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(b) Should the CASI information or service requested by the Contractor be unavailable or not in the exact form necessary by the Contractor, neither CASI nor NASA is obligated to search for or change the format of the information. A failure to furnish information shall not entitle the Contractor to an equitable adjustment under the terms and conditions of this contract.

(c) In addition to the final report, as defined at 1827.406-70(a)(3), submitted to the contracting officer, a reproducible copy and a printed or reproduced copy of the final report or data shall be concurrently submitted to: Center for AeroSpace Information (CASI), Attn: Document Processing Section, 7121 Standard Drive, Hanover, Maryland 21076-1320, Phone: 301-621-0390, FAX: 301-621-0134.

(d) The last page of the final report submitted to CASI shall be a completed Standard Form (SF) 298, Report Documentation Page. In addition to the copy of the final report, the contractor shall provide, to CASI, a copy of the letter transmitting the final report to NASA for its Document Availability Authorization (DAA) review.

(e) The contractor shall not release the final report, outside of NASA, until the DAA review has been completed by NASA and availability of the report has been determined.

(End of clause)

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 48 CFR Part 1842

#### Exemption of SBIR/STTR Phase II Contracts from Interim Past Performance Evaluations

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** This final rule revises the NASA FAR Supplement (NFS) to make interim past performance evaluations under FAR Part 42 optional for SBIR/STTR Phase II contracts.

**EFFECTIVE DATES:** July 21, 2000.

**FOR FURTHER INFORMATION CONTACT:** Paul Brundage, NASA Headquarters, Office of Procurement, Contract Management Division (Code HK), Washington, DC 20456-0001, (202) 358-0481, e-mail: [pbrundage@hq.nasa.gov](mailto:pbrundage@hq.nasa.gov).

**SUPPLEMENTARY INFORMATION:**

### A. Background

NASA centers have reported that interim evaluations on SBIR/STTR contracts are usually perfunctory and without substance because there is seldom anything to evaluate until contract completion. This final rule makes interim evaluations for SBIR/STTR Phase II contracts optional.

### B. Regulatory Flexibility Act

NASA certifies that this final rule will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because it only affects NASA's internal implementation of existing regulatory requirements.

### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the NFS do not impose any recordkeeping or information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

### Lists of Subjects in 48 CFR Part 1842

Government procurement.

**Tom Luedtke,**

*Associate Administrator for Procurement.*

Accordingly, 48 CFR Part 1842 is amended as follows:

1. The authority citation for 48 CFR Part 1842 continues to read as follows:

**Authority:** 42 U.S.C. 2473(c)(1).

### PART 1842—CONTRACT ADMINISTRATION AND AUDIT SERVICES

2. Revise section 1842.1502 to read as follows:

#### 1842.1502 Policy.

(a) Within 60 days of every anniversary of the award of a contract having a term exceeding one year, contracting officers must conduct interim evaluations of performance on contracts subject to FAR subpart 42.15 and this subpart. On such contracts, both an interim evaluation covering the last period of performance and a final evaluation summarizing all performance must be conducted. However, interim past performance evaluations are optional for SBIR/STTR Phase II, procurements.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 600 and 660

[Docket No. 991223347-9347; I.D. 071200C]

#### Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments

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

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

**SUMMARY:** NMFS announces changes to trip limits in the Pacific Coast groundfish fishery and the season dates for the limited entry, fixed gear sablefish fishery. These actions, which are authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), are intended to help the fisheries achieve optimum yield (OY).

**DATES:** Changes to management measures are effective 0001 hours local time (l.t.) July 18, 2000, except that changes to management measures for minor shelf rockfish and lingcod are effective 0001 hours l.t. August 1, 2000, unless modified, superseded, or rescinded. These changes are in effect until the effective date of the 2001 annual specifications and management measures for the Pacific coast groundfish fishery, which will be published in the **Federal Register**. Comments on this rule will be accepted through August 7, 2000.

**ADDRESSES:** Submit comments to William Stelle, Jr., Administrator, Northwest Region (Regional Administrator), NMFS, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0070 or to Rodney McInnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

**FOR FURTHER INFORMATION CONTACT:** Yvonne deReynier or Katherine King (Northwest Region, NMFS) 206-526-6140.

**SUPPLEMENTARY INFORMATION:** The following changes to current management measures were recommended by the Pacific Fishery Management Council (Council,) in consultation with the States of Washington, Oregon, and California, at its June 27-30, 2000, meeting in Portland, OR. Pacific coast groundfish landings will be monitored throughout

the year, and further adjustments to the trip limits will be made as necessary to stay within the OYs and allocations announced in the annual specifications and management measures for the groundfish fishery, published in the **Federal Register** (65 FR 221, January 4, 2000, as amended at 65 FR 17805, April 5, 2000; 65 FR 25881, May 4, 2000; 65 FR 31283, May 17, 2000; and 65 FR 33423, May 23, 2000). Unless otherwise specified, these changes are effective through October 31, 2000. At its September meeting, the Council will consider whether changes recommended for August through October should apply also to the November and December fishing periods. If the Council does not recommend changes at that meeting, the trip limits that have already been published for those periods (January 4, 2000, 65 FR 221; May 17, 2000, 65 FR 31283) will remain in effect.

