

TABLE 1 TO § 180.693(a)

Commodity	Parts per million
Rice, grain	0.15

(b)–(d) [Reserved]

[FR Doc. 2021–23836 Filed 11–1–21; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

48 CFR Part 532

[GSAR Case 2020–G521; Docket No. GSA–GSAR–2021–0023; Sequence No. 1]

RIN 3090–AK35

General Services Administration Acquisition Regulation; Remove OGC Review for Final Payments

AGENCY: Office of Acquisition Policy,
General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) is issuing a final rule amending the General Services Administration Acquisition Regulation (GSAR) to revise internal agency approval procedures for processing a final payment for construction and building service contracts where, after 60 days, a contracting officer is unable to obtain a release of claims from a contractor.

DATES: Effective: December 2, 2021.

FOR FURTHER INFORMATION CONTACT: Mr. Tyler Piper or Mr. Stephen Carroll, GSA Acquisition Policy Division, at GSARPolicy@gsa.gov or 817–253–7858, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite GSAR Case 2020–G521.

SUPPLEMENTARY INFORMATION:

I. Background

GSA published a proposed rule in the *Federal Register* at 86 FR 20359 on April 19th, 2021, to amend the General Services Administration Regulations (GSAR) to modify GSAR 532.905–70 so it no longer requires contracting officers to obtain approval of legal counsel before processing final payments for construction and building service contracts where, after 60 days, the contracting officer is unable to obtain a release of claims from the contractors. Legal review is not a statutory requirement, and the decision to process final payments in such cases is a

business decision, rather than a legal one.

II. Authority for This Rulemaking

Title 40 of the United States Code (U.S.C.) Section 121 authorizes GSA to issue regulations, including the GSAR, to control the relationship between GSA and contractors.

III. Discussion and Analysis

The proposed rule received one comment. The General Services Administration has reviewed the comment in the development of the final rule. A discussion of the comment and the changes made to the rule as a result of the comment is provided as follows:

A. Summary of Significant Changes

No changes were made between the proposed rule and this final rule.

B. Comments

1. Changes to Oversight

Comment: The respondent expressed concern that removing the Office of General Council (OGC's) oversight over contract closing could potentially invite fraud.

Response: The purpose of OGC review is to provide legal advice and guidance to agency personnel, based on applicable laws, regulations, and policies, consistent with the best interests of the United States. It is not designed as a specific safeguard from fraud. GSA has determined that removal of this particular OGC review will streamline operations without opening a new area of risk of non-compliance with laws, regulations, or policies.

From a fraud mitigation standpoint, the need for separate approval still exists, but it is more appropriately nested within the business operations, not legal counsel.

IV. 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 rule has been reviewed and determined by Office of Management and Budget (OMB) not to be 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.

V. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a “major rule” may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. A major rule cannot take effect until 60 days after it is published in the *Federal Register*. This rule has been reviewed and determined by OMB not to be a “major rule” under 5 U.S.C. 804(2).

VI. Regulatory Flexibility Act

The General Services Administration certifies that this final 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.*

VIII. 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 Part(s) 532

Government procurement.

Jeffrey A. Koses,

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

Therefore, GSA amends 48 CFR part 532 as set forth below:

PART 532—CONTRACT FINANCING

■ 1. The authority citation for 48 CFR part 532 continues to read as follows:

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

- 2. Amend section 532.905–70 by—
- a. Removing from paragraph (a) the phrase “amount due the Contractor” and adding the phrase “amount due to the contractor” in its place;
- b. Revising paragraph (b); and
- c. Removing paragraphs (c) and (d).

The revision reads as follows:

532.905–70 Final payment—construction and building service contracts.

