

**1811.002 [Amended]**

3. Amend paragraph (a)(3) of section 1811.403 by removing the word "shall" and adding "must" in its place.

4. Add section 1811.403-70 to read as follows:

**1811.403-70 Packaging, handling, and transportation.**

(a) NPG 6000.1E, "Requirements for Packaging, Handling, and Transportation for Aeronautical and Space Systems, Equipment, and Associated Components" provides guidance for shipment of certain NASA items.

(b) Contracting officers, with the advice of the requiring activity and the Center Transportation Officer, must include a designation of each deliverable item, or groupings of deliverable items, as Class I, II, III, or IV for purposes of contractor compliance with the NPG.

**1811.404 [Amended]**

5. Amend paragraphs (a)(2) and (a)(3) of section 1811.404 by removing the word "shall" and adding "must" in its place.

6. Add section 1811.404-70 to read as follows:

**1811.404-70 NASA contract clauses.**

The clause at 1852.211-70, Packaging, Handling, and Transportation, must be included in solicitations and contracts for deliverable items, including software, designated as Class I (mission essential), Class II (delicate or sensitive), or Class III (requires special handling or monitoring).

**1811.502 [Amended]**

7. Amend paragraph (d) of section 1811.502 by removing the word "shall" and adding "must" in its place.

**1811.602 [Amended]**

8. Amend paragraph (c) of section 1811.602 by removing the word "shall" and adding "must" in its place.

**1811.603 [Amended]**

9. Amend paragraph (e)(iii) of section 1811.603 by removing the word "shall" and adding "must" in its place.

**PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

10. Add section 1852.211-70 to read as follows:

**1852.211-70 Packaging, handling, and transportation.**

As prescribed in 1811.404-70, insert the following clause:

**Packaging, Handling, and Transportation—June 2000**

(a) The Contractor shall comply with NPG 6000.1E, "Requirements for Packaging, Handling, and Transportation for Aeronautical and Space Systems, Equipment, and Associated Components", dated April 26, 1999, as may be supplemented by the statement of work or specifications of this contract, for all items designated as Class I, II, or III.

(b) The Contractor's packaging, handling, and transportation procedures may be used, in whole or in part, subject to the written approval of the Contracting Officer, provided (1) the Contractor's procedures are not in conflict with any requirements of this contract, and (2) the requirements of this contract shall take precedence in the event of any conflict with the Contractor's procedures.

(c) The Contractor must place the requirements of this clause in all subcontracts for items that will become components of deliverable Class I, II, or III items.

(End of clause)

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**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 16**

RIN 1018-AF88

**Importation or Shipment of Injurious Wildlife: Zebra Mussel (*Dreissena polymorpha*)**

**AGENCY:** Fish and Wildlife Services, Interior.

**ACTION:** Final rule, correction.

**SUMMARY:** The U.S. Fish and Wildlife Service (we) corrects 50 CFR 16.13 by adding the zebra mussel (*Dreissena polymorpha*), a small bivalve mollusk native to Europe, to the list of injurious fish, mollusks, and crustaceans, which are subject to restrictions under the Lacey Act (18 U.S.C. 42). On November 7, 1991 (56 FR 56942), we added the zebra mussel to the list of injurious wildlife, but it was inadvertently omitted in a subsequent amendment to 50 CFR Part 16 (58 FR 58979, Nov. 5, 1993). This rulemaking corrects the omission and continues the prohibition on the importation, acquisition, or transportation of live zebra mussels, veligers, or viable eggs thereof into or between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

**DATES:** This action is effective June 13, 2000.

**ADDRESSES:** Chief, Division of Fish and Wildlife Management Assistance, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Suite 840, Arlington, VA 22203.

**FOR FURTHER INFORMATION CONTACT:** Hannibal Bolton, Chief, Division of Fish and Wildlife Management Assistance, telephone (703) 358-1718.

**SUPPLEMENTARY INFORMATION:** The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (Pub. L. 101-646, 104 Stat. 4761) was passed by Congress on October 27, 1990, and signed by President Bush. Section 1208 of that law contains a provision that amends the Lacey Act (18 U.S.C. 42) by adding the zebra mussel to the list of injurious animals contained therein. This provision required addition of the zebra mussel to implementing regulations in 50 CFR 16.13. On November 7, 1991, we added zebra mussels to 50 CFR part 16 (56 FR 56942). In a subsequent final rule affecting part 16, we inadvertently omitted the zebra mussel.

**Background**

The regulations contained in 50 CFR part 16 implement the Lacey Act as amended. Under the terms of the law, the importation of certain named wildlife is prohibited, with exceptions. Additionally, the Secretary of the Interior is authorized to prescribe by regulations other nonindigenous wild animals, or viable eggs thereof, which are deemed to be injurious or potentially injurious to the health and welfare of human beings; to the interests of agriculture, Forestry, and horticulture; or to the welfare and survival of wildlife or wildlife resources of the United States. The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 added the zebra mussel to the statutory list. We amended 50 CFR 16.13 to reflect the present list of prohibited wildlife. By adding the zebra mussel to the list of injurious fish, mollusks, and crustaceans in 18 U.S.C. 42 and in 50 CFR 16.13, their acquisition, importation into, or transportation between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any territory or possession of the United States by any means whatsoever is prohibited except by permit for zoological, educational, medical, or scientific purposes, or by Federal agencies without a permit solely for their own use upon filing a written declaration with the District Director of Customs at the port of entry. In addition, no live zebra mussel, viable

eggs, or progeny thereof acquired under permit may be sold, donated, traded, loaned, or transferred to any other person unless such person has a permit issued by the director of the Service.

