

“excepting” to read “including” and the phrase “Undefinitized Actions” to read “Undefinitized Contract Actions.”

PART 253—FORMS

48. Section 253.213–70 is amended by revising paragraph (e)(14) to read as follows:

253.213–70— Instructions for completion of DD Form 1155

* * * * *

(e) * * *

14 SHIP TO—

If a single ship-to point applies to the entire order, enter the name and address of that point in this block and a DODAAD code in the code block. For FMS shipments, enter the MAPAD code in the code block and an instruction for the contractor to contact the transportation office of the administering activity to obtain a name and shipping address. Enter multiple ship-to points in the schedule and mark this block, “See Schedule.”

* * * * *

49. At the end of Part 253 “253.303–2626, Performance Evaluation (construction)” and “253.303–2631, Performance Evaluation (Architect-Engineer)” are added to the DFARS Form List.

Appendix G to Chapter 2 [Amended]

50–51. Appendix G to Chapter 2, Part 3, Navy Activity Address Numbers, is amended by revising activity address numbers N00019, N00023, N00024, N00030, N00039, N00104, N00383, and by adding activity address number N00391 to read as follows:

Appendix G—Activity Address Numbers

* * * * *

PART 3—NAVY ACTIVITY ADDRESS NUMBERS

* * * * *

N00019—Naval Air Systems Command
EF*, GU*—1421 Jefferson Davis

Highway

EF0–9—Arlington, VA 22243–5120

* * * * *

N00023—Naval Supply Systems
Command

4J*, L5*—1931 Jefferson Davis Highway

4J0–9—Arlington, VA 22241–5360

N00024—Naval Sea Systems Command

EH*, U0*—2531 Jefferson Davis

Highway

EH0–9—Arlington, VA 22242–5160

* * * * *

N00030—Strategic Systems Programs

EK*—1931 Jefferson Davis Highway

EK0–9—Arlington, VA 22241–5362

* * * * *

N00039—Space and Naval Warfare
Systems Command

NS*—2451 Crystal Drive
NS0–9—Arlington, VA 22245–5200

* * * * *

N00104—Naval Inventory Control Point

EP—5450 Carlisle Pike

EQ—Box 2020, Mechanicsburg, PA
17055–0788

* * * * *

N00383—Naval Inventory Control Point

GB—700 Robbins Avenue

GC—Philadelphia, PA 19111–5098

* * * * *

N00391—Naval Inventory Control Point

EP, EQ—700 Robbins Avenue

GB, GC—Philadelphia, PA 19111–5098

* * * * *

52. Appendix G to Chapter 2, Part 4, Marine Corps Activity Address Numbers, is amended by revising activity number M67854 to read as follows:

PART 4—MARINE CORPS ACTIVITY ADDRESS NUMBERS

* * * * *

M67854—Marine Corps Systems

Command

(MAJ00027)—2033 Barnett Ave, Suite
315

MU6–9—Quantico, VA 22134–5010

* * * * *

53. Appendix G, Chapter 2, Part 10, Miscellaneous Defense Activities Activity Address Numbers, is amended by revising activity number MDA946 to read as follows:

PART 10—MISCELLANEOUS DEFENSE ACTIVITIES ACTIVITY ADDRESS NUMBERS

* * * * *

MDA946—Real Estate and Facilities

Directorate, Washington

headquarters Services, 1155

Defense Pentagon, room 3C345,

Washington, DC 20301–1155

* * * * *

[FR Doc. 96–4480 Filed 2–28–96; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 641

[Docket No. 951221305–6038–02; I.D. 020296B]

Reef Fish Fishery of the Gulf of Mexico; Revised 1996 Red Snapper Season

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

ACTION: Emergency interim rule.

SUMMARY: NMFS issues this emergency interim rule to suspend implementation of the red snapper individual transferable quota (ITQ) system for the Gulf of Mexico, previously scheduled to begin April 1, 1996, to make the entire 1996 commercial quota for red snapper available to the fishery which opened February 1, 1996, and to extend for the emergency period the red snapper trip limit and permit endorsement system. The intended effect is to respond to an emergency situation involving the commercial red snapper fishery by preventing adverse social and economic impacts on fishery participants while allowing a controlled harvest of fish for the 1996 season.

