

defined in FAR part 34) that are not yet in production (milestone III as defined in DoDI 5000.2-R, Mandatory Procedures for Major Defense Acquisition Programs (MDAPS) and Major Automated Information System (MAIS) Acquisition Programs).

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

7. Section 252.225-7022 is amended by revising the section title, introductory text, clause title and date, and paragraphs (a) and (c) to read as follows:

252.225-7022 Restriction on acquisition of polyacrylonitrile (PAN) carbon fiber.

As prescribed in 252.7106-3, use the following clause:

Restriction on Acquisition of Polyacrylonitrile (PAN) Carbon Fiber (Date)

(a) This clause applies only if the end product furnished under this contract contains polyacrylonitrile carbon fibers (alternatively referred to as PAN-based carbon fibers or PAN-based graphite fibers).

* * * * *

(c) The Contracting Officer may waive the requirement in paragraph (b) in whole or in part. The Contractor may request a waiver from the Contracting Officer by identifying the circumstances and including a plan to qualify U.S. or Canadian sources expeditiously.
(End of clause)

252.225-7034 [Removed and Reserved]

6. Section 252.225-7034 is removed and reserved.

[FR Doc. 96-21341 Filed 8-20-96; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 950810206-6225-05; I.D. 070296D]

RIN 0648-AG29

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 12

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

ACTION: Proposed rule, request for comments.

SUMMARY: NMFS issues this proposed rule to implement certain provisions of

Amendment 12 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). Amendment 12 would reduce the minimum size limit for red snapper harvested in the commercial fishery and eliminate a scheduled, automatic size limit increase for the commercial red snapper fishery in 1998; establish a minimum size limit for banded rudderfish and lesser amberjack taken under the bag limits; establish a bag limit for banded rudderfish, greater amberjack, and lesser amberjack, combined, of one fish; and establish a 20-fish aggregate bag limit for reef fish species for which there are no other bag limits. Based on a preliminary evaluation of Amendment 12, NMFS disapproved the minimum size limit measures for red snapper harvested in the commercial fishery because those measures were determined to be inconsistent with the Magnuson Fishery Conservation and Management Act (Magnuson Act). The proposed rule would implement the remaining measures in Amendment 12. The intended effects of the proposed rule are to provide additional protection for greater amberjack, lesser amberjack, and banded rudderfish, conserve reef fish, and enhance enforceability of the regulations.

DATES: Written comments must be received on or before September 30, 1996.

ADDRESSES: Comments on the proposed rule must be sent to Robert Sadler, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of Amendment 12, which includes an environmental assessment and a regulatory impact review (RIR), should be sent to the Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL, 33609, PHONE 813-228-2815; FAX: 813-225-7015.

FOR FURTHER INFORMATION CONTACT: Robert Sadler, 813-570-5305.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the FMP. The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented through regulations at 50 CFR part 622 under the authority of the Magnuson Act.

Disapproval of the Red Snapper Minimum Size Limit Changes

Amendment 5 to the FMP established a schedule of increases in the red snapper minimum size limit for the commercial and recreational sectors. The schedule included an increase from

14 inches (35.6 cm) to 15 inches (38.1 cm), effective January 1, 1996, and from 15 inches (38.1 cm) to 16 inches (40.6 cm), scheduled to become effective January 1, 1998. Under Amendment 12 and a regulatory amendment under the FMP framework procedure for adjusting management measures, the Council proposed to reduce the minimum size limit for red snapper harvested in the commercial fishery from 15 inches (38.1 cm) to 14 inches (35.6 cm) and to eliminate the automatic increase to 16 inches (40.6 cm) scheduled for January 1, 1998.

Based on a preliminary evaluation of the regulatory amendment and Amendment 12, NMFS concluded that the proposed size limit measures for red snapper were inconsistent with national standard 1 of the Magnuson Act. Accordingly, NMFS disapproved these size limit measures and has not included them in this proposed rule. Additional discussion regarding disapproval of those measures was included in the proposed rule (61 FR 42413, August 15, 1996) for the regulatory amendment and is not repeated here.

