

B. Executive Order 12866 and 13563

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804. In accordance with Executive Order 13563, Improving Regulation and Regulatory Review, dated January 18, 2011, GSA has determined that this rule is not excessively burdensome to the public, and that GSA Form 1142 which is prescribed by the rule is useful to contractors in presenting their release of claims to the Government.

C. Regulatory Flexibility Act

The General Services Administration does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule requires the collection of the information that is administrative in nature. Submission of this information should not be burdensome to the contractor but should provide a consistent format that the contractor can use to report their claims information to the GSA. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. We invite comments from small businesses and other interested parties. GSA will consider comments from small entities concerning the affected GSAR Part 532 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (GSAR case 2010-G509), in correspondence.

D. Paperwork Reduction Act

The Paperwork Reduction Act does apply; however, these changes to the GSAR do not impose additional information collection requirements to the paperwork burden previously approved under OMB Control Number 3090-0080.

List of Subjects in 48 CFR Part 532

Government procurement.

Dated: March 7, 2011.

Millisa Gary,

Acting Director, Office of Governmentwide Acquisition Policy.

Therefore, GSA proposes to amend 48 CFR part 532 as set forth below:

PART 532—CONTRACT FINANCING

1. The authority citation for 48 CFR part 532 continues to read as follows:

Authority: 40 U.S.C. 121(c).

2. Add section 532.905-70 to read as follows:

532.905-70 Final payment—construction and building service contracts.

The following procedures apply to construction and building service contracts:

(a) The Government shall pay the final amount due the Contractor under this contract after the documentation in FAR 52.232-5 is provided.

(b) Contracting Officers may not process the final payment on construction or building service contracts until the contractor submits a properly executed GSA Form 1142, Release of Claims, except as provided in paragraph (c) of this section.

(c) In cases where, after 60 days from the initial attempt, the Contracting Officer is unable to obtain a release of claims from the contractor, the final payment may be processed with the approval of assigned legal counsel.

(d) The amount of final payment must include, as appropriate, deductions to cover any of the following:

(1) Liquidated damages for late completion.

(2) Liquidated damages for labor violations.

(3) Amount withheld for improper payment of labor wages.

(4) The amount of unilateral change orders covering defects and omissions.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

RIN 0648-AW67

Western Pacific Pelagic Fisheries; Prohibiting Purse Seine Fishing in the U.S. EEZ Around Guam and the Northern Mariana Islands, and Prohibiting Longline Fishing Within 30 nm of the Northern Mariana Islands

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

ACTION: Notice of availability of fishery management plan amendment; request for comments.

SUMMARY: NMFS announces that the Western Pacific Fishery Management Council (Council) proposes Amendment 2 to the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific Region (FEP). If approved by the

Secretary of Commerce, this amendment would create a 30-nautical mile (nm) longline prohibited area around the Commonwealth of the Northern Mariana Islands (CNMI), and prohibit purse seine fishing within the entire U.S. Exclusive Economic Zone (EEZ) around the Mariana Archipelago, including Guam and the CNMI. The area closures are intended to prevent and minimize gear conflicts and resource competition among the various fishery sectors (troll, longline and purse seine) in the Mariana Archipelago. In addition, this action is intended to facilitate the conservation of important stocks such as bigeye, yellowfin, and skipjack tuna throughout their range in the Pacific Ocean.

DATES: Comments on the amendment must be received by May 10, 2011.

ADDRESSES: Copies of Amendment 2, including an environmental assessment, are available from <http://www.regulations.gov>, or the Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808-522-8220, fax 808-522-8226, <http://www.wpcouncil.org>.

Comments on the amendment, including the environmental assessment, identified by 0648-AW67, may be sent to either of the following addresses:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal <http://www.regulations.gov>; or

- **Mail:** Mail written comments to Michael D. Tosatto, Regional Administrator, NMFS, Pacific Islands Region (PIR), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814-4700.

Instructions: Comments must be submitted to one of the above two addresses to ensure that the comments are received, documented, and considered by NMFS. Comments sent to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All personal identifying information (*e.g.*, name, address, *etc.*) submitted voluntarily by the sender may be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Toby Wood, NMFS PIR Sustainable Fisheries, 808-944-2234.

SUPPLEMENTARY INFORMATION: Pelagic fisheries in the U.S. western Pacific are managed under the FEP. The Council prepared Amendment 2 to address pelagic fishing concerns in the Mariana Archipelago (Guam and the CNMI). Pelagic fisheries in the Marianas consist mostly of small trolling fleets, several pelagic longline vessels, and purse seine vessels based there, but not fishing near the islands. Guam's pelagic fishery consists of 300–400 mostly small trolling boats that catch skipjack tuna, yellowfin tuna, mahimahi, wahoo, and Pacific blue marlin. Trolling is also the primary fishing method in the CNMI pelagic fishery. About 50–100 small vessels target skipjack tuna, and also catch yellowfin tuna and mahimahi.