EFFECTIVE DATES: The amendments to §§ 641.7 paragraphs (nn) through (pp) and 641.31 through 641.33 are effective February 23, 1996, through May 29, 1996.

The removal of §§ 641.34 and 641.7 paragraph (qq) is effective February 23, 1996.

The April 1, 1996, effective date for the amendments to part 641 listed in amendatory instruction 2 are delayed indefinitely.

ADDRESSES: Copies of documents supporting this action, including an environmental assessment, may be obtained from Robert Sadler, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Robert Sadler, 813–570–5305.

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 (Council) and is implemented through regulations at 50 CFR part 641 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Delayed Opening of the 1996 Commercial Red Snapper Fishery

Under the provisions of an emergency interim rule (61 FR 17, January 2, 1996), requested by the Council and issued by NMFS, (1) the opening of the 1996 red snapper commercial fishery was delayed from January 1 until February 1, 1996; (2) an interim commercial quota of 1.00 million lb (0.45 million kg) was established for the period February 1 through March 31, 1996; and (3) the red snapper trip limit and vessel permit endorsement system was continued

through March 31, 1996. These measures were intended to allow a controlled commercial fishery for red snapper during the Lenten season, when demand for fish is high, prior to implementation of the ITQ system on April 1, 1996. (The ITQ system was contained in Amendment 8 to the FMP and was published as a final rule on November 29, 1995 (60 FR 61200). Some paragraphs in that final rule pertaining to the ITQ system were recodified in the final rule to implement Amendment 11 (60 FR 64350, December 15, 1995). Accordingly, this emergency interim rule contains references to both of those final rules.)

In its request for these emergency management measures, the Council expressed its intent that should the ITQ system be disapproved by NMFS or its implementation be delayed by Congressional action (e.g., proposed Congressional moratoriums on ITQ systems), then the commercial fishery should remain open until the full annual commercial quota is taken under the red snapper trip limit and endorsement system that was in effect during 1995.

Delay in the Implementation of the ITQ System

Because of the furlough of NMFS personnel in late December 1995 and early January 1996 and budget limitations under the continuing resolution that provides operating funds for the Department of Commerce, NMFS is unable to implement the red snapper ITQ system by April 1, 1996. As a result of the furlough, NMFS was unable to process fishermen's requests for appeals of NMFS' initial determinations regarding historical captain status and red snapper landings records. Final determinations through the appeals process are essential to establish finally who will be initial shareholders in the ITQ system and the amounts of their initial shares. In addition, NMFS concluded that it would be unreasonable to expect red snapper fishermen to pursue their appeals before the Council Appeals Board during February 1996 when the commercial red snapper fishery is open and fishermen are busy with harvesting operations. Under the provisions of Amendment 8 and its implementing rule, the appeals process must be completed before NMFS can issue red snapper ITQ shares and coupons.

Period of Suspension

NMFS issues this emergency interim rule, effective initially for 90 days after its date of publication, as authorized by section 305(c) of the Magnuson Act.

Should NMFS and the Council agree, this emergency interim rule may be extended for an additional period of 90 days. If the commercial quota for red snapper, currently 3.06 million pounds (1.39 million kg), has not been taken during the initial 90 days, such agreement and extension are expected. Since the entire commercial quota for 1996 is likely to have been taken under this emergency interim rule, or extension thereof, the earliest date that the ITQ system could begin operation is January 1, 1997 (beginning of a new fishing year), unless the 1996 commercial quota is increased through a separate regulatory action and the appeals process is completed.

Red Snapper Trip Limit and Endorsement System

This rule extends for the emergency period the management regime for red snapper that was in effect for the 1995 fishing year and was previously extended by the January 2 emergency rule. Specifically, landings of red snapper are limited to 2,000 lb (907 kg) per trip or day for vessels with red snapper endorsements on their reef fish permits; other reef fish permitted vessels are limited to 200 lb (91 kg) per trip or day. These measures are intended to spread out harvest over a longer period of time and avoid the negative social and economic impacts and potentially dangerous fishing conditions that would result from a derby fishery of very short duration. Monitoring of landings under an uncontrolled derby fishery would be difficult, increasing the likelihood that the quota would be exceeded. This might result in adverse effects on the recovery of the overfished red snapper resource. Red snapper permit endorsements that were in effect on December 31, 1995, have been reissued by NMFS for the 1996 fishing year.