#### **Yellowtail Rockfish Taken in Limited Entry Trawl Fisheries for Flatfish; New Trip Limit for Arrowtooth Flounder**

At the June 27–30, 2000, Council meeting, the Council and its advisory entities heard testimony from commercial trawlers that the current combination of yellowtail rockfish and flatfish landings limits and gear requirements were resulting in yellowtail rockfish discard. Under year 2000 management measures, most flatfish taken with small footrope trawl (8 inches, 20 cm, or less in diameter) have no landings limits. Historically, landings for most flatfish have not been restricted because the fisheries have not achieved the acceptable biological catches for those species. To protect non-flatfish species associated with targeted flatfish on the continental shelf, the 2000 management measures encouraged use of small footrope trawls by prohibiting flatfish landings (except Dover and rex soles) taken with large footrope trawl (greater than 8 inches, 20 cm, in diameter). In May, the limits were modified to allow 400 lb (181 kg) of flatfish per trip (excluding Dover and rex soles) with large footrope trawls.

Landings of yellowtail rockfish are lower than expected for this fishery. Yellowtail rockfish may not be landed by vessels fishing with large footrope trawl, and the small footrope bottom trawl limits has been at 1,500 lb (680 kg) per month since the beginning of the year. This is a low limit for this relatively abundant species, which was set to protect overfished species that associate with yellowtail rockfish. By contrast, midwater trawl limits for yellowtail rockfish were higher, at 10,000 lb (4,536 kg) per 2-month period

in January through April and at 30,000 lb (13,608 kg) per 2-month period, May through October; overfished species are not vulnerable to midwater trawl gear.

During the summer months, yellowtail rockfish tend to move away from their rockier habitats and associate more closely with flatfish. This seasonal migration, in combination with a low yellowtail rockfish small footrope trawl limit, has resulted in yellowtail rockfish discards for fishers targeting both flatfish and yellowtail rockfish. Trawlers currently use small footrope bottom trawl gear to target the more liberal flatfish limits, but may keep only 1,500 lb (680 kg) of incidentally caught yellowtail rockfish. Any incidentally caught yellowtail rockfish above the 1,500 lb (680 kg) limit is discarded. Trawlers may switch to midwater gear to directly target yellowtail, so as to achieve the 30,000 lb (13,608 kg) landings limit.

To make yellowtail rockfish and flatfish management more consistent with natural catch association patterns and to reduce discards of yellowtail rockfish taken with small footrope bottom trawl gear, the Council recommended a new “per trip” limit for yellowtail rockfish taken with small footrope bottom trawl gear equivalent to the sum of 33 percent (by weight) of all flatfish except arrowtooth flounder, plus 10 percent (by weight) of arrowtooth flounder, not to exceed 7,500 lb (3,402 kg.) per trip and not to exceed 30,000 lb (13,608 kg) per 2-month period. This limit prevents direct yellowtail targeting with small footrope bottom trawl gear by restricting all bottom trawl landings of yellowtail rockfish to vessels that also land flatfish. This change is expected to reduce yellowtail rockfish discard by making the management measures more reflective of summer groundfish catch associations while discouraging fishing patterns that would take overfished species. With these protections, the Council could justify recommending an increase in the small footrope trawl 2-month cumulative limit to the same level as the current midwater trawl limit.

In a separate action, the Council recommended increasing the arrowtooth flounder large footrope bottom trawl per trip limit from 400 lb (181 kg) to 5,000 lb (2,268 kg) to accommodate incidental catch in the deeper water fisheries for sablefish, Dover sole, and thornyheads, primarily on the continental slope. Arrowtooth flounder are not a high-value species, and this limit is not expected to increase targeted effort on that species.

#### **Limited Entry Fixed Gear and Open Access Minor Nearshore Rockfish**

Minor nearshore rockfish landings in both the limited entry fixed gear and open access fisheries have been low during the first half of 2000. The best available information at the June Council meeting indicated that limited entry fixed gear fisheries had landed 5.2 percent of the allocation for that fishery north of 40°10' N. lat. and 13.2 percent of the allocation for that fishery south of 40°10' N. lat. through May 31, 2000. Similarly, the best available information at that meeting also indicated that open access fisheries had landed 14.5 percent of the allocation for that fishery north of 40°10' N. lat. and 6.4 percent of the allocation for that fishery south of 40°10' N. lat. To allow fisheries access to these stocks without exceeding 2000 OYs, the Council recommended significant increases to the minor nearshore rockfish landings limits for these two fisheries.

