

List of Subjects in 48 CFR Part 239

Government procurement.

Michele P. Peterson,
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Therefore, 48 CFR Part 239 is amended as follows:

1. The authority citation for 48 CFR Part 239 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 239—ACQUISITION OF INFORMATION TECHNOLOGY

2. The title of Part 239 is revised to read as set forth above.

3. Section 239.7300 is revised to read as follows:

239.7300 Scope of subpart.

This subpart prescribes approval requirements for automatic data processing equipment (ADPE) purchased by contractors for use in performing DoD contracts.

4. Section 239.7301 is amended by revising paragraph (a) to read as follows:

239.7301 Applicability.

(a) This subpart applies when the contractor purchases ADPE and title will pass to the Government.

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5. Section 239.7302 is amended by revising the introductory text of paragraph (b) and paragraph (b)(1) to read as follows:

239.7302 Approvals and screening.

* * * * *

(b) If the contractor proposes acquiring ADPE subject to 239.7301, and the unit acquisition cost is \$50,000 or more—

(1) The contracting officer shall require the contractor to submit, through the administrative contracting officer, the documentation in 239.7303.

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6. Section 239.7303 is revised to read as follows:

239.7303 Contractor documentation.

Contracting officers may tailor the documentation requirements in paragraphs (a) through (d) of this section.

(a) *List of existing ADPE and an analysis of its use.* (1) List of each component identified by manufacturer, type, model number, location, date of installation, and how acquired (lease, purchase, Government-furnished). Identify those acquired specifically to perform a Government contract.

(2) Reliability and usage data on each component for the past 12 months.

(3) Identification of users supported by each component, including how

much time each user requires the component and the related contract or task involved.

(b) *List of new ADPE needed and reasons why it is needed.* (1) Estimates of the new equipment's useful life.

(2) List of tasks the new equipment is needed for and why, including estimated monthly usage for each major task or project.

(3) Anticipated software and telecommunications requirements.

(c) *Selection of computer equipment.*

(1) If the acquisition is competitive—

(i) List sources solicited and proposals received;

(ii) Show how the evaluation was performed; and

(iii) Provide an explanation if the selected offer is not the lowest evaluated offer.

(2) If the acquisition is not competitive, state why.

(d) *Cost.* State the ADPE cost.

239.7304, 239.7305, and Table 39-1 [Removed]

7. Sections 239.7304 and 239.7305 and Table 39-1 are removed.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 285**

[I.D. 022197C]

Atlantic Tuna Fisheries; Fishery Closure

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

ACTION: Closure.

SUMMARY: NMFS has determined that landings of Atlantic bluefin tuna (ABT) since January 1, 1997 and continued high catch rates warrant an interim closure of the ABT Angling category. Therefore, the Angling category fishery for school, large school, and small medium ABT is closed in all areas until further notice.

EFFECTIVE DATE: The closure of the Angling category is effective 11:30 p.m. local time on March 2, 1997, until the effective date of any reopening, which will be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: John Kelly, 301-713-2347, or Mark Murray-Brown, 508-281-9260.

SUPPLEMENTARY INFORMATION:

Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) governing the harvest of ABT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285. Section 285.22 subdivides the U.S. quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories.

NMFS is required, under 285.20(b)(1), to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the catch of ABT will equal the quota and publish a Federal Register announcement to close the applicable fishery.

On February 21, 1997, NMFS amended the regulations governing the Atlantic bluefin tuna (ABT) fisheries to provide authority for NMFS to close and/or reopen all or part of the Angling category in order to provide for equitable distribution of fishing opportunities throughout the species range. The regulatory amendments were necessary to increase the geographic and temporal scope of data collection from the scientific monitoring quota established for the United States.

Additionally, the authority for interim closures facilitates a more equitable geographic and temporal distribution of fishing opportunities for all fishermen in the Angling category, thus furthering domestic management objectives for the Atlantic tuna fisheries.

Angling Category Closure

NMFS has received information from the State of North Carolina that approximately 13 mt of school, large school, and small medium ABT have been measured during dockside interviews conducted through February 16, 1997. It is estimated that dockside intercepts account for 43 percent of angler trips. Therefore, NMFS estimates that 30 mt of school, large school, and small medium ABT have been landed.

Regulations allow that, upon determining that variations in seasonal distribution, abundance, or migration patterns of ABT, or that the catch rate in one area may preclude anglers in another area from a reasonable opportunity to harvest a portion of the quota, NMFS may close all or part of the Angling category, and may reopen it at a later date if NMFS determines that ABT have migrated into an identified area. In determining the need for any such temporary or area closure, NMFS considers the following factors:

(A) The usefulness of information obtained from catches of a particular

geographic area of the fishery for biological sampling and monitoring the status of the stock;

(B) The current year catches from the particular geographic area relative to the catches recorded for that area during the preceding 4 years;

(C) The catches from the particular geographic area to date relative to the entire category and the likelihood of closure of that entire category of the fishery if no allocation is made;

(D) The projected ability of the entire category to harvest the remaining amount of Atlantic bluefin tuna before the anticipated end of the fishing season.