Compliance with NMFS Guidelines for Emergency Rules

This emergency interim rule meets NMFS' policy guidelines for the use of emergency rules, published on January 6, 1992 (57 FR 375). The situation (1) results from recent, unforeseen events or recently discovered circumstances; (2) presents a serious management problem; and (3) realizes immediate benefits from the emergency interim rule that outweigh the value of prior notice, opportunity for public comment, and deliberative consideration expected under the normal rulemaking process.

Recent, Unforeseen Events or Recently Discovered Circumstances

The furlough of NMFS personnel and curtailed agency operating funds under temporary funding bills ("continuing resolutions"), and the effects on NMFS' ability to carry out the provisions of Amendment 8 and its implementing rule, were unforeseen. As a result of the furlough, the Southeast Regional Office was unable to process the requests for appeals of its initial determinations regarding historical captain status and landings records in a timely manner. The appeals process must be completed before NMFS can issue red snapper ITQ shares and coupons.

Serious Management Problems in the Fishery

NMFS believes that this emergency interim rule is necessary to address serious management problems with the fishery, which if unaddressed, could cause significant adverse social and economic impacts on fishery participants.

If the combined emergency actions of the immediate availability of the entire 1996 red snapper commercial quota and the suspension of the ITQ system are not taken, then the commercial fishery would have to be closed for an indefinite period after the interim 1.00-million lb (0.45-million kg) quota is harvested. Since this closure would extend significantly beyond April 1, 1996, it would have severe negative economic effects, particularly for commercial fishermen who had planned to participate in the fishery under the ITQ program commencing April 1.

Making the entire 1996 red snapper commercial quota immediately available for harvest under the trip limit and endorsement system has the effect of returning the red snapper management regime for this year to the regime that was in place from 1993 through 1995 under provisions of the FMP. This regime released the entire annual commercial quota at the start of the fishing season, which was timed to ensure that the fishery was open during Lent. The fishery remained open, under the vessel permit endorsement and trip limit program, until the quota was caught (usually sometime in April of each year). This management approach, while still presenting fishery problems intended to be addressed through the ITQ system, was based on the Council's and NMFS' determination that it offered greater social and economic benefits than provided by a split season or by a less restrictive harvest rate. The expected benefits of this emergency rule are the same as those intended from the

previous management regime; they are described as follows.

Traditionally, consumer demand for fresh red snapper is significantly higher during the Lenten season (February through March) than the rest of the year. The result is that the prices to fishermen for their catch are higher at this time than later in the year. Consequently, gross revenues to fishermen from taking the remaining commercial quota now are significantly higher (although difficult to quantify) than if these fish were caught later this year. As such, fishermen would suffer substantial economic loss if they were unable to continue fishing during this early spring period.

A continuous commercial red snapper season in the Gulf in recent years has avoided or minimized market disruptions in the supply of fresh, high quality, fish. In the past, these market disruptions in the supply of fresh fish have been shown to have negative effects on fishermen's incomes. For example, without a steady supply of fresh fish, dealers turn to cheaper, frozen imports to satisfy the consumer demand; the result can include temporarily depressed prices and short-term losses of market share for fresh fish until the dealers exhaust their inventories of frozen product. Also, an unstable domestic supply of red snapper usually results in wider fluctuations in ex-vessel prices for the same quality of product.

Another benefit of a continuous season is minimizing the time and economic costs to fishermen associated with their changing fisheries. For example, if the red snapper fishery is opened, closed, and then reopened, it would require additional effort and costs for vessel owners to change fishing gear, related supplies, and crew each time they entered or left the snapper fishery. Also, since the red snapper fishery is considered more lucrative than most of the alternative fisheries, fishermen would make every effort to reenter this fishery when it opens, even after Lent. During a disrupted red snapper season, there are added difficulties of finding and keeping experienced, reliable crew. In summary, these additional costs/efforts required to fish for red snapper during a disrupted season can be particularly burdensome for a given vessel owner.

Finally, a discontinuous red snapper commercial fishery with a reopening during late spring/early summer would require fishermen to forego their normal deeper water fisheries during that time (e.g., tilefish, snowy grouper, and tuna). In order to make a livelihood, most fishermen participate in several

fisheries during the course of the year, and accordingly follow long established seasonal patterns of changing fisheries. The red snapper fishery is more readily prosecuted in late winter/early spring because the fish are located in near-shore, shallower water areas, where they are more concentrated than later in the year. There are also distinct safety benefits of being able to fish near shore during the bad weather that is common in winter and early spring. Other fisheries, particularly the deep water grouper fishery, are more readily prosecuted during late spring/early summer when weather conditions are more consistent and relatively better. A split commercial red snapper season during 1996 would disrupt these traditional fishing patterns without any compensatory benefits.