North of 40°10' N. lat. and starting with the July-August period, the limited entry minor nearshore rockfish fixed gear limit increases from 3,000 lb (1,361 kg) to 5,000 lb (2,268 kg) per 2-month period, and the sublimit for minor nearshore rockfish other than blue or black rockfish increases from 1,400 lb (635 kg) to 1,800 lb (816 kg.) South of 40°10' N. lat. and starting with the July-August period, the limited entry minor nearshore rockfish fixed gear limit increases from 1,300 lb (590 kg) to 2,000 lb (907 kg) per 2-month period. North of 40°10' N. lat. and starting with the July-August period, the open access minor nearshore rockfish limit would double from 1,500 lb (680 kg) to 3,000 lb (1,361 kg) per 2-month period, and the sublimit for minor nearshore rockfish other than blue or black rockfish increases from 700 lb (318 kg) to 900 lb (408 kg.) South of 40°10' N. lat. and starting with the July-August period, the open access minor nearshore rockfish limit doubles from 800 lb (363 kg) to 1,600 lb (726 kg) per 2-month period. With the new management strategies implemented in 2000, it is difficult to predict the effect on industry. Increases in the nearshore rockfish limits increase the risk of reaching an allocation or OY before the end of the year and may result in early closures of the minor nearshore rockfish fishery in the north.

#### **Limited Entry Trawl and Fixed Gear Minor Shelf Rockfish South of 40°10' N. lat.**

The limited entry minor shelf rockfish landings for trawl and fixed gear south of 40°10' N. lat. were slow in January–April partly because fixed gear shelf

rockfish landings were closed south of 36° N. lat. in January–February, and closed between 40°10' N. lat. and 36° N. lat. in March–April. Shelf rockfish landings rose in May, and by the end of May the fleet had taken 5.0 percent of the limited entry minor shelf rockfish allocation. Although the overall minor shelf rockfish landings are low, the Council had concerns about shelf rockfish fisheries intercepting bocaccio, an overfished stock. Bocaccio is managed under an overfished species rebuilding plan and is caught incidentally in commercial and recreational fisheries targeting many other different species.

The best available information at the June 2000 Council meeting indicated that the recreational fisheries have exceeded the 45 mt of bocaccio estimated for recreational landings in 2000. In order to protect bocaccio from excess incidental harvest in the commercial fishery, the Council recommended decreasing the limited entry minor shelf rockfish monthly limit for both trawl and fixed gear from 1,000 lb (454 kg) to 500 lb (227 kg) per month effective August 1, 2000. (An earlier effective date would not reduce fishing mortality because most fishers would have taken the July limit of 1,000 lb (454 kg) before this notice would take effect.)

Recreational bocaccio landings occur almost exclusively in California. The State has agreed to ask its Fish and Game Commission, which sets recreational fishing policies in State waters (0–3 nm offshore), to make inseason changes that further reduce recreational fishing pressure on overfished species (bocaccio, lingcod, canary rockfish, cowcod). This may include prohibiting landings of bocaccio taken in State waters for the remainder of 2000. The Council also asked NMFS to coordinate with the State of California to implement consistent changes to recreational rockfish fishery management measures in Federal waters (3–200 nm offshore).

#### **Limited Entry Trawl and Fixed Gear, and Open Access Minor Slope Rockfish South of 40°10' N. lat.**

As with nearshore and shelf rockfish, minor slope rockfish landings south of 40°10' N. lat. have been slow in the first half of 2000. The best available information at the June Council meeting indicated that limited entry fisheries south of 40°10' N. lat. had landed 10.1 percent of slope rockfish set aside for those fisheries and that open access fisheries had landed only 1.0 percent of their minor slope rockfish allocation through the end of May 2000. Given these low landings rates, the Council

recommended increasing cumulative landings limits to levels that would allow higher landings without jeopardizing overfished and depleted stocks. The Council recommended increasing the limited entry minor slope rockfish cumulative landings limit for both trawl and fixed gear south of 40°10' N. lat. from 5,000 lb (2,268 kg) to 7,000 lb (3,175 kg) per 2-month period. The Council also recommended increasing the open access, minor slope rockfish cumulative landings limit south of 40°10' N. lat. from 500 lb (227 kg) to 1,000 lb (454 kg) per 2-month period.

#### **Open Access Fishery for Lingcod to Close August 1, 2000**

The best available information at the June Council meeting indicated that the open access fishery will achieve its lingcod allocation before the end of July. This fishery was closed January through April and was scheduled to be closed in November and December, following a 400 lb (181 kg) monthly cumulative limit in May through October 2000. Lingcod is an overfished species managed under a rebuilding plan. To eliminate further open access lingcod landings for the rest of the year, the Council recommended closing open access lingcod landings from August 1 through the end of the year. This closure also applies to vessels in the pink shrimp trawl fishery.

#### **Limited Entry, Fixed Gear and Open Access Daily Trip Limit Fisheries for Sablefish North of 36° N. lat.**

Daily trip limit sablefish landings in both the 2000 limited entry fixed gear and the open access fisheries have been relatively low through the spring months. The best available information at the June Council meeting indicated that limited entry fixed gear fisheries had landed 11.9 percent of the sablefish set aside for small daily landings and that the open access fisheries had landed 7.0 percent of their sablefish allocation, both of which are taken under the small landings limit of 300 lb (136 kg) per day. To allow fisheries access to sablefish allocations during the more active summer fishing months, the Council recommended increasing the sablefish 2-month cumulative landings limits for both limited entry and open access fisheries north of 36° N. lat. from 2,400 lb (1,089 kg) to 3,300 lb (1,497 kg.) The 300 lb (136 kg) per day landings limit would remain in effect.