It is essential for domestic and international management purposes that NMFS collect complete information from the bluefin fishery and stocks from as wide a geographic range and for as many months during the year as possible. Extensive information on the 1997 winter fishery has been collected. Therefore, an interim closure of the entire Angling category fishery at this time would allow for increased monitoring activities once the bluefin have migrated further north, where fishing has not yet begun, and the fishery is reopened.

Current year catches cannot be compared to landings of the last 4 years, because it was not until 1995 that an Angling category winter fishery began to develop and not until 1996 that NMFS began to monitor these Angling category landings through the Large Pelagic Survey and through state assistance. In 1996, the Angling category subquotas for large school/small medium bluefin and for school bluefin off Delaware and states south were filled prematurely, due to high catch rates early in the season in southern areas, thus reducing fishing opportunities further north, even for school bluefin. While the final 1997 annual quota for the Angling category of ABT has not yet been established (the 1996 allocation was 243 mt), if the current harvest rate continues, it is possible that a significant portion of the entire Angling category quota might be taken prior to the time that the species migrates north to the eight other states in which there is a recreational fishery for bluefin. Because it is relatively early in the fishing season, and given catch rates over the past few years, it is reasonable to expect that Angling category fishermen will harvest the remaining quota before the end of the season.

Given current catch rates, the public interest in an equitable distribution of catch among fishermen in the Angling category, and the need for scientific data from throughout the species' range,

NMFS has decided to close the Angling category fishery for school, large school, and small medium bluefin tuna in all areas. Therefore, retaining, possessing, or landing any school, large school or small medium ABT under the Angling category quota must cease at 11:30 p.m. local time on March 2, 1997.

NMFS may reopen the fishery when it is determined that the bluefin have migrated further north and will publish that effective date in the Federal Register. In 1995 and 1996, bluefin tuna were observed to leave North Carolina waters in April. Historically, school bluefin tuna arrive off of Virginia in May and move northward through the mid-Atlantic region during the summer feeding migration. Determination of migration shall be based on catch reports from anglers fishing for other large pelagic species such as yellowfin tuna and anglers fishing for bluefin tuna under the catch and release program. Dockside intercepts from the Marine Recreational Fishing Statistics Survey and logbook reports filed by commercial fishermen shall also be used to document the migration to northern areas.

Anglers may continue to fish for school, large school and small medium ABT, measuring 27 inches (69 cm) to less than 73 inches (119 cm) total curved fork length under the NMFS tag and release program (50 CFR 285.27). Additionally, pending attainment of the annual quota for trophy fish, large medium or giant ABT (73 inches (119 cm) total curved fork length or greater) may still be landed under the Angling category subject to the trophy fish limit of one per vessel per year. Such large medium or giant ABT must be reported to the nearest NMFS enforcement office as required under § 285.24. In North Carolina, trophy fish must be reported to the Coast Guard at 919-995-6403 or to NMFS Enforcement at 919-808-2393. Anglers should verify that the trophy category remains open by calling the NMFS 24-hour Information Line at 301-713-1279 prior to each fishing trip.

Classification

This action is taken under 50 CFR 285.20(b) and 50 CFR 285.22 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.*

Dated: February 25, 1997.

Gary C. Matlock,

*Director, Office of Sustainable Fisheries,
National Marine Fisheries Service.*

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50 CFR Part 648

[Docket No. 970214031-7031-01; I.D. 011697C]

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 16

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 16 to the Northeast Multispecies Fishery Management Plan (FMP). This rule prohibits the use of all gillnets capable of catching Northeast multispecies during the periods in which the harbor porpoise time/area closures are in effect unless the gillnet meets certain specifications. The intent of this action is to restrict the use of small mesh pelagic gillnets, which are currently exempt from the multispecies regulations, to avoid increasing the risk of harbor porpoise entanglements but still allow a traditional bait fishery to continue by specifying the size and method of deployment of the gear.

EFFECTIVE DATE: April 2, 1997.

ADDRESSES: Copies of Amendment 7 to the Northeast Multispecies Fishery Management Plan (Amendment 7), its regulatory impact review (RIR) and the final regulatory flexibility analysis (FRFA) contained with the RIR, its final supplemental environmental impact statement (FSEIS), and Framework Adjustment 16 documents are available upon request from Paul Howard, Executive Director, New England Fishery Management Council (Council), 5 Broadway, Saugus, MA 01906-1097.

FOR FURTHER INFORMATION CONTACT: Richard A. Pearson, NMFS, Fishery Policy Analyst, 508-281-9279.

SUPPLEMENTARY INFORMATION:

Background

Regulations governing the Northeast Multispecies fishery prohibit sink gillnet vessels from fishing in defined areas of the Gulf of Maine (GOM) during certain time periods based on the historic bycatch of harbor porpoise in that fishery.

Framework Adjustment 9 to the FMP (60 FR 19364, April 18, 1995) prohibited any fishery using small mesh gear capable of catching multispecies unless the fishery qualified for an exemption based on a finding that it had less than 5 percent bycatch of regulated species. This had the effect of prohibiting small