

Solicitation Provisions and Contract Clauses, to remove language made duplicative by changes to the FAR published at 84 FR 38836. Part 516 includes language prescribing the use of Task-Order and Delivery-Order Ombudsman clauses, which is removed to avoid duplication of language in FAR part 16. Part 552 includes the Task-Order and Delivery-Order Ombudsman clauses prescribed in part 516, which are removed to avoid duplication of clauses in FAR part 52.

IV. Executive Order 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 Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

V. Executive Order 13771

This final rule was not subject to E.O. 13771, because this rule is not a significant regulatory action under E.O. 12886.

VI. Regulatory Flexibility Act

GSA does not expect this 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.*

VII. Paperwork Reduction Act

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

List of Subjects in 48 CFR Parts 516 and 552

Government procurement.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Governmentwide Policy, General Services Administration.

Therefore, GSA amends 48 CFR parts 516 and 552 as set forth below:

Authority: 40 U.S.C. 121(c).

PART 516—TYPES OF CONTRACTS

516.506 [Amended]

- 1. Amend section 516.506 by—
- a. Removing from paragraph (a), “authorizes FAS” and adding “authorizes the Federal Acquisition Service (FAS)” in its place.
- b. Removing paragraphs (b) and (d); and
- c. Redesignating paragraphs (c) and (e) as paragraphs (b) and (c) respectively.

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

552.216–73 [Amended]

- 2. Revise section 552.216–73 by—
- a. Removing from the introductory text “As prescribed in 516.506(c)” and adding “As prescribed in 516.506(b)” in its place.
- b. Removing from the introductory text of Alternate I, “As prescribed in 516.506(c)” and adding “As prescribed in 516.506(b)” in its place.

552.216–74 [Removed]

- 3. Remove and reserve section 552.216–74.

552.216–75 [Amended]

- 4. Revise section 552.216–75 by removing from the introductory text “As prescribed in 516.506(d)” and adding “As prescribed in 516.506(c)” in its place.

552.216–76 [Removed]

- 5. Remove and reserve subsection 552.216–76.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 110131070–2626–02; RTID 0648–XA306]

Pacific Island Pelagic Fisheries; False Killer Whale Take Reduction Plan; Reopening of the Southern Exclusion Zone to the Hawaii Deep-Set Longline Fishery

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

ACTION: Temporary rule.

SUMMARY: In accordance with the Marine Mammal Protection Act of 1972,

and the False Killer Whale Take Reduction Plan, NMFS hereby reopens the Southern Exclusion Zone to deep-set longline fishing for all vessels registered under the Hawaii longline limited access program. At least one of the Southern Exclusion Zone reopening criteria defined in the False Killer Whale Take Reduction Plan regulations has been met.

DATES: Effective August 25, 2020.

FOR FURTHER INFORMATION CONTACT:

Diana Kramer, NMFS Pacific Islands Region, (808) 725–5167, Diana.Kramer@noaa.gov; or Kristy Long, NMFS Office of Protected Resources, (301) 427–8402, Kristy.Long@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

The False Killer Whale Take Reduction Plan (Plan) was implemented on December 31, 2012, pursuant to section 118(f) of the Marine Mammal Protection Act (MMPA) to reduce the level of incidental mortality and serious injury (M/SI) of the Hawaii pelagic and Hawaii insular stocks of false killer whales in the Hawaii longline fisheries (77 FR 71260; November 29, 2012). The Plan, based on consensus recommendations from the False Killer Whale Take Reduction Team, was implemented by regulations, which created the Southern Exclusion Zone (SEZ) (50 CFR 229.37(d)(2)) that would be closed to deep-set longline fishing if a certain number (trigger) of false killer whale M/SI were observed in the deep-set fishery in the United States Exclusive Economic Zone (EEZ). As described in the Plan regulations, the SEZ is bounded on the east at 154°30' W longitude, on the west at 165° W longitude, on the north by the boundaries of the Main Hawaiian Islands Longline Fishing Prohibited Area and Papahānaumokuākea Marine National Monument, and on the south by the EEZ boundary (see Figure 1). The trigger is the larger of either two observed M/SI of false killer whales within the EEZ around Hawaii, or the smallest number of observed M/SI of false killer whales that, when extrapolated based on the percentage observer coverage for that year, exceeds the stock's potential biological removal (PBR) level. The final 2017 Stock Assessment reports a PBR of 9.3 pelagic false killer whales per year. With 20 percent observer coverage in 2018 and 2019, the trigger remained at two observed M/SI (*i.e.*, two observed M/SI expands to 10, which exceeds the PBR of 9.3).