#### **Limited Entry, Fixed Gear, Regular Sablefish Fishery**

At its June 2000 meeting, the Council considered season structure options for the 2000 limited entry, fixed gear

regular sablefish fishery. For 2000, the Council recommended that the regular season begin on August 6, 2000, at noon l.t. and last for 9 days, ending at noon on August 15, 2000. There will be no limited entry, daily trip limit fishery for sablefish taken with fixed gear during the regular season. During the regular season, each vessel with a limited entry permit and a sablefish endorsement that is registered for use with that vessel may land up to the cumulative trip limit for the tier to which the permit is assigned. The Council recommended the following tier limits: Tier 1, 81,000 lb (36,741 kg); Tier 2, 37,000 lb (16,783 kg); Tier 3, 21,000 lb (9,525 kg). These tier limits are expected to keep the overall fleet landings from exceeding the 2065.5 mt of sablefish available to this fishery.

The pre-season and post-season closures described for this fishery at 50 CFR 660.323 (a)(2) will be in effect. The pre-season closure will begin on August 4, 2000, at noon l.t., last for 48 hours, and end when the regular season begins on August 6, 2000, at noon l.t. During the pre-season closure, sablefish taken with fixed gear in the limited entry or open access fisheries north of 36° N. lat. may not be retained or landed. Also during the pre-season closure, all fixed gear used to take and retain groundfish must be out of the water. The post-season closure will begin when the regular season ends on August 15, 2000, at noon l.t., last for 30 hours, and end on August 16, 2000, at 1800 hours l.t. No sablefish taken with fixed gear north of 36° N. lat. during the post-season closure may be retained. Sablefish taken and retained during the regular season may be possessed and landed during the post-season closure, and gear may remain in the water during the post-season closure. However, during the post-season closure, fishers may not set or pull from the water fixed gear used to take and retain groundfish.

#### **Fixed Gear Permit Transfers**

Under 50 CFR 660.333, limited entry permits may not be transferred more than once every 12 months, and permit transfers are effective only on the first date of a major cumulative limit period. Each year, the major cumulative limit periods are defined in the annual specifications and management measures according to when the Council schedules its cumulative limit periods for the majority of the groundfish fleet. In 1999 and prior years, trawl and fixed gear landings limit periods have been the same for most species. However, the 2000 annual specifications and management measures set separate cumulative limit periods and

cumulative landings limits for limited entry trawl gear and for fixed gear.

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In July 1999, about 20 fixed gear permit holders transferred their permits so that the transfers would be effective in time for the August 1999 regular sablefish fishery. Changes to the major cumulative landings limits periods in 2000 meant that the first start date of a major cumulative limit period after July 1, 2000, was September 1, 2000. Thus, permit holders constrained by the regulatory restriction of one transfer every 12 months who had last transferred their permits in July 1999 would have missed the August 2000 fixed gear regular sablefish season, described above. The restriction that

requires that permit transfers become effective on the first date of a major cumulative limit period would have prevented these permit holders from transferring their permits until September 1, 2000. Several of these permit holders testified at the June 2000 Council meeting that without changes to these restrictions, they would not be able to participate in the primary sablefish fishery. For participants in this fishery, this opportunity is often a significant portion of their annual incomes. To ensure that these 20 permit holders have the opportunity to transfer their permits and to participate in the regular fixed gear sablefish fishery, the Council recommended at its June 2000 meeting that a major cumulative trip limit period be added at August 1, 2000, for limited entry fixed gear fisheries, for purposes of allowing permit transfers in 2000. This added major cumulative limit period start date reflects the primarily month-long cumulative limit periods for limited entry fixed gear fisheries. The regulatory restriction that limited entry permit transfers may not occur more than once every 12 months would not be altered by this change to major cumulative limit start dates.

#### NMFS Actions

For the reasons stated here, NMFS concurs with the Council's recommendations and announces the following changes to the 2000 annual

management measures (65 FR 221, January 4, 2000, as amended at 65 FR 17805, April 5, 2000, 65 FR 25881, May 4, 2000, 65 FR 31283, May 17, 2000, and 65 FR 33423, May 23, 2000) as follows:

In Section IV, paragraph (15), under A. *General Definitions and Provisions*, and paragraph (2)(b)(i); under B. *Limited Entry Fishery*, are revised; under C. *Trip Limits in the Open Access Fishery*, a new paragraph (3)(a)(ii)(C) is added; and Tables 3, 4, and 5 are revised to read as follows:

#### IV. NMFS Actions

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##### A. *General Definitions and Provisions*

\* \* \* \* \*

(15) *Permit transfers*. Limited entry permit transfers are to take effect only on the first day of a major cumulative limit period (50 CFR 660.333(c)(1)), which in 2000 are January 1, March 1, May 1, July 1, September 1, and November 1, and are delayed by 15 days (starting on the 16th of a month) for the "B" platoon. For limited entry fixed gear (longline and pot) permits, August 1 is also the first day of a major cumulative limit period.

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##### B. *Limited Entry Fishery*

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Table 3. 2000 Trip Limits 1/ and Gear Requirements 2/ for Limited Entry Trawl Gear

Read Section IV. A. NMFS Actions before using this table.