Bag and Size Limits for Amberjack and Related Species

Greater amberjack, lesser amberjack, and banded rudderfish are very similar morphologically, particularly at smaller sizes. Taxonomic guides are available to differentiate these species, but require detailed comparisons of gill rakers and other fish body parts. Consequently, it is difficult for many fishermen to distinguish among these three species. Confusion regarding species identification has complicated compliance, as well as enforcement and prosecution of applicable size and bag limits.

Currently, for recreational fishermen, a three-fish bag limit and a 28-inch (71.1-cm) fork length minimum size limit apply to greater amberjack, but not to the morphologically similar lesser amberjack and banded rudderfish. As a result, some persons who misidentify undersized greater amberjack as lesser amberjack or banded rudderfish mistakenly land those fish in violation of the current size and/or bag limits. There is also concern that some fishermen are deliberately landing undersized greater amberjack under the guise that they are lesser amberjack or banded rudderfish. Because enforcement is sometimes confounded by the species identification problem, compliance with the size and bag limits is being circumvented.

The Council and its Law Enforcement Advisory Panel believe that uniform

recreational limits for greater amberjack, lesser amberjack, and banded rudderfish are needed to resolve the compliance and enforcement problems associated with the species identification problem. Therefore, for recreational fishermen (i.e., persons subject to the bag limit), this proposed rule would establish a 28-inch (71.1-cm) fork length minimum size for lesser amberjack and banded rudderfish, the same as the existing size limit for greater amberjack. The proposed uniform size limit will severely restrict recreational harvest of lesser amberjack and banded rudderfish because these species rarely attain 28-inch (71.1-cm) fork length. However, the Council determined that the conservation benefits resulting from improved compliance and effective enforcement of a 28-inch (71.1-cm) size limit would outweigh any adverse effects associated with reduced recreational harvest of lesser amberjack and banded rudderfish.

The Council's Reef Fish Advisory Panel recommended a reduction in the current three-fish recreational bag limit for greater amberjack to address their conclusion that the greater amberjack resource has declined in abundance. A majority of persons testifying at the public hearings also supported a reduced bag limit. Based on this information, and in recognition of the need for uniform limits for the three related species, the Council is proposing a one-fish bag limit for greater amberjack, lesser amberjack, and banded rudderfish, combined.

Aggregate Reef Fish Bag Limit

Currently, reef fish species not subject to bag limits may be possessed in unlimited quantities. This could provide an incentive for recreational fishermen to harvest large quantities of these species and sell their catch. The Council concluded that conservation of the reef fish resource would be better achieved by limiting recreational catches of reef fish species that currently do not have a bag limit. A 20-fish aggregate bag limit will prevent an uncontrolled increase in harvest of these reef fish species. The Council considered the 20-fish bag limit to be a reasonable limit that would have relatively minor impacts on the majority of anglers.

Availability of Amendment 12

Additional background and rationale for the measures discussed above are contained in Amendment 12, the availability of which was filed with the Office of the Federal Register on August 13, 1996 (to be announced in the *Federal Register* on August 19, 1996).

Agency review of Amendment 12 began on July 2, 1996.

Classification

Section 304(a)(1)(D) of the Magnuson Act requires NMFS to publish regulations proposed by a Council. NMFS has disapproved the size limit provisions, as discussed above, and has not determined at this time that the remaining provisions of Amendment 12 are consistent with the national standards, other provisions of the Magnuson Act, and other applicable laws. NMFS, in making that determination, will take into account the data, views, and comments received during the comment period.

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

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration as follows:

I certify that the attached proposed rule issued under authority of section 304(a) of the Magnuson Fishery Conservation and Management Act will not have a significant economic impact on a substantial number of small entities.

As submitted by the Gulf of Mexico Fishery Management Council, Amendment 12 to the FMP and its implementing proposed rule would: Reduce the minimum size limit for red snapper harvested in the commercial fishery from 15 inches to 14 inches and eliminate the scheduled, automatic adjustment to 16 inches in 1998; establish a minimum size limit of 28 inches fork length for banded rudderfish and lesser amberjack taken under the bag limits; establish a bag limit for banded rudderfish, greater amberjack, and lesser amberjack, combined, of one fish; and establish a 20-fish aggregate bag limit for reef fish species for which there are no other bag limits.

