

concerning the affected DFARS subpart also will be considered in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 99-D005 in correspondence.

### C. Paperwork Reduction Act

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

### List of Subjects in 48 CFR Part 225

Government procurement.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

Therefore, 48 CFR Part 225 is proposed to be amended as follows:

1. The authority citation for 48 CFR Part 225 continues to read as follows:

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

### PART 225—FOREIGN ACQUISITION

2. Section 225.7304 is revised to read as follows:

#### 225.7304 Source selection and contract pricing.

(a) FMS customers may request that a defense article or defense service be obtained from a particular contractor. In such cases, FAR 6.302-4 provides authority to contract without full and open competition. the FMS customer also may request that a subcontract be placed with a particular firm. The contracting officer shall honor such requests from the FMS customer only if the LOA or other written direction sufficiently fulfills the requirements of FAR Subpart 6.3.

(b) Do not allow representatives of the FMS customer to—

(1) Direct the deletion of names of firms from bidders mailing lists or slates of proposed architect-engineer firms. (They may suggest the inclusion of certain firms); or

(2) Interfere with a contractor's placement of subcontracts.

(c) Do not accept directions from the FMS customer on source selection decisions or contract terms (except that, upon timely notice, the contracting officer may attempt to obtain any special contract provisions and warranties requested by the FMS customer).

(d) Do not honor any request by the FMS customer to reject any bid or proposal.

(e) If requested by the FMS customer—

(1) The contracting officer should provide the FMS customer with an explanation of the reasonableness of the negotiated price of its contract. This may include briefings or tailored reports, such as top-level pricing summaries, historical pricing trends, or an explanation of any price differential between DoD and FMS contracts; and

(2) Representatives of the FMS customer may observe price negotiations between the U.S. Government and the prospective contractor if—

(i) The contractor provides written permission consenting to the observation of price negotiations by the FMS customer. The contractor's written permission must include any restrictions on the disclosure of proprietary or other data; and

(ii) The FMS customer provides written assurances that it will not—

(A) Disclose any proprietary or other contractor data except as specifically authorized by the contractor; or

(B) Discuss with the contractor any issue related to the negotiation of price, either during or separate from negotiations.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

[Docket No. 99041610-9199-01; I.D. 031999C]

RIN 0648-AL18

#### Pacific Halibut Fisheries; Local Area Management Plan for the Halibut Fishery in Sitka Sound

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS issues a proposed rule that would establish a Local Area Management Plan (LAMP) for the halibut fishery in Sitka Sound, in the Gulf of Alaska. This action would affect persons fishing from commercial and charter vessels. This action would implement the North Pacific Fishery Management Council (Council) recommendation to prohibit halibut fishing in Sitka Sound by commercial fishing vessels greater than 35 ft (10.7 meters(m)) and, during June, July, and

August, by commercial fishing vessels less than or equal to 35 ft (10.7 m) and charter vessels. This action is necessary to address the decreased availability of halibut in Sitka Sound (currently attributed to too many harvesters of halibut within a relatively small area) and is intended to promote the goals and objectives of the Council with respect to management of halibut in and off Alaska.

**DATES:** Comments must be received by May 28, 1999.

**ADDRESSES:** Comments must be sent to Sue Salvesson, Assistant Regional Administrator for Sustainable Fisheries, Alaska Region, NMFS, 709 West 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel. Copies of the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) for this action may be obtained from the above address.

**FOR FURTHER INFORMATION CONTACT:** Gretchen Harrington, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and the Bering Sea (Convention), signed at Ottawa, Ontario, Canada, on March 2, 1953, and amended by a Protocol Amending the Convention, signed at Washington, D.C., United States of America, on March 29, 1979, authorizes the International Pacific Halibut Commission (Commission) to promulgate regulations for the conservation and management of the Pacific halibut fishery. Before these regulations would have any effect on U.S. fishermen, they must be approved by the Secretary of State of the United States pursuant to section 4 of the Northern Pacific Halibut Act (Halibut Act, 16 U.S.C. 773-773k) that executes the above Convention. The Halibut Act, in section 5, gives the Secretary of Commerce (Secretary) the general responsibility to carry out the Convention between the United States and Canada, and requires the Secretary to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. The Secretary's authority has been delegated to the Assistant Administrator for Fisheries, NOAA. Section 5 of the Halibut Act also provides that the regional fishery management council having authority for the geographical area concerned may recommend management measures governing Pacific halibut catch in U.S. Convention waters that are in addition

to, but not in conflict with, regulations of the Commission.

