

historically black colleges or universities and minority institutions. The clause should include a separate goal for historically black colleges or universities and minority institutions.

PART 236—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

8. Section 236.602-1 is amended by revising paragraph (a)(i)(6)(C) to read as follows:

236.602-1 Selection criteria.

- (a) * * *
- (i) * * *
- (6) * * *

(C) Consider the extent to which potential contractors identify and commit to small business, to small disadvantaged business (SDB) if the Standard Industrial Classification Major Group of the subcontracted effort is one in which use of an evaluation factor or subfactor for participation of SDB concerns is currently authorized (see FAR 19.210(b)), and to historically black college or university and minority institution performance as subcontractors.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.212-7001 [Amended]

9. Section 252.212-7001 is amended by revising the clause date to read “(JAN 1999)”, and by removing the entry at 252.219-7005.

252.219-7005 [Removed and Reserved]

10. Section 252.219-7005 is removed and reserved.

Appendix I to Chapter 2—[Amended]

11. Appendix I to Chapter 2 is amended by revising Section I-104 to read as follows:

Appendix I—Policy and Procedures for the DOD Pilot Mentor-Protégé Program

* * * * *

I-104 Eligibility requirements for a protégé firm.

(a) An entity may qualify as a protégé firm if it is—

(1) An SDB concern as defined at 219.001, paragraph (1) of the definition of “small disadvantaged business concern,” which is—

(i) Eligible for the award of Federal contracts; and

(ii) A small business according to the SBA size standard for the Standard Industrial Classification (SIC) code that represents the contemplated supplies or services to be provided by the protégé firm to the mentor firm; or

(2) A qualified organization employing the severely disabled as defined in Pub. L. 102-172, section 8064A.

(b) A protégé firm may self-certify to a mentor firm that it meets the eligibility requirements in paragraph (a) (1) or (2) of this section. Mentor firms may rely in good faith on a written representation that the entity meets the requirements of paragraph (a) (1) or (2) of this section, except for a protégé’s status as a small disadvantaged business concern (see FAR 19.703(b)).

(c) A protégé firm may have only one active mentor-protégé agreement.

[FR Doc. 98-31039 Filed 11-19-98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 980505118-8286-02; I.D. 110598B]

RIN 0648-AL14

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Extension of Effective Date and Amendment of Bycatch Reduction Device Certification

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

ACTION: Interim rule; extension of expiration date; amendment; request for comments.

SUMMARY: An interim rule is in effect through November 16, 1998, that certifies the Jones-Davis and Gulf fisheye bycatch reduction devices (BRDs) for use in the Gulf of Mexico shrimp fishery. NMFS extends the interim rule through May 15, 1999, because conditions requiring the interim rule to reduce overfishing remain unchanged. NMFS also amends the interim rule regarding the specifications for the Jones-Davis, fisheye, and Gulf fisheye BRDs. The intended effects of this rule are to provide flexibility to Gulf shrimp trawlers for complying with the requirement to use a BRD and to maximize the effectiveness of BRDs. Providing a variety of certified BRDs will allow shrimpers to select a BRD based on how it matches the operating conditions their vessel encounters. This should enhance compliance, help minimize shrimp loss, and further increase bycatch reduction and, thus, further reduce overfishing of red snapper.

DATES: The expiration date for the interim rule published at 63 FR 27499, May 19, 1998, is extended to May 15,

1999. The amendment to Appendix D to part 622 that suspends paragraph E and adds paragraph F is effective November 17, 1998, through May 15, 1999. The amendment to Appendix D to part 622 that suspends paragraphs C.2. and D.2. and adds paragraphs C.3. and D.3. is effective November 27, 1998, through May 15, 1999.

ADDRESSES: Comments on this interim rule must be mailed to, and copies of documents supporting this rule may be obtained from, the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St Petersburg, FL 33702. Requests for copies of construction and installation instructions for the Jones-Davis, fisheye, and Gulf fisheye BRDs should be addressed to the Chief, Harvesting Systems Division, Mississippi Laboratories, Southeast Fisheries Science Center, NMFS, P.O. Drawer 1207, Pascagoula, MS 39568-1207.

FOR FURTHER INFORMATION CONTACT: Michael E. Justen, phone: 727-570-5305 or fax: 727-570-5583.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (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.

