

(c) The DCAA auditor shall use relevant findings and recommendations of previously performed CIPRs in determining the scope of any audits of insurance and pension costs.

(d) When a Government organization believes that a review of the contractor's insurance/pension program should be performed, that organization should provide a recommendation for a review to the ACO. If the ACO concurs, the review should be performed as part of an ACO-initiated special CIPR or as part of a CIPR already scheduled for the near future.

242.7303 Responsibilities.

(a) The ACO is responsible for—

(1) Determining the need for a CIPR under 242.7302;

(2) Requesting and scheduling the reviews with the appropriate DLA activity;

(3) Notifying the contractor of the proposed date and purpose of the review, and obtaining any preliminary data needed by the DLA insurance/pension specialist or the DCAA auditor;

(4) Reviewing the CIPR report, advising the contractor of the recommendations contained therein, considering contractor comments, and rendering a decision on those recommendations;

(5) providing other interested contracting officers copies of documents related to the CIPR;

(6) Ensuring adequate follow-up on all CIPR recommendations; and

(7) Performing contract administration responsibilities related to Cost Accounting Standards administration as described in FAR Subparts 30.2 and 30.6.

(b) The DLA insurance/pension specialist is responsible for—

(1) Preparing and maintaining the schedule of CIPRs to be performed during the next 12 months and providing the military departments and DCAA a copy of the schedule;

(2) Issuing a technical report on the contractor's insurance/pension plans for incorporation into the final CIPR report based on an analysis of the contractor's pension program, insurance program, and other related data;

(3) Leading the team that conducts the review. Another individual may serve as the team leader when both the insurance/pension specialist and the individual agree. The team leader is responsible for—

(i) Maintaining complete documentation for CIPR reports;

(ii) To the extent possible, resolving discrepancies between audit reports and CIPR draft reports prior to releasing the final CIPR report;

(iii) Preparing and distributing the final CIPR report;

(iv) Providing the final audit report and/or the insurance/pension specialist's report as an attachment to the CIPR report; and

(v) Preparing a draft letter for the administrative contracting officer's use in notifying the contractor of CIPR results; and

(4) When requested, advising administrative contracting officers and other Government representatives concerning contractor insurance/pension matters.

(c) The DCAA auditor is responsible for—

(1) Participating as a member of the CIPR team or serving as the team leader (see paragraph (b)(3) of this section);

(2) Issuing an audit report for incorporation into the final CIPR report based on an analysis of the contractor's books, accounting records, and other related data; and

(3) Performing contract audit responsibilities related to Cost Accounting Standards administration as described in FAR Subparts 30.2 and 30.6.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 980717183-8183-01; I.D. 070298D]

RIN 0648-AK35

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Little Tunny Exempted Gillnet Fishery

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

ACTION: Final rule; request for comments.

SUMMARY: NMFS issues this final rule to modify the regulations implementing the Northeast Multispecies Fishery Management Plan (FMP). This rule establishes a seasonal exempted gillnet fishery for little tunny (*Euthynnus alletteratus*) in a portion of the Southern New England (SNE) Regulated Mesh Area. In addition, in accordance with NMFS regulations related to issuance of exempted fishing permits (EFPs), NMFS requests comments on the issuance of

EFPs to retain Atlantic bonito as an allowable incidental species in the little tunny fishery. The intent of this action is to provide an additional fishing opportunity consistent with the conservation objectives of the FMP.

DATES: Effective July 24, 1998.

Comments must be received on or before August 10, 1998.

ADDRESSES: Copies of the Environmental Assessment supporting the little tunny exemption may be obtained from Jon Rittgers, Acting Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930.

Comments regarding the burden-hour estimates for collection-of-information requirements contained in this final rule should be sent to the Acting Regional Administrator and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

Requests for exempted fishing permits for retention of bonito as an allowable incidental species should be sent to the Highly Migratory Species (HMS) Division, Office of Sustainable Fisheries, One Blackburn Drive, Gloucester, MA 01930, telephone (978) 281-9260.

