

**503.703 [Added]**

■ 7. Add section 503.703 to read as follows:

**503.703 Authority.**

Pursuant to FAR 3.703 and 3.705(b), the authority to void or rescind contracts resides with the Senior Procurement Executive.

**503.705 [Removed]**

■ 8. Remove section 503.705.

■ 9. Add Subpart 503.10 to read as follows:

**Subpart 503.10—Contractor Code of Business Ethics and Conduct****503.1004 Contract clauses.**

(a) The FAR threshold for the clause at 52.203–14, Display of Hotline Poster(s), is \$5,000,000. However, GSA has exercised the authority provided at FAR 3.1004(b)(1)(i) to establish a lower threshold, \$1,000,000, for inclusion of the clause when the contract or order is funded with disaster assistance funds.

(b) The information required to be inserted in the clause at FAR 52.203–14, Display of Hotline Poster(s), is as follows:

- (1) Poster: GSA Office of Inspector General “FRAUDNET HOTLINE”;
- (2) Obtain from: Contracting Officer.

**PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

■ 10. The authority citation for 48 CFR part 552 continues to read as follows:

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

**552.203–5 and 552.203–70 [Removed]**

■ 11. Remove sections 552.203–5 and 552.203–70.

[FR Doc. E9–24158 Filed 10–6–09; 8:45 am]

BILLING CODE 6820–61–S

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 0809251266–81485–02]

RIN 0648–XR94

**Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for 2009 Summer Period**

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS announces the closure of the scup commercial coastwide fishery from Maine through North Carolina for the remainder of the Summer Period. Regulations governing the scup fishery require publication of this notification to advise the coastal states from Maine through North Carolina that this quota has been harvested and to advise Federal vessel permit holders and Federal dealer permit holders that no commercial quota is available for landing scup in these states. Federally permitted commercial vessels may not land scup in these states for the remainder of the 2009 Summer quota period (through October 31, 2009).

**DATES:** Effective 0001 hours, Thursday, October 7 through October 31, 2009.

**FOR FURTHER INFORMATION CONTACT:** Sarah Bland, Fishery Management Specialist, (978) 281–9257.

**SUPPLEMENTARY INFORMATION:**

Regulations governing the scup fishery are found at 50 CFR part 648. The regulations at § 648.121 require the Regional Administrator to monitor the commercial scup quota for each quota period and, based upon dealer reports, state data, and other available information, to determine when the commercial quota for a period has been harvested. NMFS is required to publish a notification in the **Federal Register** advising and notifying commercial vessels and dealer permit holders that, effective upon a specific date, the scup commercial quota has been harvested and no commercial quota is available for landing scup for the remainder of the Summer Period. Based upon recent projections, the Regional Administrator has determined that the Federal commercial quota of 2,930,733 lb (1,329 mt) for the 2009 Summer Period will be fully harvested by or before October 31, 2009. To maintain the integrity of the 2009 Summer Period quota by avoiding or minimizing quota overages, the commercial scup fishery will close for the remainder of the Summer Period (through October 31, 2009) in Federal waters, effective as of the date specified above (see **DATES**).

Section 648.4(b) provides that Federal scup moratorium permit holders agree, as a condition of the permit, not to land scup in any state after NMFS has published a notification in the **Federal Register** stating that the commercial quota for the period has been harvested and that no commercial quota for scup is available. Therefore, effective 0001 hours, Thursday, October 8, 2009, further landings of scup by vessels holding Federal scup moratorium permits are prohibited through October

31, 2009. Effective 0001 hours, Thursday, October 8, 2009, federally permitted dealers are also advised that they may not purchase scup from federally permitted vessels that land in coastal states from Maine through North Carolina for the remainder of the Summer Period (through October 31, 2009). The Winter II Period for commercial scup harvest will open on November 1, 2009.

**Classification**

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: October 2, 2009.

**Emily H. Menashes,**

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

[FR Doc. E9–24177 Filed 10–05–09; 8:45 am]

BILLING CODE 3510–22–S

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 090601946–91010–01]

RIN 0648–AX94

**Fisheries of the Exclusive Economic Zone Off Alaska, Groundfish Observer Program; Correction**

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

**ACTION:** Correcting amendments.

**SUMMARY:** This action makes four corrections to regulations. It corrects a final rule removing the December 31, 2007, expiration date for regulations governing the North Pacific Observer Program. NMFS intended this final rule to remove the expiration date from all paragraphs, however, due to the overlay of an additional and overlooked expiration date in a different final rule, NMFS inadvertently removed the regulations governing observer coverage for catcher/processors and motherships participating in the pollock fisheries in the Bering Sea and Aleutian Islands management area. This correcting amendment reinstates those observer coverage requirements. In addition, this rule corrects a cross-reference error; removes an expiration date; and removes effective dates that have now passed from certain paragraphs.

