

request is that the subject felony is not a serious felony as defined by this regulation the award request shall contain, at a minimum, the following information:

- (i) Name and Date of Birth of Individual Convicted of a felony.
- (ii) Date sentenced.
- (iii) Statute/Charge.
- (iv) Docket/Case Number.
- (v) Court/Jurisdiction.
- (vi) The nature and circumstances surrounding the conviction.
- (vii) Protective measures taken by the individual or business concern to reduce or eliminate the risk of further misconduct.
- (viii) Whether the individual has made full restitution for the felony
- (ix) Whether the individual has accepted responsibility for past misconduct resulting in the felony conviction.

(e) Privacy Statement. The offeror will provide the following statement to any individual whose information will be submitted in an award request pursuant to paragraph (d)(4) of this clause.

Privacy Act Notice. The collection of this information is authorized by the Federal Protective Service Guard Contracting Reform Act of 2008 (Pub. L. 110–356) and Department of Homeland Security (DHS) implementing regulations at Homeland Security Acquisition Regulation (HSAR) 48 CFR 3009.171. This information is being collected to determine whether an individual that owns, controls, or operates the business concern submitting this offer has been convicted of a felony that would disqualify the offeror from receiving an award. This information will be used by and disclosed to DHS personnel and contractors or other agents who require this information to determine whether an award request should be approved or denied. Additionally, DHS may share this personal information with the U.S. Justice Department and other Federal and State agencies for collection, enforcement, investigatory, or litigation purposes, or as otherwise authorized pursuant to its published Privacy Act system of records notice. Submission of this information by the individual is voluntary, however, failure to provide it may result in denial of an award to the offeror.

(f) Disclosure. The offeror under this solicitation represents that [Check one]:

\_\_\_ it is not a business concern owned, controlled, or operated by an individual convicted of a felony; or

\_\_\_ it is a business concern owned, controlled, or operated by an individual convicted of a felony, and has submitted an award request pursuant to paragraph (d) of this clause.

(g) If a request is applied for, the offeror shall attach the request with supporting documentation, to the bid or proposal. The supporting documentation may include copies of prior award requests granted to the offeror.

(h) The notification in this paragraph applies if this is an indefinite delivery/indefinite quantity contract, blanket purchase agreement, or other contractual instrument that may result in the issuance of task orders, calls or option to extend the terms of a contract. The Contractor must immediately

notify the Contracting Officer in writing upon any felony conviction of personnel who own, control or operate a business concern as defined in paragraph (c) of this clause at any time during the performance of this contract. Upon notification of a felony conviction the Contracting Officer will review and make a new determination of eligibility prior to the issuance of any task order, call or exercise of an option.

(End of clause)

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 090220217–9226–01]

RIN 0648–AX66

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Resources of the Gulf of Mexico; Commercial Sector of the Reef Fish Fishery of the Gulf of Mexico; Control Date

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

**ACTION:** Advance notice of proposed rulemaking; consideration of a control date.

**SUMMARY:** NMFS announces that it is establishing a revised control date that may be used to control future access to the commercial sector of the reef fish fishery operating in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf). If changes to the management regime are developed and implemented under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), a control date could be used to limit the number of participants in the fishery. This announcement is intended, in part, to promote awareness of the potential eligibility criteria for future access so as to discourage speculative entry into the fishery while the Gulf of Mexico Fishery Management Council (Council) and NMFS consider whether and how access to the commercial sector of the reef fish fishery should be controlled.

**DATES:** Comments must be received on or before 5 p.m., eastern time, April 17, 2009.

**ADDRESSES:** You may submit comments, identified by RIN 0648–AX66, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.

- Mail: Cynthia Meyer, NMFS Southeast Regional Office, Sustainable Fisheries Division, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

To submit comments through the Federal e-Rulemaking Portal: <http://www.regulations.gov>, enter “NOAA-NMFS–2009–0039” in the keyword search, then select “Send a Comment or Submission.” NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

**SUPPLEMENTARY INFORMATION:** The commercial sector of the Gulf reef fish fishery is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Council, and implemented under the authority of the Magnuson-Stevens Act. A moratorium on the issuance of new commercial reef fish permits was established by Amendment 4 to the FMP in May 1992. The moratorium has been maintained since that time with the implementation of Amendments 9, 11, and 17. The Council implemented Amendment 24 on August 17, 2005, to replace the commercial reef fish permit moratorium that was set to expire on December 31, 2005, with a permanent limited access system.

