

manner and should EPA determine that promulgated versions of the Update IVA methods are needed for compliance purposes, EPA will publish a notice of proposed rulemaking and a final rulemaking for the update.

V. Request for Comment on the Removal of Chapter Eleven From SW-846

The hazardous waste management regulations for permitted facilities (40 CFR 264) were promulgated in July 1982 under subtitle C of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976, and the Hazardous and Solid Waste Amendments of 1984 (HSWA). Subpart F under these regulations, *Releases From Solid Waste Management Units*, sets forth performance standards for ground-water monitoring systems at permitted hazardous waste land disposal facilities. A manual was prepared by the Office of Solid Waste to provide guidance for implementing the ground-water monitoring regulations for regulated units contained in 40 CFR 264, subpart F, and the permitting standards of 40 CFR 270. In 1986, EPA released two documents relating to RCRA ground-water monitoring, specifically the "RCRA Groundwater Monitoring Technical Enforcement Guidance" (TEG) and Chapter Eleven of SW-846, entitled "Groundwater Monitoring." In November 1992, the Agency's Groundwater Monitoring Program revised the technical procedures for TSDF compliance with ground-water monitoring requirements and documented the procedures in a 1992 document entitled "RCRA Groundwater Monitoring Draft Technical Guidance." However, the 1986 version of Chapter Eleven of SW-846 was not updated at that time in conjunction with the 1992 ground-water monitoring guidance, and thus the chapter remains out of date. At the present time, most of the regulated community is using the ground-water monitoring guidance issued in 1992 as the standard for RCRA ground-water monitoring compliance. Therefore, EPA would like to remove the outdated Chapter Eleven of SW-846, and replace it with a referral to the most current version of the ground-water monitoring guidance originally issued by the Office of Solid Waste in 1992. The Agency is requesting comment on this approach. EPA is currently updating the November 1992 ground-water monitoring guidance. However, Chapter 11 will remain in SW-846 until the rule to remove the required use of SW-846 has been finalized.

Dated: April 24, 1998.

Matthew Hale,

Acting Director, Office of Solid Waste.

[FR Doc. 98-12309 Filed 5-7-98; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF DEFENSE

48 CFR Parts 204, 208, 213, 216, 217, 219, 223, 225, 237, 242, 246, 247, and 253

[DFARS Case 97-D306]

Defense Federal Acquisition Regulation Supplement; Simplified Acquisition Procedures

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: The Director of Defense Procurement is proposing to amend Defense Federal Acquisition Regulation Supplement (DFARS) guidance on simplified acquisition procedures for consistency with the reorganization of simplified acquisition procedures in the Federal Acquisition Regulation (FAR), and for consistency with FAR amendments that implemented provisions of the Federal Acquisition Streamlining Act of 1994.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before July 7, 1998, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Susan L. Schneider, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350 Please cite DFARS Case 97-D306 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Susan Schneider, (703) 602-0131.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule revised DFARS Part 213 to conform to the revision of FAR Part 13 that was published as Item IV of Federal Acquisition Circular 97-03 on December 9, 1997 (62 FR 64916). The rule also amends other parts of the DFARS for consistency with FAR amendments that implemented provisions of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355) pertaining to simplified acquisition procedures (e.g., replacement of the term "small purchase" with the term "simplified acquisition"). The FAR amendments

were published as Item III of Federal Acquisition Circular 90-29 (60 FR 34741, July 3, 1995) and Item II of Federal Acquisition Circular 90-40 (61 FR 39189, July 26, 1996).

B. Regulatory Flexibility Act

The proposed 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 the rule primarily consists of conforming DFARS amendments and internal Government procedures to implement existing FAR guidance pertaining to purchases at or below the simplified acquisition threshold. An Initial Regulatory Flexibility Analysis has therefore not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 97-D306 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed rule does not impose any information collection requirements that require Office of Management and Budget approval under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 204, 208, 213, 216, 217, 219, 223, 225, 237, 242, 246, 247, and 253

Government procurement.

Michele Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 204, 208, 213, 216, 217, 219, 223, 225, 237, 242, 246, 247, and 253 are proposed to be amended as follows:

1. The authority citation for 48 CFR Parts 204, 208, 213, 216, 217, 219, 223, 225, 237, 242, 246, 247, and 253 continues to read as follows:

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

PART 204—ADMINISTRATIVE MATTERS

2. Section 204.670-2 is amended by revising paragraph (c) to read as follows:

204.670-2 Reportable contracting actions.

