

§ 704.30 [Removed]

2. Section 704.30 is removed.

[FR Doc. 96-4251 Filed 2-23-96; 8:45 am]

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DEPARTMENT OF THE INTERIOR**Bureau of Land Management****43 CFR Part 8364**

[CA-059-1220-00]

Closure and Restriction Orders

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Emergency closure of certain public lands to motorized vehicle use in Shasta County, California.

SUMMARY: The BLM is prohibiting persons for an indefinite period from operating motorized vehicles on approximately 882 acres of public land that has been acquired from a private landowner through an exchange. This closure on motorized vehicle use will protect the natural environment of the public lands until BLM has conducted site specific inventories on the property and designated suitable roads for motorized vehicles to travel.

DATES: This emergency motorized vehicle closure will take effect February 26, 1996.

FOR FURTHER INFORMATION CONTACT:

Charles M. Schultz, Area Manager, Bureau of Land Management, 355 Hemsted Drive, Redding, CA 96002.

SUPPLEMENTARY INFORMATION: The BLM acquired 882 acres of private land within sections 26, 27, 34 and 36 of T. 31 N., R. 6 W., of the M.D.M on January 31, 1996 from Sierra Pacific Industries, Inc. Appropriate uses of this property will be determined, in part, through the preparation of a management plan for the region. Until this management plan is completed and appropriate roads and trails are delineated, the four parcels are closed from entry and use by motorized vehicles. Exceptions to this closure include: emergency vehicles, fire suppression and rescue vehicles, BLM operation and maintenance vehicles, law enforcement vehicles, and other motorized vehicles specifically approved by an authorized officer of the Bureau of Land Management.

The authority for this closure and rule making is 43 CFR 8364.1. Any person who fails to comply with a closure order or rule making is subject to arrest and

finest of up to \$100,000 and/or imprisonment not to exceed 12 months.

Charles M. Schultz,

Redding Area Manager.

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DEPARTMENT OF DEFENSE**48 CFR Part 231**

[DFARS Case 95-D309]

Defense Federal Acquisition Regulation Supplement; Allowability of Costs

AGENCY: Department of Defense (DOD).

ACTION: Interim rule with request for comments.

SUMMARY: The Director of Defense Procurement has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to prohibit use of fiscal year 1996 funds to reimburse a contractor for costs paid by the contractor to an employee for a bonus or other payment in excess of the normal salary paid to the employee, when such payment is part of restructuring costs associated with a business combination.

DATES: *Effective date:* February 26, 1996.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before April 26, 1996, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulation Council, Attn: Ms. Sandra G. Haberlin, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 95-D309 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Haberlin (703) 602-0131.

SUPPLEMENTARY INFORMATION:**A. Background**

This interim rule adds paragraph (f)(1) to DFARS Section 231.205-6 to implement Section 8122 of the Fiscal Year 1996 Defense Appropriations Act (Pub. L. 104-61). Section 8122 prohibits DOD from using fiscal year 1996 funds to reimburse a contractor for costs paid by the contractor to an employee for a bonus or other payment in excess of the normal salary paid by the contractor to the employee, when such payment is part of restructuring costs associated

with a business combination. The interim rule clarifies that the prohibition does not apply to severance and early retirement incentive payments.

B. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense to issue this rule as an interim rule. Compelling reasons exist to promulgate this rule without prior opportunity for public comment. This rule implements Section 8122 of the Defense Appropriations Act for Fiscal Year 1996 (Pub. L. 104-61), which was effective upon enactment on December 1, 1995. However, comments received in response to the publication of this rule will be considered in formulating the final rule.

C. Regulatory Flexibility Act

The interim rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because most contracts awarded to small entities are awarded on a competitive fixed-price basis and cost principles, therefore, do not apply.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the interim rule does not impose any new reporting or recordkeeping requirements which require Office of Management and Budget approval under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 231

Government procurement.
Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR part 231 is amended as follows:

1. The authority citation for 48 CFR part 231 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 231—CONTRACT COST PRINCIPLES AND PROCEDURES

2. Section 231.205-6 is amended by adding paragraph (f)(1) to read as follows:

231.205-6 Compensation for personal services.

