

217.500 Scope of subpart.

Acquisitions from required sources, as described in FAR Part 8, are not orders under the Economy Act.

3. Section 217.502 is revised to read as follows:

217.502 General.

If requested, the contracting officer who normally would contract for the requesting activity should advise in the determination process.

217.503 [Removed]

4. Section 217.503 is removed.

[FR Doc. 94-10582 Filed 5-2-94; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 641

[Docket No. 909268-9277; I.D. 042694B]

Reef Fish Fishery of the Gulf of Mexico

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

ACTION: Notice of closure.

SUMMARY: NMFS closes the commercial fishery for red snapper in the exclusive economic zone (EEZ) of the Gulf of Mexico. NMFS has projected that the annual commercial quota for red snapper will be reached on April 27, 1994. This closure is necessary to protect the red snapper resource.

EFFECTIVE DATES: Closure is effective 12:01 a.m., local time, April 28, 1994, through December 31, 1994.

FOR FURTHER INFORMATION CONTACT: Robert Sadler, 813-893-3181.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented through regulations at 50 CFR part 641 under the authority of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.). Those regulations set the commercial quota for red snapper in the Gulf of Mexico at 3.06 million lbs (1.39 million kg) for the current fishing year, January 1 through December 31, 1994 (50 CFR 641.25(a)).

Under 50 CFR 641.26, NMFS is required to close the commercial fishery for a species or species group when the

quota for that species or species group is reached, or is projected to be reached, by publishing a document in the Federal Register. Based on current statistics, NMFS has projected that the commercial quota of 3.06 million lbs (1.39 million kg) for red snapper will be reached on April 27, 1994. Accordingly, the commercial fishery in the EEZ in the Gulf of Mexico for red snapper is closed effective 12:01 a.m., local time, April 28, 1994, through December 31, 1994, the end of the fishing year. A vessel with a valid reef fish permit having red snapper aboard must land and barter, trade, or sell such red snapper prior to 12:01 a.m., local time, April 28, 1994.

During the closure, the bag limit applies to all harvests of red snapper from the EEZ in the Gulf of Mexico. The daily bag limit for red snapper is seven per person. From 12:01 a.m., local time, April 28, 1994, through December 31, 1994, the purchase, barter, trade, or sale of red snapper taken from the EEZ is prohibited. This prohibition does not apply to trade in red snapper that were harvested, landed, and bartered, traded, or sold prior to 12:01 a.m., local time, April 28, 1994, and were held in cold storage by a dealer or processor.

Classification

This action is required by 50 CFR 641.26 and has been determined to be "not significant" for purposes of E.O. 12866.

List of Subjects in 50 CFR Part 641

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: April 28, 1994.

David S. Crestin,

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

[FR Doc. 94-10462 Filed 4-26-94; 4:46 pm]

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50 CFR Part 651

[Docket No. 940421-4121; I.D. 042594B]

RIN 0648-AG64

Northeast Multispecies Fishery

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement measures contained in Framework Adjustment 1 to the Northeast Multispecies Fishery Management Plan (FMP). NMFS implemented parts of Amendment 5 to

the FMP on March 1, 1994, but delayed implementation of some provisions, including the effort-reduction program, until May 1, to provide the industry and NMFS sufficient time to prepare for this unprecedented and far-reaching change to the regulations. The effect of this delay is that the first-year's effort reduction requirements are compressed into eight months with different impacts on different segments of the fleet. The adjustment in the fishing year implemented by this rule will establish May 1 through April 30 as the annual fishing year for the effort reduction program contained in Amendment 5. EFFECTIVE DATE: May 1, 1994.

ADDRESSES: Copies of Amendment 5, its regulatory impact review (RIR) and the final regulatory flexibility analysis contained within the RIR, its final supplemental environmental impact statement, and Framework Adjustment #1 are available upon request from Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway (Route 1), Saugus, MA 01906-1097.

FOR FURTHER INFORMATION CONTACT: E. Martin Jaffe, NMFS, Fishery Policy Analyst, 508-281-9272.

SUPPLEMENTARY INFORMATION:**Background**

The New England Fishery Management Council (Council) submitted Amendment 5 to the NMFS on September 27, 1993, after spending more than 2 years on its development. The primary purpose of Amendment 5 is to eliminate the overfished condition of the primary stocks of the multispecies complex through an effort-reduction program. The effort-reduction program consists of annual reductions in the numbers of days that vessels are allowed to spend at sea as a method to limit fishing effort for groundfish. Vessels have a choice whether to fish under an individual allocation of days-at-sea (DAS), based on each vessel's history of fishing for groundfish, or to fish under the fleet DAS option, wherein vessels must declare blocks of time out of the fishery and lay over in port for a period proportional to the time fishing for groundfish.