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
1	Minor slope rockfish						
2	North	3,000 lb / 2 months		5,000 lb / 2 months			1,500 lb / month
	South			May-Jun, 5,000 lb / 2 months; Jul-Oct, 7,000 lb / 2 months			
3		3,000 lb / 2 months					1,500 lb / month
4	Splitnose-South	8,500 lb / 2 months		14,000 lb / 2 months			4,000 lb / month
5	POP-North	500 / month		2,500 lb / month			500 lb / month
6	Sablefish	7,000 lb / 2 months; 22-inch size limit 3/		10,000 lb / 2 months; 22-inch size limit 3/			3,500 lb / month ; 22-inch size limit 3/
7	Longspine thornyhead	12,000 lb / 2 months		4,000 lb / 2 months			6,000 lb / month
8	Shortspine thornyhead	3,000 lb / 2 months		1,000 lb / 2 months			1,500 lb / month
9	Dover sole	55,000 lb / 2 months		20,000 lb / 2 months			20,000 lb / month
	Arrowtooth flounder			Small footrope: May-Oct, no pound limit 2/; Large footrope: May-Jun, in "other flatfish" limit; Jul-Oct, 5,000 lb/trip			10,000 lb / trip
10	Petrale sole	No restriction	Small footrope required	Small footrope—No pound limit; Large footrope—Included in "other flatfish" trip limit 2/			No restriction
11	Rex sole			No limit			
12	Other flatfish 4/			Small footrope—No pound limit; Large footrope—400 lb per trip 2/			
13	Whiting shoreside 5/	20,000 lb / trip		Primary season			20,000 lb / trip
14		before primary season					after primary season
15	Use of small footrope bottom trawl or midwater trawl required for landing all the following species: 6/						
16	Minor Shelf rockfish						
17	North	300 lb / month		1,000 lb / month			300 lb / month
18	South	500 lb / month		May-Jul, 1,000 lb / month; Aug-Oct, 500 lb / month			500 lb / month
19	Canary rockfish	100 lb / month		300 lb / month			100 lb / month
20	Widow rockfish						
21	mid-water trawl	30,000 lb / 2 months		30,000 lb / 2 months			30,000 lb / 2 months
22	small footrope trawl	1,000 lb / month		1,000 lb / month			1,000 lb / month
23	Yellowtail-North 7/						
24	mid-water trawl	10,000 lb / 2 months		30,000 lb / 2 months			10,000 lb / 2 months
25	small footrope trawl	1,500 lb / month		May-Jun, 1,500 lb / month. Jul-Oct, per trip limit is sum of 33 percent (by weight) of all flatfish except arrowtooth flounder, plus 10 percent (by weight) of arrowtooth flounder; not to exceed 7,500 lb/trip, and 30,000 lb/2 months. Yellowtail rockfish may not be landed without flatfish.			1,500 lb / month
26	Bocaccio-South 7/	300 lb / month		500 lb / month			300 lb / month
27	Chilipepper-South 7/						
28	mid-water trawl	25,000 lb / 2 months		25,000 lb / 2 months			25,000 lb / 2 months
29	small footrope trawl	7,500 lb / 2 months		7,500 lb / 2 months			7,500 lb / 2 months
30	Cowcod - South 7/	1 fish per landing		1 fish per landing			1 fish per landing
31	Minor Nearshore rockfish						
32	North and South	200 lb / month		200 lb / month			200 lb / month
33	Lingcod	CLOSED		400 lb / month; 24-inch size limit 8/			CLOSED

1/ Trip limits apply coastwide unless otherwise specified. North means 40°10' N.lat. to the US-Canada border.

"South" means 40°10' N.lat. to the US-Mexico border. 40°10' N.lat. is about 20 nm south of Cape Mendocino CA.

2/ Gear requirements and prohibitions are explained at paragraph IV.A.(14).

3/ No more than 500 lb/trip of sablefish smaller than 22 inches (56 cm) total length, which counts toward cumulative limit.

4/ Other flatfish means all flatfish at 50 CFR 660.302 except those in this Table 3 with a trip limit (excludes rex sole and arrowtooth flounder.)

5/ The whiting "per trip" limit in the Eureka area inside 100 fm is 10,000 lb / trip throughout the year (See IV.B.(3)(c)).

6/ Small footrope trawl means a bottom trawl net with a footrope no larger than 8 inches (20 cm) in diameter.

Midwater gear also may be used; the footrope must be bare. See paragraph IV.A.(14).

7/ Yellowtail rockfish and POP in the south and bocaccio, chilipepper, and cowcod rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area (Table 2).

8/ Lingcod must be greater than or equal to 24 inches (61 cm) total length. See IV.A.(6).

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 4. 2000 Trip Limits 1/ for Limited Entry Fixed Gear

Read Section IV. A. NMFS Actions before using this table.

