

1852.223–73 Safety and Health Plan.

As prescribed in 1823.7001(c), insert the following clause:

SAFETY AND HEALTH PLAN

(JUL 2015)

(a) The offeror shall submit a detailed safety and occupational health plan as part of its proposal. The plan shall include a detailed discussion of the policies, procedures, and techniques that will be used to ensure the safety and occupational health of Contractor employees and to ensure the safety of all working conditions throughout the performance of the contract.

(b) The plan shall similarly address subcontractor employee safety and occupational health for those proposed subcontracts or subcontract effort where the work will be conducted completely or partly on a Federally-controlled facility.

(d) This plan, as approved by the Contracting Officer, will be incorporated into any resulting contract.

(End of clause)

ALTERNATE I

(JUL 2015)

As prescribed in 1823.7001(c)(1), delete the first sentence in paragraph (a) of the basic provision and substitute the following:

The apparent low bidder, upon request by the Contracting Officer, shall submit a detailed safety and occupational health plan. The plan shall be submitted within the time specified by the Contracting Officer. Failure to submit an acceptable plan shall make the bidder ineligible for the award of a contract.

■ 33. Section 1852.233–70 is revised to read as follows:

1852.233–70 Protests to NASA.

As prescribed in 1833.106–70, insert the following provision:

PROTESTS TO NASA

(JUL 2015)

(a) In lieu of a protest to the United States Government Accountability Office (GAO), bidders or offerors may submit a protest under 48 CFR part 33 (FAR Part 33) directly to the Contracting Officer for consideration by the Agency. Alternatively, bidders or offerors may request an independent review by the Assistant Administrator for Procurement, who will serve as or designate the official responsible for conducting an independent review. Such reviews are separate and distinct from the Ombudsman Program described at 1815.7001.

(b) Bidders or offerors shall specify whether they are submitting a protest to the Contracting Officer or requesting an independent review by the Assistant Administrator for Procurement.

(c) Protests to the Contracting Officer shall be submitted to the address or email specified in the solicitation (email is an acceptable means for submitting a protest to the Contracting Officer). Alternatively, requests for independent review by the Assistant Administrator for Procurement shall be addressed to the Assistant Administrator for Procurement, NASA Headquarters, Washington, DC 20456–0001.

(End of provision)

■ 34. Section 1852.247–71 is revised to read as follows:

1852.247–71 Protection of the Florida Manatee.

As prescribed in 1847.7001, insert the following clause:

PROTECTION OF THE FLORIDA MANATEE
(JUL 2015)

(a) Pursuant to the Endangered Species Act of 1973 (Pub. L. 93–205), as amended, and the Marine Mammals Protection Act of 1972 (Pub. L. 92–522), the Florida Manatee (*Trichechus Manatus*) has been designated an endangered species, and the Indian River Lagoon system within and adjacent to National Aeronautics and Space Administration's (NASA's) Kennedy Space Center (KSC) has been designated as a critical habitat of the Florida Manatee. The KSC Environmental Management Branch will advise all personnel associated with the project of the potential presence of manatees in the work area, and the need to avoid collisions and/or harassment of the manatees. Contractors shall ensure that all employees, subcontractors, and other individuals associated with this contract and who are involved in vessel operations, dockside work, and selected disassembly functions are aware of the civil and criminal penalties for harming, harassing, or killing manatees.

(b) All contractor personnel shall be responsible for complying with all applicable Federal and/or state permits (e.g., Florida Department of Environmental Protection, St. Johns River Water Management District, Fish & Wildlife Service) in performing water-related activities within the contract. Where no Federal and/or state permits are required for said contract, and the contract scope requires activities within waters at KSC, the Contractor shall obtain a KSC Manatee Protection Permit from the Environmental Management Branch. All conditions of Federal, state, and/or KSC regulations and permits for manatee protection shall be binding to the contract. Notification and coordination of all water related activities at KSC will be done through the Environmental Management Branch.