#### List of Subjects in 50 CFR Part 16

Fish, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Accordingly, 50 CFR part 16 is amended as described below:

#### PART 16—INJURIOUS WILDLIFE

1. The authority citation for part 16 continues to read as follows:

**Authority:** 18 U.S.C. 42.

2. Section 1613(a)(2) is revised to read as follows:

#### § 16.13 Importation of live or dead fish, mollusks, and crustaceans, or their progeny or eggs.

(a) \* \* \*

(2) The importation, transportation, or acquisition of any live fish or viable eggs of the walking catfish, family Clariidae; live mitten crabs, genus *Eriochel*, or their viable eggs; and live mollusks, veligers, or viable eggs of zebra mussels, genus *Dreissena*, are prohibited except as provided under the terms and conditions set forth in § 16.22.

\* \* \* \* \*

Dated: May 5, 2000.

**Donald J. Barry,**

*Assistant Secretary for Fish and Wildlife and Parks.*

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 99122347-9347-01; I.D. 060600C]

#### Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Temporary Closure for the Shore-based Whiting Sector

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

**ACTION:** Fishing restrictions; request for comments.

**SUMMARY:** NMFS announces a temporary closure of the primary season for Pacific

whiting (whiting) south of 42° N. lat. at noon June 8, 2000, and reimposition of "per trip" limits for whiting until 0001 hours June 15, 2000, at which time the primary season south of 42° N. lat. will resume. This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. This action is intended to keep the harvest of whiting at the 2000 allocation levels.

**DATES:** Effective from noon local time (l.t.) June 8, 2000, until 2400 hours June 14, 2000. Comments will be accepted through June 28, 2000.

**ADDRESSES:** Submit comments to William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., Seattle, WA 98115-0070; or Rodney R. McInnis, Acting Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

**FOR FURTHER INFORMATION CONTACT:** Katherine King at 206-526-6145 or Becky Renko at 206-526-6110.

**SUPPLEMENTARY INFORMATION:** The regulations at 50 CFR 660.323(a) (3) and (4) established separate allocations for the catcher/processor, mothership, and shore-based sectors of the whiting fishery, and authorized separate starting dates for each sector's primary season. The primary season for the shore-based sector is the period(s) when the large-scale target fishery is conducted, and thus when "per trip" limits are not in effect. The regulations further divide the shore-based allocation so that no more than 5-percent of the shore-based allocation for whiting may be taken and retained south of 42° N. lat. before the primary season begins north of 42° N. lat. The primary season for the shore-based sector south of 42° N. lat. began on April 1, 2000, earlier than the northern season which begins on June 15, 2000, because whiting migrate from south to north during the fishing year. (The first large whiting landing south of 42° N. lat. occurred on April 20, 2000, although the fishery could have started on April 1, 1999.) The 5-percent cap is intended to discourage effort shifts to the south area early in the year. The shore-based whiting allocation for 2000 is 83,790 metric tons (mt) and the 5-percent cap on early fishing south of 42° N. lat. is 4,190 mt. When the 5-percent cap is reached, the 20,000-lb (9,072 kg) trip limit that was in place before the start of the southern primary season is reimposed and remains in effect until the start of the northern primary season on June 15, 2000. However, the 20,000-

lb (9,072 kg) trip limit only applies if a vessel does not fish inside of 100 fm (183 m) in the Eureka area during the fishing trip. A different trip limit of 10,000-lb (4,536 kg) of whiting is in effect year-round (unless landings of whiting are prohibited) if a vessel fishes inside of 100 fm (183 m) at any time during a fishing trip in the Eureka area. This smaller limit is intended to minimize incidental catch of chinook salmon which are more likely to be caught shallower than 100 fm (183 m) in the Eureka area.

The best available information on June 5, 2000, indicates that 2,797 mt of whiting have been taken by the shore-based fishery south of 42° N. lat. through May 27, 2000, and that 4,190 mt are projected to be taken by noon June 8, 2000. Therefore, the 20,000-lb (9,072 kg) "per trip" limits announced in the 2000 annual management measures (65 FR 221, January 4, 2000) will resume until the primary season begins north of 42° N. lat.

For the reasons stated above, and in accordance with the regulations at 50 CFR 660.323(a)(4)(i)(B) and (iii)(D), NMFS revises paragraph B. of Section IV. of the 2000 annual management measures (65 FR 221, as amended), by adding a new sub-paragraph B. (3)(b)(iv) as follows:

#### IV. NMFS Actions

B. \* \* \*

(3) \* \* \*

(b) \* \* \*

(iv) *Closure of shore-based sector south of 42° N. lat.* Effective noon June 8, 2000, to 2400 hours (12 midnight) June 14, 2000 l.t., no more than 20,000-lb (9,072 kg) may be taken and retained, possessed or landed south of 42° N. lat. If a vessel fishes shoreward of the 100 fm (183 m) contour in the Eureka area (43°-40° 30' N. lat.), the 10,000-lb (4,536 kg) trip limit applies, as announced in the annual management measures at paragraph IV, B (3)(c)(ii).

\* \* \* \* \*

#### Classification

This action is authorized by the regulations implementing the FMP. The determination to take these actions is based on the most recent data available. The aggregate data upon which the determinations are based are available for public inspection at the office of the Regional Administrator (see **ADDRESSES**) during business hours. This action is taken under the authority of 50 CFR 660.323(a)(4)(i)(B) and (iii)(D), and is exempt from review under Executive Order 12866.

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