The Sitka (Alaska) Fish and Game Advisory Committee began the process necessary to develop a LAMP in 1995 to address the concerns of local residents about the decreased availability of halibut in Sitka Sound. The Chairman of the Sitka Fish and Game Advisory Committee appointed representatives of all major sectors participating in the Sitka Sound halibut fishery, including the commercial, sport, charter, and personal use fishermen, to the Sitka Halibut Task Force (Task Force).

The Task Force determined that too many harvesters targeted halibut in Sitka Sound. The Commission has no data that support or refute localized depletion; however, local or anecdotal information indicates the opportunity for an individual fisherman to catch a halibut has greatly decreased due to increased competition. This increased competition among users is due to an increase in the number of guided charter vessels and the Individual Fishing Quota (IFQ) fishery that allows commercial fishing vessels to operate throughout the summer. The Task Force unanimously agreed to a statement of findings and a list of voluntary actions in May 1995.

The Task Force was reconvened in January 1997 in response to Proposal 270 submitted by the Sitka Tribe of Alaska to the State of Alaska Board of Fisheries (BOF). Proposal 270 requested the BOF to take action to prohibit commercial and charter fishing for halibut, ling cod, rockfish, and other bottomfish in the Sitka Sound area. In February 1997, the BOF deferred the halibut proposal to the Council as the responsible body for developing regulations having domestic allocation of Pacific halibut as a primary purpose. The Council assigned the Task Force with the duty of developing a LAMP for halibut for Council action.

The Task Force determined that the decreased availability of halibut in Sitka Sound due to excessive competition was diminishing the quality of life for local residents. The Task Force identified the following areas of concern: Status of the halibut stocks; increasing charter fishing effort; decreasing non-charter sport catch; decreasing commercial catches; and changes in commercial fishing patterns due to the IFQ program. The Task Force then created a proposed LAMP for Sitka Sound and submitted it to the Council.

The Council directed its staff to prepare an EA/RIR/IRFA analyzing the Task Force's LAMP proposal. The Council approved the Task Force's proposal as the preferred alternative in

February 1998. The Council's preferred alternative is the basis of this proposed rule. The following summarizes the preferred alternative.

First, commercial vessels greater than 35 ft (10.7 m) overall length targeting halibut would be prohibited in the Sitka Sound area, defined as a line across Kakul Narrows at the Green Buoy and from a point on Chichagof Island to Kruzof Island adjacent to Sinitsin Island on the North, to the Sitka Salmon Derby Boundaries on the South.

Second, commercial vessels less than or equal to 35 ft (10.7 m) in overall length targeting halibut would be prohibited from fishing for halibut in the Sitka Sound area during June, July, and August. A trip limit of 2000 lb (0.91 metric tons (mt)) of halibut would be in effect for commercial vessels less than or equal to 35 ft (10.7 m) in overall length targeting halibut in the Sitka Sound area during the designated IFQ season as specified in 15 CFR 300.26, except during the closed period of June, July, and August. The Sitka Sound area in this case is the same as that defined for commercial vessels greater than 35 ft (10.7 m) in overall length, except that the southern boundary would be a line from Sitka Point to Hanus Point, from Hanus Point to the Green Marker in Dorothy Narrows, and across to Baranof Island.

Finally, during June, July, and August, charter vessels would be prohibited from fishing for halibut in the Sitka Sound area, defined the same as the closed area for commercial vessels less than or equal to 35 ft (10.7 m) in overall length. Operators of charter vessels could retain halibut harvested outside Sitka Sound when they are fishing for other species within Sitka Sound from June 1 through August 31. The charter vessel fleet considers the ability to retain halibut caught outside the closed area necessary because of the difficulties in off-loading catch during a charter fishing trip. NMFS is particularly interested in receiving comments on this aspect of the proposed rule because of the difficulty in distinguishing between halibut caught outside the closed area and halibut that may have been caught within the closed area.

The less restrictive southern boundary for charter vessels and commercial fishing vessels less than or equal to 35 ft (10.7 m) in overall length would allow them to fish in more protected waters during inclement weather. Also, it would allow the smaller vessels access to the halibut fishing grounds around Biorka Island. The southern boundary for commercial fishing vessels greater than 35 ft (10.7 m) in overall length

would exclude the larger vessels from fishing around Biorka Island.

