

conditions of a new basic agreement negotiated with the Contractor.

(End of clause)

Alternate I. As prescribed in 239.7411(c)(2), use the following clause, which uses a different paragraph (c) than the basic clause and adds a new paragraph (d).

Term of Agreement and Continuation of Services—Alternate I (Oct 2019)

(a) This basic agreement is not a contract. The Government incurs liability only upon issuance of a communication service authorization, which is a contract that incorporates the terms and conditions of this basic agreement.

(b) This agreement shall continue in force from year to year, unless terminated by either party by 30 days' written notice. Termination of this basic agreement does not terminate or cancel any communication service authorizations issued under this basic agreement prior to the termination.

(c) The Contractor's current communication services authorizations have been modified to incorporate the terms and conditions of this basic agreement.

(1) All current communication service authorizations issued by _____ that incorporate Basic Agreement Number _____, dated _____, are modified to incorporate this basic agreement.

(2) Current communication service authorizations, issued by the activity in paragraph (c)(1) of this clause, that incorporate other agreements with the Contractor may also be modified to incorporate this basic agreement.

(d) Communication service authorizations issued under this basic agreement may be modified to incorporate a new basic agreement with the Contractor.

(End of clause)

252.239-7014 [Removed and Reserved]

■ 4. Remove and reserve section 252.239-7014.

252.239-7015 [Removed and Reserved]

■ 5. Remove and reserve section 252.239-7015.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 151215999-6960-02]

RIN 0648-XX022

Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustment to the 2019 Specifications

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

ACTION: Temporary rule; in-season adjustment.

SUMMARY: NMFS increases the 2019 Atlantic herring annual catch limit and Area 1A sub-annual catch limit by 1,000 mt. This action is required by the herring regulations when, based on data through October 1, the New Brunswick weir fishery lands less than 4,000 mt of herring. This notice is intended to inform the public of these catch limit changes.

DATES: Effective October 28, 2019, through December 31, 2019.

FOR FURTHER INFORMATION CONTACT: Alyson Pitts, Fishery Management Specialist, (978) 281-9352; or Alyson.Pitts@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS published final 2019 specifications for the Atlantic Herring Fishery Management Plan on February 8, 2019 (84 FR 2760), establishing the 2019 annual catch limit (ACL) and area sub-ACLs. Table 1 shows the original herring specifications for 2019 and the specifications that are revised by this action for the remainder of the calendar year.

The NMFS Regional Administrator tracks herring landings in the New Brunswick weir fishery each year. The regulations at 50 CFR 648.201(h) require that if the New Brunswick weir fishery landings through October 1 are less than 4,000 mt, then NMFS subtracts 1,000 mt from the management uncertainty buffer and increases the ACL and Area 1A sub-ACL by 1,000 mt. When such a determination is made, NMFS is required to notify the New England Fishery Management Council and publish the ACL and Area 1A sub-ACL adjustment in the **Federal Register**.

The Regional Administrator has determined, based on the best available information, that the New Brunswick weir fishery landed less than 4,000 mt through October 1, 2019. Therefore, effective October 28, 2019, 1,000 mt will be re-allocated from the management uncertainty buffer to the Area 1A sub-ACL. This increases the Area 1A sub-ACL from 4,354 mt to 5,354 mt and the ACL from 15,065 mt to 16,065 mt. These revised specifications will be used to project when catch will reach 92 percent of the Area 1A sub-ACL or 95 percent of the ACL for the purpose of implementing a 2,000-lb (907-kg) herring possession limit in Area 1A or in all management areas, respectively.

TABLE 1—ATLANTIC HERRING SPECIFICATIONS FOR 2019
[mt]

	Original specifications	Revised specifications
Overfishing Limit	30,668	30,668
Acceptable Biological Catch	21,266	21,266
Management Uncertainty	6,200	5,200
Optimum Yield/ACL	15,065	16,065
Domestic Annual Harvest	15,065	15,065
Border Transfer	0	0
Domestic Annual Processing	15,065	15,065
U.S. At-Sea Processing	0	0
Area 1A Sub-ACL (28.9%)	4,354	5,354
Area 1B Sub-ACL (4.3%)	647	647
Area 2 Sub-ACL (27.8%)	4,188	4,188
Area 3 Sub-ACL (39%)	5,876	5,876
Fixed Gear Set-Aside	39	39
Research Set-Aside	(*)	(*)

*3 percent of sub-ACLs.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

The Assistant Administrator for Fisheries, NOAA, finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment on this in-season adjustment because it would be contrary to the public interest. This action allocates a portion of the management uncertainty buffer to the ACL and Area 1A sub-ACL for the remainder of the year. If implementation of this in-season action is delayed to solicit prior public comment, the objective of the fishery management plan to achieve the

optimum yield (OY) in the fishery could be compromised. Deteriorating weather conditions during the latter part of the fishing year may reduce fishing effort, and could also prevent the ACL from being fully harvested. This would conflict with NMFS' legal obligation under the Magnuson-Stevens Fishery Conservation and Management Act to achieve the OY from a fishery on a continuing basis, resulting in a negative economic impact on vessels permitted to fish in this fishery. Moreover, the process being applied here was the subject of notice and comment rulemaking; the adjustment is routine and formulaic, required by regulation, and is expected by industry. The potential to re-allocate the management

uncertainty buffer was also outlined in the final 2019 herring specifications that were published February 8, 2019, which were developed through public notice and comment. Based on these considerations, NMFS further finds, pursuant to 5 U.S.C 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

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

Dated: October 25, 2019.

Jennifer M. Wallace,

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

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