(c) The Contractor shall incorporate the provisions of this clause in applicable subcontracts.

(End of clause)

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

[Docket No. 150105004–5355–01]

RIN 0648–XE006

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trimester Total Allowable Catch Area Closures for the Common Pool Fishery and Trip and Possession Limit Adjustment

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

ACTION: Temporary rule; area closures and trip and possession limit adjustments.

SUMMARY: This action closes the Gulf of Maine cod Trimester Total Allowable Catch Area to all Northeast multispecies common pool vessels; the American plaice Trimester Total Allowable Catch Area to Northeast multispecies common pool trawl vessels; and the Cape Cod/Gulf of Maine yellowtail flounder Trimester Total Allowable Catch Area to Northeast multispecies common pool trawl and gillnet vessels, for the remainder of Trimester 1, through August 31, 2015. The closures are required by regulation because the common pool fishery has caught over 90 percent of its Trimester 1 quotas for Gulf of Maine cod, American plaice, and Cape Cod/Gulf of Maine yellowtail flounder. These closures are intended to prevent the overharvest of the common pool's allocation for these stocks. Because the common pool catch of American plaice and Cape Cod/Gulf of Maine yellowtail flounder is not limited to the respective stocks' Trimester Total Allowable Catch Area, this action also reduces possession and trip limits for the American plaice and Cape Cod/Gulf of Maine yellowtail flounder stocks to zero for all common pool vessels through August 31, 2015, in order to prevent the overharvest of the common pool's allocation of both stocks from areas not closed by this action. The possession and trip limit for GOM cod was set to zero in a previous action.

DATES: This action is effective June 23, 2015, through August 31, 2015.

FOR FURTHER INFORMATION CONTACT: Liz Sullivan, Fishery Management Specialist, 978–282–8493.

SUPPLEMENTARY INFORMATION: Federal regulations at § 648.82(n)(2)(ii) require the Regional Administrator to close a

common pool Trimester Total Allowable Catch (TAC) Area for a stock when 90 percent of the Trimester TAC is projected to be caught. In such cases, the Trimester TAC Area for a stock closes to all common pool vessels fishing with gear capable of catching that stock for the remainder of the trimester.

The fishing year 2015 (May 1, 2015, through April 30, 2016) common pool sub-annual catch limit (sub-ACL) for Gulf of Maine (GOM) cod is 5.6 mt and the Trimester 1 (May 1, 2015, through August 30, 2015) TAC is 1.5 mt. Based on the most recent data, which include vessel trip reports, dealer reported landings, and vessel monitoring system information, we have determined that 114 percent of the Trimester 1 TAC was caught as of June 16, 2015. Therefore, effective June 23, 2015, the GOM Cod Trimester TAC Area is closed for the remainder of Trimester 1, through August 31, 2015, to all common pool vessels fishing with trawl gear, sink gillnet gear, and longline/hook gear. The GOM cod Trimester TAC Area consists of statistical areas 513 and 514. The area will reopen at the beginning of Trimester 2 on September 1, 2015.

The fishing year 2015 common pool sub-ACL for American plaice is 26.9 mt and the Trimester 1 TAC is 6.5 mt. Based on the most recent data, which include vessel trip reports, dealer reported landings, and vessel monitoring system information, we have determined that 106 percent of the Trimester 1 TAC was caught as of June 16, 2015. Therefore, effective June 23, 2015, the American plaice Trimester TAC Area is closed for the remainder of Trimester 1, through August 31, 2015, to all common pool vessels fishing with trawl gear. The American plaice Trimester TAC Area consists of statistical areas 512, 513, 514, 515, 521, 522, and 525. The area will reopen at the beginning of Trimester 2 on September 1, 2015.