* * * * *

(c) Summarize on the monthly DD Form 1057, in accordance with the instruction in 253.204-71(a)(3), contracting actions that support a

contingency operation as defined in 10 U.S.C. 101(a)(13), or a humanitarian or peacekeeping operation as defined in 10 U.S.C. 2302(7), and that obligate or deobligate funds exceeding \$25,000 but not exceeding \$200,000.

* * * * *

204.804-1 [Amended]

3. Section 204.804-1 is amended in paragraph (2) by removing the phrase "small purchase" and inserting in its place the phrase "simplified acquisition".

PART 208—REQUIRED SOURCES OF SUPPLIES AND SERVICES

4. Section 208.405-2 is revised to read as follows:

208.405-2 Order placement.

(1) When ordering from schedules, ordering offices—

(i) May use DD Form 1155, Order for Supplies or Services, to place orders for—

(A) Commercial items at or below the simplified acquisition threshold; and
(B) Other than commercial items at any dollar value (see 213.307);

(ii) Shall use SF 1449, Solicitation/Contract/Order for Commercial Items, to place orders for commercial items exceeding the simplified acquisition threshold (see FAR 12.204); and

(iii) May use SF 1449 to place orders for other than commercial items at any dollar value.

(2) Schedule orders may be placed orally if—

(i) The Contractor agrees to furnish a delivery ticket for each shipment under the order (in the number of copies required by the orders office). The ticket must include the—

(A) Contract number;
(B) Order number under the contract;
(C) Date of order;
(D) Name and title of person placing the order;
(E) Itemized listing of supplies or services furnished; and
(F) Date of delivery or shipment; and

(ii) Invoicing procedures are agreed upon. Optional methods of submitting invoices for payment are permitted, such as—

(A) An individual invoice with a receipted copy of the delivery ticket;
(B) A summarized monthly invoice covering all oral orders made during the month, with receipted copies of the delivery tickets (this option is preferred if there are many oral orders); or
(C) A contracting officer statement that the Government has received the supplies.

(3) For purchases where cash payment is an advantage, the use of imprest

funds in accordance with 213.305 is authorized when—

(i) The order does not exceed the threshold at FAR 13.305-3(a); and

(ii) The contractor agrees to the procedure.

(4) The Governmentwide commercial purchase card may be used to place schedule orders in accordance with agency procedures.

5. Section 208.7204 is amended by revising paragraph (a) to read as follows:

208.7204 Procedures.

(a) Except as otherwise provided in FAR or DFARS, planned producers shall be solicited for all acquisitions of their planned items, when the acquisition exceeds the simplified acquisition threshold.

* * * * *

6. Section 208.7305 is amended by revising paragraph (a)(3) to read as follows:

208.7305 Contract clause.

(a) * * *

(3) For acquisitions at or below the simplified acquisition threshold.

* * * * *

7. Part 213 is revised to read as follows:

PART 213—SIMPLIFIED ACQUISITION PROCEDURES

Subpart 213.2—Actions at or Below the Micro-Purchase Threshold

Sec.

213.270 Use of the Governmentwide commercial purchase card.

Subpart 213.3—Simplified Acquisition Methods

213.302 Purchase orders.

213.302-3 Obtaining contractor acceptance and modifying purchase orders.

213.302-5 Clauses.

213.303 Blanket purchase agreements (BPAs).

213.303-5 Purchases under BPAs.

213.305 Imprest funds and third party drafts.

213.305-1 General.

213.305-3 Conditions for use.

213.306 SF 44, Purchase Order—Invoice—Voucher.

213.307 Forms.

Subpart 213.4—Fast Payment Procedure

213.402 Conditions for use.

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

Subpart 213.2—Actions at or Below the Micro-Purchase Threshold

213.270 Use of the Governmentwide commercial purchase card.

(a) Do not award a purchase order or other contract in an amount at or below the micro-purchase threshold for a

commercial item unless a written determination is made by a member of the Senior Executive Service, a flag officer, or a general officer, that—

(1)(i) The source or sources available for the supply or service do not accept the Governmentwide commercial purchase card (or other methods of purchase specified in paragraphs (c)(1) through (c)(3) of this section; and

(ii) The contracting activity is seeking a source that accepts the Governmentwide commercial purchase card (or other methods of purchase specified in paragraphs (c)(1) through (c)(3) of this section); or

(2) The nature of the supply or service necessitates use of a purchase order or other contract so that terms and conditions can be specified (e.g., purchase of safety critical parts that require Government source inspection).