Under section 305(c)(1) of the Magnuson-Stevens Act, NMFS published an interim rule (63 FR 27499, May 19, 1998) that certified the Jones-Davis and Gulf fisheye BRDs for use in the Gulf of Mexico shrimp fishery. Because conditions requiring the interim rule to reduce overfishing remain unchanged, NMFS extends the effective date of the interim rule through May 15, 1999, in accordance with section 305(c)(3)(B) of the Magnuson-Stevens Act.

In addition, NMFS amends Appendix D to Part 622—Specifications for Certified BRDs to revise the minimum construction and installation requirements for the Jones-Davis, fisheye, and Gulf fisheye BRDs. For the fisheye and Gulf fisheye BRDs, NMFS is prohibiting any part of the lazy line attachment system (i.e., any mechanism, such as elephant ears or choker straps, used to attach the lazy line to the codend) from overlapping, and thus obstructing, the fisheye escape opening. This will help to ensure effective bycatch reduction. For the Jones-Davis BRD, NMFS is adding alternative methods for constructing the 24-inch (61.0-cm) hoop and the funnel and

escape openings, thereby providing fishermen additional flexibility in complying with the BRD requirement.

Details concerning the basis for the certification of the Jones-Davis and Gulf fisheye BRDs are contained in the preamble to the initial interim rule and are not repeated here. No public comments on the initial interim rule were received. The fisheye BRD was certified in the final rule implementing Amendment 9 to the FMP (63 FR 18139, April 14, 1998).

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this rule is necessary to enhance compliance with the BRD requirement for the Gulf shrimp fishery, improve effectiveness of bycatch reduction, and, thereby, reduce overfishing of red snapper in the Gulf of Mexico. The AA has also determined that this rule is consistent with the Magnuson-Stevens Act and other applicable laws.

This interim rule has been determined to be not significant for purposes of E.O. 12866.

Because prior notice and an opportunity for public comment are not required to be provided for this rule by 5 U.S.C. 553 or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

NMFS prepared a regulatory impact review (RIR) that provides an estimate of the costs and benefits of the interim rule. The RIR notes that the only identifiable costs associated with the rule are administrative costs of rule preparation; this cost was estimated at \$5,000. This rule is expected to have positive effects on shrimp harvests and effort patterns because shrimpers will have the ability to choose among three BRD options instead of having to use the one BRD (i.e., fisheye) that was certified in Amendment 9 to the FMP. Positive effects will accrue because different shrimpers employ different harvesting tactics, pursue different shrimp species, operate in different geographical areas, and operate at varying times during the year. These differences in shrimp harvesting operations and conditions make it more efficient overall if a variety of BRDs are available. Over time, it is fully expected that a mix of available BRDs will be used to meet the BRD requirement. While the resulting benefits cannot be quantified, they may be fairly large. It is also expected that given the expanded choice of BRDs, compliance will be enhanced and the reduction in bycatch mortality will be increased relative to the status quo of a single BRD choice; therefore, there

should be increased benefits to the red snapper fishery. Copies of the RIR are available (see ADDRESSES). NMFS has concluded that the restriction on placement of the lazy line attachment system will have negligible compliance costs but will help ensure effective bycatch reduction. The revisions to the specifications for the Jones-Davis BRD provide alternative construction methods that give fishermen greater flexibility in complying with the BRD requirement.

This rule extends the certification of the Jones-Davis and Gulf fisheye BRDs for use in the Gulf shrimp fishery, thereby providing shrimp trawlers flexibility in complying with the BRD requirement. This should enhance the compliance rate and reduce the bycatch mortality rate and, thus, reduce the overfishing of Gulf red snapper. The amendments to the BRD specifications are necessary to prevent impairment of the effectiveness of the fisheye and Gulf fisheye BRDs and to provide fishermen additional flexibility in complying with construction requirements for the Jones-Davis BRD. Accordingly, pursuant to authority set forth at 5 U.S.C. 553(b)(B), the AA finds that these reasons constitute good cause to waive the requirement to provide prior notice and the opportunity for prior public comment, as the delay associated with such procedures would be contrary to the public interest.