The fishing year 2015 common pool sub-ACL for Cape Cod (CC)/GOM yellowtail flounder is 21 mt and the Trimester 1 TAC is 7.3 mt. Based on the most recent data, which include vessel trip reports, dealer reported landings, and vessel monitoring system information, we have determined that 105 percent of the Trimester 1 TAC was caught as of June 16, 2015. Therefore, effective June 23, 2015, the CC/GOM yellowtail flounder Trimester TAC Area is closed for the remainder of Trimester 1, through August 31, 2015, to all common pool vessels fishing with trawl and gillnet gear. The CC/GOM yellowtail flounder Trimester TAC Area consists of statistical areas 514 and 521.

The area will reopen at the beginning of Trimester 2 on September 1, 2015.

The regulations at § 648.86(o) authorize the Regional Administrator to adjust the possession and trip limits for common pool vessels to prevent the overharvest or underharvest of the common pool quotas. Because the American plaice and CC/GOM yellowtail flounder closures described above only applies to select areas and gear types, and because both stocks' Trimester TACs have been almost or already met, additional action is necessary to prevent further overage of the Trimester TACs that could occur in areas outside of the stock area closures. Therefore, the possession and trip limits for American plaice and CC/GOM yellowtail flounder are reduced to zero for all common pool vessels in all areas, effective June 23, 2015, through August 31, 2015. The possession and trip limits will return to previous levels at the beginning of Trimester 2, on September 1, 2015, unless otherwise determined.

If a vessel declared its trip through the vessel monitoring system (VMS) or interactive voice response system, and crossed the VMS demarcation line prior to June 23, 2015, it may complete its trip if it is within the Trimester TAC Areas, and it will not be subject to the new possession and trip limits. A gillnet vessel that has set gear prior to June 23, 2015, may complete its trip by hauling such gear.

Any overages of a trimester TAC will be deducted from Trimester 3, and any overages of the common pool's sub-ACL at the end of the fishing year will be deducted from the common pool's sub-ACL the following fishing year. Any uncaught portion of the Trimester 1 and Trimester 2 TAC will be carried over into the next trimester. Any uncaught portion of the common pool's sub-ACL may not be carried over into the following fishing year.

Weekly quota monitoring reports for the common pool fishery can be found on our Web site at: <http://www.greateratlantic.fisheries.noaa.gov/ro/fso/MultiMonReports.htm>. We will continue to monitor common pool catch through vessel trip reports, dealer-reported landings, vessel monitoring system catch reports, and other available information and, if necessary, we will make additional adjustments to common pool management measures.

Classification

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

The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) and 5

U.S.C. 553(d)(3) to waive prior notice and the opportunity for public comment and the 30-day delayed effectiveness period because it would be impracticable and contrary to the public interest.

The Trimester TAC Area closures are required by regulation in order to reduce the probability of the common pool fishery exceeding its sub-ACLs of GOM cod, American plaice, and CC/GOM yellowtail flounder. Any overages of the common pool's sub-ACLs would undermine conservation objectives and trigger the implementation of accountability measures that would have negative economic impacts on common pool vessels. The data and information showing that GOM cod, American plaice, and CC/GOM yellowtail flounder had exceeded 90 percent of the Trimester 1 TACs for these stocks only became available on June 16, 2015. The time necessary to provide for prior notice and comment, and a 30-day delay in effectiveness, would prevent NMFS from implementing the necessary Trimester TAC Area closures for GOM cod, American plaice, and CC/GOM yellowtail flounder in a timely manner, which could undermine management objectives of the Northeast Multispecies Fishery Management Plan (FMP), and cause negative economic impacts to the common pool fishery.

Additionally, an overage in the American plaice and CC/GOM yellowtail flounder Trimester 1 TAC increases the probability of the common pool exceeding its sub-ACL of these stocks. The time necessary to provide for prior notice and comment, and a 30-day delay in effectiveness, would prevent NMFS from setting the possession and trip limit to zero for American plaice in a timely manner, which could also undermine management objectives of the Northeast Multispecies FMP, and cause negative economic impacts to the common pool fishery.

The possession and trip limit for GOM cod was set to zero in a previous action.

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

Dated: June 22, 2015.

Jennifer M. Wallace,

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