(b) To prevent mission delays, authority to make the written determination specified in paragraph (a) of this section may be delegated to the level of the senior local commander or director.

(c) The written determination specified in paragraph (a) of this section is not required when—

(1) Placing an order or call against an existing contract or agreement;

(2) Using a purchase method, other than a purchase order, authorized by FAR part 13;

(3) Awarding a purchase order or other contract that uses the Governmentwide commercial purchase card as the method of payment; or

(4) Awarding a purchase order or other contract that will be performed entirely outside of any state, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(d) The requirements of this section do not preclude the use of required sources of supply.

Subpart 213.3—Simplified Acquisition Methods

213.302 Purchase orders.

213.302-3 Obtaining contractor acceptance and modifying purchase orders.

(1) Require written acceptance of purchase orders for classified acquisitions.

(2) Normally, unilateral modifications (see FAR 43.103) will be used for—

(i) No-cost amended shipping instructions if—

(A) The amended shipping instructions modify a unilateral purchase order; and

(B) The contractor agrees orally or in writing; and

(ii) Any change made before work begins if—

(A) The change is within the scope of the original order;

(B) The contractor agrees;

(C) The modification references the contractor's oral or written agreement; and

(D) Block 13D of Standard Form 30, Amendment of Solicitation/Modification of Contract, is annotated to reflect the authority for issuance of the modification.

(3) A supplemental agreement converts a unilateral purchase order to a bilateral agreement. If not previously included in the purchase order, incorporate the clause at 252.243-7001, Pricing of Contract Modifications, in the Standard Form 30, and obtain the contractor's acceptance by signature on the Standard Form 30.

213.302-5 Clauses.

Use the clause at 252.243-7001, Pricing of Contract Modifications, in all bilateral purchase orders.

213.303 Blanket purchase agreements (BPAs).

213.303-5 Purchases under BPAs.

(b) Individual purchases for subsistence may be made at any dollar value; however, the contracting officer shall satisfy the competition requirements of FAR part 6 for any action not using simplified acquisition procedures.

213.305 Imprest funds and third party drafts.

213.305-1 General.

(1) As a matter of policy, DoD does not support the use of cash payments from imprest funds. This policy is based, in part, on the mandatory electronic funds transfer requirements of the Debt Collection Improvement Act of 1996 (Pub. L. 104-134).

(2) On a very limited basis, installation commanders and commanders of other activities with contracting authority may be granted authority to establish imprest funds and third party draft (accommodation check) accounts.

(3) Third party draft accounts, when established in accordance with DoD 7000.14-R, DoD Financial Management Regulation, Volume 5, Disbursing Policy and Procedures—

(i) Provide an alternative to cash and U.S. Treasury checks when the use of Government purchase or travel cards is not feasible;

(ii) Eliminate the need for cash on hand for imprest fund transactions; and

(iii) Give issuing activities the flexibility to issue low-volume and low-dollar value payment on site.

213.305-3 Conditions for use.

(d)(i) Use of imprest funds—

(A) Must comply with the conditions stated in—

(1) DoD 7000.14-R, DoD Financial Management Regulation, Volume 5, Disbursing Policy and Procedures; and

(2) The Treasury Financial Manual, Part 4, Chapter 3000, Section 3020; and

(B) Except as provided in paragraph (d)(ii) of this subsection, requires approval by the Director for Financial Commerce, Office of the Deputy Chief Financial Officer, Office of the Under Secretary of Defense (Comptroller).

(ii) Imprest funds are authorized for use without further approval for—

(A) Overseas transactions at or below the micro-purchase threshold in support or a contingency operation as defined in 10 U.S.C. 101(a)(13) or a humanitarian or peacekeeping operation as defined in 10 U.S.C. 2302(7); and

(B) Classified transactions.

213.306 SF 44, Purchase Order-Invoice-Voucher.

(a)(1) The micro-purchase limitation applies to all purchases, except that purchases not exceeding the simplified acquisition threshold may be made for—

(A) Aviation fuel and oil;

(B) Overseas transactions by contracting officers in support of a contingency operation as defined in 10 U.S.C. 101(a)(13) or a humanitarian or peacekeeping operation as defined in 10 U.S.C. 2302(7); and

(C) Transactions in support of intelligence and other specialized activities addressed by part 2.7 of Executive Order 12333.