NMFS published the proposed rule for Amendment 5 on October 27, 1993 (58 FR 57774), and informed the Council on January 3, 1994, that Amendment 5 had been approved. At that time, the Director, Northeast Region, NMFS (Regional Director) indicated that the expected implementation date for the amendment was to be March 1, 1994. The Council immediately realized that the

implementation of this comprehensive amendment would require NMFS' starting a number of new administrative programs. The Council acknowledged the procedural and administrative difficulties and stated that it wanted NMFS to implement the effort-reduction program only when the agency was ready. The Council also communicated its intent that Amendment 5's effort-reduction program be implemented on a full-year basis, rather than on a part-year basis for the first year, and initiated Framework Adjustment #1 on February 16 to adjust the final rule for Amendment 5.

The Council is making this adjustment to the final rule for Amendment 5 (59 FR 9872, March 1, 1994) under the framework abbreviated rulemaking procedure established by Amendment 5 and contained in 50 CFR part 651, subpart C. This procedure requires the Council, when making certain adjustments to the FMP, to develop and analyze the actions over the span of at least two Council meetings. The Council provides the public with advance notice of both the proposals and the analysis and an opportunity to comment on them prior to and at the second Council meeting. Upon review of the analysis and public comment, the Council may recommend to the Regional Director that the measures of a given framework adjustment be published as a final rule, if certain conditions are met. The Regional Director may publish the measures as a final rule, or as a proposed rule if additional public comment is needed.

When the Council began developing Amendment 5, groundfish stocks were overfished and the prospects were dim for improvement without the effort-reduction program. Since then, the condition of the stocks has deteriorated to the point where NMFS, with Council support, implemented emergency regulations to protect haddock. Each new assessment of groundfish stocks underlines the urgency of implementing rigorous and effective management measures.

The Council designed the management program using annual incremental reductions in fishing effort. The result of implementing the effort-reduction program for less than 12 months in the first year is that vessels fishing under the individual allocation option would have their annual allocation compressed into eight months, while vessels under the fleet DAS would be required to meet the annual time-out requirement over eight months, instead of the full year. Since the vessels in the individual DAS

category generally choose to be in that group because of their higher allocation of opportunity than under the fleet group, the conservation benefits of the first year's reductions in allocation would be negated if the same allocation were distributed over only 8 months, instead of 12.

On the other hand, vessels in the fleet DAS category would be disproportionately burdened if they were required to declare the same amount of time out of groundfishing over 8 months, that they would have to take over 12 months had Amendment 5 been implemented beginning on January 1. Many of the vessels in this category ordinarily would meet their time-out requirement during the first few months of the year when the weather limits fishing opportunity, or when they are in other winter fisheries such as northern shrimp.

A further need for Framework Adjustment #1 arises from the Amendment 5 requirement that all vessels declare one 20-day block out of groundfishing during the spawning months of March, April, and May. Since NMFS decided to implement the effort-reduction program on May 1, that requirement would be compressed into the month of May for the first year. As a result, at least two-thirds of the fleet would be required to be out of groundfishing at the same time, unless Framework Adjustment #1 were implemented. Many fishermen are unable to plan how to best use their time and resources during the required period out of groundfishing given the relatively short notice, and the substantial impact that the sudden loss of two-thirds of the domestic supply of groundfish might have on the processing sector and the market.

This final rule will adjust the rule implementing the effort-reduction program so that each allocation of DAS (fleet or individual) is done on a 365-day program year beginning with the first full year of implementation of Amendment 5.

Comments and Responses

During the period following the approval of Amendment 5 and preceding the Council's formal initiation of the framework adjustment, a number of individual fishermen, interested members of the public, and industry association representatives commented on the problems with the current effort-reduction program implementation schedule. Since the comment period had not begun, these comments were not tabulated; however, all comments were in support of the

Council's expeditiously making the adjustment that is contained in this rule.

During the comment period spanning the two required Council meetings, the Council received written comments from one individual and two associations—the Provincetown Draggermen's Association and the Seafood Harvester's Association of New York. Oral comments were submitted by three individuals. All of the public comments supported the Council's action and urged expeditious implementation. No negative comments were received on the proposed action during or outside the comment period.

The Council requested publication of the management measures as a final rule after considering the required factors stipulated under the Framework Measures in Amendment 5 and providing supporting analysis for each factor considered. The Assistant Administrator for Fisheries, NOAA (AA) determined that the framework adjustments to the FMP that this rule would implement are consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The AA, in making that determination, has taken into account the information, views, and comments received during the two public hearings and comment period under the FMP's framework adjustment mechanism as specified in 50 CFR 651.40. Considering the opportunity for public comment at Council meetings on January 12 through 13, February 16 through 17, March 17, and April 6 through 7, and Groundfish Committee meetings on February 2 through 3 and February 24, and considering the need for immediate resource protection for the groundfish stocks, the provisions for continuing evaluation of the adjusted measures, and the timing of the rule relative to the requirement that all vessels take twenty days out of the fishery during May, 1994, the AA has waived for good cause the proposed rules and additional comment period.