Similarly, under 5 U.S.C. 553(d)(3), the AA finds for good cause that a 30-day delay in the effective date of this rule, except for the amendments of the specifications for the fisheye and Gulf fisheye BRDs, would be contrary to the public interest. Because the amendments of the specifications for the fisheye and Gulf fisheye BRDs will require a minor gear adjustment for a small percentage of Gulf shrimp trawlers, NMFS delays the effective date of those provisions until November 27, 1998, to allow reasonable time for owners and operators to comply. The remaining aspects of the rule relieve restrictions by providing Gulf shrimp trawlers a choice of certified BRDs that may be used to comply with the BRD requirement that became effective on May 14, 1998, and by providing alternative construction methods for the Jones-Davis BRD. To the extent that this rule relieves restrictions by providing a choice of certified BRDs and additional flexibility in construction of the Jones-Davis BRD, it is not subject to a delay in effective date under 5 U.S.C. 553(d)(1).

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: November 16, 1998.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

2. Effective November 27, 1998, through May 15, 1999, in Appendix D to part 622, paragraphs C.2. and D.2. are suspended and paragraphs C.3. and D.3. are added to read as follows:

Appendix D to Part 622—
Specifications for Certified BRDs

* * * * *

C. *Fisheye.*

* * * * *

3. *Minimum Construction and Installation Requirements.* The fisheye has a minimum opening dimension of 5 inches (12.7 cm) and a minimum total opening area of 36 square inches (91.4 square cm). The fisheye must be installed at the top center of the codend of the trawl to create an opening in the mouth of the trawl no further forward than 11 ft (3.4 m) from the codend drawstring (tie-off rings) or 70 percent of the distance between the codend drawstring and the forward edge of the codend, excluding any extension, whichever is the shorter distance. In the Gulf EEZ only, when the fisheye BRD is installed in this position, no part of the lazy line attachment system (i.e., any mechanism, such as elephant ears or choker straps, used to attach the lazy line to the codend) may overlap the fisheye escape opening when the fisheye is installed aft of the attachment point of the codend retrieval system.

D. *Gulf fisheye.*

* * * * *

3. *Minimum Construction and Installation Requirements.* The Gulf fisheye is a cone-shaped rigid frame constructed of aluminum or steel rods. The rods must be at least 1/4-inch (6.35-mm) diameter. Any dimension of the escape opening must be at least 5.0 inches (12.7 cm), and the total escape opening area must be at least 36.0 in² (232.3 cm²). The Gulf fisheye must be installed in the codend of the trawl to

create an escape opening in the trawl, facing in the direction of the mouth of the trawl, no further forward than 12.5 ft (3.81 m) and no less than 8.5 ft (2.59 m) from the codend tie-off rings. When installed in this position, no part of the lazy line attachment system (i.e., any mechanism, such as elephant ears or choker straps, used to attach the lazy line to the codend) may overlap the fisheye escape opening when the fisheye is installed aft of the attachment point of the codend retrieval system. The Gulf fisheye may not be offset more than 15 meshes perpendicular to the top center of the codend.

3. Effective November 17, 1998, through May 15, 1999, in Appendix D to part 622, paragraph E. is suspended and paragraph F. is added to read as follows:

Appendix D to Part 622—
Specifications for Certified BRDs

* * * * *

F. Jones-Davis.

1. *Description.* The Jones-Davis BRD is similar to the expanded mesh and the extended funnel BRDs except that the fish escape openings are windows cut around the funnel rather than large-mesh sections. In addition, a webbing cone fish deflector is installed behind the funnel.

2. *Minimum Construction and Installation Requirements.* The Jones-Davis BRD must contain all of the following.

(a) *Webbing extension.* The webbing extension must be constructed from a single piece of 1 5/8-inch (3.5-cm) stretch mesh number 30 nylon 42 meshes by 120 meshes. A tube is formed from the extension webbing by sewing the 42-mesh side together.

(b) *28-inch (71.1-cm) cable hoop.* A single hoop must be constructed of 1/2-inch (1.3-cm) steel cable 88 inches (223.5 cm) in length. The cable must be joined at its ends by a 3-inch (7.6-cm) piece of 1/2-inch (1.3-cm) aluminum pipe and pressed with a 3/8-inch (0.95-cm) die to form a hoop. The inside diameter of this hoop must be between 27 and 29 inches (68.6 and 73.7 cm). The hoop must be attached to the extension webbing 17 1/2 meshes behind the leading edge. The extension webbing must be quartered and attached in four places around the hoop, and every other mesh must be attached all the way around the hoop using number 24 twine or larger. The hoop must be laced with 3/8-inch (0.95-cm) polypropylene or polyethylene rope for chaffing.

