

reparable and consumable items required for maintenance support of all equipment, excluding medical-peculiar repair parts; and

(ii) Are being shipped to—

(A) Defense Distribution Depot, Susquehanna, PA: DoDAAC W25G1U or SW3124; or

(B) Defense Distribution Depot, San Joaquin, CA: DoDAAC W62G2T or SW3224.

(2) Bulk commodities are excluded from the requirements of paragraph (b)(1) of this clause.

(c) The Contractor shall ensure that—

(1) The data encoded on each passive RFID tag are unique (*i.e.*, the binary number is never repeated on any and all contracts) and conforms to the requirements in paragraph (d) of this clause;

(2) Each passive tag is readable at the time of shipment in accordance with MIL-STD-129 (Section 4.9.1.1) readability performance requirements; and

(3) The passive tag is affixed at the appropriate location on the specific level of packaging, in accordance with MIL-STD-129 (Section 4.9.2) tag placement specifications.

(d) *Data syntax and standards.* The Contractor shall use one or more of the following data constructs to write the RFID tag identification to the passive tag, depending upon the type of passive RFID tag being used in accordance with the tag construct details located at <http://www.dodrfid.org/tagdata.htm> (version in effect as of the date of the solicitation):

(1) Class 0, 64 Bit Tag—EPCglobal Serialized Global Trade Item Number (SGTIN), Global Returnable Asset Identifier (GRAI), Global Individual Asset Identifier (GIAI), or Serialized Shipment Container Code (SSCC).

(2) Class 0, 64 Bit Tag—DoD Tag Construct.

(3) Class 1, 64 Bit Tag—EPCglobal SGTIN, GRAI, GIAI, or SSCC.

(4) Class 1, 64 Bit Tag—DoD Tag Construct.

(5) Class 0, 96 Bit Tag—EPCglobal SGTIN, GRAI, GIAI, or SSCC.

(6) Class 0, 96 Bit Tag—DoD Tag Construct.

(7) Class 1, 96 Bit Tag—EPCglobal SGTIN, GRAI, GIAI, or SSCC.

(8) Class 1, 96 Bit Tag—DoD Tag Construct.

(e) *Receiving report.* The Contractor shall electronically submit advance shipment notice(s) with the RFID tag identification (specified in paragraph (d) of this clause) in advance of the shipment in accordance with the procedures at <http://www.dodrfid.org/asn.htm>.

(End of Clause)

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 050708184-5235-02; I.D. 070105B]

RIN 0648-AT50

#### Fisheries of the Northeastern United States; Atlantic Bluefish and Summer Flounder Fisheries

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

**ACTION:** Final rule.

**SUMMARY:** NMFS issues this final rule to amend the regulations implementing the Fishery Management Plan (FMP) for the Atlantic bluefish fishery and the FMP for the summer flounder, scup, and black sea bass fisheries. This rule makes administrative changes that will allow NMFS to consider and process state commercial quota transfer requests that address late-season circumstances that necessitate a state quota transfer. The intent of this action is solely to provide the flexibility to address unpredictable late-season events (such as severe weather or port obstruction) that may result in safety concerns in the commercial bluefish and summer flounder fisheries.

**DATES:** Effective October 13, 2005.

**FOR FURTHER INFORMATION CONTACT:** Sarah McLaughlin, Fishery Policy Analyst, (978) 281-9279.

**SUPPLEMENTARY INFORMATION:**

#### Background

The bluefish and summer flounder fisheries are managed cooperatively by the Atlantic States Marine Fisheries Commission (Commission) and the Mid-Atlantic Fishery Management Council (Council), in consultation with the New England and South Atlantic Fishery Management Councils. Regulations implementing the Atlantic Bluefish FMP appear at 50 CFR part 648, subparts A and J. Regulations implementing the summer flounder portion of the Summer Flounder, Scup, and Black Sea Bass FMP appear at 50 CFR part 648, subparts A and G.

NMFS published a proposed rule to amend the regulations regarding state commercial bluefish and summer flounder quota transfers on July 26, 2005 (70 FR 43111). A complete discussion of the development of this regulatory amendment appeared in the

preamble of the proposed rule and is not repeated here.