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JULY-AUG	SEP-OCT	NOV-DEC
1	Minor slope rockfish						
2	North	3,000 lb / 2 months		5,000 lb / 2 months			1,500 lb / month
3	South	3,000 lb / 2 months		May-Jun, 5,000 lb / 2 months; Jul-Oct, 7,000 lb / 2 months			1,500 lb / month
4	Splitnose-South	8,500 lb/2 mo.		14,000 lb / 2 months			4,000 lb / month
5	POP-North	500 lb / month		2,500 lb / month			500 lb / month
6	Sablefish (daily trip limit fishery) 2/						
7	North of 36° N. lat.	300 lb/day, 2,100 lb/2 mo OR 1 landing between 300 lb and 600 lb/ week, less than 1,800 lb/2 mo		May-Jun, 300 lb/day, 2,400 lb/2 mo; Jul-Oct, 300 lb/day, 3,300 lb/2 mo			300 lb / day, 2,400 lb / 2 months
8	South of 36° N. lat.		350 lb/day or 1 landing above 350 lb/week, up to 1,050 lb				
9	Longspine thornyhead	12,000 lb / 2 months		4,000 lb / 2 months			6,000 lb / month
10	Shortspine thornyhead	1,000 lb / month		1,000 lb / month			1,000 lb / month
11	Dover sole	55,000 lb / 2 months		20,000 lb / 2 months			20,000 / month
12	Arrowtooth flounder	10,000 lb / trip		No restriction			10,000 lb / trip
13	Petrale sole	No restriction		No restriction			No restriction
14	Rex sole	No restriction		No restriction			No restriction
15	Other flatfish 3/	No restriction		No restriction			No restriction
16	Shoreside whiting 4/	20,000 lb / trip		Open			20,000 lb / trip
17	Minor shelf rockfish						
18	North	300 lb / month		1,000 lb / month			300 lb / month
19	South	500 lb / month 5/		May-Jul, 1,000 lb/month; Aug-Oct, 500 lb/month			500 lb / month
20	Canary-Coastwide						
21	North	100 lb / month		300 lb / month			100 lb / month
22	South	100 lb / month 5/		300 lb / month			100 lb / month
23	Widow rockfish-Coastwide:						
24	North	3,000 lb / month		3,000 lb / month			3,000 lb / month
25	South	3,000 lb/month 5/		3,000 lb / month			3,000 lb / month
26	Yellowtail-North 6/	1,500 lb / month		1,500 lb / month			1,500 lb / month
27	Bocaccio-South 6/	300 lb / month 5/		500 lb / month			300 lb / month
28	Chilipepper-South 6/	2,000 lb / month 5/		2,000 lb / month			2,000 lb / month
29	Cowcod - South 6/			1 fish per landing 5/			
30	Minor nearshore rockfish						
31	North 7/ 8/	2,400 lb/2 months, of which no more than 1,200 lb may be species other than black or blue rockfish		May-Jun, 3,000 lb/2 months, of which no more than 1,400 lb may be species other than black or blue rockfish; Jul-Oct, 5,000 lb/2 months of which no more than 1,800 lb may be species other than black or blue rockfish			3,000 lb/2 months, of which no more than 1,400 lb may be species other than black or blue rockfish
32	South	1,000 lb / 2 months 5/		May-Jun, 1,300 lb/2 months; Jul-Oct, 2,000 lb/2 months			1,300 lb / 2 months
33							
34	Lingcod 8/	CLOSED		400 lb / month			CLOSED

1/ Trip limits apply coastwide unless otherwise specified. North means 40°10' N.lat. to the US-Canada border.

South means 40°10' N. lat. to the US-Mexico border.

2/ The sablefish size limit applies only during the "regular" and "mop-up" seasons north of 36° N. lat. See IV.B.(2).

3/ Other flatfish means all flatfish listed at 50 CFR 660.302 except those in this Table 4 with a trip limit.

4/ The whiting "per trip" limit in the Eureka area for catch inside 100 fathoms is 10,000 lb / trip throughout the year.

5/ South of 40°10' N. lat., minor shelf and minor nearshore rockfish, as well as canary, widow, bocaccio, chilipepper, and cowcod were managed with area closures in Jan-Apr. In Jan-Feb, limited entry fixed gear fisheries for these species were closed south of 36° N. lat., yet open with limits shown between 40°10' N. lat. and 36° N. lat. In Mar-Apr, these fisheries were closed between 40°10' N. lat and 36° N. lat., yet open with limits shown in waters south of 36° N. lat. "Closed" means it is prohibited to take and retain, possess, or land the designated species in the time or area indicated (see IV.A.(7)).

6/ Yellowtail rockfish and POP in the south and bocaccio, chilipepper, and cowcod rockfishes in the north are included in trip limits for minor shelf rockfish (Table 2).

7/ The "per trip" limit for black rockfish off Washington also applies. See paragraph IV.B.(4).

8/ The size limit for lingcod is 24 inches (61 cm) in the north and 26 inches (66 cm) in the south, total length.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

(2) \* \* \*

(b) \* \* \*

(i) *Regular season.* The regular season will begin at 12 noon l.t. on August 6, 2000, and end at noon on August 15, 2000. Pre-season and post-season closures described at 50 CFR 660.323(a)(2) are in effect. The pre-season closure will begin at 12 noon l.t. on August 4, 2000, and end when the

regular season begins, at 12 noon l.t. on August 6, 2000. The post-season closure will begin when the regular season ends at noon (local time) on August 15, 2000, and end at 1800 hours (local time) on August 16, 2000. During the regular season, each vessel with a limited entry permit with a sablefish endorsement that is registered for use with that vessel

may land up to the cumulative trip limit for the tier to which the permit is assigned. For 2000, the following tier limits are in effect: Tier 1, 81,000 lb (36,741 kg); Tier 2, 37,000 lb (16,783 kg); Tier 3, 21,000 lb (9,525 kg).

