

allow the use of express delivery services, may simplify the return and tracking process, and is consistent with similar coverage in the Federal Acquisition Regulation (FAR) at 11.403(d) and 33.211(b).

This final rule provides that the Deputy Assistant Secretary for Acquisition and Materiel Management (DAS for A&MM) is delegated authority to act as the Secretary's designee under section 28.203-7 of the FAR. Accordingly, the DAS for A&MM may make determinations to exclude individuals from acting as sureties on bonds and to accept bonds from individuals whose names appear on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs. We think the DAS for A&MM is the appropriate official to make these determinations.

This final rule concerns contracts and would not have a significant effect on individuals or entities. Accordingly, we are dispensing with prior notice and comment and a delayed effective date.

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. This rule would not cause a significant effect on any entities. Therefore, pursuant to 5 U.S.C. 605(b), this rule is exempt from the initial and final regulatory flexibility analysis requirements of §§ 603 and 604.

#### OMB Review

This document has been reviewed by OMB pursuant to Executive Order 12866.

#### List of Subjects

48 CFR Part 828

Government procurement, Insurance, Surety bonds.

48 CFR Part 852

Government procurement, Reporting and recordkeeping requirements.

Approved: April 14, 1999

**Togo D. West, Jr.,**

*Secretary of Veterans Affairs.*

For the reasons set forth in the preamble, 48 CFR Chapter 8 is amended as follows:

#### PART 828—BONDS AND INSURANCE

1. The authority citation for part 828 continues to read as follows:

**Authority:** 38 U.S.C. 501 and 40 U.S.C. 486(c).

2. The heading for subpart 828.1 is revised to read as follows:

#### Subpart 828.1—Bonds and Other Financial Protections

##### 828.101-3 [Redesignated as 828.101-2]

3. Section 828.101-3 is redesignated as 828.101-2.

##### 828.101-70 [Amended]

4. Section 828.101-70, paragraph (a) is amended by removing "certified mail or in person upon presentation of proper receipt after contract and bonds" and adding, in its place, "any method that will provide evidence of receipt, or in person upon presentation of proper receipt, after the contract and contract bonds"; paragraph (b) is amended by removing "certified mail, or" and adding, in its place, "by any method that will provide evidence of receipt or"; and paragraph (c) is amended by removing "until contract and bonds" and adding, in its place, "until the contract and contract bonds".

5. Section 828.106 heading is added immediately preceding 828.106-6 to read as follows:

##### 828.106 Administration.

6. Section 828.106-6 is revised to read as follows:

##### 828.106-6 Furnishing information.

For all contracts except contracts awarded by the Office of Facilities Management, the head of the contracting activity, as defined in 802.100, shall be the Department designee referenced in FAR 28.106-6(c) to furnish copies of payment bonds to requestors. For contracts awarded by the Office of Facilities Management, the Office of Facilities Management contracting officer shall be the Department designee.

7. Subpart 828.2 is added to read as follows:

#### Subpart 828.2—Sureties and Other Security for Bonds

##### 828.203-7 Exclusion of individual sureties.

The Deputy Assistant Secretary for Acquisition and Materiel Management is delegated authority to make the determinations referenced in FAR 28.203-7 to exclude individuals from acting as surety on bonds and to accept bonds from individuals named on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

##### 828.306 [Amended]

8. Section 828.306, paragraph (b) is amended by removing "this 828.306" and adding, in its place, "paragraph (a) of this section".

9. The heading of Subpart 828.70 is removed.

##### 828.7000 [Redesignated as 828.106-70]

10. Section 828.7000 is redesignated as 828.106-70.

##### 828.7100 [Amended]

11. Section 828.7100, paragraph (a) is amended by removing "contracts which involve a risk of an unusually hazardous nature, covering medical research or development as" and adding, in its place, "contracts covering medical research or development which involve risks of an unusually hazardous nature, as".

