

authorization in order to perform on-site duties, such as protective force operations.

* * * * *

7. Section 970.5204-1 is revised to read as follows:

Subpart 970.52—Contract Clauses for Management and Operating Contracts.

970.5204-1 Security.

(a) As prescribed in 970.0404-4(a)(1), insert the Security clause found at 952.204-2 and the Classification/Declassification clause found at 952.204-70.

(b) As prescribed in 970.0404-4(a)(2), insert the following Counterintelligence clause in contracts containing the security and classification/declassification clauses:

Counterintelligence (Sep 1997)

(a) The contractor shall take all reasonable precautions in the work under this contract to protect DOE programs, facilities, technology, personnel, unclassified sensitive information and classified matter from foreign intelligence threats and activities conducted for governmental or industrial purposes, in accordance with DOE Order 5670.3, Counterintelligence Program; Executive Order 12333, U.S. Intelligence Activities; and other pertinent national and Departmental Counterintelligence requirements.

(b) The contractor shall appoint a qualified employee(s) to function as the Contractor Counterintelligence Officer. The Contractor Counterintelligence Officer will be responsible for conducting defensive Counterintelligence briefings and debriefings of employees traveling to foreign countries or interacting with foreign nationals; providing thoroughly documented written reports relative to targeting, suspicious activity and other matters of Counterintelligence interest; immediately reporting targeting, suspicious activity and other Counterintelligence concerns to the DOE Headquarters Counterintelligence Division; and providing assistance to other elements of the U.S. Intelligence Community as stated in the aforementioned Executive Order, the DOE Counterintelligence Order, and other pertinent national and Departmental Counterintelligence requirements.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Parts 1 and 10

[OST Docket No. 1; Amdt. 1-290]

Organization and Delegation of Powers and Duties to the Chief Information Officer; Miscellaneous Changes, Office of the Secretary

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The rule delegates certain functions to the Office of the Chief Information Officer.

EFFECTIVE DATE: October 3, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Crystal M. Bush, Program Analyst, Office of the Chief Information Officer, S-80, Room 7107-T, 400 Seventh Street, S.W., Washington, DC 20590, (202) 366-9713, or Ms. Gwyneth Radloff, Attorney Advisor, Assistant General Counsel for Regulation and Enforcement, C-50, Room 10424, 400 Seventh Street, S.W., Washington, DC 20590, (202) 366-9305.

SUPPLEMENTARY INFORMATION: On April 23, 1997, the Secretary of Transportation established the Office of the Chief Information Officer. These amendments to 49 CFR Parts 1 and 10 delegates the Secretary's authority related to specific statutes to the Office of the Chief Information Officer.

List of Subjects

49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

49 CFR Part 10

Privacy.

In accordance with the above, DOT amends 49 CFR, as follows:

PART 1—[AMENDED]

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

Authority: 49 U.S.C. 322; Public Law 101-552, 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2).

2. Section 1.22(a) is revised to read as follows:

§ 1.22 Structure.

(a) *Secretary and Deputy Secretary.* The Secretary and Deputy Secretary are assisted by the following, all of which report directly to the Secretary: The Associate Deputy Secretary and Director, Office of Intermodalism; the Executive Secretariat; the Board of Contract Appeals; the Departmental Office of Civil Rights; the Office of

Small and Disadvantaged Business Utilization; the Office of Intelligence and Security; the Office of Public Affairs; and the Office of the Chief Information Officer. The Assistant Secretaries, the General Counsel, and the Inspector General also report directly to the Secretary.

* * * * *

3. Section 1.23 is amended by adding a new paragraph (q) as follows:

§ 1.23 Spheres of primary responsibility.

* * * * *

(q) *Office of the Chief Information Officer.* Serves as principal advisor to the Secretary on matters involving information resources and information systems management.

4. Subpart C—Delegations is amended by adding a new § 1.72 as follows:

§ 1.72 Delegations to the Office of the Chief Information Officer.

