

number 2700-AC86, via the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments. Comments may also be submitted to Celeste Dalton, NASA, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20546. Comments can also be submitted by e-mail to: Celeste.M.Dalton@nasa.gov.

FOR FURTHER INFORMATION CONTACT: Celeste Dalton, NASA, Office of Procurement, Contract Management Division (Code HK); (202) 358-1645; e-mail: Celeste.M.Dalton@nasa.gov.

SUPPLEMENTARY INFORMATION:

A. Background

Currently the NASA FAR Supplement (NFS) contains information to implement or supplement the FAR. This information contains NASA's policies, procedures, contract clauses, solicitation provisions, and forms that govern the contracting process or otherwise control the relationship between NASA and contractors or prospective contractors. The NFS also contains information that consists of internal Agency administrative procedures and guidance that does not control the relationship between NASA and contractors or prospective contractors. Regardless of the nature of the information, as a policy, NASA has submitted to the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB) and published in the **Federal Register** all changes to the NFS. FAR 1.101 states in part that the Federal Acquisition Regulations System consists of the Federal Acquisition Regulation (FAR), which is the primary document, and agency acquisition regulations that implement or supplement the FAR. The FAR System does not include internal agency guidance of the type described in 1.301(a)(2)." FAR 1.301(a)(2) states in part "an agency head may issue or authorize the issuance of internal agency guidance at any organizational level (e.g., designations and delegations of authority, assignments of responsibilities, work-flow procedures, and internal reporting requirements)." Further, FAR 1.303 states that issuances under FAR 1.301(a)(2) need not be published in the **Federal Register**. Based on the foregoing, NASA is not required to publish and codify internal Agency guidance.

This proposed rule will modify the existing practice by only publishing those regulations which may have a significant effect beyond the internal operating procedures of the Agency or

have a significant cost or administrative impact on contractors or offerors.

The NFS will continue to integrate into a single document both regulations subject to public comments and internal Agency guidance and procedures that do not require public comment. Those portions of the NFS that require public comment will continue to be amended by publishing changes in the **Federal Register**. NFS regulations that require public comment are issued as Chapter 18 of Title 48, CFR. Changes to portions of the regulations contained in the CFR, along with changes to internal guidance and procedures, will be incorporated into the NASA-maintained Internet version of the NFS through Procurement Notices (PNs). The single official NASA-maintained version of the NFS will remain available on the Internet. NASA personnel must comply with all regulatory and internal guidance and procedures contained in the NFS.

This change will result in savings in terms of the number of rules subject to publication in the **Federal Register** and provide greater responsiveness to internal administrative changes.

B. Regulatory Flexibility Act

This proposed rule is not expected to have a significant economic impact on a substantial number of small entities with the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because this rule would only remove from the CFR information that is considered internal Agency administrative procedures and guidance. The information removed from the CFR will continue to be made available to the public via the Internet.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes do not impose recordkeeping or information collection requirements which 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 1834, 1835, 1836, 1837, 1839, and 1841

Government Procurement.

Tom Luedtke,

Assistant Administrator for Procurement.

Accordingly, 48 CFR parts 1834, 1835, 1836, 1837, 1839, and 1841 are proposed to be amended as follows:

1. The authority citation for 48 CFR parts 1834, 1835, 1836, 1837, 1839, and 1841 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1)

PART 1834—MAJOR SYSTEM ACQUISITION

2. Remove part 1834.

PART 1835—RESEARCH AND DEVELOPMENT CONTRACTING

3. Amend part 1835 by —
(a) Removing sections 1835.003, 1835.010, 1835.011, 1835.015, 1835.016;
(b) In section 1835.016–70, removing paragraph (b);
(c) In section 1835.016–71, removing paragraphs (b), (c), (d), (e), and (f); and
(d) Removing section 1835.016–72.

PART 1836—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

4. Amend part 1836 by removing sections 1836.209, 1836.213, 1836.213–3, 1836.213–4, 1836.602–2, 1836.602–4, 1836.602–5, 1836.602–70, 1836.603, 1836.605, subpart 1836.7, 1836.7001, 1836.7002, 1836.7003, and in section 1836.7004 removing "in accordance with 1836.7003".

PART 1837—SERVICE CONTRACTING

5. Amend part 1837 by removing section 1837.204.

PART 1839—ACQUISITION OF INFORMATION TECHNOLOGY

6. Amend part 1839 by removing section 1839.105.

PART 1841—ACQUISITION OF UTILITY SERVICES

7. Amend part 1841 by removing Subparts 1841.2, 1841.3, and 1841.4.

[FR Doc. 04–7239 Filed 3–30–04; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

RIN 1018–AI95

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 021223326–4022–02]

RIN 0648–AQ69

50 CFR Part 402

Joint Counterpart Endangered Species Act Section 7 Consultation Regulations

AGENCIES: Fish and Wildlife Service, Interior; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Proposed rule; extension of public comment period.