##### 828.7103 [Amended]

12. Section 828.7103, paragraph (a) is amended by removing "The financial protection to cover" and adding, in its place, "The amount of financial protection that the contractor is required to have and maintain to cover" and by removing "which the contractor is required to have and maintain".

#### PART 852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

13. The authority citation for part 852 continues to read as follows:

**Authority:** 38 U.S.C. 501 and 40 U.S.C. 486(c).

##### 852.228-70 [Amended]

14. Section 852.228-70, introductory text is amended by removing "828.7000" and adding, in its place, "828.106-70".

[FR Doc. 99-19107 Filed 7-26-99; 8:45 am]

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 990119022-9164-02; I.D. 111998C]

RIN 0648-AM13

#### Fisheries of the Northeastern United States; Amendment 1 to the Atlantic Salmon Fishery Management Plan

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues final regulations to implement Amendment 1 to the Atlantic Salmon Fishery Management Plan (FMP). Specifically, these final regulations establish a framework process to implement, add to or adjust

Atlantic salmon management measures to allow for Atlantic salmon aquaculture projects in the exclusive economic zone (EEZ). Amendment 1 to the FMP also includes an overfishing definition for Atlantic salmon.

**DATES:** Effective August 26, 1999.

**ADDRESSES:** Copies of Amendment 1 and its regulatory impact review (RIR) are available from Paul J. Howard, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1036.

**FOR FURTHER INFORMATION CONTACT:** Bonnie L. VanPelt, Fishery Management Specialist, 978-281-9244.

**SUPPLEMENTARY INFORMATION:** On November 13, 1998, the New England Fishery Management Council (Council) submitted for review and Secretarial approval an omnibus amendment that includes Amendment 11 to the Northeast Multispecies FMP, Amendment 9 to the Sea Scallop FMP, and Amendment 1 to the Atlantic Salmon FMP. The omnibus amendment was approved in its entirety on March 3, 1999, and a notice of approval of the omnibus amendment was published in the **Federal Register** on April 21, 1999 (64 FR 19503). A proposed rule to implement the aquaculture framework process contained in Amendment 1 to the Atlantic Salmon FMP was published on February 5, 1999 (64 FR 5754). The comment period on the proposed rule closed March 22, 1999. No public comments were received on the proposed rule. A complete discussion of Amendment 1's provisions appears in the preamble to the proposed rule and is not repeated here.

#### Approved Management Measures

Amendment 1 to the Atlantic Salmon FMP includes a new Atlantic salmon overfishing definition and adds a mechanism to allow for Atlantic salmon aquaculture in the EEZ through a framework adjustment process. For a discussion of the Atlantic salmon overfishing definition, see the notice of approval of the omnibus amendment (64 FR 19503, April 21, 1999).

Although salmon is overfished, no additional management measures are imposed by Amendment 1. The management measures currently in place prohibit harvesting of salmon from the EEZ and require that any Atlantic salmon incidentally caught in other fisheries be released in a manner that insures maximum probability of survival. These measures have been determined to be sufficient to the extent practicable to minimize bycatch and bycatch mortality consistent with national standard 9.

The Northeast Fisheries Science Center certified the Council's recommended overfishing definition with reservation noting that there was no specified mortality limit or threshold projected for a rebuilt stock, or stock size above which fishing mortality could be greater than zero. However, the Center's conclusion was that in light of the status of the Atlantic salmon resource and its long rebuilding schedule, considerations of such biological reference points can be addressed when, and if, necessary. Moreover, overfishing is not occurring, as fishing mortality is zero and is expected to stay at zero for the foreseeable future. The Council has been notified that should the status of the resource change, it would need to revisit the overfishing definition to clarify what level of fishing mortality is appropriate to rebuild the resource to a sustainable level.