Requests for letters of authorization to fish for little tunny should be sent to the Sustainable Fisheries Division, One Blackburn Drive, Gloucester, MA 01930, telephone (978) 281-9370.

Requests for reporting forms for marine mammal interactions and registration forms for Authorization Certificates should be sent to the Acting Regional Administrator, ATTN: Sandra Arvilla, telephone (978) 281-9264.

FOR FURTHER INFORMATION CONTACT: Bonnie L. VanPelt, Fishery Management Specialist, 978-281-9244.

SUPPLEMENTARY INFORMATION: The procedure for adding, modifying, or deleting exempted fisheries is found in § 648.80. Additions, deletions or modifications to the list of exempted fisheries may be made by the Administrator, Northeast Region, NMFS (Regional Administrator) after consultation with the New England Fishery Management Council (Council), if the Regional Administrator determines, based on available data or information, that the percentage of regulated species caught as bycatch is, or can be reduced to, less than 5 percent by weight of the total catch and that such exemption will not jeopardize the stock rebuilding objectives of the FMP. The Regional Administrator may impose specific gear, area, seasonal, or other

limitations appropriate to reduce bycatch of regulated species.

In response to a request from an individual fisher, the Regional Administrator, after reviewing the analysis and all available data, has determined that an exempted gillnet fishery for little tunny meets the exemption requirements for the period September 1 through October 31, in the area defined by a line running from the Rhode Island shoreline at 41°18.2' N. lat. and 71°51.5' W. long. (Watch Hill, RI) southwesterly through Fishers Island, NY; to Race Point, Fishers Island, NY; and from Race Point, Fishers Island, NY, southeasterly to 41°06.5' N. lat. and 71°50.2' W. long.; east northeast through Block Island, RI, to 41°15' N. lat. and 71°07' W. long.; then due north to the intersection of the RI-MA shoreline.

Based on this analysis, this rule allows an exempted gillnet fishery for little tunny from the period September 1 through October 31, in the requested portion of the SNE Regulated Mesh Area described above. Vessels fishing under this exemption program are required to obtain and have on board a little tunny letter of authorization issued by the Regional Administrator and are subject to a minimum mesh requirement size of 5.5 inches (13.97 cm) throughout the net. Such vessels may retain little tunny and the allowable incidental species authorized for the SNE Regulated Mesh Area specified at § 648.80(b)(3). Vessels fishing in this exemption may not possess regulated species and are subject to appropriate net stowage requirements, if nets of mesh size less than 5.5 inches (13.97 cm) are on board.

In addition, a limited number of vessels may retain Atlantic bonito (*Sarda sarda*) as an allowable incidental species, provided they obtain an exempted fishing permit (EFP) from the HMS Division (see ADDRESSES), telephone (978) 281-9260. The EFP exempts the vessel from the regulations governing authorized fishing gear and retention of bonito as an allowable incidental species under 50 CFR 285.51. An EFP is required because the gillnet gear proposed for the fishery is not an authorized fishing gear when fishing for, catching, retaining, or possessing HMS species subject to regulations which include, but are not limited to, Atlantic bonito. This permit is issued pursuant to the provisions of §§ 285.7 and 600.745 in order to collect data on the nature and extent of the fishery. Although participation in the bonito allowable incidental fishery is expected to be small, the Director, Office of Sustainable Fisheries, may set a cap at his/her discretion if fishery

conservation and/or protected resource goals are determined to be in jeopardy. In accordance with the requirements of 50 CFR 600.745(b)(3), NMFS requests comments on the issuance of EFPs to retain Atlantic bonito as an allowable incidental species.

NMFS is currently developing a harbor porpoise take reduction plan. Vessels fishing under this exemption will be required to comply with the porpoise protection measures under the harbor porpoise take reduction plan, when implemented. These gillnet vessels must also comply with the Atlantic large whale take reduction plan regulations, which were effective November 15, 1997 (50 CFR 229.32). Participants in this fishery are considered to be participating in the Northeast sink gillnet fishery, a Category I fishery as defined under the Marine Mammal Protection Act. As such, under regulations at 50 CFR part 229, they also will be required to: (1) Obtain a marine mammal authorization certificate; (2) report all injuries and mortalities of marine mammals to NMFS within 48 hours of returning from a fishing trip; and, (3) carry an observer if so requested by NMFS. Observers will collect data on interactions with marine mammals and other protected species, as well as determine fishery effort and further describe fishery characteristics.