213.307 Forms.

(a) If SF Form 1449 is not used, use DD Form 1155 in accordance with paragraph (b)(i) of this section.

(b)(i) Use DD Form 1155, Order for Supplies or Services, for purchases made using simplified acquisition procedures.

(A) The DD Form 1155 serves as a—
(i) Purchase order or blanket purchase agreement;

(ii) Delivery order or task order;

(iii) Receiving and inspection report;

(iv) Property voucher;

(v) Document for acceptance by the supplier; and

(vi) Public voucher, when used as—

(A) A delivery order;

(B) The basis for payment of an invoice against blanket purchase agreements or basic ordering agreements when a firm-fixed-price has been established; or

(C) A purchase order for acquisitions using simplified acquisition procedures.

(B) The DD Form 1155 is also authorized for use for—

(i) Orders placed in accordance with FAR Subparts 8.4, 8.6, 8.7, and 16.5; and

(ii) Classified acquisitions when the purchase is made within the United States, its possessions, and Puerto Rico. Attach the DD Form 254, Contract Security Classification Specification, to the purchase order.

(ii) Do not use Optional Form 347, Order for Supplies or Services, or Optional Form 348, Order for Supplies or Services Schedule-Continuation.

(iii) Use Standard Form 30, Amendment of Solicitation/Modification of Contract to—

(A) Modify a purchase order; or

(B) Cancel a unilateral purchase order.

Subpart 213.4—Fast Payment Procedure

213.402 Conditions for use.

(a) Individual orders may exceed the simplified acquisition threshold for—

(i) Brand-name commissary resale subsistence; and

(ii) Medical supplies for direct shipment overseas.

PART 216—TYPES OF CONTRACTS

8. Section 216.203-4 is amended in the introductory text of paragraph (a) by adding a comma after the word "Supplies"; and by revising paragraphs (a)(i) and (b)(i) to read as follows:

216.203-4 Contract clauses.

(a) * * *

(i) The total contract price exceeds the simplified acquisition threshold; and

* * * * *

(b) * * *

(i) The total contract price exceeds the simplified acquisition threshold; and

* * * * *

PART 217—SPECIAL CONTRACTING METHODS

9. Section 217.7302 is amended by revising paragraph (b) to read as follows:

217.7302 Procedures.

* * * * *

(b) The requirement in paragraph (a) of this section does not apply to contracts—

(1) For commercial items; or

(2) Valued at or below the simplified acquisition threshold.

10. Section 217.7504 is amended by revising paragraph (a)(2) to read as follows:

217.7504 Limitations on price increases.

* * * * *

(a) * * *

(2) Departments and agencies may specify an alternate percentage or percentages for contracts at or below the simplified acquisition threshold.

* * * * *

PART 219—SMALL BUSINESS PROGRAMS

11. Section 219.201 is amended by revising paragraph (c)(9)(A) to read as follows:

§ 219.201 General policy.

* * * * *

(c) * * *

(9) * * *

(A) Reviewing and making recommendations for all acquisitions over \$10,000, except small business reservations;

* * * * *

12. Section 219.7001 is amended in paragraph (b) by revising the introductory text and paragraph (b)(1) to read as follows:

§ 219.7001 Applicability.

* * * * *

(b) Do not use the evaluation preference in acquisitions that—

(1) Use simplified acquisition procedures;

* * * * *

PART 223—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

13. Section 223.570–4 is amended by revising paragraph (b) to read as follows:

§ 223.570–4 Contract clause.

* * * * *

(b) Do not use the clause in solicitations and contracts—

(1) For commercial items;

(2) When performance or partial performance will be outside the United States, its territories, and possessions, unless the contracting officer determines such inclusion to be in the best interest of the Government; or

(3) When the value of the acquisition is at or below the simplified acquisition threshold.

PART 225—FOREIGN ACQUISITION

14. Section 225.105 is amended by revising paragraph (5)(ii)(B) to read as follows:

§ 225.105 Evaluating offers.

* * * * *

(5) * * *

(ii) * * *

(B) “Domestically produced or manufactured products” under small

business set-asides or small business reservations; and

* * * * *

15. Section 225.770–3 is amended by revising paragraph (a) to read as follows:

§ 225.770–3 Exceptions.