Pelagic longline vessels in the Marianas are typically larger than 50 ft (15 m) and can fish for more than 30 days. Interest in the longline fishery has been variable; currently four Federally-permitted longline vessels are based in the CNMI and one is based in Guam. Longliners target yellowfin and bigeye tunas and retain incidental catches of albacore, blue marlin, mahimahi, skipjack tuna, and spearfish.

About 36 U.S. purse seine vessels operate in the western and central Pacific Ocean, targeting skipjack and yellowfin tuna. Vessels range from 164 to 377 ft (50 to 115 m). Fish-carrying capacities range from approximately 800 to 1,500 mt (2.2 to 3.9 million lb). The U.S. purse seine catch in the western Pacific is made on the high seas, in foreign EEZs, and in the U.S. EEZ around American Samoa and the U.S. Pacific Remote Island Areas (*i.e.*, Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef, and Palmyra Atoll). Two U.S. purse seine vessels are based in Guam, but have not fished in the EEZ around the Mariana Archipelago. To date, limited purse seine activity has occurred adjacent to the EEZ around Guam since 1980, but no U.S. purse seine catches have been recorded within the EEZ.

The Council is concerned about the potential impacts if purse seine fishing effort shifts to areas fished by domestic troll and longline fishermen of Guam and the CNMI. Those smaller vessels could experience reduced catch rates due to localized depletion and catch competition, or would have to travel further to maintain catch rates, potentially resulting in lost revenue and possible safety-at-sea issues.

The Council is also concerned about the impact of purse seine fishing on the recruitment of juvenile bigeye tuna. While targeting skipjack tuna, purse seines may also catch juvenile yellowfin and bigeye tuna. Juvenile bigeye tuna

caught by purse seines may be contributing to the overfishing status of bigeye tuna in the western and central Pacific Ocean. The impacts from an increase in juvenile catch of bigeye tuna can reduce the number of mature fish, thereby decreasing reproduction. This also decreases the future availability of adult fish for fisheries that target adult bigeye tuna, such as the longline fishery.

The Council is further concerned that any future expansion of longline fishing around the Mariana Archipelago could result in adverse impacts to the CNMI troll fishery. If the number of CNMI-based longline vessels increases and move into areas traditionally utilized by the troll fleet (typically within 30 nm (55.6 km) of shore), there is potential for gear conflicts and catch competition between the two fleets, resulting in potential gear loss, increased costs, and decreased revenues.

To address their concerns about the potential impact of purse seine fishing on the troll and longline fisheries in the Marianas, the Council recommends in Amendment 2 prohibiting U.S. purse seine vessels from fishing within the EEZ around Guam and the CNMI. Furthermore, under Amendment 2, to address their concerns about the potential impact of uncontrolled expansion in the CNMI longline fishery, the Council recommends prohibiting longline fishing within 30 nm (55.6 km) of the CNMI. The Council's recommendations are intended to reduce temporary localized fish depletion, catch competition, and gear conflicts to sustain local troll and longline fisheries, and to limit the potential impacts of purse seine fishing on recruitment of juvenile bigeye tuna.

Public comments on proposed Amendment 2 must be received by May 10, 2011 to be considered by NMFS in the decision to approve, partially approve, or disapprove the amendment. NMFS expects to soon publish and request public comment on a proposed rule that would implement the measures recommended in Amendment 2.

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

Dated: March 8, 2011.

Emily H. Menashes,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 100201056-0076-01]

RIN 0648-AY65

Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Pacific Cod Fishing in the Parallel Fishery in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes a regulatory amendment that would limit access of Federally permitted pot and hook-and-line catcher/processors (C/P) to the Pacific cod fishery in State of Alaska waters adjacent to the Bering Sea and Aleutian Islands management area (BSAI). The affected fishery is commonly known as the "parallel" fishery. The parallel fishery occurs off the coast of Alaska, within 3 nautical miles of shore and is managed by the State of Alaska concurrent with the Federal pot and hook-and-line fishery for Pacific cod in the BSAI. This proposed rule would limit access to the parallel fishery for Pacific cod in three ways. First, it would require that an owner of a Federally permitted pot or hook-and-line C/P vessel used to catch Pacific cod in the State of Alaska parallel fishery be issued the same endorsements on their Federal fisheries permit (FFP) or license limitation program (LLP) license as currently are required for catching Pacific cod in the Federal waters of the BSAI. Second, an operator of any Federally permitted pot or hook-and-line C/P vessel used to catch Pacific cod in the parallel fishery would also be required to comply with the same seasonal closures of Pacific cod that apply in the Federal fishery. Third, an owner of a pot or hook-and-line C/P vessel who surrenders an FFP would not be reissued a new FFP within the 3-year term of the permit. These three measures are necessary to limit some C/Ps from catching a greater amount of Pacific cod in the parallel fishery than have been allocated to their sector from the BSAI Total Allowable Catch. Maintaining Pacific cod catch amounts within sector allocations would also reduce the potential for shortened Pacific cod seasons for C/Ps