NMFS prepared an EA/RIR/IRFA for this proposed rule that describes the management background, the purpose and need for action, the management action alternatives, and the environmental and the socio-economic impacts of the alternatives. A copy of the EA/RIR/IRFA can be obtained from NMFS (see ADDRESSES). A summary of the IRFA follows.

This proposed action is being considered because local residents of Sitka Sound are concerned about the decreased availability of halibut. The objective is to allocate halibut fishing opportunities in Sitka Sound among fishermen fishing with commercial vessels, anglers fishing from charter vessels, subsistence/personal use fisheries, and sport fishermen. Section 5 of the Halibut Act authorizes the Council to recommend management measures governing Pacific halibut catch in Sitka Sound.

There were 192 registered charter vessels and 74 commercial longline vessels with allocations of halibut in Area 2C that fished in Sitka Sound in 1996.

This rule does not contain reporting, recordkeeping, or compliance requirements and there are no relevant Federal rule which may duplicate, overlap, or conflict with this proposed rule.

The alternative of not having a LAMP for Sitka Sound would not have a negative impact on the halibut resource but would increase competition for the resource in Sitka Sound. Creation of an alternative LAMP for Sitka Sound, which would (1) prohibit halibut commercial vessels greater than 35 ft (10.7 m) from harvesting halibut in Sitka Sound, (2) prohibit halibut commercial vessels less than or equal to 35 ft (10.7 m) from harvesting halibut in Sitka Sound during July, July, and August with a 1,000 lb (0.45 mt) trip limit during the remainder of the IFQ fishing season, and (3) during July, June, and August only allow for a subsistence/personal use fishery, and a non-guided sport fishery in Sitka Sound, would protect the interests of non-guided anglers but restrict the retention of halibut caught outside Sitka Sound by charter vessels while fishing inside the Sound.

None of the alternatives discussed in the EA/RIR/IRFA is likely to significantly affect the quality of the human environment, or are expected to have significant impacts on endangered or threatened species, or marine mammals.

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

#### List of Subjects in 50 CFR Part 300

Fisheries, Fishing, Reporting and recordkeeping requirements, Treaties.

Dated: April 20, 1999.

**Penelope D. Dalton,**

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

For reasons set out in the preamble, 50 CFR part 300 is proposed to be amended to read as follows:

#### PART 300—INTERNATIONAL FISHERIES REGULATIONS

1. The authority citation for 50 CFR part 300, subpart E continues to read as follows:

**Authority:** 16 U.S.C. 773–773k

2. In § 300.61, the definitions for “Charter vessel”, “Fishing”, “Individual Fishing Quota”, “IFQ fishing trip”, “IFQ halibut”, “Overall length”, “Setline gear”, and “Sport fishing” are added in alphabetical order to read as follows:

##### § 300.61 Definitions.

\* \* \* \* \*

*Charter vessel* means a vessel used for hire in sport fishing for halibut, but not including a vessel without a hired operator.

*Fishing* means the taking, harvesting, or catching of fish, or any activity that can reasonably be expected to result in the taking, harvesting, or catching of fish, including specifically the deployment of any amount or component part of setline gear anywhere in the maritime area.

*Individual Fishing Quota* (IFQ), for purposes of this subpart, means the annual catch limit of halibut that may be harvested by a person who is lawfully allocated a harvest privilege for a specific portion of the TAC of halibut.

*IFQ fishing trip*, for purposes of the subpart, means the period beginning when a vessel operator commences harvesting IFQ halibut and ending when the vessel operator lands any species.

*IFQ halibut* means any halibut that is harvested with fixed gear in any IFQ regulatory area.

*Overall length* of a vessel means the horizontal distance, rounded to the nearest foot, between the foremost part of the stem and the aftermost part of the

stem (excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments).

\* \* \* \* \*

*Setline gear* means one or more stationary, buoyed, and anchored lines with hooks attached.

*Sport fishing* means all fishing other than commercial fishing and treaty Indian ceremonial and subsistence fishing.

\* \* \* \* \*

3. In § 300.63, the heading is revised, introductory text of § 300.63 is revised, and paragraph (d) is added to read as follows:

##### § 300.63 Catch sharing plans, local area management plans, and domestic management measures.

Catch sharing plans (CSP) and local area management plans (LAMP) may be developed by the appropriate regional fishery management council, and approved by NMFS, for portions of the fishery. Any approved CSP or LAMP may be obtained from the Administrator, Northwest Region, or the Administrator, Alaska Region.