(c) *24-inch (61.0-cm) hoop.* A single hoop must be constructed of either number 60 twine 80 inches (203.2 cm)

in length or 3/8-inch (0.95-cm) steel cable 75 1/2 inches (191.8 cm) in length. If twine is used, the twine must be laced in and out of the extension webbing 39 meshes behind the leading edge, and the ends must be tied together. If cable is used, the cable must be joined at its ends by a 3-inch (7.6-cm) piece of 3/8-inch (0.95-cm) aluminum pipe and pressed together with a 1/4-inch (0.64-cm) die to form a hoop. The inside diameter of this hoop must be between 23 and 25 inches (58.4 and 63.4 cm). The hoop must be attached to the extension webbing 39 meshes behind the leading edge. The extension webbing must be quartered and attached in four places around the hoop, and every other mesh must be attached all the way around the hoop using number 24 twine or larger. The hoop must be laced with 3/8-inch (0.95-cm) polypropylene or polyethylene rope for chaffing.

(d) *Funnel.* The funnel must be constructed from four sections of 1 1/2-inch (3.8-cm) heat-set and depth-stretched polypropylene or polyethylene webbing. The two side sections must be rectangular in shape, 29 1/2 meshes on the leading edge by 23 meshes deep. The top and bottom sections are 29 1/2 meshes on the leading edge by 23 meshes deep and tapered 1 point 2 bars on both sides down to 8 meshes across the back. The four sections must be sewn together down the 23-mesh edge to form the funnel.

(e) *Attachment of the funnel in the webbing extension.* The funnel must be installed two meshes behind the leading edge of the extension starting at the center seam of the extension and the center mesh of the funnel's top section leading edge. On the same row of meshes, the funnel must be sewn evenly all the way around the inside of the extension. The funnel's top and bottom back edges must be attached one mesh behind the 28-inch (71.1-cm) cable hoop (front hoop). Starting at the top center seam, the back edge of the top funnel section must be attached four meshes each side of the center. Counting around 60 meshes from the top center, the back edge of the bottom section must be attached 4 meshes on each side of the bottom center. Clearance between the side of the funnel and the 28-inch (71.1-cm) cable hoop (front hoop) must be at least 6 inches (15.2 cm) when measured in the hanging position.

(f) *Cutting the escape openings.* The leading edge of the escape opening must be located within 18 inches (45.7 cm) of the posterior edge of the turtle excluder device (TED) grid. The area of the escape opening must total at least 864

in² (5,574.2 cm²). Two escape openings 10 meshes wide by 13 meshes deep must be cut 6 meshes apart in the extension webbing, starting at the top center extension seam, 3 meshes back from the leading edge and 16 meshes to the left and to the right (total of four openings). The four escape openings must be double selvaged for strength.

(g) *Alternative Method for Constructing the Funnel and Escape Openings.* The following method for constructing the funnel and escape openings may be used instead of the method described in paragraphs F.2.d., F.2.e., and F.2.f. of this section. With this alternative method, the funnel and escape openings are formed by cutting a flap in each side of the extension webbing; pushing the flaps inward; and attaching the top and bottom edges along the bars of the extension webbing to form the v-shape of the funnel. Minimum requirements applicable to this method include: (1) The funnel's top and bottom back edges must be attached one mesh behind the 28-inch (71.1-cm) cable hoop (front hoop). (2) Clearance between the side of the funnel and the 28-inch (71.1-cm) cable hoop (front hoop) must be at least 6 inches (15.2 cm) when measured in the hanging position. (3) The leading edge of the escape opening must be located within 18 inches (45.7 cm) of the posterior edge of the turtle excluder device (TED) grid. (4) The area of the escape opening must total at least 864 in² (5,574.2 cm²). To construct the funnel and escape openings using this method, begin 3 1/2 meshes from the leading edge of the extension, at the top center seam, count over 18 meshes on each side, and cut 13 meshes toward the back of the extension. Turn parallel to the leading edge, and cut 26 meshes toward the bottom center of the extension. Next, turn parallel to the top center seam, and cut 13 meshes forward toward the leading edge, creating a flap of webbing 13 meshes by 26 meshes by 13 meshes. Lengthen the flap to 18 meshes by adding a 4 1/2-mesh by 26-mesh rectangular section of webbing to the 26-mesh edge. Attach the 18-mesh edges to the top and bottom of the extension by sewing 2 bars of the extension to 1 mesh on the flap in toward the top center and bottom center of the extension, forming the exit opening and the funnel. Connect the two flaps together in the center with a 7-inch piece of number 42 twine to allow adequate clearance for fish escapement between the flaps and the side openings. On each side, sew a 6-mesh by 10 1/2-mesh section of webbing to 6 meshes of the center of the 26-mesh

cut on the extension and 6 meshes centered between the 13-mesh cuts 3 1/2 meshes from the leading edge. This forms two 10-mesh by 13-mesh openings on each side.