Vessel owners that currently hold Federal Northeast multispecies permits and are participating in the gillnet fishery may use their existing Marine Mammal Protection Certificate to enroll in the exempted fishery for little tunny. However, as participants in a Category I fishery, they must still comply with the other requirements under 50 CFR part 229 as described above.

Vessel owners that do not hold Federal Northeast multispecies permits who wish to participate in this fishery should contact the Acting Regional Administrator (see ADDRESSES), telephone (978) 281-9264, for guidance on obtaining the Marine Mammal Protection Certificate.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds there is good cause to waive prior notice and opportunity for comment under 5 U.S.C. 553(b)(B) for the little tunny gillnet exempted fishery. Provisions under the FMP give the Regional Administrator authority to add, delete, or modify exempted fisheries based on the percentage of regulated species caught. Public meetings held by the Council to discuss this management measure, as well as consultation with the Council on any request for an exemption during a

public Council meeting, provided full prior notice and opportunity for public comment to be made and considered, making additional opportunity for public comment unnecessary. Under 5 U.S.C. 553(d)(1), this rule is not subject to a delay in effectiveness because it relieves a restriction.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA) unless that collection of information displays a currently valid OMB control number.

This rule contains or refers to two collection-of-information requirements subject to the PRA. These collections of information have been approved by OMB, under OMB control numbers 0648-0202 and 0648-0309. The estimated response time for a request for a little tunny letter of authorization is 2 minutes per call (OMB 0648-0202). Also, it is estimated that an average of 16 to 35 gillnet vessels will submit requests for Atlantic bonito EFPs. The burden hours approved for this request is 1 hour for the initial issuance of the EFP, and 1 hour for any subsequent requests (OMB 0648-0309). These estimated response times include the time needed for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding any of these burden estimates or any other aspect of the collection of information to NMFS and to OMB (see ADDRESSES).

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

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

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: July 23, 1998.

Rolland H. Schmitt,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.2, the definitions for "Bonito" and "Little tunny" are added, in alphabetical order, to read as follows:

§ 648.2 Definitions.

* * * * *

Bonito means *Sarda sarda*.

* * * * *

Little tunny means *Euthynnus alletteratus*.

* * * * *

3. In § 648.14, paragraphs (a)(36) and (a)(43) are revised to read as follows:

§ 648.14 Prohibitions.

(a) * * *

(36) Fish with, use, or have available for immediate use within the area described in § 648.80(b)(1), nets of mesh size smaller than the minimum size specified in § 648.80(b)(2), except as provided in § 648.80(b)(3), (b)(9), (d), (e), and (i), or unless the vessel has not been issued a multispecies permit and fishes for multispecies exclusively in state waters, or unless otherwise specified in § 648.17.

* * * * *

(43) Violate any of the provisions of § 648.80(a)(4), the Cultivator Shoals whiting fishery exemption area; (a)(5), the Stellwagen Bank/Jeffreys Ledge (SB/JL) juvenile protection area; (a)(8), Small Mesh Area 1/Small Mesh Area 2; (a)(9), the Nantucket Shoals dogfish fishery exemption area; (a)(11), the Nantucket Shoals mussel and sea urchin dredge exemption area; (a)(12), the GOM/GB monkfish gillnet exemption area; (a)(13), the GOM/GB dogfish gillnet exemption area; (b)(3), exemptions (small mesh); (b)(5), the SNE monkfish and skate trawl exemption area; (b)(6), the SNE monkfish and skate gillnet exemption area; (b)(7), the SNE dogfish gillnet exemption area; (b)(8), the SNE mussel and sea urchin dredge exemption area; or (b)(9), the SNE little tunny gillnet exemption area. A violation of any of these paragraphs is a separate violation.

