

**PART 235—RESEARCH AND DEVELOPMENT CONTRACTING****235.006–70 [Amended]**

■ 2. Section 235.006–70 is amended in the introductory text by removing “10 U.S.C. 2525(d)” and adding in its place “10 U.S.C. 2521(d)”.

**235.007 [Removed]**

■ 3. Section 235.007 is removed.

■ 4. Section 235.010 is revised to read as follows:

**235.010 Scientific and technical reports.**

(b) For DoD, the Defense Technical Information Center is responsible for collecting all scientific and technical reports. For access to these reports, follow the procedures at PGI 235.010(b).

**235.015 [Removed]**

■ 5. Section 235.015 is removed.

**235.017–1 [Amended]**

■ 6. Section 235.017–1 is amended in paragraph (c)(4) by revising the first parenthetical to read “(C3I Laboratory operated by the Institute for Defense Analysis, Lincoln Laboratory operated by Massachusetts Institute of Technology, and Software Engineering Institute operated by Carnegie Mellon)”.

**PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

■ 7. Section 252.235–7011 is revised to read as follows:

**252.235–7011 Final scientific or technical report.**

As prescribed in 235.071(d), use the following clause: FINAL SCIENTIFIC OR TECHNICAL REPORT (NOV 2004)

The Contractor shall—

(a) Submit two copies of the approved scientific or technical report delivered under this contract to the Defense Technical Information Center, Attn: DTIC-O, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6218;

(b) Include a completed Standard Form 298, Report Documentation Page, with each copy of the report; and

(c) For submission of reports in other than paper copy, contact the Defense Technical Information Center or follow the instructions at <http://www.dtic.mil>.

(End of clause)

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 622**

[Docket No. 040205043–4168–02; I.D. 110404D]

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2004 Shallow-Water Grouper Commercial Fishery**

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

**ACTION:** Notice of closure.

**SUMMARY:** NMFS closes the commercial fishery for shallow-water grouper (black, gag, red, red hind, rock hind, scamp, yellowfin, and yellowmouth) in the exclusive economic zone (EEZ) of the Gulf of Mexico. This closure is in response to NMFS's determination that the red grouper quota for the commercial fishery will be reached by November 15, 2004. Existing regulations require closure of the entire shallow-water grouper fishery when either the red grouper quota or shallow-water grouper quota is reached. This closure is necessary to protect the shallow-water grouper resource.

**DATES:** Closure is effective 12:01 a.m., local time, November 15, 2004, until 12:01 a.m., local time, on January 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Phil Steele, telephone 727–570–5784, fax 727–570–5583, e-mail [Phil.Steele@noaa.gov](mailto:Phil.Steele@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The reef fish fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622. Those regulations set the commercial quota for red grouper in the Gulf of Mexico at 5.31 million lb (2,413,636 kg) for the current fishing year, January 1 through December 31, 2004. Those regulations also require closure of the entire shallow-water grouper commercial fishery when either the red grouper quota or the shallow-water grouper quota is reached.

Under 50 CFR 622.43(a), NMFS is required to close the commercial fishery

for a species or species group when the quota for that species or species group is reached, or is projected to be reached, by filing a notification to that effect in the **Federal Register**. Based on current statistics, NMFS has determined that the available commercial quota of 5.31 million lb (2,413,636 kg) for red grouper will be reached on or before November 15, 2004. Accordingly, NMFS is closing the commercial shallow-water grouper fishery in the Gulf of Mexico EEZ from 12:01 a.m., local time, on November 15, 2004, until 12:01 a.m., local time, on January 1, 2005. The operator of a vessel with a valid reef fish permit having shallow-water grouper aboard must have landed and bartered, traded, or sold such shallow-water grouper prior to 12:01 a.m., local time, November 15, 2004.

During the closure: the bag and possession limits specified in 50 CFR 622.39(b) apply to the harvest or possession of red grouper and shallow-water grouper in or from the Gulf of Mexico EEZ, and the sale or purchase of shallow-water grouper taken from the EEZ is prohibited. The prohibition on the sale or purchase does not apply to the sale or purchase of red grouper or shallow-water grouper that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, November 15, 2004, and were held in cold storage by a dealer or processor.

**Classification**

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds the need to immediately implement this action to close the fishery. Pursuant to 5 U.S.C. 553(b)(3)(B), there is good cause to waive provide prior notice and opportunity for public comment on this action, as notice and comment would be unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule itself has been subject to notice and comment, and all that remains is to notify the public of the closure. Allowing prior notice and opportunity for public comment is contrary to the public interest because it requires time during which harvest would likely exceed the quota.

There is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effective date. There is a need to implement this measure in a timely fashion to prevent an overage of the commercial quota of Gulf red grouper, given the capacity of the fishing fleet to exceed the quota quickly. Any delay in implementing this action would be

impractical and contrary to the Magnuson-Stevens Act, the FMP, and the public interest. For these reasons, NMFS finds good cause that the implementation of this action cannot be delayed for 30 days.

This action is required by 50 CFR 622.43(a) and is exempt from review under Executive Order 12866.