\* \* \* \* \*

(d) The LAMP for Sitka Sound provides guidelines for participation in the halibut fishery in Sitka Sound.

(1) For purposes of § 300.63(d), Sitka Sound means (See Figure 1) to subpart E of the part:

(i) With respect to § 300.63(d)(2), that part of the Commission regulatory area 2C that is enclosed on the north and east by a line from Kruzof Island at 57°20'30" N. lat., 135°45'10" W. long. to Chichagof Island at 57°22'03" N. lat., 135°43'00" W. long., and a line from Chichagof Island at 57°22'35" N. lat., 135°41'18" W. long. to Baranof Island at 57°22'17" N. lat., 135°40'57" W. long.; and is enclosed on the south and west by a line from Cape Edgecumbe at 57°59'54" N. lat., 135°51'27" W. long. to Vasilief Rock at 56°48'56" N. lat., 135°32'30" W. long. to the green day marker in Dorothy Narrows at 56°49'17" N. lat., 135°22'45" W. long. to Baranof Island at 56°49'17" N. lat., 135°22'36" W. long.

(ii) With respect to § 300.63(d)(3) and (4), that part of the Commission regulatory area 2C that is enclosed on the north and east by a line from Kruzof Island at 57°20'30" N. lat., 135°45'10" W. long. to Chichagof Island at

57°22'03" N. lat., 135°43'00" W. long., and a line from Chichagof Island at 57°22'35" N. lat., 135°41'18" W. long. to Baranof Island at 57°22'17" N. lat., 135°40'57" W. long.; and is enclosed on the south and west by a line running from Sitka Point at 56°59'23" N. lat., 135°49'34" W. long., to Hanus Point at 56°51'55" N. lat., 135°30'30" W. long., to the green day marker in Dorothy Narrows at 56°49'17" N. lat., 135°22'45" W. long. to Baranof Island at 56°49'17" N. lat., 135°22'36" W. long.

(2) A person using a vessel greater than 35 ft (10.7 m) in overall length, as defined in 50 CFR 300.61, is prohibited from fishing for IFQ halibut with setline gear, as defined in 50 CFR 300.61, within Sitka Sound as defined in paragraph (d)(1)(i) of this section.

(3) A person using a vessel less than or equal to 35 ft (10.7 m) in overall length, as defined in 50 CFR 300.61:

(i) Is prohibited from fishing for IFQ halibut with setline gear within Sitka Sound, as defined in paragraph (d)(1)(ii) of this section, from June 1 through August 31; and

(ii) Is prohibited, during the remainder of the designated IFQ season, from retaining more than 2,000 lbs. (0.91 mt) of IFQ halibut within Sitka Sound, as defined in paragraph (d)(1)(ii) of this section, per IFQ fishing trip, as defined in 50 CFR 300.61.

(4) No charter vessel, as defined in 50 CFR 300.61, shall engage in sport fishing as defined in 50 CFR 300.61, for halibut within Sitka Sound, as defined in paragraph (d)(1)(ii) of this section, from June 1 through August 31.

(i) No charter vessel shall retain halibut caught while engaged in sport fishing, as defined in 50 CFR 300.61, for other species, within Sitka Sound, as defined in paragraph (d)(1)(ii) of this section, from June 1 through August 31.

(ii) Notwithstanding paragraphs (d)(4) and (d)(4)(i) of this section, halibut harvested outside Sitka Sound, as defined in (d)(1)(ii) of this section, may be retained onboard a charter vessel engaged in sport fishing as defined in 50 CFR 300.61, for other species within Sitka Sound, as defined in paragraph (d)(1)(ii) of this section from June 1 through August 31.