(a) Carry out all functions and responsibilities assigned to the Secretary with respect to the Paperwork Reduction Act of 1995 (44 U.S.C. 3506);

(b) Carry out all functions and responsibilities assigned to the Secretary with respect to the Clinger-Cohen Act of 1996 (40 U.S.C. 1422 to 1424, 1427);

(c) Carry out all functions and responsibilities assigned to the Secretary with respect to the Computer Security Act of 1987 (40 U.S.C. 759, 759 notes);

(d) Approve waivers to Federal Information Processing Standards (FIPS) under Section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441); and

(e) Carry out all the functions and responsibilities assigned to the Secretary with respect to Executive Order 13011, Federal Information Technology, Section 2, paragraphs (a), (b), (d), (e), and (f).

PART 10—[AMENDED]

5. The authority citation for Part 10 continues to read as follows:

Authority: 5 U.S.C. 552a; 49 U.S.C. 322.

6. Section 10.13 is amended by revising paragraphs (a) and (b) to read as follows:

§ 10.13 Privacy Act Officer.

(a) To assist with implementation, evaluation, and administration issues, the Chief Information Officer appoints a principal coordinating official with the title Privacy Act Officer, and one Privacy Act Coordinator from his/her staff.

(b) Inquiries concerning Privacy Act matters, or requests for assistance, may be addressed to the Privacy Act Officer

(S-80), Department of Transportation,
400 Seventh Street, S.W., Washington,
DC 20590.

* * * * *

Dated: July 30, 1997.

Rodney E. Slater,

Secretary of Transportation.

[FR Doc. 97-26198 Filed 10-2-97; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 970129015-7220-05; I.D.
010397A]

RIN 0648-A184

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Pacific Offshore Cetacean Take Reduction Plan Regulations

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to
require new training, equipment, and
gear modifications for operators and
vessels in the California/Oregon drift
gillnet fishery for thresher shark and
swordfish to reduce the level of
mortality and serious injury of several
marine mammal stocks that occur
incidental to fishing operations.

DATES: Effective October 30, 1997.

ADDRESSES: Copies of the final Pacific
Offshore Cetacean Take Reduction Plan
and final Environmental Assessment
(EA) prepared for the final rule may be
obtained by writing to Irma
Lagomarsino, Southwest Region, NMFS,
501 W. Ocean Blvd., Suite 4200, Long
Beach, CA 90802-4213; or Victoria
Cornish, Office of Protected Resources,
NMFS, 1315 East-West Highway, Silver
Spring, MD 20910-3226.

FOR FURTHER INFORMATION CONTACT: Irma
Lagomarsino, NMFS, 562-980-4016; or
Victoria Cornish, NMFS, 301-713-2322.

SUPPLEMENTARY INFORMATION: The
California/Oregon drift gillnet (CA/OR
DGN) fishery which targets thresher
shark and swordfish, is classified as a
Category I fishery under section 118 of
the Marine Mammal Protection Act
(MMPA; 16 U.S.C. 1361 *et seq.*). A
Category I fishery is a fishery that has
frequent incidental mortality and
serious injury of marine mammals. The
majority of the fishing effort in the CA/

OR DGN fishery occurs within 200
miles (320 km) offshore of California
and Oregon. Under California state law,
from May 1 through August 14, drift
gillnets may not be used to take
swordfish or thresher shark in ocean
waters within 75 nautical miles of the
California mainland coastline
(California Fish and Game Code,
§ 8576). Swordfish may be taken within
75 nautical miles of the California
mainland from August 15 to January 31;
additional area restrictions also apply
within this area. From February through
April, drift gillnets may not be used.