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

Dated: November 4, 2004.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 04-25085 Filed 11-5-04; 3:00 pm]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 040429134-4135-01; I.D. 102504D]

#### Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #14 - Adjustments of the Recreational Fisheries from the U.S.-Canada Border to Cape Falcon, Oregon

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

**ACTION:** Closure and modification of fishing seasons; request for comments.

**SUMMARY:** NMFS announces that the recreational salmon fishery in the area from the Queets River to Leadbetter Point, WA (Westport Subarea), was modified to close at midnight on Monday, September 6, 2004. In addition, the recreational salmon fishery in the area from Leadbetter Point, WA to Cape Falcon, OR (Columbia River Subarea), was modified to reopen the area between Tillamook Head (45°56'45" N. lat.) and Cape Falcon effective Saturday, September 4, 2004. These actions were necessary to conform to the 2004 management goals. The intended effect of these actions was to allow the fishery to operate within the seasons and quotas specified in the 2004 annual management measures.

**DATES:** Closure for the area from the Queets River to Leadbetter Point, WA effective 2359 hours local time (l.t.) September 6, 2004; reopening the area between Cape Falcon and Tillamook Head 0001 hours l.t. September 4, 2004, until the chinook quota or coho quota is taken, or 2359 hours l.t., September 30,

2004, whichever is earlier; after which the fisheries will remain closed until opened through an additional inseason action for the west coast salmon fisheries, which will be published in the **Federal Register**, or until the effective date of the next scheduled open period announced in the 2005 annual management measures. Comments will be accepted through November 26, 2004.

**ADDRESSES:** Comments on these actions must be mailed to D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115-0070; or faxed to 206-526-6376; or Rod McInnis, Regional Administrator, Southwest Region, NMFS, NOAA, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4132; or faxed to 562-980-4018. Comments can also be submitted via e-mail at the 2004salmonIA14.nwr@noaa.gov address, or through the internet at the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments, and include [docket number and/or RIN number] in the subject line of the message. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

**FOR FURTHER INFORMATION CONTACT:** Christopher Wright, 206-526-6140.

**SUPPLEMENTARY INFORMATION:** The NMFS Regional Administrator (RA) adjusted the recreational salmon fishery in the area from the Queets River to Leadbetter Point, WA (Westport Subarea) to close at midnight on Monday, September 6, 2004. In addition, the recreational salmon fishery in the area from Leadbetter Point, WA, to Cape Falcon, OR (Columbia River Subarea) was modified to reopen the area between Cape Falcon and Tillamook Head (45°56'45" N. lat.) effective Saturday, September 4, 2004. On September 2 the Regional Administrator had determined the available catch and effort data indicated that the adjusted quota of 10,000 coho salmon in the Westport Subarea would be reached by September 6, and that the small closed area in Columbia River Subarea could be reopened without exceeding conservation objectives established preseason.

All other restrictions remained in effect as announced for 2004 ocean salmon fisheries and previous inseason actions. These actions were necessary to conform to the 2004 management goals. Automatic season closures based on quotas are authorized by regulations at

50 CFR 660.409(a)(1). Modification of boundaries, including landing boundaries, and establishment of closed areas is authorized by regulations at 50 CFR 660.409(b)(1)(v).

In the 2004 annual management measures for ocean salmon fisheries (69 FR 25026, May 5, 2004), NMFS announced the recreational fishery in the area from the Queets River to Leadbetter Point, WA (Westport Subarea) would open June 27 through the earlier of September 19 or a 74,900-coho subarea quota, with a subarea guideline of 30,800 chinook; and the recreational fishery in the area from Leadbetter Point, WA to Cape Falcon, OR (Columbia River Subarea), would open June 27 through earlier of September 30 or 101,250 coho subarea quota with a subarea guideline of 8,000 chinook, and the area between Cape Falcon and Tillamook Head would be closed beginning August 1.

The recreational fishery in the area from the Queets River, WA, to Cape Falcon, OR (Westport and Columbia River Subareas) was modified by Inseason Action #7 to be open 7 days per week, with a modified daily bag limit of all salmon, two fish per day, and all retained coho must have a healed adipose fin clip, effective Friday, July 23, 2004, thus allowing for the retention of two chinook per day (69 FR 52448, August 26, 2004).

The recreational fisheries in the area from Cape Alava, WA, to Cape Falcon, OR (La Push, Westport, and Columbia River Subareas) were modified by Inseason Action #10 to have a minimum size limit for chinook of 24 inches (61.0 cm) total length; and for the area from Cape Alava to Queets River, WA (La Push Subarea) the daily bag limit was modified to: "all salmon, two fish per day, and all retained coho must have a healed adipose fin clip," thus allowing for the retention of two chinook per day. In addition, 40,000 coho were reallocated from Queets River to Leadbetter Point, WA (Westport Subarea) quota, by transferring the coho on an impact neutral basis, to the coho quota in the subarea from the U.S.-Canada Border to Cape Alava, WA (Neah Bay Subarea), which increased the Neah Bay Subarea quota by 6,600 coho (69 FR 54047, September 7, 2004).

The recreational salmon fishery from the Queets River to Leadbetter Point, WA (Westport Subarea) was modified by Inseason Action #11, effective Sunday, August 29, 2004, to allow for the retention of all legal sized coho until the earlier of September 19 or a quota of 10,000 coho (69 FR 63332, November 1, 2004). Unmarked coho could only be possessed and landed in the Westport