For the sake of efficiency, this rule establishes a framework process to allow for implementation of aquaculture projects, which is consistent with the process outlined for all other amendments now being developed to bring New England and Mid-Atlantic Fishery Management Council plans into compliance with the Sustainable Fisheries Act. This action would allow for the implementation of aquaculture projects through the adjustment of the management measures prohibiting the harvest of Atlantic salmon from the EEZ and through the imposition of one or more of the management measures identified in Amendment 1, including, but not limited to: Minimum fish sizes, gear restrictions, minimum mesh sizes, possession limits, tagging requirements, monitoring requirements, reporting requirements, permit restrictions, area closures, and establishment of special management areas or zones.

#### Classification

The Regional Administrator, Northeast Region, NMFS, determined that Amendment 1 is necessary for the conservation and management of the Atlantic salmon fishery and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

This final rule has been determined to be not significant for purposes of E.O. 12866.

The Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. No comments were received regarding this certification. As a result, a

regulatory flexibility analysis was not prepared.

#### List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: July 21, 1999.

**Andrew A. Rosenberg,**

*Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

#### PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. Section 648.41 is added to read as follows:

##### § 648.41 Framework specifications.

(a) *Within season management action.* The New England Fishery Management Council (NEFMC) may, at any time, initiate action to implement, add to or adjust Atlantic salmon management measures to allow for Atlantic salmon aquaculture projects in the EEZ, provided such an action is consistent with the goals and objectives of the Atlantic Salmon FMP.

(b) *Framework process.* After initiation of an action to implement, add to or adjust an Atlantic salmon management measure to allow for an Atlantic salmon aquaculture project in the EEZ, the NEFMC shall develop and analyze Atlantic salmon management measures to allow for Atlantic salmon aquaculture projects in the EEZ over the span of at least two NEFMC meetings. The NEFMC shall provide the public with advance notice of the availability of both the proposals and the analysis and opportunity to comment on them prior to and at the second NEFMC meeting. The NEFMC's recommendation on aquaculture management measures must come from one or more of the following categories: minimum fish sizes, gear restrictions, minimum mesh sizes, possession limits, tagging requirements, monitoring requirements, reporting requirements, permit restrictions, area closures, establishment of special management areas or zones and any other management measures currently included in the FMP.

(c) *NEFMC recommendation.* After developing Atlantic salmon management measures and receiving public testimony, the NEFMC shall make a recommendation to NMFS. The NEFMC's recommendation must include supporting rationale and, if

management measures are recommended, an analysis of impacts and a recommendation to NMFS on whether to issue the management measures as a final rule. If NMFS concurs with the NEFMC's recommendation to issue the management measures as a final rule, the NEFMC must consider at least the following factors and provide support and analysis for each factor considered:

(1) Whether the availability of data on which the recommended management measures are based allows for adequate time to publish a proposed rule, and whether regulations have to be in place for an entire harvest/fishing season.

(2) Whether there has been adequate notice and opportunity for participation by the public and members of the affected industry in the development of

the NEFMC's recommended management measures.

(3) Whether there is an immediate need to protect the resource.

(4) Whether there will be a continuing evaluation of measures adopted following their implementation as a final rule.

(d) *NMFS action.* If the NEFMC's recommendation includes implementation of management measures and, after reviewing the NEFMC's recommendation and supporting information:

(1) NMFS concurs with the NEFMC's recommended management measures and determines that the recommended measures should be issued as a final rule based on the factors specified in paragraph (c)(1) through (4) of this section, the measures will be issued as a final rule in the **Federal Register**.

(2) NMFS concurs with the NEFMC's recommendation and determines that the recommended management measures should be published first as a proposed rule, the measures will be published as a proposed rule in the **Federal Register**. After additional public comment, if NMFS concurs with the NEFMC recommendation, the measures will be issued as a final rule in the **Federal Register**.

(3) NMFS does not concur, the NEFMC will be notified in writing of the reasons for the non-concurrence.

(e) *Emergency action.* Nothing in this section is meant to derogate from the authority of the Secretary to take emergency action under section 305(e) of the Magnuson-Stevens Act.

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