SUMMARY: We, the U.S. Department of the Interior, Fish and Wildlife Service (FWS) and the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries) (referred to jointly as "Services" and individually as "Service"), after coordination with the Environmental Protection Agency (EPA) and the U.S. Department of Agriculture (USDA) announce the extension of the public comment period for the proposal to issue joint counterpart regulations pursuant to the Endangered Species Act of 1973 (as amended). We are extending the comment period for the proposal to allow all interested parties additional time to provide comments. Comments previously submitted will be incorporated into the public record as part of this extended comment period, and will be fully considered in the final decision.

DATES: Comments on this proposal must be received by April 16, 2004, to be considered in the final decision on this proposal.

ADDRESSES: Comments or materials concerning the proposed rule should be sent by regular mail or courier service to the Assistant Director for Endangered Species, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 420, Arlington, Virginia 22203. You may also submit electronic comments via the Internet to Pesticide.ESARegulations@noaa.gov. Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include "Attn: 1018-AI95" and your name and return address in your Internet message. Comments and materials received in conjunction with this rulemaking will be available for inspection, by appointment, during normal business hours at the above address.

The FWS agreed to take responsibility for receipt of public comments and will share any comments it receives with NOAA Fisheries, EPA and USDA. All the agencies will work together to compile, analyze, and respond to the public comments. Due to a recent court decision blocking the Fish and Wildlife Service's access to the internet, NOAA Fisheries will assume responsibility for receiving any subsequent comments

sent electronically from the date of this notice until the close of the comment period and will share those comments with the other agencies. Comments that are sent via the postal service or courier should be sent to the FWS at the above address.

FOR FURTHER INFORMATION CONTACT: Gary Frazer, Assistant Director for Endangered Species, at the above address (Telephone 703/358-2171, Facsimile 703/358-1735) or Phil Williams, Chief, Endangered Species Division, NOAA Fisheries, 1315 East-West Highway, Silver Spring, MD 20910 (301/713-1401; facsimile 301/713-0376).

SUPPLEMENTARY INFORMATION: The U.S. Department of the Interior, Fish and Wildlife Service (FWS) and the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries) (referred to jointly as "Services" and individually as "Service"), after coordination with the Environmental Protection Agency (EPA) and the U.S. Department of Agriculture (USDA), proposed joint counterpart regulations for consultation under section 7 of the Endangered Species Act of 1973, as amended (ESA) for regulatory actions under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) on January 30, 2004 (69 FR 4465).

Counterpart regulations, described in general terms at 50 CFR 402.04, are intended to provide flexibility in the ways that a federal agency may meet its obligations under the ESA by creating alternative procedures to the existing section 7 consultation process described at 50 CFR subpart B. These proposed counterpart regulations would complement the existing section 7 consultation process and enhance the efficiency and effectiveness of the section 7 consultation process by increasing interagency cooperation and providing two optional alternatives for completing section 7 consultation for FIFRA regulatory actions. One alternative process would eliminate the need for EPA to conduct informal consultation and obtain written concurrence from the Service for those FIFRA actions that EPA determines are "not likely to adversely affect" any listed species or critical habitat. The other alternative consultation process would permit the Service to conduct formal consultation in a manner that

more effectively takes advantage of EPA's substantial expertise in evaluating ecological effects of FIFRA regulatory actions on federally-protected threatened and endangered species ("listed species") and critical habitats.

By court order dated March 15, 2004, the Department of the Interior was directed to disconnect all of its Information Technology systems from the Internet. This court order has precluded agencies and other parties from submitting comments electronically to the Internet mailbox PesticideESARegulations@fws.gov, which was established for the purpose of receiving electronic comments. Although a stay was granted allowing the FWS to reconnect to the Internet on March 24, 2004, parties wishing to submit public comments on this proposed rule should no longer use the e-mail address described in the January 30, 2004, notice of proposed rulemaking. We are establishing a new electronic mailbox to receive electronic comments. Any comments that were submitted electronically to PesticideESARegulations@fws.gov between March 15, 2004, and March 25, 2004, should be re-submitted to the internet address described below or by hardcopy to the address indicated in the **ADDRESSES** section above. Other comments submitted to PesticideESARegulations@fws.gov before March 15, 2004, will be considered and do not need to be re-submitted. As of March 31, 2004 electronic comments should now be submitted to Pesticide.ESARegulations@noaa.gov. Any comments on this proposed rule must be received no later than April 16, 2004, to be considered in the final decision. Additional information regarding this proposed rule may be viewed online at <http://www.nmfs.noaa.gov/pr/laws/pesticides.htm>.

Dated: March 26, 2004.

Craig Manson,

Assistant Secretary for Fish and Wildlife and Parks.

Dated: March 25, 2004.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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