* * * * *

(a) Purchases at or below the simplified threshold;

* * * * *

PART 237—SERVICE CONTRACTING

§ 237.7302 [Amended]

16. Section 237.7302 is amended in the third sentence by removing the reference “13.105” and inserting in its place the reference “13.003(b)(1)”.

PART 242—CONTRACT ADMINISTRATION

§ 242.203 [Amended]

17. Section 242.203 is amended in paragraph (a)(i)(P) by adding, after the semicolon, the word “and”; in paragraph (a)(i)(Q) by removing “; and” and inserting a period in its place; and by removing paragraph (a)(i)(R).

PART 246—QUALITY ASSURANCE

18. Section 246.370 is amended by revising paragraph (b)(1) to read as follows:

§ 246.370 Material inspection and receiving report.

* * * * *

(b) * * *

(1) Contracts awarded using simplified acquisition procedures;

* * * * *

PART 247—TRANSPORTATION

19. Section 247.271–3 is amended by revising paragraphs (b)(1) and (b)(2)(iv)(B) to read as follows:

§ 247.271–3 Procedures.

* * * * *

(b) * * *

(1) Excess requirements are those services that exceed contractor capabilities available under contracts. Use simplified acquisition procedures to satisfy excess requirements.

(2) * * *

(iv) * * *

(B) Using simplified acquisition procedures.

* * * * *

20. Section 247.573 is amended by revising paragraphs (a)(2) and (b)(2) to read as follows:

§ 247.573 Solicitation provision and contract clauses.

(a) * * *

(2) Those with an anticipated value at or below the simplified acquisition threshold.

(b) * * *

(2) Those with an anticipated value at or below the simplified acquisition threshold.

* * * * *

PART 253—FORMS

§ 253.204–70 [Amended]

21. Section 253.204–70 is amended in the introductory text of paragraph (b)(13)(i)(E) and in the first sentence of paragraph (b)(13)(i)(G) by removing the reference “13.202(c)(3)” and inserting in its place the reference “13.303–2(c)(3)”; and in paragraph (d)(5)(iv)(A)(2) by removing the reference “13.105” and inserting in its place the reference “13.003(b)(1)”.

22. Section 253.204–71 is amended by revising paragraph (a)(3) introductory text and paragraphs (g)(2)(ii)(C) and (i)(1) to read as follows:

§ 253.204–71 DD Form 1057, Monthly Contracting Summary of Actions, \$25,000 or Less.

(a) * * *

(3) report actions of \$25,000 or less in support of a contingency operation as defined in 10 U.S.C. 101(a)(13), or a humanitarian or peacekeeping operation as defined in 10 U.S.C. 2302(7), in accordance with the instructions in paragraphs (c) through (j) of this subsection. Report actions exceeding \$25,000 but not exceeding \$200,000 in support of a contingency operation as defined in 10 U.S.C. 101(a)(13), or a humanitarian or peacekeeping operation as defined in 10 U.S.C. 2302(7), on the monthly DD Form 1057 as follows:

* * * * *

(g) * * *

(2) * * *

(ii) * * *

(C) Block E2c, SB Set-Aside Using Simplified Acquisition Procedures. Enter actions pursuant to FAR 13.003(b)(1) when award is to an SDB, but a preference was not applied.

* * * * *

(i) * * *

(1) Enter the total number and dollar value of actions in support of a contingency operation as defined in 10 U.S.C. 101(a)(13) or a humanitarian or peacekeeping operation as defined in 10 U.S.C. 2302(7). The numbers entered here are a breakout of the numbers already entered in Sections B and C.

* * * * *

23. Section 253.213 is amended by revising the section heading; by redesignating paragraph (e) as paragraph (f); and in newly designated paragraph

(f) by revising the introductory text and paragraph (f)(i) to read as follows:

253.213 Simplified acquisition procedures (SF's 18, 30, 44, 1165, 1449, and OF's 336, 347, and 348).

(f) DoD uses the DD Form 1155, Order for Supplies or Services, instead of OF 347; and Optional Form 336, Continuation Sheet, instead of OF 348.

(i) Use the DD Form 1155 as prescribed in 213.307(b)(i) and in accordance with the instructions at 253.213-70.

* * * * *

[FR Doc. 98-12268 Filed 5-7-98; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 042898B]

New England Fishery Management Council; Public Meeting

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

ACTION: Public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a 2-day public meeting on May 20 and 21, 1998, to consider actions affecting New England fisheries in the exclusive economic zone.