\* \* \* \* \*

*C. Trip Limits in the Open Access Fishery*

Table 5. 2000 Trip Limits 1/ for All Open Access Gear except Exempted Trawl Gear Engaged in Fishing for Pink Shrimp

Read Section IV. A. NMFS Actions before using this table.

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JULY-AUG	SEP-OCT	NOV	DEC
1	Minor slope rockfish							
2	North	500 lb / 2 months			500 lb / 2 months		500 lb / 2 months	
3	South				May-Jun, 500 lb / 2 months; Jul-Oct, 1,000 lb / 2 months		500 lb / 2 months	
4	Splitnose-South	200 lb / month			200 lb / month		200 lb / month	
5	POP--North	100 lb / month			100 lb / month		100 lb / month	
6	Sablefish 2/							
7	North of 36°	300 lb / day, but no more than 2,100 lb / 2 months			May-Jun, 300 lb / day, 2,400 lb 2 months Jul-Oct, 300 lb / day, 3,300 lb / 2 months		300 lb / day, but no more than 2,400 lb / 2 months	
8	South of 36°	350 lb / day			350 lb / day		350 lb / day	
9	Thornyheads (longspine and shortspine combined)							
10	North of Pt. Conception	CLOSED 3/			CLOSED		CLOSED	
11	South of Pt. Conception	50 lb / day			50 lb / day		50 lb / day	
12	Arrowtooth	200 lb / month			200 lb / month		200 lb / month	
13	Dover sole				(included in "other" flatfish limit)			
14	Petrals sole				(included in "other" flatfish limit)			
15	Nearshore flatfish				(included in "other" flatfish limit)			
16	"Other" flatfish 4/	300 lb / month			300 lb / month		300 lb / month	
17	Shoreside whiting	300 lb / month			300 lb / month		300 lb / month	
18	Minor shelf rockfish							
19	North	100 lb / month			100 lb / month		100 lb / month	
20	South	200 lb / month 5/			200 lb / month		200 lb / month	
21	Canary							
22	North	50 lb / month			50 lb / month		50 lb / month	
23	South	50 lb / month 5/			50 lb / month		50 lb / month	
24	Widow							
25	North	3,000 lb / month			3,000 lb / month		3,000 lb / month	
26	South	3,000 lb / month 5/			3,000 lb / month		3,000 lb / month	
27	Yellowtail-North 6/	100 lb / month			100 lb / month		100 lb / month	
28	Bocaccio - South 6/	200 lb / month 5/			200 lb / month		200 lb / month	
29	Chillipepper-South 6/	2,000 lb / month 5/			2,000 lb / month		2,000 lb / month	
30	Cowcod - South 6/	1 fish per landing 5/			1 fish per landing		1 fish per landing	
31	Minor nearshore rockfish							
32	North 7/8/	1,000 lb / 2 months, of which no more than 500 lb may be species other than black or blue rockfish			May-Jun, 1,500 lb/2 mo, of which no more than 700 lb may be species other than black or blue rockfish; 2,500 lb/2 mo; Jul-Oct, 3,000 lb/2 mo, of which no more than 900 lb may be species other than black or blue rockfish		1,000 lb / 2 months, of which no more than 00 lb may be species other than black or blue rockfish	
33	South	550 lb / 2 months 5/			May-Jun, 800 lb/2 months; Jul-Oct, 1,600 lb / 2 months		800 lb / 2 months	
34	Lingcod 9/	CLOSED			May-Jul, 400 lb/month; Aug-Oct, CLOSED.		CLOSED	

1/ Trip limits apply coastwide unless otherwise specified. North means 40°10' N. lat. to the US-Canada border.

"South" means 40°10' N. lat. to the US-Mexico border.

2/ There is no size limit for sablefish taken and retained with nontrawl gear in the open access fishery. See IV.B.2.

3/ Closed means it is prohibited to take and retain, possess, or land the species in the time or area indicated (see IV.A.(7)).

4/ Other flatfish means all flatfish listed at 50 CFR 660.302 except those in this Table 5 with a trip limit.

5/ South of 40° 10' N. lat., minor shelf and nearshore rockfish, as well as canary, widow, bocaccio, chilipepper, and cowcod were managed with area closures in Jan-Apr. In Jan/Feb, open access fisheries for these species were closed south of 36° N. lat., yet open with limits shown between 40° 10' N. lat. and 36° N. lat. In Mar/Apr these fisheries were closed between 40° 10' N. lat. and 36° N. lat., and open with limits shown in waters south of 36° N. lat. (see IV.A.(7)).

6/ Yellowtail rockfish and POP in the south and bocaccio, chilipepper, and cowcod rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area (Table 2).

7/ The "per trip" limit for black rockfish off Washington also applies. See paragraph IV.B.(4).

8/ Provisions for landing groundfish in Pacific City, OR are found at paragraph IV.C.(4).

9/ The size limit for lingcod is 24 inches (61 cm) in the north and 26 inches (66 cm) in the south, total length (May through July.)

