

**PART 1652—CONTRACT CLAUSES**

4. In 1652.232–70 the clause date is revised, and paragraphs (b), (c), and (d) are redesignated as (c), (d), and (e) respectively, paragraph (a) is revised, and a new paragraph (b) is added to read as follows:

**1652.232–70 Payments—community-rated contracts.**

\* \* \* \* \*

**PAYMENTS (JAN 1999)**

(a) OPM will pay to the Carrier, in full settlement of its obligations under this contract, subject to adjustment for error or fraud, the subscription charges received for the plan by the Employees Health Benefits Fund (hereinafter called the Fund) less the amounts set aside by OPM for the Contingency Reserve and for the administrative expenses of OPM, amounts assessed under FEHBP 1609.7101–2, and amounts for obligations due pursuant to paragraph (b) of this clause, plus any payments made by OPM from the Contingency Reserve.

(b) OPM will notify the Carrier of amounts due for outstanding obligations under the contract. Not later than 60 days after the date of written notice from OPM, the Carrier shall reimburse OPM. If payment is not received within the prescribed time frame, OPM shall withhold the amount due from the subscription charges owed the Carrier under paragraph (a) of this clause.

\* \* \* \* \*

5. In 1652.232–71 the clause date is revised, paragraphs (b), (c), and (d) are redesignated as (c), (d), and (e) respectively, paragraph (a) is revised, and a new paragraph (b) is added to read as follows:

**1652.232–71 Payments—experience-rated contracts.**

\* \* \* \* \*

**PAYMENTS (JAN 1999)**

(a) OPM will pay to the Carrier, in full settlement of its obligations under this contract, subject to adjustment for error or fraud, the subscription charges received for the Plan by the Employees Health Benefits Fund (hereinafter called the Fund) less the amounts set aside by OPM for the Contingency Reserve and for the administrative expenses of OPM and amounts for obligations due pursuant to paragraph (b) of this clause, plus any payments made by OPM from the Contingency Reserve.

(b) OPM will notify the Carrier of amounts due for outstanding obligations under the contract. Not later than 60 days after the date of written notice from OPM, the Carrier shall reimburse OPM. If payment is not received within the prescribed time frame, OPM shall withhold the amount due from the subscription charges owed the Carrier under paragraph (a) of this clause.

\* \* \* \* \*

**1652.244–70 [Amended]**

6. In section 1652.244–70, in paragraph (f), the FAR reference “15.903(d)” is removed and the FAR reference “15.404–4(c)(4)(i)” is added in its place.

7. The following clauses and Text references in the FEHBP Clause Matrix at 1652.3 are revised as follows: FAR 52.215–22 and FAR 15.804–8(a) are revised to read 52.215–10 and 15.408(b) respectively; 52.215–24 and 15.804–8(c) are revised to read 52.215–12 and 15.408(d) respectively; 52.215–27 and 15.804–8(e) are revised to read 52.215–15 and 15.408(g) respectively; 52.215–30 and 15.904(a) are revised to read 52.215–16 and 15.408(h) respectively; 52.215–31 and 15.904(b) are revised to read 52.215–17 and 15.408(i) respectively; and 52.215–39 and 15.804–8(f) are revised to read 52.215–18 and 15.408(j) respectively; FAR 52.215–70 is revised to read 1652.215–70.

8. In Subpart 1652.3, FEHBP Clause Matrix, clause number 52.222–36 is revised to read Affirmative Action for Workers with Disabilities.

[FR Doc. 98–27343 Filed 10–14–98; 8:45 am]

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 285**

[I.D. 100798C]

**Atlantic Tuna Fisheries; Atlantic Bluefin Tuna General Category**

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

**ACTION:** Reopening of New York Bight fishery.

**SUMMARY:** NMFS has determined that the Atlantic Bluefin Tuna (BFT) General category New York Bight set-aside has not been reached. Therefore, NMFS reopens the BFT General category New York Bight fishery. This action is being taken to provide for General category fishing opportunities in the New York Bight area only and to ensure additional collection of biological assessment and monitoring data.

**DATES:** Effective October 9, 1998, 1 a.m. local time until December 31, 1998, or until the date that the set-aside quota is determined to have been taken, which will be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Sarah McLaughlin, 301–713–2347, or Pat Scida, 978–281–9260.

**SUPPLEMENTARY INFORMATION:**

Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285.

Implementing regulations at 50 CFR 285.22 subdivide the U.S. quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories.

