

Personnel, in solicitations and contracts when it is necessary for contract performance to identify Contractor key personnel. Contracting Officers have the flexibility to identify the required number of days of key personnel commitment during the early stages of contractor performance. The length of time will be based on the requirements of individual acquisitions when continued assignment is essential to the successful implementation of the program's mission. Therefore, Contracting Officers may use a clause substantially the same as in 48 CFR 1552.237-72, regarding substitution of key personnel. Contracting Officers may include a different number of days in excess of the ninety (90) days included in this clause, if approved at one level above the Contracting Officer.

\* \* \* \* \*

(f) To ensure that Agency contracts are administered so as to avoid creating an improper employer-employee relationship, contracting officers shall insert the contract clause at 1552.237-76, "Government-Contractor Relations", in all solicitations and contracts for non-personal services that exceed the simplified acquisition threshold.

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**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**48 CFR Parts 1815 and 1852**

RIN 2700-AE27

**NASA Federal Acquisition Regulation Supplement: Removal of Grant Handbook References (NFS Case 2016-N001)**

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Final rule.

**SUMMARY:** NASA is issuing a final rule amending the NASA Federal Acquisition Regulation Supplement (NFS) to remove references to NASA's Grant and Cooperative Agreement Handbook, NASA Procedural Requirements (NPR) 5800.1, NASA Grant and Cooperative Agreement Handbook, and Office of Management and Budget (OMB) Circulars A-21 for educational institutions and A-122 for nonprofit organizations.

**DATES:** Effective: July 25, 2016.

**FOR FURTHER INFORMATION CONTACT:** Andrew O'Rourke, telephone 202-358-4560.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

NASA published a proposed rule in the **Federal Register** at 81 FR 13308 on March 14, 2016, to amend the NFS to remove references to NASA's Grant and Cooperative Agreement Handbook, NPR 5800.1, NASA Grant and Cooperative Agreement Handbook and Office of Management and Budget (OMB) Circulars A-21 for educational institutions and A-122 for nonprofit organizations.

**II. Discussion and Analysis**

No public comments were submitted in response to the proposed rule. The proposed rule has been converted to a final rule without change.

**III. Executive Orders 12866 and 13563**

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

**IV. Regulatory Flexibility Act**

A final regulatory flexibility analysis has been prepared consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, and is summarized as follows:

NASA is issuing a final rule amending the NFS to remove references to the NASA Grant and Cooperative Agreement Handbook and NPR 5800.1, NASA Grant and Cooperative Agreement Handbook. No changes were made to the final rule. No public comments were received in response to the Initial Regulatory Flexibility Analysis in the proposed rule. Therefore, the proposed rule has been adopted as final. NASA does not expect this final rule to 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.*, because it merely removes outdated and unnecessary grant and cooperative agreement references that should not be in the NFS. There are no new reporting requirements or recordkeeping requirements associated with this rule.

In addition, there are no other alternatives that could further minimize the already negligible impact on businesses, small or large.

**V. Paperwork Reduction Act**

The rule does not contain any information collection requirements that require the approval of OMB under the Paperwork Reduction Act (44 U.S.C. chapter 35).

**List of Subjects in 48 CFR Parts 1815 and 1852**

Government procurement.

**Manuel Quinones,**

*NASA FAR Supplement Manager.*

Accordingly, 48 CFR parts 1815 and 1852 are amended as follows:

- 1. The authority citation for parts 1815 and 1852 continues to read as follows:

**Authority:** 51 U.S.C. 20113(a) and 48 CFR chapter 1.

**PART 1815—CONTRACTING BY NEGOTIATION**

- 2. Revise section 1815.602 to read as follows:

**1815.602 Policy.**

Renewal proposals, (*i.e.*, those for the extension or augmentation of current contracts) are subject to the same FAR and NFS regulations, including the requirements of the Competition in Contracting Act, as are proposals for new contracts.

**PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

- 3. Amend section 1852.235-72 by—
  - a. Removing from the provision heading "DEC 2005" and adding (JUL 2016) in its place; and
  - b. Revising paragraphs (a)(4) and (c)(8)(iii).

The revisions read as follows:

**1852.235-72 Instructions for responding to NASA research announcements.**

\* \* \* \* \*

(a) \* \* \*

(4) A contract, grant, cooperative agreement, or other agreement may be used to accomplish an effort funded in response to an NRA. NASA will determine the appropriate award instrument. Contracts resulting from NRAs are subject to the Federal Acquisition Regulation and the NASA FAR Supplement. A grant, cooperative agreement, or other agreement resulting from NRAs are subject to policies and procedures outlined in the Guidebook for Proposers Responding to a NASA

Funding Announcement, 2 CFR part 1800, 14 CFR part 1274, or other agreement policy. Any proposal from a large business concern that may result in the award of a contract, which exceeds \$5,000,000 and has subcontracting possibilities should include a small business subcontracting plan in accordance with the clause at FAR 52.219-9, Small Business Subcontracting Plan.

(Subcontract plans for contract awards below \$5,000,000, will be negotiated after selection.)