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

(3) \* \* \*

(a) \* \* \*

(ii) \* \* \*

(C) August 1–December 31, 2000:  
closed.

### Classification

These actions are authorized by the regulations implementing the FMP and the annual specifications and management measures and by the emergency rule published at 65 FR 221 (January 4, 2000) and are based on the most recent data available. The aggregate data upon which these actions are based are available for public inspection at the office of the Administrator, Northwest Region, NMFS (see **ADDRESSES**) during business hours.

NMFS finds good cause to waive the requirement to provide prior notice and comment on this action pursuant to 5 U.S.C. 553(b)(B) because providing prior notice and opportunity for comment would be impracticable. It would be impracticable because the current cumulative limit period began on July 1, 2000, and affording additional notice and opportunity for public comment would impede the due and timely execution of the agency's function of managing fisheries to achieve OY. The increases to trip limits and the addition of a major cumulative limit period for fixed gear relieve burdens on the public. In addition, the affected public had the opportunity to comment on these actions at the June 27–30, 2000, Council meeting. This action should be implemented as close as possible to the beginning of the cumulative trip limit period to avoid confusion and provide fishers the opportunity to achieve the increased trip limits and arrange for permit transfers. The reduced limits and closures that take effect August 1 are intended to prevent overfishing or to protect overfished species. For these reasons, good cause exists to waive the 30-day delay in effectiveness.

These actions are taken under the authority of 50 CFR 660.323(b)(1) and are exempt from review under Executive Order 12866.

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

Dated: July 18, 2000.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 00–18534 Filed 7–18–00; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 000706201–0201–01; I.D. 060700A]

RIN 0648–AO00

### Fisheries of the Exclusive Economic Zone Off Alaska; Removal of Vessel Moratorium of the GOA and BSAI

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** NMFS issues a final rule to remove the obsolete text implementing the Vessel Moratorium Program (VMP), which expired on December 31, 1999, and was replaced by the License Limitation Program (LLP). In addition, several paragraphs in the regulations are revised to account for the removal of the moratorium text. These revisions are necessary to remove obsolete text, clarify and simplify existing text, promote compliance with the regulations, and facilitate enforcement efforts. This action is intended to further the goals and objectives of the Federal fishery management programs for crab groundfish fisheries off Alaska.

**DATES:** Effective July 21, 2000.

**FOR FURTHER INFORMATION CONTACT:** Patsy A. Bearden, 907–586–7228.

**SUPPLEMENTARY INFORMATION:**

#### Background

NMFS manages the groundfish fisheries in the Exclusive Economic Zone (EEZ) off Alaska and the crab fisheries in the EEZ of the Bering Sea and Aleutian Islands area according to fishery management plans (FMPs) prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C., 1801 *et seq.* The FMPs are implemented by regulations at 50 CFR part 679. General regulations that also pertain to these fisheries appear in subpart H of 50 CFR part 600.

NMFS published a final rule in the **Federal Register** on August 10, 1995, (60 FR 40763) implementing the VMP and, on January 25, 1999 (64 FR 3651), published a final rule extending the program for 1 year. The VMP expired on December 31, 1999, when it was succeeded by the LLP, which became effective on January 1, 2000. This

technical amendment is designed to remove obsolete regulatory text that implemented the VMP without making any substantive change in the LLP implementing regulations or other rules.

The changes implemented with this rule in each section are described as follows.

#### *Purpose and Scope (§ 679.1)*

Paragraph (c) is removed and reserved because it is no longer effective.

#### *Definitions (§ 679.2)*

Definitions of terms that were relevant only to the VMP are removed. Some defined terms that also are used in existing and currently effective regulations are revised or renumbered to remove only the parts of the definitions that were applicable to the VMP. Terms and their definitions that are removed by this action are “Lost or destroyed vessel,” “Moratorium crab species,” “Moratorium groundfish species,” “Moratorium species,” “Moratorium qualification,” “Original qualifying LOA,” “Original qualifying vessel,” and “Qualifying period.” Definitions of terms that are revised or renumbered by this action are “Catcher/processor,” “Catcher vessel,” “Directed fishing,” “Maximum LOA (MLOA),” “Person,” and “Reconstruction.”

#### *Permits (§ 679.4)*

Criteria required for a VMP permit specified at § 679.4(c) are no longer effective and are removed by this action. Paragraph (c) is reserved to maintain the designation sequence of the succeeding paragraphs. Some of these VMP permit criteria were integrated into the LLP and were referenced in the LLP qualification requirements at § 679.4(k). Hence, this action revises regulations implementing the LLP at § 679.4(k)(4) to add specified VMP qualification criteria that are included in the LLP licensing criteria previously included only by reference.

#### *Prohibitions (§ 679.7)*

Paragraphs (d)(13) and (14) in § 679.7 are revised by substituting the term “license limitation groundfish” for the term “moratorium groundfish species.” This change is made necessary by the substitution of the LLP for the VMP. Also in paragraph (e) of this section, the heading and text are removed and the paragraph reserved. Although paragraph (e) did not explicitly expire with the VMP, its continued existence no longer is necessary and could be confusing if it were not removed.