**DATES:** Effective October 7, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Patsy A. Bearden, 907-586-7228.

**SUPPLEMENTARY INFORMATION:****Background**

NMFS has determined that four errors exist in the North Pacific Groundfish Observer Program (Observer Program) regulations at § 679.50.

This final rule will correct an error that resulted when NMFS overlooked the existence of a sunset provision for observer coverage requirements. Observer program vessel and processor coverage requirements are set forth at 50 CFR 679.50. Prior to 2007, the observer program and the observer coverage requirements were subject to periodic sunset dates. The last sunset date extension prolonged the observer program and, with one exception explained further below, all coverage requirements to December 31, 2007, (67 FR 72595; December 6, 2002).

Although the observer program and coverage requirements were generally established and reauthorized in single rulemakings, one particular component of the observer coverage requirements was originally implemented under the American Fisheries Act (AFA) (67 FR 79692; December 30, 2002). This component established coverage requirements for catcher/processors and motherships participating in the BSAI pollock fisheries. These regulations are found at § 679.50(c)(5). These AFA regulations originally established an AFA Program-wide sunset date of December 31, 2007. Subsequent to the 2002 AFA program establishment, and except for the observer coverage requirements found at § 679.50(c)(5), the sunset date was removed and the AFA program became permanent by a final rule published on February 10, 2004 (69 FR 6198). NMFS left the AFA observer coverage requirements sunset date unchanged in the 2004 final rule because NMFS considered the AFA requirements an integrated component of the larger body of observer coverage requirements.

In a final rule published on June 13, 2007, NMFS attempted to remove the December 31, 2007, sunset date for the groundfish Observer Program (72 FR 32559). Although it was NMFS' intent to extend all coverage requirements set forth in § 679.50, NMFS overlooked the independent expiration date that continued to apply to § 679.50(c)(5) from the December 30, 2002, AFA final rule. NMFS should have addressed and removed this independent sunset date when it removed the sunset for the entire program and related coverage requirements in the June, 2007, final rule. This correcting amendment

removes that sunset date applicable to the § 679.50(c)(5) regulations, and reinstates them.

The other sunset date reference (December 31, 2007) that was overlooked and is now removed is found in § 679.1(f).

Next, a cross-reference related to observer workload restrictions in § 679.50(c)(5)(i)(A) is corrected by removing "(c)(5)(iii)" and replacing it with "(c)(5)(ii)" which is the correct cross-reference.

The effective date (January 20, 2008) is removed from §§ 679.50(c)(4)(i)(A) and 679.50(c)(6) because it is no longer necessary. This effective date was added in a final rule (September 14, 2007, 72 FR 52668) to identify paragraphs with delayed effectiveness dates.

**Classification**

Pursuant to 5 U.S.C. 553(b)(B), the Acting Assistant Administrator of Fisheries (AA) finds good cause to waive prior notice and opportunity for public comment. Data collected by observers is critical for conservation and management of the groundfish fisheries off Alaska and for assessing the impact of these fisheries on other aspects of the marine environment. Without these regulations, fishing vessels could overfish the stock and exceed bycatch reduction allowances in violation of the Magnuson Stevens Fishery Conservation and Management Act (MSA). NMFS only recently discovered these errors and to ensure uninterrupted and comprehensive management of the fisheries, believes that it is in the public interest to institute the corrections without prior notice and opportunity for comment. Furthermore, the errors need to be corrected immediately to eliminate potential confusion.

For these reasons, the AA finds good cause to waive prior notice and opportunity for public comment and the 30-day delay in the effective date under 5 U.S.C. 553(d)(3), as such procedures would be contrary to the public interest. Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* are inapplicable.

The Acting AA for NMFS has determined that this action is consistent with MSA and other applicable law.

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

**List of Subjects in 50 CFR Part 679**

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: October 1, 2009

**James W. Balsiger,**

*Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.*

■ For the same reasons set out in the preamble, 50 CFR part 679 is corrected by making the following correcting amendments:

**PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA**

■ 1. The authority citation for part 679 continues to read as follows:

**Authority:** 16 U.S.C. 773 *et seq.*; 1540(f); 1801 *et seq.*; 1851 note; 3631 *et seq.*

■ 2. In § 679.1, revise the heading for paragraph (f) to read as follows:

**§ 679.1 Purpose and scope.**

\* \* \* \* \*  
(f) *Groundfish Observer Program.*  
\* \* \* \* \*

■ 3. In § 679.50, add paragraph (c)(5); revise heading for paragraph (c)(4)(i)(A); and revise heading for paragraph (c)(6) to read as follows:

**§ 679.50 Groundfish Observer Program.**

\* \* \* \* \*  
(c) \* \* \*  
(4) \* \* \*  
(i) \* \* \*  
(A) *CDQ groundfish fisheries.*  
\* \* \* \* \*

(5) *AFA and AI directed pollock fishery catcher/processors and motherships—(i) Coverage requirement—(A) Listed AFA catcher/processors and AFA motherships.* The owner or operator of a listed AFA catcher/processor or AFA mothership must provide at least two NMFS-certified observers, at least one of which must be certified as a lead level 2 observer, for each day that the vessel is used to harvest, process, or take deliveries of groundfish. More than two observers are required if the observer workload restriction at paragraph (c)(5)(ii) of this section would otherwise preclude sampling as required under § 679.63(a)(1).