* * * * *

4. In § 648.80, paragraph (b)(2)(iii) is revised, and paragraph (b)(9) is added to read as follows:

§ 648.80 Regulated mesh areas and restrictions on gear and methods of fishing.

* * * * *

(b) * * *

(2) * * *

(iii) *Other restrictions and exemptions.* Vessels are prohibited from fishing in the SNE Regulated Mesh Area except if fishing with exempted gear (as defined under this part) or under the exemptions specified in paragraphs (b)(3), (b)(5) through (9), (c), (e), (h), and

(i) of this section, if fishing under a NE multispecies DAS, if fishing under the small vessel exemption specified in § 648.82(b)(3), if fishing under a scallop state waters exemption specified in § 648.54, or if fishing pursuant to a NE multispecies open access Charter/Party or Handgear permit. Any gear on a vessel, or used by a vessel, in this area must be authorized under one of these exemptions or must be stowed as specified in § 648.81(e).

* * * * *

(9) *SNE Little Tunny Gillnet Exemption Area.* A vessel may fish with gillnet gear in the SNE Little Tunny Gillnet Exemption Area when not operating under a NE multispecies DAS with mesh size smaller than the minimum required in the SNE Regulated Mesh Area, if the vessel complies with the requirements specified in paragraph (b)(9)(i) of this section. The SNE Little Tunny Gillnet Exemption Area is defined by a line running from the Rhode Island shoreline at 41°18.2' N. lat. and 71°51.5' W. long. (Watch Hill, RI) southwesterly through Fishers Island, NY; to Race Point, Fishers Island, NY; and from Race Point, Fishers Island, NY, southeasterly to 41°06.5' N. lat. and 71°50.2' W. long.; east northeast through Block Island, RI, to 41°15' N. lat. and 71°07' W. long.; then due north to the intersection of the RI-MA shoreline.

(i) *Requirements.* (A) A vessel fishing under this exemption may fish only for, possess on board, or land little tunny and the allowable incidental species and amounts specified in paragraph (b)(3) and, if applicable, paragraph (b)(9)(i)(B) of this section. Vessels fishing under this exemption may not possess regulated species.

(B) A vessel may possess bonito as an allowable incidental species provided an exempted fishing permit is obtained from the Highly Migratory Species Division (HMS), Office of Sustainable Fisheries, NMFS, Gloucester, Massachusetts. The HMS reserves the authority to cap the number of participants who retain bonito as allowable incidental species should conservation and/or protected resource concerns develop.

(C) The vessel must have a letter of authorization issued by the Regional Administrator on board.

(D) All gillnets must have a minimum mesh size of 5.5 inch (13.97 cm) diamond mesh throughout the net.

(E) All nets with a mesh size smaller than the minimum mesh size specified in paragraph (b)(9)(i)(D) of this section must be stowed in accordance with one of the methods described under

§ 648.81(e) while fishing under this exemption.

(F) Fishing is confined to September 1 through October 31.

(ii) The Regional Administrator shall conduct periodic sea sampling to evaluate the likelihood of gear interactions with protected resources.

* * * * *

[FR Doc. 98-20258 Filed 7-24-98; 3:43 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 980603145-8186-02; I.D. 052998C]

RIN 0648-AL33

Fisheries Off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; Bank/Area-Specific Harvest Guidelines

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to implement a regulatory amendment under the framework procedures of the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region. This rule allocates the overall 1998 Northwestern Hawaiian Islands (NWHI) harvest guideline of 286,000 lobsters (spiny and slipper combined) among three individual fishing banks and a fourth combined area. Specifically, no more than 70,000 lobsters may be harvested from Necker Island; no more than 20,000 lobsters may be harvested from Gardner Pinnacles; no more than 80,000 lobsters may be harvested from Maro Reef; and no more than 116,000 lobsters may be harvested from all the other remaining NWHI banks combined within Crustaceans Permit Area 1. This rule is intended to protect the lobster resources at each fishing ground, to obtain better data on the lobster stocks, and to conserve the resource.

DATES: This final rule is effective from July 23, 1998 through December 31, 1998.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis and the Final Regulatory Flexibility Analysis for this action are available from Alvin Katekaru, Fishery Management