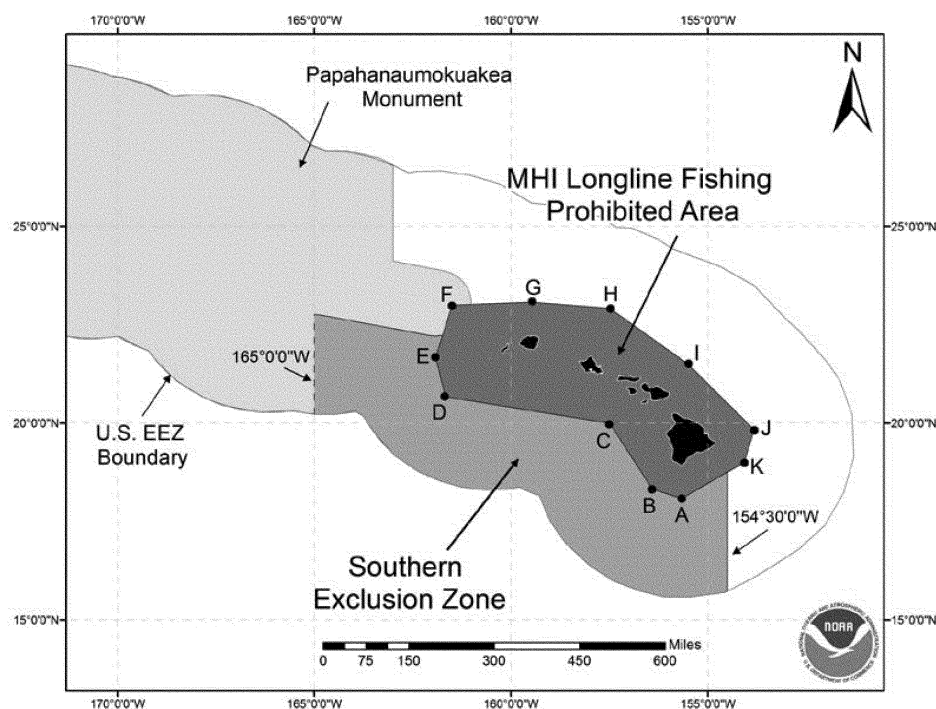


Figure 1. Southern Exclusion Zone

The SEZ was closed to deep-set longline fishing on July 24, 2018, following four false killer whale interactions in the Hawaii deep-set longline fishery that occurred inside the EEZ around Hawaii during that calendar year. NMFS-certified fishery observers documented a total of four false killer whales hooked and released injured during deep-set trips in the U.S. EEZ, one each on February 8, May 23, May 24, and June 3, 2018. NMFS followed the procedures outlined in the final rule and criteria in the NMFS process for distinguishing serious from non-serious injuries of marine mammals (NMFS Policy Directive PD 02-238, NMFS Instruction 02-238, and NMFS Instruction 02-238-01) to evaluate these injuries, and determined that all four were serious injuries, which met the trigger for closing the SEZ (83 FR 33848; July 18, 2018). The SEZ was reopened to deep-set longline fishing on January 1, 2019 per the Plan regulations (50 CFR 229.37(e)(3)).

