59. This document contains proposed new information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget ("OMB") to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4), we seek specific comment on how we might "further reduce the information collection burden for small business concerns with fewer than 25 employees."

#### **V. Ordering Clauses**

60. Accordingly, IT IS ORDERED that pursuant to sections 1, 10, 201(b), 219-220, 224, 254(k), 272(e)(3), 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 160, 201(b), 219-220, 224, 254(k), 272(e)(3), 303(r), 403, the NOTICE OF PROPOSED RULEMAKING is hereby ADOPTED.

61. IT IS FURTHER ORDERED that the Commission's Consumer Information Bureau, Reference Information Center, SHALL SEND a copy of the NOTICE OF PROPOSED RULEMAKING, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

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## **DEPARTMENT OF DEFENSE**

### **GENERAL SERVICES ADMINISTRATION**

### **NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

#### **48 CFR Part 42**

[FAR Case 2014-010; Docket 2014-0010, Sequence 1]

**RIN 9000-AM79**

### **Federal Acquisition Regulation; Enhancements to Past Performance Evaluation Systems**

**AGENCIES:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Proposed rule.

**SUMMARY:** DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to accommodate the Architect-Engineer Contract Administration Support System (ACASS) and Construction Contractor Appraisal Support System (CCASS) modules within the Contractor Performance Assessment Reporting System (CPARS) database.

**DATES:** Interested parties should submit written comments to the Regulatory Secretariat at one of the addresses shown below on or before November 14, 2014 to be considered in the formation of the final rule.

**ADDRESSES:** Submit comments in response to FAR Case 2014-010 by any of the following methods:

- Regulations.gov: <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching for "FAR Case 2014-010". Select the link "Comment Now" that corresponds with FAR Case 2014-010. Follow the instructions provided at the "Comment Now" screen. Please include your name, company name (if any), and "FAR Case 2014-010" on your attached document.

- Fax: 202-501-4067.
- Mail: General Services Administration, Regulatory Secretariat (MVCB), ATTN: Hada Flowers, 1800 F Street NW., 2nd Floor, Washington, DC 20405.

**Instructions:** Please submit comments only and cite FAR case 2014-010, in all correspondence related to this case. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** Mr. Curtis E. Glover, Sr., Procurement Analyst, at (202) 501-1448 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at (202) 501-4755. Please cite FAR Case 2014-010.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Effective July 1, 2014, the CPARS, ACASS, and CCASS modules were merged into a single application under the CPARS name in order to standardize the contractor performance evaluation process across the entire Federal Government. DoD, GSA, and NASA are proposing to revise the language at FAR 42.1502, Policy, to remove references to the ACASS and CCASS modules. This action will standardize the past performance reporting requirements under the CPARS database in FAR subpart 42.15.

##### **II. Executive Orders 12866 and 13563**

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

##### **III. Regulatory Flexibility Act**

DoD, GSA, and NASA do 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 this rule removes references to the ACASS and CCASS modules since these modules were merged into CPARS on July 1, 2014. This action will standardize the past performance reporting requirements for architect-engineer contracts and construction contracts under the CPARS database. This change does not place any new requirements on small entities. Therefore, an initial regulatory flexibility Analysis has not been performed. DoD, GSA, and NASA invite comments from small business concerns and other interested parties on the

expected impact of this rule on small entities.

DoD, GSA, and NASA will also consider comments from small entities concerning the existing regulations in subparts affected by the rule consistent with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610, FAR Case 2014-010, in correspondence.

#### IV. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

#### List of Subjects in 48 CFR Part 42

Government procurement.

Dated: September 9, 2014.

**William Clark,**

*Acting Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.*

Therefore, DoD, GSA, and NASA propose amending 48 CFR part 42 as set forth below:

#### PART 42—CONTRACT ADMINISTRATION AND AUDIT SERVICES

■ 1. The authority citation for 48 CFR part 42 continues to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

■ 2. Amend section 42.1502 by revising paragraph (a) to read as follows:

##### 42.1502 Policy.

(a) *General.* Past performance evaluations shall be prepared at least annually and at the time the work under a contract or order is completed. Past performance evaluations are required for all contracts and orders that exceed the specified thresholds, including contracts and orders performed outside the United States. These evaluations are generally for the entity, division, or unit that performed the contract or order. Past performance information shall be entered into CPARS, the Governmentwide evaluation reporting tool for all past performance reports on contracts and orders. Instructions for submitting evaluations into CPARS are available at <http://www.cpars.gov/>.

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 660

[Docket No. 140528460-4460-01]

RIN 0648-BE25

##### Fisheries Off West Coast States; Highly Migratory Fisheries; California Swordfish Drift Gillnet Fishery; Vessel Monitoring System and Pre-Trip Notification Requirement

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS is issuing a proposed rule to require use of a NMFS-approved vessel monitoring system (VMS) and institute a 48-hour pre-trip call-in notification requirement for West Coast Large-mesh Swordfish Drift Gillnet (DGN) vessel owners. The DGN fishery operates under authority of the Federal Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP). The VMS requirement is a mandatory term and condition in the 2013 Endangered Species Act (ESA) Section 7 biological opinion (Opinion) that authorizes the DGN fishery to take certain threatened and endangered species incidental to fishing operations. Installing and operating VMS on vessels in this fishery would provide NMFS and law enforcement personnel the ability to monitor the fishery for compliance with time/area closures, facilitate the deployment of agents to inspect vessels for compliance with conservation measures, and more closely examine and compare the distribution of observed and unobserved fishing effort in the fishery. The pre-trip notification would assist NMFS with timely and efficient placement of NMFS observers onboard DGN vessels.

**DATES:** Comments must be received on or before September 30, 2014.

**ADDRESSES:** You may submit comments on the proposed rule, identified by NOAA-NMFS-2014-2013-0131, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-2013-0131>, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

- *Mail:* Submit written comments to Craig Heberer, NMFS West Coast Region, 501 W. Ocean Blvd., Ste. 4200, Long Beach, CA 90802. Include the identifier "NOAA-NMFS-2014- in the comments.

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Copies of the draft Regulatory Impact Review (RIR) and other supporting documents are available via the Federal e-Rulemaking Portal: <http://www.regulations.gov>, docket NOAA-NMFS-140528460-4460-01 or contact with the Regional Administrator, William W. Stelle, Jr., NMFS West Coast Regional Office, 7600 Sand Point Way NE., Bldg 1, Seattle, WA 98115-0070, or [RegionalAdministrator.WCRHMS@noaa.gov](mailto:RegionalAdministrator.WCRHMS@noaa.gov).

##### FOR FURTHER INFORMATION CONTACT:

Craig Heberer, NMFS, 706-431-9440 (#303), [craig.heberer@noaa.gov](mailto:craig.heberer@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The DGN fishery is managed under the HMS FMP, which was prepared by the Pacific Fishery Management Council (Council) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), 16 U.S.C. 1801, et seq., by regulations at 50 CFR part 660.

##### Background

On September 4, 2013, NMFS published in the **Federal Register** a temporary rule (78 FR 54548) for emergency action to modify the DGN fishery for the 2013-2014 fishing season under authority of section 305(c)(1) of the MSA, 16 U.S.C. 1855(c). NMFS issued the temporary rule as a result of the observed entanglement of two Endangered Species Act (ESA) listed sperm whales by a DGN fishing vessel in 2010 and the recommendations made to NMFS by the Pacific Offshore Cetacean Take Reduction Team (TRT) to reduce sperm whale bycatch in the fishery for the 2013-2014 fishing