

Subchapter G—Contract Management

PART 1644—SUBCONTRACTING POLICIES AND PROCEDURES

Subpart 1644.1—General

■ 3. Paragraph (a) of section 1644.170 is revised to read as follows:

1644.170 Policy for FEHB Program subcontracting.

(a) General policy. Carriers must follow commercially reasonable procurement procedures that comply, when required, with the Federal Acquisition Regulations (FAR) policies and procedures relating to competition and contract pricing for the acquisition of both commercial and noncommercial items.

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Subchapter H—Clauses and Forms

PART 1652—CONTRACT CLAUSES

Subpart 1652.2—Texts of FEHB Clauses

■ 4. The clause heading and the last sentence in clause 1652.204–70 is amended to read as follows.

1652.204–70 Contractor records retention.

\* \* \* \* \*

Contractor Records Retention (JUL 2005)

\* \* \* \* \*

\* \* \* This clause is effective prospectively as of the 2005 contract year.

(End of Clause)

■ 5. Section 1652.204–74(a)(1) and the heading of the clause are revised to read as follows:

1652.204–74 Large Provider Agreements.

\* \* \* \* \*

Large Provider Agreements (OCT 2005)

(a) Notification and Information Requirements. (1) The experience-rated Carrier must provide notice to the contracting officer of its intent to enter into or to make a significant modification of a Large Provider Agreement:

- (i) Not less than 60 days before entering into any Large Provider Agreement; and
(ii) Not less than 60 days before exercising a renewal or other option, or significant modification to a Large Provider Agreement, when such action would result in total costs to the FEHB Program of an additional 20 percent or more above the existing contract. However, if a carrier is exercising a simple renewal or other option contemplated by a Large Provider Agreement that OPM previously reviewed, and there are no significant changes, then a statement to the effect that the renewal or other option is being exercised along with the dollar amount is sufficient notice.

\* \* \* \* \*

■ 6. The clause heading in 1652.222–70 is revised to read as follows.

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1652.222–70 Notice of Significant Events.

\* \* \* \* \*

Notice of Significant Events (JUL 2005)

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■ 7. The clause heading in 1652.244–70 is revised to read as follows.

1652.244–70 Subcontracts.

\* \* \* \* \*

Subcontracts (JUL 2005)

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■ 8. The clause heading in 1652.246–70 is revised to read as follows.

1652.246–70 FEHB Inspection.

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FEHB Inspection (JUL 2005)

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[FR Doc. 06–459 Filed 1–18–06; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 051104291–5350–02; I.D. 100405F]

RIN 0648 AT29

Fisheries of the Northeastern United States; Spiny Dogfish; Framework Adjustment 1; Establishing a Multiple-year Specifications Process

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

ACTION: Final rule.

SUMMARY: NMFS announces the implementation of Framework Adjustment 1 (Framework 1) to the Spiny Dogfish Fishery Management Plan (FMP), which will allow the specification of commercial quotas and other management measures for up to 5 years. This framework adjustment is intended to improve management of the Northeast Atlantic stock of Spiny Dogfish.

DATES: Effective February 21, 2006.

ADDRESSES: Copies of Framework 1, the Regulatory Impact Review (RIR), Initial Regulatory Flexibility Analysis (IRFA), and other supporting documents are available from Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South

Street, Dover, DE 19901–6790. The RIR/IRFA is also accessible via the Internet at http://www.nero.noaa.gov/nero/regs/com.html.

FOR FURTHER INFORMATION CONTACT: Eric Jay Dolin, Fishery Policy Analyst, (978) 281–9259, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION:

Background

This framework adjustment to the FMP is intended to improve management of the Northeast Atlantic stock of spiny dogfish (Squalus acanthias), pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Under the existing FMP, spiny dogfish are jointly managed by both the Mid-Atlantic and the New England Fishery Management Councils (Councils). The Councils recommend annual commercial quotas and other management measures (e.g., minimum or maximum fish sizes, seasons, mesh size restrictions, trip limits, or other gear restrictions), as needed, in order to ensure that the target fishing mortality rate (F) of 0.08 will not be exceeded. Implementing regulations for these fisheries are found at 50 CFR part 648, subpart L. Under the current FMP, the commercial quota and trip limits are specified annually and apply only to the following fishing year.

