

Regulations System, OUSD (AT&L) DPAP (DARS), 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060. Telephone 703–602–0328; facsimile 703–602–0350. Please cite DFARS Case 2009–D022.

SUPPLEMENTARY INFORMATION:

A. Background

On July 15, 2009, Taiwan became a designated country under the World Trade Organization Government Procurement Agreement. DoD published an interim rule at 74 FR 61045 on November 23, 2009, that added Taiwan to the list of World Trade Organization Government Procurement Agreement countries in the trade agreement provisions and clauses in Part 252.

DoD notes that being added as a “designated country” under trade agreements does not affect Taiwan’s status with regard to being an acceptable source for specialty metals and items containing specialty metals. The exception to the specialty metals restrictions is only for specialty metals that are melted or produced in a “qualifying country” or items that contain specialty metals and are manufactured in a qualifying country. The qualifying countries are listed at DFARS 225.003(10). Taiwan is not a qualifying country.

DoD received comments from one respondent, but the comments were outside the scope of this case.

This rule was subject to Office of Management and Budget review under section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This is not a major rule.

B. Regulatory Flexibility Act

DoD certifies that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. Although the rule opens up Government procurement to the products of Taiwan in acquisitions that are subject to trade agreements, DoD only applies the trade agreements to acquisitions of those non-defense items listed at DFARS 225.401–70. Acquisitions of supplies that are set aside for small businesses are exempt.

C. Paperwork Reduction Act

Although the interim rule did not make any direct change to the provision at DFARS 252.225–7020, the addition of Taiwan as a designated country does affect the certification and information collection requirements in that provision, which is currently approved under Office of Management and Budget Control Number 0704–0229. DFARS

252.225–7020(a) references the definition of “designated country” in the clause at DFARS 252.225–7021, which has been changed by this rule to include Taiwan. The impact, however, is negligible.

List of Subjects in 48 CFR Part 252

Government procurement.

Ynette R. Shelkin,

Editor, Defense Acquisition Regulations System.

Interim Rule Adopted as Final Without Change

■ Accordingly, the interim rule amending 48 CFR part 252 which was published at 74 FR 61045 on November 23, 2009, is adopted as a final rule without change.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 100421192–0193–01]

RIN 0648–XW80

Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Suspension of the Primary Pacific Whiting Season for the Shore-based Sector South of 42° North Latitude

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

ACTION: Fishing restrictions.

SUMMARY: NMFS announces the suspension of the Pacific whiting (whiting) fishery primary season for the shore-based sector south of 42° N. lat. at 8 p.m. local time (l.t.) May 16, 2010. “Per trip” limits for whiting were reinstated until 0001 hours June 15, 2010, at which time the primary season for the shore-based sector opens coastwide. This action is authorized by regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. This action is intended to keep the harvest of whiting at the 2010 allocation levels.

DATES: Effective from 8 p.m. l.t. May 16, 2010, until 0001 hours June 15, 2010.

FOR FURTHER INFORMATION CONTACT: Becky Renko at 206–526–6110.

SUPPLEMENTARY INFORMATION: The regulations at 50 CFR 660.323(a) established separate allocations for the catcher/processor, mothership, and shore-based sectors of the whiting fishery. The 2010 commercial Optimum Yield (OY) for Pacific whiting is 140,996 mt. This is calculated by deducting the 49,939 mt tribal allocation and 3,000 mt for research catch and bycatch in non-groundfish fisheries from the 193,935 mt U.S. total catch OY. Each sector receives a portion of the commercial OY, with the catcher/processors getting 34 percent (47,939 mt), motherships getting 24 percent (33,839 mt), and the shore-based sector getting 42 percent (59,218 mt). The regulations further divide the shore-based allocation so that no more than 5 percent (2,961 mt) of the shore-based allocation may be taken in waters off the State of California before the primary season begins north of 42° N. lat. The 5–percent allocation is intended to minimize incidental catch of Chinook salmon.