3. In subpart E of part 300, Figure 1 is added following § 300.65.

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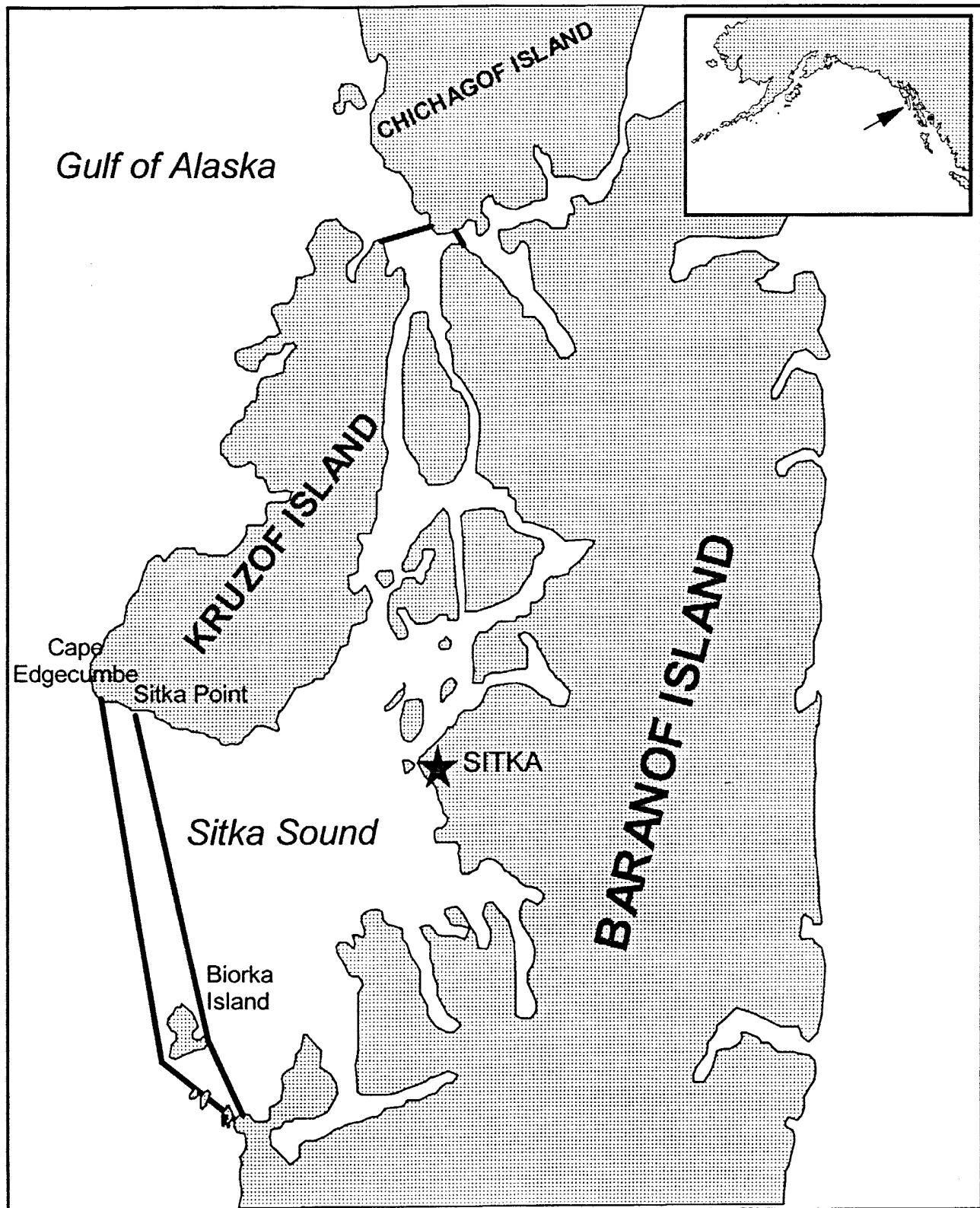


Figure 1. Sitka Local Area Management Plan  
a. Map

Figure 1. Sitka Sound Local Area Management Plan Boundaries  
b. Coordinates

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**Northern Boundary:**

A line from Kruzof Island at 57°20'30" N. lat., 135°45'10" W. long. to Chichagof Island at 57°22'03" N. lat., 135°43'00" W. long., and a line from Chichagof Island at 57°22'35" N. lat., 135°41'18" W. long. to Baranof Island at 57°22'17" N. lat., 135°40'57" W. long.

**Southern Boundaries:**

- (1) A line from the southernmost tip of Cape Edgecumbe at 57°59'54" N. lat., 135°51'27" W. long. to Vasilief Rock at 56°48'56" N. lat., 135°32'30" W. long. to the green day marker in Dorothy Narrows at 56°49'17" N. lat., 135°22'45" W. long. to Baranof Island at 56°49'17" N. lat., 135°22'36" W. long.
  - (2) A line from the southernmost tip of Sitka Point at 56°59'23" N. lat., 135°49'34" W. long., to Hanus Point at 56°51'55" N. lat., 135°30'30" W. long., to the green day marker in Dorothy Narrows at 56°49'17" N. lat., 135°22'45" W. long. to Baranof Island at 56°49'17" N. lat., 135°22'36" W. long.
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