Based on a preliminary evaluation of Amendment 12, the National Marine Fisheries Service (NMFS) disapproved the proposed size limit measures for red snapper after finding them inconsistent with the Magnuson Fishery Conservation and Management Act's national standard 1. The disapproved measures are not included in the proposed rule.

The Council's regulatory impact review (RIR) indicated that the proposed red snapper size limit measures may have significant, positive economic impacts on all of the 1,532 active permitted reef fish vessels. However, these size limit measures were disapproved by NMFS.

Based on the Council's RIR, NMFS has determined that the proposed commercial minimum size and bag limit measures affecting the harvest of greater and lesser amberjack and banded rudderfish would: (1) Decrease gross revenues less than 5 percent in the affected for-hire sector, which is comprised of 838 charter vessels and 92

headboats; (2) impose additional compliance costs on the for-hire vessels that are not likely to exceed 5 percent of current operation costs; (3) not result in issues of big versus small business operations with associated distributional/regional economic effects or disproportionate effects on capital costs of compliance because all participants in the commercial reef fish fishery and the for-hire sector may be considered small business entities; and (4) would not force small business entities to cease operations. Based on these findings, an initial regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 622

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

Dated: August 15, 1996.

Gary Matlock,
Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be 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. In § 622.37, paragraph (d)(5) is revised to read as follows:

§ 622.37 Minimum sizes.

* * * * *

(d) * * *

(5) Jacks—(i) For banded rudderfish, greater amberjack, and lesser amberjack taken by a person subject to the bag limit specified in § 622.39(b)(1)(i)—28 inches (71.1 cm) fork length.

(ii) For greater amberjack taken by a person not subject to the bag limit specified in § 622.39(b)(1)(i)—36 inches (91.4 cm) fork length.

(iii) For banded rudderfish and lesser amberjack taken by a person not subject to the bag limit specified in § 622.39(b)(1)(i)—no minimum size limit.

* * * * *

3. In § 622.39, paragraph (b)(1)(i) is revised, and paragraph (b)(1)(v) is added to read as follows:

§ 622.39 Bag and possession limits.

* * * * *

(b) * * *

(1) * * *

(i) Banded rudderfish, greater amberjack, and lesser amberjack, combined—1.

* * * * *

(v) Gulf reef fish, combined, excluding those specified in paragraphs (b)(1)(i) through (iv) of this section—20.

* * * * *

[FR Doc. 96-21260 Filed 8-16-96; 2:14 pm]

BILLING CODE 3510-22-F

50 CFR Part 648

[Docket No. 960805216-6216-01; I.D. 071596E]

RIN 0648-AH06

Fisheries of the Northeastern United States; Amendment 9 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement those provisions of Amendment 9 to the Fishery Management Plan (FMP) for the Summer Flounder, Scup and Black Sea Bass Fisheries not initially disapproved. Amendment 9 would implement management measures for the black sea bass fishery in order to reduce fishing mortality and allow the stock to rebuild.

DATES: Public comments must be received on or before October 7, 1996.

ADDRESSES: Comments on the proposed rule or supporting documents should be sent to Dr. Andrew A. Rosenberg, Regional Director, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on the Black Sea Bass Fishery."

Comments regarding burden-hour estimates for collection-of-information requirements contained in this proposed rule should be sent to the Director, Northeast Region, NMFS, at the address above and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20502 (Attention: NOAA Desk Officer).

Copies of Amendment 9, the final environmental impact statement (FEIS), the Mid-Atlantic Fishery Management Council's initial regulatory flexibility analysis, the regulatory impact review, and other supporting documents are available upon request from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New Street, Dover, DE 19904-6790.

FOR FURTHER INFORMATION CONTACT: Regina L. Spallone, Fishery Policy Analyst, 508-281-9221.