* * * * *

(f)(1) Costs for bonuses or other payments, that are in excess of the normal salary paid by the contractor to the employee and that are part of

restructuring costs associated with a business combination, are unallowable under DOD contracts funded by fiscal year 1996 appropriations (Pub. L. 104-61). This limitation does not apply to severance payments or early retirement incentive payments. (See 231.205-70(b) for the definitions of "business combination" and "restructuring costs.")

[FR Doc. 96-4197 Filed 2-23-96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 950725189-5260-02; I.D. 022096C]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure of a Commercial Fishery

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

ACTION: Closure of a commercial fishery for king mackerel.

SUMMARY: NMFS closes the commercial hook-and-line fishery for king mackerel in the exclusive economic zone (EEZ) in the Florida west coast sub-zone. This closure is necessary to protect the overfished Gulf king mackerel resource.

EFFECTIVE DATE: February 21, 1996, through June 30, 1996.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813-570-5305.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of

Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented by regulations at 50 CFR part 642 under the authority of the Magnuson Fishery Conservation and Management Act.

Catch limits recommended by the Councils and implemented by NMFS for the Gulf of Mexico migratory group of king mackerel set the commercial quota of king mackerel in the Florida west coast sub-zone at 865,000 pounds (392,357 kg). That quota was further divided into two equal quotas of 432,500 pounds (196,179 kg) for vessels in each of two groups by gear types—vessels fishing with run-around gillnets and those using hook-and-line gear.

Under 50 CFR 642.26(a), NMFS is required to close any segment of the king mackerel commercial fishery when its allocation or quota is reached, or is projected to be reached, by publishing notification in the Federal Register. NMFS has determined that the commercial quota of 432,500 pounds (196,179 kg) for Gulf group king mackerel for vessels using hook-and-line gear in the Florida west coast sub-zone was reached on February 20, 1996. The trip limit was previously reduced to 50 fish on January 24, 1996, when 75 percent of the quota was taken (January 29, 1996; 61 FR 2728). Hence, the commercial fishery for king mackerel for such vessels in the Florida west coast sub-zone is closed effective 12:01 a.m., local time, February 21, 1996, through June 30, 1996, the end of the fishing year.

The Florida west coast sub-zone extends from the Alabama/Florida boundary (87°31'06" W. long.) to: (1) the Dade/Monroe County, Florida boundary (25°20.4' N. lat.) from November 1 through March 31; and (2) the Monroe/Collier County, Florida boundary (25°48' N. lat.) from April 1 through October 31.

NMFS previously determined that the commercial quota of king mackerel from the western zone of the Gulf of Mexico was reached and closed that segment of the fishery on September 5, 1995 (60 FR 47100, September 11, 1995).

Subsequently, NMFS determined that

the commercial quota of king mackerel for vessels using run-around gillnet gear in the Florida west coast sub-zone of the eastern zone of the Gulf of Mexico was reached and closed that segment of the fishery at noon on February 12, 1996. Thus, with this closure, all commercial fisheries for king mackerel in the EEZ are closed from the U.S./Mexico border through the Florida west coast sub-zone through June 30, 1996.

Except for a person aboard a charter vessel, during the closure, no person on board a vessel permitted to fish under a commercial allocation may fish for, retain, or have in possession in the EEZ Gulf group king mackerel from the closed zones. A person on board a charter vessel may continue to fish for king mackerel in the closed zones under the bag limit set forth in § 642.24(a)(1)(i), provided the vessel is under charter and the vessel has an annual charter vessel permit, as specified in § 642.4(a)(2). A charter vessel with a permit to fish on a commercial allocation is under charter when it carries a passenger who fishes for a fee or when there are more than three persons aboard, including operator and crew.

During the closure, king mackerel from the closed zones taken in the EEZ, including those harvested under the bag limit, may not be purchased, bartered, traded, or sold. This prohibition does not apply to trade in king mackerel from the closed zones that were harvested, landed, and bartered, traded, or sold prior to the closure and held in cold storage by a dealer or processor.

Classification

This action is taken under 50 CFR 642.26(a) and is exempt from review under E.O. 12866.

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

Dated: February 20, 1996.

Richard H. Schaefer,
Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96-4216 Filed 2-21-96; 9:31 am]

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