The CA/OR DGN fishery has a
historical incidental bycatch of several
strategic marine mammal stocks
including: Several beaked whale
species, short-finned pilot whales,
pygmy sperm whales, sperm whales,
and humpback whales (Barlow *et al.*,
1995). A strategic stock is a stock: (1)
For which the level of direct human-
caused mortality exceeds the potential
biological removal (PBR) level; (2) that
is declining and is likely to be listed
under the Endangered Species Act
(ESA) in the foreseeable future; or (3)
that is listed as a threatened or
endangered species under the ESA.

Section 118 of the MMPA requires
NMFS to develop and implement a take
reduction plan to assist in the recovery
or to prevent the depletion of each
strategic stock that interacts with a
Category I or II fishery. The immediate
goal of a take reduction plan is to
reduce, within 6 months of its
implementation, the level of mortality
and serious injury of strategic stocks
incidentally taken in the course of
commercial fishing operations to less
than the PBR levels established for such
stocks. Since the CA/OR DGN fishery is
a Category I fishery that interacts with
several strategic stocks, NMFS
established the Pacific Offshore
Cetacean Take Reduction Team (PCTRT)
on February 12, 1996 (61 FR 5385), to
prepare a draft take reduction plan. The
PCTRT includes representatives of
NMFS, the California Department of
Fish and Game (CDFG), the Pacific
States Marine Fisheries Commission,
environmental organizations, academic
and scientific organizations, and
participants in the CA/OR DGN fishery.
In selecting these team members, NMFS
sought an equitable balance among
representatives of resource user and
non-user interests.

The PCTRT was tasked with
developing a consensus plan for
reducing the level of mortality and
serious injury of strategic marine
mammal stocks incidental to the CA/OR
DGN fishery. The PCTRT met five times
between February and June 1996 and

submitted a consensus draft plan to
NMFS on August 15, 1996 (draft PCTRP,
1996). The draft PCTRP included: (1) A
review of the current information on the
status of the affected strategic marine
mammal stocks; (2) a description of the
CA/OR DGN fishery; (3) an analysis of
data from NMFS' CA/OR DGN fishery
observer program from 1990-1995; (4)
primary strategies to reduce takes of
strategic marine mammal stocks; (5)
contingency measures that would
reduce fishing effort; and (6) other
recommendations regarding voluntary
measures to reduce takes, measures to
enhance the effectiveness of the
observer program, research on
oceanographic/environmental variables,
and other potential strategies considered
and rejected by the team. The PCTRT
recommended that three of the four
primary strategies of the draft PCTRP
(1996) be administered on a mandatory
basis (strategies #1, #2, and #4) and that
one be administered on a voluntary
basis (strategy #3). NMFS reconvened
the PCTRT in May 1997 and it provided
NMFS with additional comments and
recommendations on the proposed
PCTRP and proposed rule to implement
the plan (see PCTRT Recommendations
from the 1997 Meeting section).

Because the implementation of the
PCTRP would result in the regulation of
the state-managed CA/OR DGN fishery,
NMFS contacted both CDFG and the
Oregon Department of Fish and Wildlife
(ODFW) on how best to proceed with
the Plan's implementation. CDFG and
ODFW both deferred to the Federal
government to issue regulations under
the authority of the MMPA to
implement the PCTRP. On February 14,
1997, NMFS proposed regulations under
the MMPA (62 FR 6931) to implement
three of the primary strategies
recommended by the PCTRT (draft
PCTRP, 1996). These strategies include
the establishment of a minimum depth-
of-fishing requirement (strategy #1), use
of acoustic deterrent devices (pingers)
(strategy #2), and mandatory skipper
workshops (strategy #4). NMFS also
proposed to implement primary strategy
#3 on a voluntary basis, under which
NMFS would encourage CDFG not to
reissue lapsed permits, encourage
ODFW to continue issuing not more
than 10 permits per year and explore the
development of a permit buyback
program for both CDFG and ODFW
permit holders. In the proposed rule,
NMFS described how it intended to
implement the other sections of the
draft PCTRP.

In addition to publication in the
Federal Register, NMFS issued a press
release announcing the availability of
the proposed rule and summarizing the