This notice would inform participants in the Gulf reef fish fishery of the Council’s intention to consider further limiting access within the commercial sector of the Gulf reef fish fishery. Specifically, the Council may consider creating additional restrictions including limiting participation by gear type or by specific species to only those vessels or participants that have catch histories in excess of some minimum landings threshold. Should the Council take such future action to further restrict participation in the commercial sector of the Gulf reef fish fishery, it intends to use December 31, 2008, as a possible control date regarding the eligibility of

catch histories. This date was announced at the Council's January 2009 meeting, and was chosen because it coincides with the end of the immediately preceding fishing year in which landings would be documented. Publication of the control date in the **Federal Register** informs participants of the Council's considerations, and gives notice to anyone entering the fishery after the control date they would not be assured of future access should a management regime be implemented using the control date as a means to restrict participation. Implementation of any such program would require preparation of an amendment to the FMP and subsequent rulemaking with appropriate public comment periods.

Consideration of a control date does not commit the Council or NMFS to any particular management regime or criteria for eligibility in the commercial sector of the Gulf reef fish fishery. The Council may or may not make use of this control date as part of the qualifying criteria for participation in that sector of the fishery. Fishermen are not guaranteed future participation in a fishery regardless of their entry date or intensity of participation in the fishery before or after the control date under consideration. The Council subsequently may choose a different control date or a management regime that does not make use of a control date. The Council also may choose to take no further action to control entry or access to the fishery, in which case the control date may be rescinded.

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

Dated: March 12, 2009.

**James W. Balsiger,**

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

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**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 665

**RIN 0648-AW49**

#### Fisheries in the Western Pacific; Pelagic Fisheries; Hawaii-based Shallow-set Longline Fishery

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

**ACTION:** Notice of availability of fishery management plan amendment; request for comments.

**SUMMARY:** NMFS announces that the Western Pacific Fishery Management Council (Council) proposes to amend the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region (FMP). If approved by the Secretary of Commerce (Secretary), Amendment 18 would remove the annual limit on the number of fishing gear deployments (sets) for the Hawaii-based pelagic longline fishery. The amendment would also revise the current maximum limit on the number of physical interactions that occur annually between loggerhead sea turtles and vessels registered for use under Hawaii longline limited access permits while shallow-setting. Other measures currently applicable to the fishery would remain unchanged. Amendment 18 is intended to increase opportunities for the shallow-set fishery to sustainably harvest swordfish and other fish species, without jeopardizing the continued existence of sea turtles and other protected resources.

**DATES:** Comments on Amendment 18 must be received by May 18, 2009.

**ADDRESSES:** You may send comments on Amendment 18, identified by 0648-AW49, to either of the following addresses:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal [www.regulations.gov](http://www.regulations.gov); or
- **Mail:** Mail written comments to William L. Robinson, Regional Administrator, NMFS, Pacific Islands Region (PIR), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814-4700.

Instructions: All comments received are a part of the public record and will generally be posted to [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.) submitted voluntarily by the commenter may be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter "N/A" in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only.

Copies of Amendment 18 (which includes a final supplemental environmental impact statement) are available from [www.regulations.gov](http://www.regulations.gov), and the Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808-522-8220, fax 808-522-8226, [www.wpcouncil.org](http://www.wpcouncil.org).

**FOR FURTHER INFORMATION CONTACT:** Adam Bailey, Sustainable Fisheries Division, NMFS PIR, 808-944-2248.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

This proposed rule is also accessible at [www.gpoaccess.gov/fr](http://www.gpoaccess.gov/fr).

##### Background

The Hawaii-based shallow-set pelagic longline fishery primarily targets swordfish in the western Pacific north of the Hawaiian Archipelago. The fishery is carefully regulated through a management program intended, among other goals, to reduce the number and severity of unintended bycatch interactions, particularly between longline fishing gear and sea turtles. Management measures include the mandatory use of large (18/0) offset circle hooks and mackerel-type bait, and 100 percent observer coverage. The required use of circle hooks and mackerel-type bait has reduced the sea turtle interaction rate by approximately 90 percent for loggerheads, and 83 percent for leatherbacks, compared to the period 1994-2002 when the fishery was operating without such requirements.

Because the use of circle hooks and mackerel-type bait have proven effective in reducing sea turtle interaction rates, the Council has recommended in Amendment 18 changes to the management program that would enable the shallow-set fishery to increase and sustainably harvest swordfish and other fish, without jeopardizing the continued existence and recovery of threatened and endangered sea turtles and other protected resources.

Amendment 18 would remove the annual limit on the number of longline shallow sets. The shallow-set certificate program, which is used to monitor and control the number of sets, with the elimination of set limits. Amendment 18 would also increase the number of allowable incidental interactions between longline fishing gear to 46 for loggerhead sea turtles (from the current limit of 17). The allowable interaction limit for leatherback sea turtles would remain unchanged at 16.

All other measures currently applicable to the fishery would remain unchanged, including, but not limited to, limited access permits, vessel and gear marking requirements, vessel length restrictions, Federal catch and effort logbooks, 100 percent observer coverage, large longline restricted areas around the Hawaiian Archipelago, vessel monitoring system (VMS), annual protected species workshops, and the use of sea turtle, seabird, and marine