The current regulations, found at §§ 648.160 and 648.100, respectively, outline a process by which a state may request written approval from the Regional Administrator to transfer all or part of its annual commercial bluefish or summer flounder quota to one or more other states. Currently, NMFS maintains a policy of considering only quota transfer requests submitted by December 15 of each year in order to ensure that a notice announcing the quota transfer could be filed with the Office of the **Federal Register** by the end of the year for which the request is made. However, the Council is concerned that unforeseen circumstances, such as severe weather or physical obstruction, may prevent vessels from returning safely to their intended port of landing, and that this situation has arisen and may continue to arise during the second half of December in any given year. End-of-year transfers of quota allow vessels to land in another state without causing overharvest of that state's fishing year quota, provided that both states agree to the transfer. NMFS agrees that this administrative change in the regulations will facilitate the consideration and processing of state quota transfer requests to address unpredictable late-season events and consequent safety issues in these fisheries. This rule eliminates the references to time of effectiveness in the bluefish and summer flounder quota transfer and combination regulations. With these changes, quota transfer requests addressing unforeseen conditions in either fishery that arise late in the fishing year could be approved, even if the transfer request is made in the subsequent fishing year. Any quota transfer would continue to be valid only for the calendar year for which the request is made, and would therefore have no impact on the resource or the mortality objectives of the FMPs.

#### Comments and Responses

NMFS received three comment letters regarding the proposed rule (70 FR 43111, July 26, 2005).

*Comment 1:* The State of North Carolina and a North Carolina industry association both indicated that the proposed action would address safety concerns, particularly for fishermen using Oregon Inlet, NC, and would give states the flexibility to allow fisheries to continue through transfers of quota that would otherwise not be harvested.

*Response:*

NMFS agrees and is implementing the proposed action in this final rule.

*Comment 2:* The other commenter indicated general concern about overfishing and opposition to the use of quota transfers in any fishery.

*Response:* As discussed above, this action is purely administrative in nature, and is taken solely to facilitate the consideration and processing of state quota transfer requests to address unpredictable late-season events in these fisheries. Any quota transfer would continue to be valid only for the calendar year (and fishing year) for which the request is made. Thus, there would be no impacts on the resource or mortality objectives of the FMPs. This action would not make any substantive change in the state commercial quota transfer request or approval process for these fisheries.

**Classification**

This rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

**List of Subjects in 50 CFR Part 648**

Fisheries, Fishing, Reporting and recordkeeping requirements.

**James W. Balsiger,**

*Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

■ For the reasons stated 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 § 648.100, revise paragraph (d)(4) to read as follows:

**§ 648.100 Catch quotas and other restrictions.**

\* \* \* \* \*

(d) \* \* \*

(4) The transfer of quota or the combination of quotas will be valid only for the calendar year for which the request was made.

\* \* \* \* \*

■ 3. In § 648.160, revise paragraph (f)(2) to read as follows:

**§ 648.160 Catch quotas and other restrictions.**

\* \* \* \* \*

(f) \* \* \*

(2) The transfer of quota or the combination of quotas will be valid only for the calendar year for which the request was made.

\* \* \* \* \*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 041126333-5040-02 ; I.D. 090705D]

**Fisheries of the Economic Exclusive Zone Off Alaska; Deep-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska**

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

**ACTION:** Temporary rule; modification of a closure.

**SUMMARY:** NMFS is opening directed fishing for species that comprise the deep-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA) for 48 hours. This action is necessary to allow the deep-water species fisheries by vessels using trawl gear in the GOA to resume.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), September 8, 2005, through 1200 hrs, A.l.t., September 10, 2005.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 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.

NMFS closed directed fishing for species that comprise the deep-water species fishery by vessels using trawl gear in the GOA under § 679.21(d)(7)(i) on September 4, 2005 (70 FR 52326, September 2, 2005).

NMFS has determined that approximately 50 mt of halibut remain

in the fourth seasonal apportionments of the 2005 Pacific halibut bycatch allowance specified for the deep-water species fishery in the GOA. Therefore, in accordance with § 679.25(a)(2)(i)(C) and (a)(2)(iii)(D), and to allow the deep-water species fisheries by vessels using trawl gear in the GOA to resume, NMFS is terminating the previous closure and is reopening directed fishing for species that comprise the deep-water species fishery by vessels using trawl gear in the GOA. In accordance with § 679.21(d)(7)(i), the Administrator, Alaska Region, NMFS, has determined that the fourth seasonal apportionment of the 2005 Pacific halibut bycatch allowance specified for the trawl deep-water species fishery in the GOA will be reached after 48 hours. Consequently, NMFS is prohibiting directed fishing for the deep-water species fishery by vessels using trawl gear in the GOA after 48 hours. Therefore the reopening is effective 1200 hrs, Alaska local time (A.l.t.), September 8, 2005, through 1200 hrs, A.l.t., September 10, 2005.

The species and species groups that comprise the deep-water species fishery are all rockfish of the genera *Sebastes* and *Sebastes*, deep-water flatfish, rex sole, arrowtooth flounder, and sablefish.

**Classification**

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would unduly delay the opening of the fishery. NMFS was unable to publish an action providing time for public comment because the most recent, relevant data only became available as of August 7, 2005.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

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