\* \* \* \* \*

(c) \* \* \*

(8) \* \* \*

(iii) Allowable costs are governed by FAR part 31 and the NASA FAR Supplement part 1831.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

[Docket No. 160205084-6510-02]

RIN 0648-BF76

#### International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Purse Seine Observer Requirements, and Fishing Restrictions and Limits in Purse Seine and Longline Fisheries for 2016-2017

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

**ACTION:** Final rule.

**SUMMARY:** Under authority of the Western and Central Pacific Fisheries Convention Implementation Act (WCPFC Implementation Act), NMFS issues this final rule that, first, requires that U.S. purse seine vessels carry observers on fishing trips in the western and central Pacific Ocean (WCPO); second, establishes restrictions in 2016 and 2017 on the use of fish aggregating devices (FADs) by U.S. purse seine vessels in the WCPO; and third, establishes limits in 2016 and 2017 on the amount of bigeye tuna that may be captured by U.S. longline vessels in the WCPO. This action implementing specific provisions of Conservation and Management Measure (CMM) 2015-01 is necessary to satisfy the obligations of the United States as a Contracting Party to the Convention on the Conservation

and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), pursuant to the authority of the WCPFC Implementation Act.

**DATES:** Effective July 25, 2016, except § 300.223(b)(1) introductory text and paragraphs (b)(2)(i) through (iv), and § 300.224(a), which shall be effective July 1, 2016.

**ADDRESSES:** Copies of supporting documents prepared for this final rule, including the regulatory impact review (RIR), and the programmatic environmental assessment (PEA) and supplemental information report (SIR) prepared for National Environmental Policy Act (NEPA) purposes, as well as the proposed rule, are available via the Federal e-rulemaking Portal, at [www.regulations.gov](http://www.regulations.gov) (search for Docket ID NOAA-NMFS-2016-0031). Those documents are also available from NMFS at the following address: Michael Tosatto, Regional Administrator, NMFS, Pacific Islands Regional Office (PIRO), 1845 Wasp Blvd., Building 176, Honolulu, HI 96818.

A final regulatory flexibility analysis (FRFA) prepared under authority of the Regulatory Flexibility Act is included in the Classification section of the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Tom Graham, NMFS PIRO, 808-725-5032.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On April 27, 2016, NMFS published a proposed rule in the **Federal Register** (81 FR 24772). The proposed rule was open for public comment until May 12, 2016.

This final rule is issued under the authority of the WCPFC Implementation Act (16 U.S.C. 6901 *et seq.*), which authorizes the Secretary of Commerce, in consultation with the Secretary of State and the Secretary of the Department in which the United States Coast Guard is operating (currently the Department of Homeland Security), to promulgate such regulations as may be necessary to carry out the obligations of the United States under the Convention, including the decisions of the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission or WCPFC). The authority to promulgate regulations has been delegated to NMFS.

This final rule implements specific provisions of the Commission's Conservation and Management Measure (CMM) 2015-01, "Conservation and Management Measure for Bigeye,

Yellowfin, and Skipjack Tuna in the Western and Central Pacific Ocean." The preamble to the proposed rule provides background information on the Convention and the Commission, the provisions of CMM 2015-01 that are being implemented in this rule, and the basis for the proposed regulations, which is not repeated here.

#### **The Action**

This final rule includes three elements, described in detail below, that will be included in regulations at 50 CFR part 300, subpart O.

##### *1. Purse Seine Observer Requirements*

This final rule prohibits U.S. purse seine vessels from fishing in the Convention Area between the latitudes of 20 °N. and 20 °S. without a WCPFC observer on board, with the exception of fishing trips during which any fishing in the Convention Area takes place entirely within areas under the jurisdiction of a single nation other than the United States. Although U.S. purse seine vessels are exempt from this requirement on trips in which fishing occurs only in the waters of a single foreign nation, it is expected that such foreign nations will require that U.S. purse seine vessels carry observers if fishing in their waters.

A WCPFC observer is an observer deployed from an observer program that has been authorized by the Commission to be part of the WCPFC Regional Observer Programme (see definition at 50 CFR 300.211). Currently, the Pacific Islands Forum Fisheries Agency (FFA) observer program, from which observers for the U.S. WCPO purse seine fleet have traditionally been deployed, and the NMFS observer program, among others, are authorized as part of the WCPFC Regional Observer Programme. Thus, observers deployed by these programs are considered WCPFC observers.

##### *2. Purse Seine FAD Restrictions for 2016-2017*

This final rule establishes restrictions on the use of FADs by purse seine vessels, including periods in 2016 and 2017 during which specific uses of FADs are prohibited (FAD prohibition periods), annual limits in 2016 and 2017 on the number of purse seine sets that may be made on FADs (FAD sets), and restrictions on the use of FADs on the high seas throughout 2017.

Specifically, this final rule establishes FAD prohibition periods from July 1 through September 30 in each of 2016 and 2017, a limit of 2,522 FAD sets in each of 2016 and 2017, and a