Without the red snapper endorsement system, which includes vessel trip limits, permitted vessels would have no restrictions on landing levels. This would result in a derby fishery of very short duration. Monitoring of landings under these conditions would be difficult, increasing the likelihood that the quota would be exceeded. NMFS is concerned that this would adversely impact stock recovery. In addition, fishermen would suffer significant economic losses due to lower ex-vessel prices, as occurred in fishing years before the endorsement and trip limit provisions were implemented. To avoid these problems, this emergency interim rule continues the trip limits, which will constrain vessel landings to the commercial quota, provide for better prices to fishermen, and increase the short-term economic yield in the fishery.

Immediate Benefits

The immediate benefits of the emergency interim rule greatly outweigh the value of prior notice and opportunity for public comment which would occur under normal rulemaking.

Effect of this Emergency Interim Rule on Existing Regulations

The emergency interim rule published on January 2, 1996 (61 FR 17) is superseded by this emergency interim rule.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this rule is necessary to respond to an emergency situation and is consistent with the Magnuson Act and other applicable law.

The AA finds that failure to implement the actions in this emergency interim rule would result in

negative social and economic impacts described above and lead to fishing under potentially dangerous conditions. In addition, the uncontrolled harvest that would occur without these actions could contribute to overfishing of red snapper. The foregoing constitutes good cause to waive the requirement to provide prior notice and the opportunity for public comment, pursuant to authority set forth at 5 U.S.C. 553(b)(B), as such procedures would be contrary to the public interest. Similarly, the need to implement these measures in a timely manner to address the economic emergency and public safety considerations constitutes good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness.

This emergency interim rule has been determined to be significant for purposes of E.O. 12866, and has been reviewed and cleared by the Office of Management and Budget.

This emergency interim rule is exempt from the procedures of the Regulatory Flexibility Act because this rule is not required to be issued with prior notice and opportunity for public comment.

List of Subjects in 50 CFR Part 641

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 21, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 641 is amended as follows:

PART 641—REEF FISH FISHERY OF THE GULF OF MEXICO

1. The authority citation for part 641 continues to read as follows:

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

§§ 641.1, 641.4, 641.5, 641.7, 641.10, 641.24 [Amended]

2. The April 1, 1996, effective date of the following amendments is delayed indefinitely:

a. In § 641.1, the revision of paragraph (b), published November 29, 1995 (60 FR 61206).

b. In § 641.4, the revision to the third sentence of paragraph (i), published November 29, 1995 (60 FR 61207); and the revision to the first sentence of paragraph (a)(4) and the addition of paragraph (o), published December 15, 1995 (60 FR 64354).

c. In § 641.5, redesignation of paragraph (d)(3) as paragraph (d)(4), revision of paragraph (d)(2), and addition of paragraph (d)(3), published November 29, 1995 (60 FR 61207).

d. In § 641.7, revisions of paragraphs (g), (r), and (bb), published November 29, 1995 (60 FR 61207) and the superseding revisions published December 15, 1995 (60 FR 64354); and addition of paragraphs (ff) through (kk), published November 29, 1995 (60 FR 61207). [Note: The first revision to 641.7(bb) published on November 29, 1995 became effective January 1, 1996, and remains in effect.]

e. In § 641.10, addition of introductory text and paragraphs (a) and (b), published November 29, 1995 (60 FR 61207)

f. In § 641.24, redesignation of paragraphs (a)(2) and (a)(3) as paragraphs (a)(3) and (a)(4), respectively, revision of the reference in newly redesignated paragraph (a)(4), and addition of paragraph (a)(2), published on November 29, 1995 (60 FR 61209).

3. In § 641.7, paragraph (qq) is removed and paragraphs (nn) through (pp) are revised to read as follows. Paragraphs (nn) through (pp) are effective through May 29, 1996.

§ 641.7 Prohibitions.

* * * * *

(nn) Exceed the vessel trip or landing limits for red snapper, as specified in § 641.31(a) and (b).