The Councils developed Framework 1, pursuant to § 648.237, in order to streamline the administrative and regulatory processes involved in specifying the fishing measures for spiny dogfish, while, at the same time, maintaining consistency with the Magnuson-Stevens Act. This action modifies the FMP so that, within a given year, the Councils could specify commercial quotas and other management measures necessary to ensure that the target F specified in the FMP will not be exceeded in each of the following 1 to 5 years. Implementation of Framework 1 provides the option, not the requirement, for Councils to specify multi-year management measures. All of the environmental and regulatory review procedures currently required under the Magnuson-Stevens Act and the National Environmental Policy Act will be conducted and documented during the year in which specifications are set. These analyses will consider impacts throughout the time span for which specifications are to be set (1 to 5 years). Multi-year quotas and other management measures would not have to be constant from year to year, but would instead be based upon expectations of future stock conditions as indicated by the best scientific

information available at the time the multi-year specifications are set. Updated information on the resource and the fishery would be reviewed at least every 5 years by the Spiny Dogfish Monitoring Committee, the Joint Spiny Dogfish Committee, and the Councils. Adjustments to the management measures, once implemented, would not be expected to occur during the period of multi-year specifications. Nevertheless, if new information indicated that modification to the multi-year management measures is necessary to ensure that the target F is not exceeded, the Councils would initiate the process for setting specifications in order to make such modifications. Given the elimination of the annual review/management measure adjustment process under this action, environmental impact evaluation in the specification setting year would have to consider thoroughly the uncertainty associated with projected estimates of stock size in the 1 to 5 year time horizon. Accordingly, Council recommendations for multi-year management measures would have to be adequately conservative to accommodate this uncertainty.

#### Comments and Responses

One comment was received and it was outside the scope of this rulemaking.

#### Classification

The Regional Administrator had determined that the framework adjustment implemented by this final rule is necessary for the conservation and management of the spiny dogfish fishery and is consistent with the Magnuson-Stevens Act and other applicable law.

The final rule has been determined to be not significant for purposes of Executive Order 12866.

NMFS has prepared a FRFA pursuant to 5 U.S.C. 604(a). The FRFA incorporates the discussion that follows, the comments and responses to the proposed rule, and the initial regulatory flexibility analysis (IRFA) and other analyses completed in support of this action, which were summarized in the proposed rule (70 FR 72100, December 1, 2005). A copy of the IRFA is available from the Mid-Atlantic Fishery Management Council (see **ADDRESSES**).

There were 3,513 Federal dogfish permit holders in 2004. This action does not establish any management measures, rather it deals only with the period of time for which annual management measures will be established and, therefore, has no direct effect on entities participating in the fishery; accordingly, no steps could be

taken to minimize impacts. No comments germane to the scope of this rulemaking were received on the IRFA or the economic impacts of the rule during the public comment period. There are no relevant Federal rules that duplicate, overlap, or conflict with this rule. This rule does not contain any new, nor does it revise any existing reporting, recordkeeping, and other compliance requirements.

#### List of Subjects in 50 CFR Part 648

Fishing, Fisheries, Reporting and recordkeeping requirements.

Dated: January 12, 2006.

**James W. Balsiger,**

*Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

■ For the reasons stated in the preamble, 50 CFR part 648 is amended as follows:

#### PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. Section 648.230 is revised to read as follows:

#### § 648.230 Catch quotas and other restrictions.

(a) *Process for setting specifications.* The Spiny Dogfish Monitoring Committee will review the following data at least every 5 years, subject to availability, to determine the total allowable level of landings (TAL) and other restrictions necessary to assure that a target fishing mortality rate specified in the Spiny Dogfish Fishery Management Plan will not be exceeded in each year for which TAL and any other measures are recommended: Commercial and recreational catch data; current estimates of F; stock status; recent estimates of recruitment; virtual population analysis results; levels of noncompliance by fishermen or individual states; impact of size/mesh regulations; sea sampling data; impact of gear other than other trawls and gill nets on the mortality of spiny dogfish; and any other relevant information.