The SEZ was then closed to deep-set longline fishing for a second consecutive calendar year on February 22, 2019, after the SEZ trigger was met for 2019. NMFS-certified fishery observers documented two false killer whales hooked during deep-set trips in the U.S. EEZ, one each on January 10 and January 15, 2019. One of these interactions resulted in a mortality and the other animal was released injured. Following the procedures outlined in

the final rule and criteria in the NMFS process for distinguishing serious from non-serious injuries of marine mammals the injury of the animal that was released was determined to be a serious injury. Therefore, the SEZ trigger had been met, and NMFS closed the SEZ to deep-set longline fishing as required to comply with the Plan (84 FR 5356; February 21, 2019).

Criteria for Reopening the SEZ

Because the number of observed false killer whale M/SI in the EEZ around Hawaii in 2019 met the established trigger in the subsequent calendar year following a previous SEZ closure (2018), the SEZ remains closed until one or more of the following criteria are met, as described in the Plan regulations (50 CFR 229.37(e)(7)): (i) The Assistant Administrator determines, upon consideration of the False Killer Whale Take Reduction Team's recommendations and evaluation of all relevant circumstances, that reopening of the SEZ is warranted; (ii) in the 2 year period immediately following the date of the SEZ closure, the deep-set longline fishery has zero observed false killer whale incidental mortalities and serious injuries within the remaining open areas of the EEZ around Hawaii; (iii) in the 2 year period immediately following the date of the closure, the deep-set longline fishery has reduced its total rate of false killer whale incidental mortality and serious injury (including the EEZ

around Hawaii, the high seas, and the EEZ around Johnston Atoll (but not Palmyra Atoll) by an amount equal to or greater than the rate that would be required to reduce false killer whale incidental M/SI within the EEZ around Hawaii to below the Hawaii Pelagic false killer whale stock's PBR level; or (iv) the average estimated level of false killer whale incidental M/SI in the deep-set longline fishery within the remaining open areas of the EEZ around Hawaii for up to the 5 most recent years is below the PBR level for the Hawaii Pelagic stock of false killer whales at that time.

Basis for Determination To Reopen the SEZ

To determine if reopening of the SEZ is warranted, NMFS evaluated all criteria and determined that criterion (iv) has been satisfied based on best available science. In June 2020, NMFS published NOAA Administrative Report H-20-06, "Oleson, E.M. 2020. Abundance, potential biological removal, and bycatch estimates for the Hawaii pelagic stock of false killer whales for 2015–2019." This report provided updated abundance and M/SI information for the Hawaii pelagic stock of false killer whales. The current abundance estimate for the Hawaii pelagic stock of false killer whales presented in this report is 2,086 (Coefficient of Variation (CV) = 0.35) individuals in the Hawaii EEZ. The

minimum population abundance (Nmin), used for computation of PBR, is calculated as 1,567 animals. The PBR for this stock within the EEZ is calculated to be 16 pelagic false killer whales. Under the Marine Mammal Protection Act Guidelines for Assessing Marine Mammal Stocks (NMFS 2012), the 5-year (2015–2019) average M/SI rate of pelagic false killer whales within the Hawaii EEZ incidental to the Hawaii longline deep-set fishery is 9.8 whales per year. Based on this information, NMFS has determined that criterion (iv) of the Plan is met, with the 5-year average estimated false killer whale M/SI incidental to the deep-set longline fishery (9.8 whales) below PBR level for the Hawaii Pelagic stock of false killer whales (16 whales). Consequently, in compliance with 50 CFR 229.37(e)(8) NMFS is reopening the SEZ to Hawaii deep-set longline fishing.

Information on the Plan is available on the internet at the following address: <https://www.fisheries.noaa.gov/pacific-islands/marine-mammal-protection/pacific-islands-region-false-killer-whale-take-reduction-team>. NOAA Administrative Report H–20–06 is available on the internet at the following address: <https://doi.org/10.25923/wmg3-ps37>, and NOAA Technical Memorandum NMFS–PIFSC–104 is available on the internet at the following address: <https://doi.org/10.25923/2jg-p807>. Copies of reference materials may also be obtained from the NMFS Pacific Islands Regional Office, Protected Resources Division, 1845 Wasp Blvd., Building 176, Honolulu, HI 96818.