(h) *Cone fish deflector.* The cone fish deflector is constructed of 2 pieces of 1 5/8-inch (4.13-cm) polypropylene or polyethylene webbing, 40 meshes wide by 20 meshes in length and cut on the bar on each side forming a triangle. Starting at the apex of the two triangles, the two pieces must be sewn together to form a cone of webbing. The apex of the cone fish deflector must be positioned within 10-14 inches (25.4-35.6 cm) of the posterior edge of the funnel.

(i) *11-inch (27.9-cm) cable hoop for cone deflector.* A single hoop must be constructed of 5/16-inch (0.79-cm) or 3/8-inch (0.95-cm) cable 34 1/2 inches (87.6 cm) in length. The ends must be joined by a 3-inch (7.6-cm) piece of 3/8-inch (0.95-cm) aluminum pipe pressed together with a 1/4-inch (0.64-cm) die. The hoop must be inserted in the webbing cone, attached 10 meshes from the apex and laced all the way around with heavy twine.

(j) *Installation of the cone in the extension.* The cone must be installed in the extension 12 inches (30.5 cm) behind the back edge of the funnel and attached in four places. The midpoint of a piece of number 60 twine 4 ft (1.22 m) in length must be attached to the apex of the cone. This piece of twine must be attached to the 28-inch (71.1-cm) cable hoop at the center of each of its sides; the points of attachment for the two pieces of twine must be measured 20 inches (50.8 cm) from the midpoint attachment. Two 8-inch (20.3-cm) pieces of number 60 twine must be attached to the top and bottom of the 11-inch (27.9-cm) cone hoop. The opposite ends of these two pieces of twine must be attached to the top and bottom center of the 24-inch (61-cm) cable hoop; the points of attachment for the two pieces of twine must be measured 4 inches (10.2 cm) from the points where they are tied to the 11-inch (27.9-cm) cone hoop.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 971015246-7293-02; I.D. 111698E]

Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New Jersey

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

ACTION: Commercial quota harvest.

SUMMARY: NMFS announces that the summer flounder commercial quota available to the State of New Jersey has been harvested. Vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in New Jersey for the remainder of calendar year 1998 unless additional quota becomes available through a transfer. Regulations governing the summer flounder fishery require publication of this notification to advise the State of New Jersey that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no commercial quota is available for landing summer flounder in New Jersey.

DATES: Effective 0001 hours November 21, 1998, through December 31, 1998.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, (978) 281-9273.

SUPPLEMENTARY INFORMATION:

Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.100.

The initial total commercial quota for summer flounder for the 1998 calendar year was set equal to 11,105,636 lb (5,037,432 kg) (62 FR 66304, December 18, 1997). The percent allocated to

vessels landing summer flounder in New Jersey is 16.72499 percent, or 1,858,363 lb (842,954 kg).

Section 648.101(b) requires the Administrator, Northeast Region, NMFS (Regional Administrator), to monitor state commercial quotas and to determine when a state's commercial quota is harvested. The Regional Administrator is further required to publish notification in the **Federal Register** advising a state and notifying Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing summer flounder in that state. The Regional Administrator has determined, based upon dealer reports and other available information, that the State of New Jersey has attained its quota for 1998.

The regulations at § 648.4(b) provide that, as a condition of the permit, Federal permit holders agree not to land summer flounder in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hours November 21, 1998, further landings of summer flounder in New Jersey by vessels holding commercial Federal fisheries permits are prohibited for the remainder of the 1998 calendar year unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Effective November 21, 1998, federally permitted dealers are also advised that they may not purchase summer flounder from federally permitted vessels that land in New Jersey for the remainder of the calendar year, or until additional quota becomes available through a transfer.

Classification

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

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

Dated: November 17, 1998.

Richard W. Surdi,

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

[FR Doc. 98-31097 Filed 11-19-98; 8:45 am]

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