SUPPLEMENTARY INFORMATION:

Background

In 1978, the Mid-Atlantic Fishery Management Council (Council) began the development of an FMP for black sea bass pursuant to the Magnuson Fishery Management and Conservation Act, as amended (Magnuson Act). Although preliminary development work was done, the FMP was not completed. In January 1990, the Council and the Atlantic States Marine Fisheries Commission (Commission) began to develop an FMP for black sea bass as an amendment to the summer flounder FMP. However, its development was delayed by a series of amendments to address problems in the summer flounder fishery. Work on a separate black sea bass FMP was not resumed until 1993.

NMFS requested that the black sea bass regulations be incorporated into the summer flounder FMP, as an amendment, because black sea bass are usually harvested with summer flounder and scup and it is logical to manage these fisheries under one FMP. Furthermore, this combination will reduce the number of separate regulations issued by the Federal government. As a result, the measures were submitted as Amendment 9 to the Summer Flounder, Scup, and Black Sea Bass FMP. Amendment 9 was prepared jointly by the Council and Commission, in consultation with the New England and South Atlantic Fishery Management Councils, and adopted for NMFS review at the Council meeting in May 1996. Subsequently, as part of the President's Regulatory Reinvention Initiative, regulations implementing all fishery management plans for the marine fisheries of the Northeast region were consolidated into one new CFR part. This proposed rule would establish black sea bass measures at 50 CFR 648, subparts A and I.

A notice of availability for Amendment 9 was published in the Federal Register on July 24, 1996 (61 FR 38430). The amendment revises the summer flounder (*Paralichthys dentatus*) and scup (*Stenotomus chrysops*) FMP to include management measures for the black sea bass (*Centropristis striata*) fishery. The management unit for this fishery is black sea bass in U.S. waters of the western Atlantic Ocean from 35°15.3' N. lat., the latitude of Cape Hatteras Light, NC, northward to the U.S.-Canadian border.

Status of the Stocks

Commercial landings of black sea bass have declined dramatically from the

peak landings of 22 million lb (9.98 mil kg) reported in the 1950's. In 1994, commercial landings were about 2.0 million lb (0.91 mil kg), or about 60 percent of the 1983-1994 average of 3.4 million lb (1.54 mil kg). Additionally, recreational landings were 2.9 million lb (1.32 mil kg) in 1994, lower than the 1983-94 average of 3.8 million lb (1.72 mil kg).

Landings-per-unit-effort (LPUE) from the Mid-Atlantic trawl fishery has been used as an index of abundance for black sea bass. Standardized LPUE, defined as metric tons (mt) per days fished for trips landing more than 25 percent black sea bass, peaked at 11.3 mt in 1984, and then declined to a low of 1.6 mt in 1992. Standardized LPUE increased slightly to 3.2 mt in 1993.

The Northeast Fisheries Science Center (NEFSC) has conducted a spring and autumn offshore survey for a number of species, including black sea bass, since 1972. The spring offshore survey has been used as an index for black sea bass recruits (fish longer than 20 cm standard length (SL)) and the autumn inshore survey data as an index of pre-recruits (fish less than 11 cm SL). The spring recruit index was generally high in the late 1970's, ranging from 2.0 to 6.09 fish per tow. The spring index declined from 6.09 fish per tow in 1977 to a low of 0.2 per tow in 1982. More recently the spring index was 0.87 in 1993 and declined to 0.28 in 1994. The fall pre-recruit indices show a similar trend (i.e., relatively low recent values compared to the mid-1970's).

Analyses conducted by the NEFSC indicate a strong correlation between the fall pre-recruit index and commercial catch per unit effort in the trawl fishery. The index for pre-recruits indicated that above-average year classes were produced in 1977, 1982, and 1986. Recruitment for 1992 and 1993, based on this index, was well below average. Recruitment was above average in 1994. Despite this above average recruitment in 1994, available information still indicate that black sea bass are overexploited.

Overfishing for black sea bass is defined in Amendment 9 as fishing in excess of F_{max} . F_{max} is the biological reference point corresponding to an exploitation rate of 23 percent (i.e., the proportion of the population removed during a time period), and the level of fishing mortality (F) that produces maximum yield per recruit. Based on current conditions in the fishery, F_{max} for black sea bass is 0.29. The results of a virtual population analysis—an analysis of catches from a given year class over its life in the fishery—indicate that the fishing mortality rate in