

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions annex 1, sec. 2(f)	Forward masthead light not in forward quarter of ship annex 1, sec. 3(a)	After mast-head light less than 1/2 ship's length aft of forward masthead light annex 1, sec. 3(a)	Percentage horizontal separation attained
USS STOUT.	DDG 55 ...	X	X	X	20.7

Dated: June 13, 1995.

K.P. McMahon,  
 U.S. Navy Deputy Assistant Judge Advocate  
 General (Admiralty).  
 [FR Doc. 95-25878 Filed 10-19-95; 8:45 am]  
 BILLING CODE 3810-FF-P

**COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**

**41 CFR Part 51-5**

**Mandatory Source Requirement**

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Final rule.

**SUMMARY:** This rule revises the Committee's mandatory source requirement regulation to permit sales of Javits-Wagner-O'Day (JWOD) products to the Government through commercial distributors as well as the Committee's traditional sources of supply.

**EFFECTIVE DATE:** November 20, 1995.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

**FOR FURTHER INFORMATION CONTACT:** G. John Heyer (703) 603-7740. Copies of this notice will be made available on request in computer diskette format.

**SUPPLEMENTARY INFORMATION:** Entities of the Government desiring to buy commodities and services which are on the Committee's Procurement List are required by law (41 U.S.C. 48) to buy them from a qualified nonprofit agency designated by the Committee at the fair market price established by the Committee, in accordance with the Committee's rules and regulations. The Committee has traditionally interpreted this statutory mandate as requiring a direct buying relationship between a Government entity and a nonprofit

agency. The Committee's mandatory source requirement regulation, 41 CFR 51-5.2, is based on this interpretation.

In light of ongoing changes in Federal procurement, the Committee has reexamined its traditional interpretation of its statute and has concluded that the regulatory authority it has been granted allows it to prescribe by regulation that its products may be procured through commercial distributors. As Government distributors such as the General Services Administration and the Defense Logistics Agency have long been providing these products to Government agencies, the Committee does not believe that this new interpretation is a departure from the statutory scheme which Congress established for the Committee to create jobs for people who are blind or have other severe disabilities by requiring Government agencies to purchase commodities and services from nonprofit agencies which employ these people.

The former version of the mandatory source requirement regulation mentioned the Department of Veterans Affairs (VA) as one of the Government central supply agencies which distribute commodities produced by the JWOD Program. Because VA has closed its depot system, a specific reference to VA does not appear in the new regulation. The new regulation retains the requirement that persons providing commodities to Government agencies by contract are required to order them from the same Committee-authorized sources the Government agencies would use if they bought the commodities directly.

**Public Comments on the Proposed Rule**

The Committee published the proposed rule in the Federal Register of July 28, 1995 (60 FR 38784). Four comments were received, one of which indicated that the commenter had no comments on the proposed rule at that time.

One commenter requested that the rule identify specific commercial distributors which would be authorized

to serve as JWOD distributors. Another commenter asked questions about the process to be used to authorize commercial distributors of JWOD commodities. However, as indicated in the preamble to both the proposed and final rules, the purpose of this rulemaking is merely to create the regulatory authority needed to permit the Committee to use commercial distributors in the future if appropriate. The process and criteria to be used to authorize the distributors, as well as the identities of the distributors, have not yet been determined.

Another commenter requested that the reference in paragraph 51-5.2(b) of the proposed rule to "sources authorized by the Committee" be changed to "sources authorized and/or recognized by the Committee." The change would permit retrospective recognition of a commercial distributor's status as an authorized JWOD distributor. This change would be contrary to the Committee's intent to authorize commercial JWOD distributors, if at all, only after assuring that they meet appropriate criteria. Consequently, the proposed change has not been adopted.

**Regulatory Flexibility Act**

I certify that this proposed revision of the Committee regulations will not have a significant economic impact on a substantial number of small entities because the revision clarifies program policies and does not essentially change the impact of the regulations on small entities.

**Paperwork Reduction Act**

The Paperwork Reduction Act does not apply to this proposed rule because it contains no information collection or recordkeeping requirements as defined in that Act and its regulations.

**Executive Order No. 12866**

The Committee has been exempted from the regulatory review requirements of the Executive Order by the Office of Information and Regulatory Affairs.

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