The primary season for the shore-based sector is the period or periods when the large-scale target fishery is conducted, and when (per trip) limits are not in effect for vessels targeting Pacific whiting with mid-water gear. Because whiting migrate from south to north during the fishing year, the shore-based primary whiting season begins earlier south of 42° N. lat. than north. For 2010: the primary season for the shore-based sector between 42°–40°30’ N. lat. began on April 1; south of 40°30’ N. lat., the primary season began on April 15; and the fishery north of 42° N. lat. is scheduled to begin June 15. Although the fishery opened in April, the vessels choose to delay fishing until May 1, 2010.

Because the 2,961 mt allocation for the early season fishery off California was estimated to be reached, NMFS is announcing the suspension of the primary whiting season south of 42° N. lat. Regulations at 50 CFR 660.323 (b)(4) allow this action to be taken. The 20,000–lb (9,072 kg) trip limit that was in place before the start of the primary season south of 42° N. lat. was reinstated and remains in effect until the primary season fishery opens coastwide on June 15. A trip limit of 10,000 lb (4,536 kg) of whiting is in effect year-round (unless landings of whiting are prohibited) for vessels that fish in the Eureka area shoreward of the 100–fm (183–m) contour at any time during a fishing trip. This smaller limit is intended to minimize incidental catch of Chinook salmon, which are more likely to be caught shallower than 100 fm (183 m) in the Eureka area.

To prevent an allocation from being exceeded, regulations at 50 CFR 660.323 (e) allow closure of the commercial whiting fisheries by actual notice to the fishery participants. Actual notice includes e-mail, internet, phone, fax, letter or press release. NMFS provided actual notice by e-mail, internet, and fax on May 14 and 15, 2010.

NMFS Action

This action announces achievement of the shore-based sector allocation specified at 50 CFR 660.323(a) for the fishery south of 42° N. lat. The best available information on May 14, 2010, indicated that 1,289 mt of whiting was taken through May 12, 2010 and that the 2,961 mt shore-based allocation for the early season fishery south of 42° N. lat. would be reached by 8 p.m. l.t., May 16, 2010. For the reasons stated here and in accordance with the regulations at 50 CFR 660.323(b)(4), NMFS herein announces: Effective 8 p.m. l.t. May 16, 2010, until 0001 l.t., June 15, 2010, the primary whiting season south of 42° N. lat is suspended. No more than 20,000-lb (9,072 kg) of whiting may be taken

and retained, possessed or landed by a catcher vessel participating in the shore-based sector of the whiting fishery. If a vessel fishes shoreward of the 100 fm (183 m) contour in the Eureka area (43° - 40° 30' N. lat.) at any time during a fishing trip, the 10,000-lb (4,536 kg) trip limit applies.

Classification

This action is authorized by the regulations implementing the groundfish FMP. The determination to take these actions is based on the most recent data available. The aggregate data upon which the determinations are based are available for public inspection at the office of the Regional Administrator (see **ADDRESSES**) during business hours. The Assistant Administrator for Fisheries (AA), NMFS, finds good cause to waive the requirement to provide prior notice and opportunity for comment on this action pursuant to 5 U.S.C. 553 (3)(b)(B), because providing prior notice and opportunity would be impracticable. It would be impracticable because if this restriction were delayed in order to

provide notice and comment, it would allow the allocation for the shore-based fishery south of 42° N. lat. to be exceeded. Similarly, the AA finds good cause to waive the 30-day delay in effectiveness requirement of 5 U.S.C. 553 (d)(3), as such a delay would cause the fishery south of 42° N. lat. to exceed its allocation. Allowing the early season fishery to continue would result in a disproportionate shift in effort, which could result in greater impacts on Endangered Species Act listed Chinook salmon and overfished groundfish species that had been considered when the 2010 Pacific Coast groundfish harvest specifications were established.

This action is taken under the authority of 50 CFR 660.323(b)(4), and is exempt from review under Executive Order 12866.

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

Dated: May 7, 2010.

Carrie Selberg,

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

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