(b) *Recommended measures.* Based on this review, the Spiny Dogfish Monitoring Committee shall recommend to the Joint Spiny Dogfish Committee a commercial quota and any other measures including those in paragraphs (b)(1)-(b)(5) of this section that are necessary to assure that the F specified in paragraph (a) of this section will not be exceeded in any fishing year (May 1–April 30), for a period of 1–5 fishing years. The quota may be set within the range of zero to the maximum allowed.

The measures that may be recommended include, but are not limited to:

- (1) Minimum or maximum fish sizes;
- (2) Seasons;
- (3) Mesh size restrictions;
- (4) Trip limits; or
- (5) Other gear restrictions.

(c) *Joint Spiny Dogfish Committee recommendation.* The Councils' Joint Spiny Dogfish Committee shall review the recommendations of the Spiny Dogfish Monitoring Committee. Based on these recommendations and any public comments, the Joint Spiny Dogfish Committee shall recommend to the Councils a commercial quota and, possibly, other measures, including those specified in paragraph (b) of this section, necessary to assure that the F specified in paragraph (a) of this section will not be exceeded in any fishing year (May 1–April 30), for a period of 1–5 fishing years. The commercial quota may be set within the range of zero to the maximum allowed.

(d) *Council recommendations.* The Councils shall review these recommendations and, based on the recommendations and any public comments, recommend to the Regional Administrator a commercial quota and other measures necessary to assure that the F specified in paragraph (a) of this section will not be exceeded in any fishing year (May 1–April 30), for a period of 1–5 fishing years. The Councils' recommendations must include supporting documentation, as appropriate, concerning the environmental, economic, and other impacts of the recommendations. The Regional Administrator shall initiate a review of these recommendations and may modify the recommended quota and other management measures to assure that the target F specified in paragraph (a) of this section will not be exceeded in any fishing year (May 1–April 30), for a period of 1–5 fishing years. The Regional Administrator may modify the Councils' recommendations using any of the measures that were not rejected by both Councils. After such review, NMFS shall publish a proposed rule in the **Federal Register** specifying a coastwide commercial quota and other measures necessary to assure that the F specified in paragraph (a) of this section will not be exceeded in any fishing year (May 1–April 30), for a period of 1–5 fishing years. After considering public comments, NMFS shall publish a final rule in the **Federal Register** to implement such a quota and other measures.

(e) [Reserved]

(f) *Distribution of annual quota.* (1) The annual quota specified according to the process outlined in paragraph (a) of this section shall be allocated between two semi-annual quota periods as follows: May 1 through October 31 (57.9 percent) and November 1 through April 30 (42.1 percent).

(2) All spiny dogfish landed for a commercial purpose in the states from Maine through Florida shall be applied against the applicable semi-annual commercial quota, regardless of where the spiny dogfish were harvested.

[FR Doc. 06-505 Filed 1-13-06; 3:41 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 050708183-5183-01; I.D. 070505D]

RIN 0648-AT45

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gulf Grouper Recreational Management Measures

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

**ACTION:** Temporary rule; interim measures.

**SUMMARY:** NMFS issues this temporary rule to amend, and extend the effective date of, the grouper bag limit provisions implemented by a temporary rule published by NMFS on July 25, 2005, to reduce overfishing of red grouper in Federal waters of the Gulf of Mexico. This temporary rule amends the bag limit provision consistent with the October 31, 2005, ruling of the United States District Court, Middle District of Florida (Court). The intended effect is to reduce overfishing of red grouper in the Gulf of Mexico.

**DATES:** This rule is effective January 24, 2006, through July 22, 2006.

**ADDRESSES:** Copies of documents supporting this rule may be obtained from the Southeast Regional Office, NMFS, 263 13th Avenue South, Saint Petersburg, FL 33701.