(B) *Unlisted AFA catcher/processors.* The owner or operator of an unlisted AFA catcher/processor must provide at least two NMFS-certified observers for each day that the vessel is used to engage in directed fishing for pollock in the BSAI, or takes deliveries of pollock harvested in the BSAI. At least one observer must be certified as a lead level 2 observer. When an unlisted AFA catcher/processor is not engaged in directed fishing for BSAI pollock and is not receiving deliveries of pollock harvested in the BSAI, the observer

coverage requirements at paragraph (c)(1)(iv) of this section apply.

(C) *AI directed pollock fishery catcher/processors and motherships.* A catcher/processor participating in the AI directed pollock fishery or a mothership processing pollock harvested in the AI directed pollock fishery must have on board at least two NMFS-certified observers, at least one of which must be certified as a lead level 2 observer, for each day that the vessel is used to harvest, process, or take deliveries of groundfish. More than two observers are required if the observer workload restriction at paragraph (c)(5)(ii) of this section would otherwise preclude sampling as required under § 679.63(a)(1).

(ii) *Observer work load.* The time required for the observer to complete sampling, data recording, and data communication duties may not exceed 12 consecutive hours in each 24-hour period, and the observer may not sample more than 9 hours in each 24-hour period.

(6) *Amendment 80 vessels and non-AFA trawl catcher/processors.*

\* \* \* \* \*

[FR Doc. E9-24221 Filed 10-6-09; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 0810141351-9087-02]

RIN 0648-XS03

#### Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Temporary rule; apportionment of reserves; request for comments.

**SUMMARY:** NMFS apportions amounts of the non-specified reserve to the initial total allowable catch (ITAC) of Greenland turbot in the Aleutian Islands subarea. This action is necessary to allow the fisheries to continue operating. It is intended to promote the goals and objectives of the fishery management plan for the BSAI.

**DATES:** Effective October 2, 2009 through 2400 hrs, Alaska local time, December 31, 2009. Comments must be

received at the following address no later than 4:30 p.m., Alaska local time, October 19, 2009.

**ADDRESSES:** Send comments to Sue Salvesson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. You may submit comments, identified by 0648-XS03, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal website at <http://www.regulations.gov>.
- Mail: P. O. Box 21668, Juneau, AK 99802.
- Fax: (907) 586-7557.
- Hand delivery to the Federal Building: 709 West 9th Street, Room 420A, Juneau, AK.

All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe portable document file (pdf) formats only.

**FOR FURTHER INFORMATION CONTACT:** Patty Britza, 907-586-7376.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (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.

The 2009 ITAC of Greenland turbot in the Aleutian Islands subarea was established as 1,947 metric tons (mt) by the final 2009 and 2010 harvest specifications for groundfish of the BSAI (74 FR 7359, February 17, 2009). In accordance with § 679.20(a)(3) the Regional Administrator, Alaska Region, NMFS, has reviewed the most current available data and finds that the ITAC for Greenland turbot in the Aleutian Islands subarea needs to be supplemented from the non-specified reserve in order to promote efficiency in

the utilization of fishery resources in the BSAI and allow fishing operations to continue.

Therefore, in accordance with § 679.20(b)(3), NMFS apportions from the non-specified reserve of groundfish 343 mt to the Greenland turbot ITAC in the Aleutian Islands subarea. This apportionment is consistent with § 679.20(b)(1)(i) and does not result in overfishing of a target species because the revised ITAC is equal to or less than the specifications of the acceptable biological catch in the final 2009 and 2010 harvest specifications for groundfish in the BSAI (74 FR 7359, February 17, 2009).

The harvest specification for Greenland turbot included in the harvest specifications for groundfish in the BSAI (74 FR 7359, February 17, 2009) for the 2009 ITAC is revised as follows: 2,290 mt for Greenland turbot in the Aleutian Islands subarea.

#### 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) and § 679.20(b)(3)(iii)(A) as such a 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 delay the apportionment of the non-specified reserves of groundfish to the Greenland turbot fishery in the Aleutian Islands subarea. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet and processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 29, 2009.

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.

Under § 679.20(b)(3)(iii), interested persons are invited to submit written comments on this action (see **ADDRESSES**) until October 19, 2009.