* * * * *

(b) A contracting officer may only process the final payment for a construction or building service contract once:

(1) The contractor submits a properly executed GSA Form 1142, Release of Claims; or

(2) The contracting officer documents in the contract file:

(i) That the contracting officer requested a release of claims from the contractor and did not receive a response within 60 calendar days; and

(ii) Approval to process the final payment from one level above the contracting officer.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 121004515–3608–02]

RIN 0648–XB540

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2021 Re-Opening of Commercial Harvest for South Atlantic Red Snapper

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

ACTION: Temporary rule; reopening.

SUMMARY: NMFS announces the reopening of the commercial sector for red snapper in the exclusive economic zone (EEZ) of the South Atlantic through this temporary rule. The most recent commercial landings of red snapper indicate that the commercial annual catch limit (ACL) for the 2021 fishing year has not yet been reached. Therefore, NMFS reopens the commercial sector for red snapper in the South Atlantic EEZ for 4 calendar days to allow the commercial ACL to be reached, while minimizing the risk of the commercial ACL being exceeded.

DATES: This rule is effective 12:01 a.m., local time, November 2, 2021, until 12:01 a.m., local time, November 6, 2021.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, email: mary.vara@noaa.gov.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes red snapper and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery

Management Council and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The commercial ACL for red snapper in the South Atlantic is 124,815 lb (56,615 kg), round weight, as specified in 50 CFR 622.193(y)(1).

Under 50 CFR 622.193(y)(1), NMFS is required to close the commercial sector for red snapper when landings reach, or are projected to reach, the commercial ACL by filing a notification to that effect with the Office of the Federal Register.

NMFS previously projected that the commercial ACL for South Atlantic red snapper for the 2021 fishing year would be reached by September 14, 2021. Accordingly, NMFS published a temporary rule in the **Federal Register** to implement accountability measures to close the commercial sector for red snapper in the South Atlantic EEZ effective from September 14, 2021, through December 31, 2021 (86 FR 50861; September 13, 2021).

However, recent landings data for red snapper indicate that the commercial ACL has not been yet been reached. Consequently, and in accordance with 50 CFR 622.8(c), NMFS temporarily reopens the commercial sector for red snapper effective at 12:01 a.m. on November 2, 2021. The commercial sector will remain open for 4 calendar days, and the commercial trip limit remains at 75 lb (34 kg), gutted weight (50 CFR 622.191(a)(9)). Reopening the commercial sector for this limited time allows an additional opportunity for the commercial sector to harvest the commercial ACL for red snapper, while minimizing the risk of the commercial ACL being exceeded. For the 2022 fishing year, unless otherwise specified, the commercial season will begin on the second Monday in July (50 CFR 622.183(b)(5)(i)).

The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper having red snapper on board must have landed and bartered, traded, or sold such red snapper prior to 12:01 a.m., eastern time, on November 6, 2021. Because the recreational sector closed on July 12, 2021 (86 FR 30393; June 8, 2021), the recreational bag and possession limit for red snapper in or from South Atlantic federal waters is zero. After the commercial sector reopening and subsequent closure that is effective on November 6, 2021, all harvest and possession of red snapper in or from the South Atlantic EEZ is prohibited for the remainder of the 2021 fishing year and

until the fishery opens for the 2022 fishing year.

On and after November 6, 2021, all sale or purchase of red snapper is prohibited. This prohibition on the harvest, possession, sale or purchase applies in the South Atlantic on a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, regardless if such species were harvested or possessed in state or Federal waters (50 CFR 622.193(y)(1) and 622.181(c)(2)).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.193(y)(1), which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), the NMFS Assistant Administrator (AA) finds good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule that established the commercial season, ACL, and accountability measure for red snapper has already been subject to notice and comment, and all that remains is to notify the public of the reopening. Such procedures are contrary to the public interest because NMFS's updated information shows that the commercial harvest was prematurely closed, and this action should be immediately implemented to allow the commercial fishers the opportunity to harvest the commercial ACL over the 4-day reopening period.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: October 28, 2021.

Jennifer M. Wallace,

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

[FR Doc. 2021–23863 Filed 10–28–21; 4:15 pm]

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