**FOR FURTHER INFORMATION CONTACT:** Phil Steele, telephone: 727-551-5784, fax: 727-824-5308, e-mail: [phil.steele@noaa.gov](mailto:phil.steele@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The reef fish fishery of the Gulf of Mexico is

managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

#### Background

During the March 7-10, 2005, Gulf of Mexico Fishery Management Council (Council) meeting, the Council reviewed red grouper landings and concluded that without additional regulations recreational red grouper landings were likely to exceed the recreational target level specified in the rebuilding plan provided in Secretarial Amendment 1 to the FMP. The Council passed a motion and subsequently submitted a letter requesting NMFS to implement an interim rule to reduce the recreational red grouper catch to levels consistent with the rebuilding plan specified in Secretarial Amendment 1. In response to the Council's request, NMFS issued a temporary rule (70 FR 42510, July 25, 2005) to reduce the likelihood of overfishing red grouper, while minimizing biological impacts on gag and other groupers that could result from shifts in effort due to red grouper management actions. To achieve this objective, the temporary rule reduced the red grouper bag limit from 2 fish per person per day to 1 fish per person per day; reduced the aggregate grouper bag limit from 5 grouper, combined, per person per day, excluding goliath grouper and Nassau grouper, but not to exceed 1 speckled hind or 1 warsaw grouper per vessel per day or 2 red grouper per person per day, to 3 grouper, combined, per person per day, excluding goliath grouper and Nassau grouper, but not to exceed 1 speckled hind or 1 warsaw grouper per vessel per day or 1 red grouper per person per day; and established a closure of the recreational fishery, from November through December of 2005, for all grouper species. Additional background regarding the need for and impacts of the July 25, 2005 temporary rule is contained in the preamble to that rule and is not repeated here.

On October 31, 2005, a decision was rendered by the Court on a lawsuit brought by the Coastal Conservation Association and The Fishing Rights Alliance, Inc. against NMFS (*Coastal Conservation Association, et al., vs. Carlos Gutierrez*, Case No. 2:05-cv-400-FtM-29DNF). The Court partially agreed with the plaintiffs and set aside aspects of the interim rule that applied to

species other than red grouper. As a result, NMFS is amending the temporary rule in accordance with the Court's ruling and extending the effective date for an additional 180 days.

#### Amendment and Extension of the Temporary Rule

Under section 305(c)(3)(B) of the Magnuson-Stevens Act, NMFS may extend the effectiveness of interim measures for one additional period of 180 days, provided the public has had an opportunity to comment on the interim measures, and the Council is actively preparing proposed regulations to address the issue on a permanent basis.

NMFS solicited comments on the initial interim measures through August 24, 2005. The comments received and NMFS' responses are provided in this temporary rule. After reviewing all public comments, NMFS has concluded that the interim measures were, and as amended remain, necessary to reduce the probability of overfishing.

The Council is preparing a regulatory amendment and associated proposed regulations that will address measures to address overfishing of red grouper. Those measures, if approved and implemented by NMFS, would replace this temporary rule. Action to address these issues via the proposed regulations associated with the regulatory amendment cannot be implemented before the current temporary rule expires on January 23, 2006. Extension and amendment of the temporary rule is necessary to conform with the Court's ruling, avoid a regulatory lapse, and ensure that the risk of overfishing is minimized.

This temporary rule extends the applicable provisions of the original temporary rule (70 FR 42510, July 25, 2005) for an additional 180 days and amends the original temporary rule consistent with the Court's ruling. Under this temporary rule, the aggregate grouper bag limit is 5 grouper (versus 3 grouper under the original temporary rule), combined, per person per day, excluding goliath grouper and Nassau grouper, but not to exceed 1 speckled hind or 1 warsaw grouper per vessel per day or 1 red grouper per person per day. The November through December closure of the recreational fishery for all grouper species, contained in the original temporary rule, is not relevant to the period of effectiveness of this temporary rule and, therefore, is removed in this temporary rule. Additional suspensions and extensions of regulatory text, necessary for regulatory consistency, are also included in this temporary rule.