This document serves as advance notification to fishermen, the fishing industry, and the general public that the SEZ will be opened to deep-set longline fishing starting on August 25, 2020.

Classification

There is good cause to waive prior notice and an opportunity for public comment on this action pursuant to 5 U.S.C. 553(b)(B). Prior notice and comment is unnecessary because the take reduction plan final rule (77 FR 71259, November 29, 2012) that implements the procedure reopening the SEZ (codified at 50 CFR 229.37(e)) has already been subject to an extensive public process, including the opportunity for prior notice and comment. All that remains is to notify the public that the SEZ reopening criteria defined in the Plan regulations have been met and the SEZ will be opened to deep-set longline fishing.

This action is required by 50 CFR 229.37(e)(7), and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1361 *et seq.*

Dated: August 14, 2020.

Samuel D. Rauch, III,
*Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 200805–0205; RTID 0648–XP010]

Pacific Island Fisheries; 2020 U.S. Territorial Longline Bigeye Tuna Catch Limits

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

ACTION: Final specifications.

SUMMARY: NMFS specifies a 2020 limit of 2,000 metric tons (t) of longline-caught bigeye tuna for each U.S. Pacific territory (American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands (CNMI)). NMFS will allow each territory to allocate up to 1,500 t each year to U.S. longline fishing vessels in a specified fishing agreement that meets established criteria, but the overall allocation limit among all territories may not exceed 3,000 t. As an accountability measure, NMFS will monitor, attribute, and restrict (if necessary) catches of longline-caught bigeye tuna, including catches made under a specified fishing agreement. These catch limits and accountability measures support the long-term sustainability of fishery resources of the U.S. Pacific Islands.

DATES: The final specifications are effective August 17, 2020, through December 31, 2020. The deadline to submit a specified fishing agreement pursuant to 50 CFR 665.819(b)(3) for review is December 17, 2020.

ADDRESSES: Copies of the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific (Pelagic FEP) are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808–522–8220, fax 808–522–8226, or www.wpcouncil.org.

NMFS prepared environmental analyses that describe the potential impacts on the human environment that would result from the action. Copies of

those analyses, which include a supplemental environmental assessment (SEA) and a finding of no significant impact (FONSI), are available from <http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-0078>, or from Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

FOR FURTHER INFORMATION CONTACT:

Lynn Rassel, NMFS PIRO Sustainable Fisheries, 808–725–5184.

SUPPLEMENTARY INFORMATION: NMFS is specifying a 2020 catch limit of 2,000 t of longline-caught bigeye tuna for each U.S. Pacific territory. NMFS is also authorizing each U.S. Pacific territory to allocate up to 1,500 t of its 2,000 t bigeye tuna limit, not to exceed a 3,000 t total annual allocation limit among all the territories, to U.S. longline fishing vessels that are permitted to fish under the Pelagic FEP. Those vessels must be identified in a specified fishing agreement with the applicable territory. NMFS will monitor catches of longline-caught bigeye tuna by the longline fisheries of each U.S. Pacific territory, including catches made by U.S. longline vessels operating under specified fishing agreements. The criteria that a specified fishing agreement must meet, and the process for attributing longline-caught bigeye tuna, will follow the procedures in 50 CFR 665.819. When NMFS projects that a territorial catch or allocation limit will be reached, NMFS will, as an accountability measure, prohibit the catch and retention of longline-caught bigeye tuna by vessels in the applicable territory (if the territorial catch limit is projected to be reached), and/or vessels in a specified fishing agreement (if the allocation limit is projected to be reached).

You may find additional background information on this action in the preamble to the proposed specifications published on July 9, 2020 (85 FR 41223).

Comments and Responses

On July 9, 2020, NMFS published the proposed specifications and request for public comments (85 FR 41223); the comment period closed on July 24, 2020. NMFS received comments from three submitters, and responds below. We made no changes to the final specifications in response to comments on the proposed specifications.

NMFS also received comments suggesting minor housekeeping corrections and clarifications when finalizing the SEA, which we made in the final SEA.

In addition, in light of the decision in *Territory of American Samoa v. NMFS*,