(oo) Transfer a red snapper at sea, as specified in § 641.31(c).

(pp) Purchase, barter, trade, or sell, or attempt to purchase, barter, trade, or sell, a red snapper possessed or landed in excess of a trip or landing limit, as specified in § 641.31(d).

§ 641.34 [Removed]

4. Section 641.34 is removed.

4a. Sections 641.31 through 641.33 are revised to read as follows. Sections 641.31 through 641.33 are effective through May 29, 1996.

§ 641.31 Red snapper trip limits.

(a) Except as provided in paragraph (b) of this section, a vessel that has on board a valid commercial reef fish permit may not possess on any trip or land in any day red snapper in excess of 200 lb (91 kg), whole or eviscerated.

(b) A vessel that has on board a valid commercial reef fish permit and a valid red snapper endorsement may not possess on any trip or land in any day red snapper in excess of 2,000 lb (907 kg), whole or eviscerated.

(c) A red snapper may not be transferred at sea from one vessel to another.

(d) No person may purchase, barter, trade, or sell, or attempt to purchase, barter, trade, or sell, a red snapper possessed or landed in excess of the trip

or landing limits specified in paragraphs (a) and (b) of this section.

§ 641.32 Red snapper endorsement.

(a) As a prerequisite for exemption from the trip limit for red snapper specified in § 641.31(a), a vessel for which a commercial reef fish permit has been issued under § 641.4 must have a red snapper endorsement on such permit and such permit and endorsement must be aboard the vessel.

(b) A red snapper endorsement is invalid upon sale of the vessel; however, an owner of a vessel with a commercial reef fish permit may transfer the red snapper endorsement to another vessel with a commercial reef fish permit owned by the same entity by returning the existing endorsement with an application for an endorsement for the replacement vessel.

(c) The provisions of paragraph (b) of this section notwithstanding, special provisions apply in the event of the disability or death of the owner of a vessel with a red snapper endorsement or the disability or death of an operator whose presence aboard the vessel is a condition for the validity of a red snapper endorsement.

(1) In the event that a vessel with a red snapper endorsement has a change of ownership that is directly related to the disability or death of the owner, the Regional Director may issue a red snapper endorsement, temporarily or permanently, with the commercial reef fish permit that is issued for the vessel under the new owner. Such new owner will be the person specified by the owner or his/her legal guardian, in the case of a disabled owner, or by the will or executor/administrator of the estate, in the case of a deceased owner. (Change of ownership of a vessel with a commercial reef fish permit upon disability or death of an owner is considered a purchase of a permitted vessel and § 641.4(m)(3) applies regarding a commercial reef fish permit for the vessel under the new owner.)

(2) In the event of the disability or death of an operator whose presence aboard a vessel is a condition for the validity of a red snapper endorsement, the Regional Director may revise and reissue an endorsement, temporarily or permanently, to the permitted vessel. Such revised endorsement will contain the name of a substitute operator specified by the operator or his/her legal guardian, in the case of a disabled operator, or by the will or executor/administrator of the estate, in the case of a deceased operator. As was the case with the replaced endorsement, the presence of the substitute operator aboard and in charge of the vessel is a

condition for the validity of the revised endorsement. Such revised endorsement will be reissued only with the concurrence of the vessel owner.

§ 641.33 Condition of a permit.

As a condition of a commercial reef fish permit issued under § 641.4, without regard to where red snapper are harvested or possessed, a vessel with such permit—

(a) May not exceed the appropriate vessel trip or landing limit for red snapper, as specified in § 641.31(a) and (b); and

(b) May not transfer a red snapper at sea, as specified in § 641.31(c).

[FR Doc. 96-4432 Filed 2-23-96; 11:41 am]

BILLING CODE 3510-22-F

50 CFR Part 675

[Docket No. 960129019-6019-01; I.D. 022396C]

Groundfish of the Bering Sea and Aleutian Islands Area; Offshore Component Pollock in the Bering Sea Subarea

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the offshore component in the Bering Sea subarea (BS) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the first seasonal allowance of the pollock total allowable catch (TAC) apportioned to vessels harvesting pollock for processing by the offshore component in the BS.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), February 26, 1996, until 12 noon, A.l.t., April 15, 1996.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by the NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

In accordance with § 675.20(a)(7)(ii), the first seasonal allowance of pollock