DATES: The meeting will be held on Wednesday, May 20, 1998, at 10 a.m. and on Thursday, May 21, 1998, at 8:30 a.m.

ADDRESSES: The meeting will be held at the Seaport Inn, 110 Middle Street, Fairhaven, MA 02719; telephone (508) 997-1281. Requests for special accommodations should be addressed to the New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1097; telephone (781) 231-0422.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council (781) 231-0422.

SUPPLEMENTARY INFORMATION:

Wednesday, May 20, 1998

After introductions, the Council will discuss and seek approval of the final Monkfish Fishery Management Plan (FMP) prepared jointly with the Mid-Atlantic Fishery Management Council. During the Groundfish Committee Report to follow, the committee will

recommend approval of the public hearing document for Amendment 9 to the Northeast Multispecies FMP and the accompanying Draft Supplemental Environmental Impact Statement (DSEIS). Measures in the document include revised overfishing definitions and the specification of optimum yield to be consistent with the reauthorized Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), a prohibition or possession limit for Atlantic halibut, a possession limit for winter flounder in the Southern New England and Mid-Atlantic stock areas, limits on the use of square mesh in the Gulf of Maine and on Georges Bank to reduce juvenile flounder bycatch, a 1-inch increase in the winter flounder minimum size, a postponement of the use of electronic vessel monitoring systems while resolving outstanding related issues, prohibition of the use of "streetsweeper" trawl gear, modification the Gulf of Maine cod trip limit requirement that a vessel remain in port to account for an overage, and application of the Gulf of Maine cod trip limit "running clock" system to all fisheries managed under a per-day trip limit.

During the afternoon session, the Habitat Committee will seek approval of proposed essential fish habitat designations and alternatives for red hake, cod, witch flounder, ocean pout, and Atlantic herring for purposes of preparing a public hearing document. The committee chairman will also provide an update on progress to develop alternatives for other Council-managed species. Before adjourning for the day, the Aquaculture Committee will recommend final action on a framework adjustment to the Sea Scallop FMP that would extend the Westport Scallop Project closure for 18 months.

Thursday, May 21, 1998

The Council will seek approval of the Sea Scallop Amendment 7 public hearing document and DSEIS. Measures to be included in the document are: Days-at-sea (DAS) reductions, scallop area management, and a DAS leasing to be implemented by a future framework adjustment to the FMP. An industry-funded vessel buyout program will also be discussed. During the Whiting Committee Report, the Council will seek approval of measures for preparing a public hearing document and DSEIS for a whiting amendment to the Northeast Multispecies FMP. Major measures under consideration include a moratorium on commercial permits, whiting trip limits, closed areas, mesh

size restrictions, 3-inch mesh areas, changes to the Cultivator Shoal fishery regulations, and limits on the amount of fish that can be brought in with a mesh less than the minimum size.

The Council will seek approval of a public hearing document and DSEIS for the Atlantic Herring FMP. Measures will include controlled access to the fishery, spawning area closures, vessel/dealer operator permit requirements, area management, both a target total allowable catch (TAC) and TAC that triggers a management action, vessel size limits, a prohibition on fishing for the purposes of meal production, limits on fishing time, and restrictions on fishing for roe. The Dogfish Committee will review recent committee discussions. The meeting will conclude with reports from the Council Chairman, Executive Director, Administrator, Northeast Region, NMFS (Regional Administrator), Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council liaisons, and representatives of the Coast Guard and the Atlantic States Marine Fisheries Commission.

Announcement of an Experimental Fishery Application

The Regional Administrator is considering the authorization of an experimental fishery for silver hake (whiting) in the Gulf of Maine. The experimental fishery would help to determine appropriate gear type, area, and season for a small mesh fishery that would meet the bycatch criteria of the Northeast multispecies exempted fishery program. This experimental fishery would include modifications of the separator trawl experimental fishery conducted in the summers of 1995, 1996, and 1997. Exempted fishing permits to conduct experimental fishing would be issued to participating vessels to exempt them from DAS, mesh size, and other gear restrictions of the Northeast Multispecies Fishery Management Plan.

Although other issues not contained in this agenda may come before this Council for discussion, in accordance with the Magnuson-Stevens Act, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see ADDRESSES) at least 5 days prior to the meeting date.