

Additionally, the proposed rule is not a significant regulatory action as defined in the Executive Order.

List of Subjects in 41 CFR Part 51-5

Government procurement,
Handicapped.

For the reasons set out in the preamble, Part 51-5 of Title 41, Chapter 51 of the Code of Federal Regulations is amended as follows:

PART 51-5—CONTRACTING REQUIREMENTS

1. The authority citation for Part 51-5 continues to read as follows:

Authority: 41 U.S.C. 46-48c.

2. Section 51-5.2 is amended by revising paragraphs (b) and (c), removing paragraphs (d) and (e), and redesignating paragraph (f) as paragraph (d), to read as follows:

§ 51-5.2 Mandatory source requirement.

* * * * *

(b) Purchases of commodities on the Procurement List by entities of the Government shall be made from sources authorized by the Committee. These sources may include nonprofit agencies, central nonprofit agencies, Government central supply agencies such as the Defense Logistics Agency and the General Services Administration, and certain commercial distributors. Identification of the authorized sources for a particular commodity may be obtained from the central nonprofit agencies at the addresses noted in § 51-6.2 of this chapter.

(c) Contracting activities shall require other persons providing commodities which are on the Procurement List to entities of the Government by contract to order these commodities from the sources authorized by the Committee.

(d) * * *

Dated: October 17, 1995.

Beverly L. Milkman,

Executive Director.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 950206041-5041-01; I.D. 101695A]

Groundfish of the Gulf of Alaska; Sablefish and Pacific Ocean Perch in the Eastern Regulatory Area

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

ACTION: Inseason adjustment, clarification of a closure, request for comments.

SUMMARY: NMFS is issuing an inseason adjustment prohibiting retention of sablefish by vessels using trawl gear in the Southeast Outside District of the Eastern Regulatory Area and clarifying that directed fishing for Pacific ocean perch in the Eastern Regulatory Area in the Gulf of Alaska (GOA) is prohibited. Action is necessary to reduce bycatch of the shortraker/rougheye rockfish species group in the Eastern Regulatory Area.

EFFECTIVE DATE: For the prohibition of retention of sablefish by vessels using trawl gear in the Southeast Outside District: 12 noon, Alaska local time (A.l.t.), October 17, 1995 until 12 midnight, A.l.t. December 31, 1995. Comments must be received at the following address no later than 4:30 p.m., A.l.t., November 1, 1995.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel, or be delivered to the fourth floor of the Federal Building, 709 West 9th Street, Juneau, AK.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

The acceptable biological catch for the shortraker/rougheye rockfish species group in the GOA was established by the Final 1995 Harvest Specifications of Groundfish (60 FR 8470, February 14,

1995) as 1,910 metric tons (mt). NMFS has determined that as of September 30, 1995, 2,008 mt have been caught. The specified level of overfishing, as defined in the FMP, for the shortraker/rougheye species group is 2,925 mt. Further unrestricted catches of the shortraker/rougheye species group could result in overfishing.

Trawl vessels currently can retain sablefish in the Southeast Outside District of the Eastern Regulatory Area. Species of the "other rockfish" and pelagic shelf rockfish group are open to trawling in the Southeast Outside District. Trawl effort that targets rockfish and maximizes the bycatch of sablefish, a highly valuable species, will incur significant incidental bycatch of shortraker/rougheye rockfish.

To prevent overfishing of the shortraker/rougheye rockfish species group, the Director, Alaska Region, NMFS (Regional Director), has determined in accordance with § 672.22(a)(1)(i) and (a)(4), that closing the season by prohibiting retention of sablefish by vessels using trawl gear in the Southeast Outside District is necessary and is the least restrictive measure to achieve that purpose and will allow other fisheries to continue in noncritical areas and time periods. Unless the retention of sablefish is prohibited, significant incidental catch of the shortraker/rougheye rockfish species group would occur by trawl vessels seeking to maximize retainable amounts of sablefish under the standards for directed fishing at § 672.20(g).

In accordance with § 672.20(c)(1)(ii)(B), the annual total allowable catch for Pacific ocean perch in the Eastern Regulatory Area was established by the Final 1995 Harvest Specifications of Groundfish (60 FR 8470, February 14, 1995) as 1,914 mt. NMFS determined that as of September 30, 1995, 950 mt remained unharvested. Therefore, NMFS announced that the previous closure would be modified in order to allow directed fishing for Pacific ocean perch in the Eastern Regulatory Area for a 48-hour period. The Regional Director intended to establish a directed fishing allowance for Pacific ocean perch of 1,814 mt, with consideration that 100 mt would be taken as incidental catch in directed fishing for other species in this area. Unfortunately, because of processing delays, the modification of the closure was never filed with the Office of the Federal Register. In any case, based upon the press release, directed fishing occurred and the Regional Director has determined that the intended directed fishing allowance of 1,814 mt has been

reached. Consequently, NMFS is clarifying that directed fishing for Pacific ocean perch in the Eastern Regulatory Area is prohibited and that the maximum retainable bycatch amounts at § 672.20(g), apply at any time during a trip.

The Assistant Administrator for Fisheries, NOAA, finds for good cause that providing prior notice and opportunity for public comment or delaying the effective date of this action is impracticable and contrary to the public interest. Without this inseason adjustment, NMFS could not allow other fisheries to continue. Under § 672.22(c)(2), interested persons are invited to submit written comments on this action to the above address until November 1, 1995.

All other closures remain in full force and effect.

Classification

This action is taken under 50 CFR 672.20 and is exempt from review under E.O. 12866.

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

Dated: October 17, 1995.

Richard W. Surdi,

*Acting Director, Office of Fisheries
Conservation and Management, National
Marine Fisheries Service.*

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