Classification

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

The AA finds there is good cause to waive prior notice under 5 U.S.C. 553(b) of the Administrative Procedure Act (APA). Prior notice is impracticable and contrary to the public interest because it would cause undue burdens on some members of the groundfish fishing industry and would further delay full implementation of conservation measures intended to replenish groundfish stocks. Further, the AA finds that the public meetings held by the

Council to discuss designation of beginning and ending dates for the fishing year for this fishery provided opportunity for public comment to be considered. The AA finds that under section 553(d) of the APA the need to have this regulation in place by May 1, 1994, is good cause to waive the 30-day delay in effectiveness of this regulation.

List of Subjects in 50 CFR Part 651

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: April 27, 1994.

Rolland A. Schmitt,
Assistant Administrator National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 651 is revised as follows:

PART 651—NORTHEAST MULTISPECIES FISHERY

1. The authority citation for part 651 continues to read as follows:

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

2. Section 651.2 is amended by adding the definition of "fishing year", in alphabetical order, to read as follows:

§ 651.2 Definitions.

Fishing year means the 12-month period beginning May 1 and extending through April 30 of the following year.

3. Section 651.22 is amended by revising paragraphs (b)(1)(i), the first sentence of (b)(3)(i), paragraphs (b)(3)(ii), (b)(3)(iv), (b)(7), (c)(1)(i) heading, (c)(1)(i)(A), (c)(1)(i)(E) and (c)(1)(i)(F) to read as follows:

§ 651.22 Effort-control program for limited access vessels.

(b) * * *
(1) * * *

(i) Beginning on May 1, 1994, any vessel that is greater than 45 ft (13.7 m) in length and eligible for a limited access permit, except a combination vessel, may elect to fish under the Individual DAS program by making such election at the time of application for or renewal of a limited access permit. For fishing year 1996 and thereafter, the vessel must remain in the DAS program assigned to it in fishing year 1995.

(3) * * *

(i) Each vessel participating in the Individual DAS program shall be allocated, for each fishing year, the maximum number of days at sea it may fish in the multispecies finfish fishery

according to the criteria and table specified in paragraph (b)(3)(ii) of this section. * * *

(ii) *Annual DAS allocations.* Vessels fishing under the Individual DAS program will receive and be subject to annual allocations of DAS based on a fishing year as specified in the following table. These allocations are determined by reducing the vessel's Individual DAS as calculated under paragraph (b)(2) of this section by 10 percent each fishing year, including the first year, for the first 5 fishing years of the effort reduction program. Each fishing year shall begin on May 1 and extend 12 months through April 30 of the following year.

INDIVIDUAL-DAS ALLOCATION=X DAYS

Fishing year	Annual allocation
1994	x - 10% days.
1995	x - 20% days.
1996	x - 30% days.
1997	x - 40% days.
1998	x - 50% days.

(iv) All vessels fishing under the Individual DAS program must declare out of the multispecies finfish fishery for at least one 20-day period between May 1 and May 31, or between March 1 and April 30, of each fishing year using the notification requirements specified under § 651.29(a). If a vessel owner has not declared, or taken, the period of time required between May 1 and May 31 or between March 1 and April 10, of each fishing year on or before April 11 of each such year, the vessel is subject to the possession limit specified under § 651.27(a) during the period April 11 through April 30, inclusive.

(7) *Status of vessels pending appeal of DAS allocations.* All vessels, while appealing their Individual-DAS allocation, may fish under the Fleet-DAS program and are subject to all requirements applicable to the Fleet-DAS program unless otherwise exempted, until the Regional Director has made a final determination on the appeal. Any DAS spent fishing for multispecies finfish shall be counted against the Individual-DAS allocation that the vessel may ultimately receive. If before this appeal is decided, a vessel exceeds the number of days it is finally allocated after appeal, the excess days will be subtracted from the vessel's allocation of days in fishing year 1995.

(c) * * *
(1) * * *

(i) *Days in which a vessel may not possess more than 500 lbs (226.8 kg) of regulated species.*

(A) During each fishing year, beginning with 1994, vessel owners of all such vessels must declare periods of time out of the multispecies fishery totaling at least the minimum number of days listed for each such fishing year in the following schedule. Each period of time declared must be at least 20 consecutive days. At least one 20-consecutive-day period must be declared or taken between May 1 and May 31, or between March 1 and April 10, of each fishing year. Each fishing year shall begin on May 1 and extend 12 months through April 30 of the following year.

Fishing year	Days out of multispecies fishing
1994	80
1995	80
1996	128
1997	165
1998	200
1999	233

(E) If a vessel owner has not declared, or taken, the period of time required between May 1 and May 31, or between March 1 and April 10, of each fishing year on or before April 11 of each such year, the vessel is subject to the possession limit specified under § 651.27(a) during the period April 11 through April 30, inclusive.

(F) If a vessel owner has not declared, or taken, any or all of the remaining periods of time required under paragraph (c)(1)(i) of this section, by the last possible date to meet the requirement, the vessel is subject to the possession limit specified under § 651.27(a) from that date through the end of the fishing year.

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50 CFR Part 675

[Docket No. 931100-4043; I.D. 042294A]

Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for Greenland turbot in the Aleutian Islands subarea (AI) of the Bering Sea and Aleutian Islands