Section 285.22(a)(3) was amended on May 21, 1998 (63 FR 27862), to permit implementation of the set-aside for the traditional fall New York Bight fishery when the coast-wide General category fishery has been closed in any quota period. The New York Bight set-aside area is defined as the waters south and west of a straight line originating at a point on the southern shore of Long Island at 72°27' W. long. (Shinnecock Inlet) and running SSE 150° true, and north of 38°47' N. lat. (Delaware Bay). The regulatory amendment allowed NMFS more flexibility in making the quota of 10 mt set aside for this area available to coincide with the presence of BFT in the Mud Hole area. During the previous opening of the New York Bight fishery, effective September 16–30, no landings of large medium or giant BFT were reported. Therefore, all 10 mt of the set-aside remain. NMFS closed the coastwide General category fishery for October through December effective October 5, 1998 (63 FR 54078, October 8, 1998).

The New York Bight fishery will reopen effective Friday, October 9, 1998, 1 a.m. local time until December 31, 1998, or until the date that the set-aside quota is determined to have been taken, which will be published in the **Federal Register**. Upon the effective date of the New York Bight reopening, persons aboard vessels permitted in the General category may fish for, retain, possess, or land large medium and giant BFT only in the New York Bight set-aside area specified here, until the set-aside quota for that area has been harvested. BFT harvested from waters outside the defined set-aside area may not be brought into the set-aside area. Vessels permitted in the Charter/Headboat category, when fishing for large medium and giant BFT, are subject to the same rules as General category vessels when the General category is open.

The announcement of the closure date of the New York Bight fishery will be filed with the Office of the Federal

Register and further communicated through the Highly Migratory Species (HMS) Fax Network, the HMS Information Line, NOAA weather radio, and Coast Guard Notice to Mariners. Although notification of the closure will be provided as far in advance as possible, fishermen are encouraged to call the HMS Information Line to check the status of the fishery before leaving for a fishing trip. The phone numbers for the HMS Information Line are (301) 713-1279 and (978) 281-9305. Information regarding the Atlantic tuna fisheries is also available toll free through NextLink Interactive, Inc., at (888) USA-TUNA.

#### Classification

This action is taken under 50 CFR 285.22 and is exempt from review under E.O. 12866.

**Authority:** 16 U.S.C. 971 *et seq.*

Dated: October 8, 1998.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 98-27577 Filed 10-8-98; 3:53 pm]

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 679

[Docket No. 971208297-8054-02; I.D. 100898B]

##### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Central Regulatory Area of the Gulf of Alaska

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

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the offshore component in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 1998 total allowable catch (TAC) of Pacific cod allocated to vessels catching Pacific cod for processing by the offshore component in this area.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), October 9, 1998, until 2400 hrs, A.l.t., December 31, 1998.

**FOR FURTHER INFORMATION CONTACT:** Andrew Smoker, 907-486-6919.

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 1998 TAC of Pacific cod allocated to vessels catching Pacific cod for processing by the offshore component in the Central Regulatory Area was established as 3,337 metric tons by the Final 1998 Harvest Specifications of Groundfish for the GOA (63 FR 12027, March 12, 1998). See § 679.20(c)(3)(iii).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 1998 TAC of Pacific cod allocated to vessels catching Pacific cod for processing by the offshore component in the Central Regulatory Area of the GOA will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 2,000 mt, and is setting aside the remaining 1,337 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the offshore component in the Central Regulatory Area of the GOA.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

#### Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the 1998 TAC of Pacific cod allocated to vessels catching Pacific cod for processing by the offshore component in the Central Regulatory Area of the GOA. A delay in the effective date is impracticable and contrary to public interest, and further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

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

Dated: October 8, 1998.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 98-27669 Filed 10-9-98; 2:34 pm]

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 679

[Docket No. 971208297-8054-02; I.D. 100898C]

##### Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Central Regulatory Area of the Gulf of Alaska

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

**ACTION:** Closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific cod by vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 1998 total allowable catch (TAC) of Pacific cod allocated to vessels catching Pacific cod for processing by the inshore component in this area.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), October 9, 1998, until 2400 hrs, A.l.t., December 31, 1998.

**FOR FURTHER INFORMATION CONTACT:** Andrew Smoker, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 1998 TAC of Pacific cod allocated to vessels catching Pacific cod for processing by the inshore component in the Central Regulatory Area was established as 30,037 metric tons (mt) by the Final 1998 Harvest Specifications of Groundfish for the GOA (63 FR 12027, March 12, 1998). See § 679.20(c)(3). On April 16, 1998 (63 FR 18848) it was increased by an apportionment of reserves to 37,548 mt.