

"Cost Accounting Standards," and FAR 52.230-6, "Administration of Cost Accounting Standards," if the contractor includes in each covered subcontract a clause making the subcontractor liable to the Government for increased costs or interest resulting from the subcontractor's failure to comply with the clauses; and the contractor seeks the subcontract price adjustment and cooperates with the Government in the Government's attempts to recover from the subcontractor.

14. Section 970.5204-XX is added to read as follows:

970.5204-XX Work for others funding authorization.

As prescribed in 970.3270, insert the following clause.

Work for Others Funding Authorization (Month and Year TBE)

Any uncollectible receivables resulting from the contractor utilizing contractor corporate funding for reimbursable work shall be the responsibility of the contractor, and the United States Government shall have no liability to the contractor therefor. The contractor is permitted to provide advance payment utilizing contractor corporate funds for reimbursable work to be performed by the contractor for a non-Federal entity in instances where advance payment from that entity is required under the Laws, regulations, and DOE directives clause of this contract and such advance cannot be obtained. The contractor is also permitted to provide advance payment utilizing contractor corporate funds to continue reimbursable work to be performed by the contractor for a Federal entity when the term or the funds on a Federal interagency agreement required under the Laws, regulations, and DOE directives clause of this contract have elapsed. The contractor's utilization of contractor corporate funds does not relieve the contractor of its responsibility to comply with all requirements for Work for Others applicable to this contract.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[I.D. 110998B]

Pacific Tuna Fisheries; Public Hearing

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

ACTION: Notice of public hearing.

SUMMARY: NMFS will convene a public hearing on proposed regulations necessary to implement recommendations of the Inter-American

Tropical Tuna Commission (IATTC) according to the provisions of the Tuna Conventions Act of 1950.

DATES: The public hearing will be held on December 1, 1998.

ADDRESSES: The hearing will be held at the Embassy Suites Hotel located at 601 Pacific Highway, San Diego, California 92101. Copies of proposed regulations and associated material will be available from Dr. William Hogarth, Regional Administrator, Southwest Region, NMFS, 501 Ocean Boulevard, Suite 4200, Long Beach, California 90802-4213.

FOR FURTHER INFORMATION CONTACT: Mr. Svein Fougner, Assistant Administrator for Sustainable Fisheries, Southwest Region, NMFS, 562-980-4030.

SUPPLEMENTARY INFORMATION: At its 61st meeting in June 1998, the IATTC acted to set a 1998 quota on yellowfin tuna in its regulatory area, set a quota on bigeye tuna to be implemented by prohibiting sets on floating objects once the quota is reached, prohibit the use of vessels that tend fishery aggregating devices, and prohibit at-sea transshipments of fish caught by purse seines. NMFS is requesting public comments on regulations implementing the recommendations of the IATTC, which will soon be published in the **Federal Register** with a 30-day period for public comment.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Svein Fougner at the number above at least 5 days prior to the meeting date.

Dated: November 12, 1998.

Gary C. Matlock,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 981109280-8280-01; I.D. 101498F]

RIN 0648-AM03

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic States; Recreational-for-hire Fisheries; Control Date

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

ACTION: Advance notice of proposed rulemaking; consideration of a control date.

SUMMARY: This notice announces that the Gulf of Mexico Fishery Management Council (Council) is considering whether there is a need to impose additional management measures limiting entry into the recreational-for-hire (i.e., charter vessel and headboat) fisheries for reef fish and coastal migratory pelagic fish in the exclusive economic zone (EEZ) of the Gulf of Mexico and, if there is a need, what management measures should be imposed. If the Council determines that there is a need to impose additional management measures, it may initiate a rulemaking to do so. Possible measures include the establishment of a limited entry program to control participation or effort in the recreational-for-hire fisheries for reef fish and coastal migratory pelagics. If a limited entry program is established, the Council is considering November 18, 1998, as a possible control date. Consideration of a control date is intended to discourage new entry into the fisheries based on economic speculation during the Council's deliberation on the issues.

DATES: Comments must be submitted by December 18, 1998.

ADDRESSES: Comments should be directed to the Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619-2266; Fax: 813-225-7015.

FOR FURTHER INFORMATION CONTACT: Mark Godcharles or Robert Sadler, 727-570-5305.

SUPPLEMENTARY INFORMATION: The recreational-for-hire fisheries for reef fish and coastal migratory pelagic fish in the EEZ of the Gulf of Mexico are

managed respectively under the Fishery Management Plans for the Reef Fish Resources of the Gulf of Mexico (Gulf) and the Coastal Migratory Pelagic Resources of the Gulf and South Atlantic (FMPs). The FMP for the Gulf of Mexico reef fish resources was prepared by the Council; the FMP for coastal migratory pelagic resources was prepared jointly by the Council and the South Atlantic Fishery Management Council. Both FMPs were implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act by regulations at 50 CFR part 622. The FMPs regulate these two recreational-for-hire fisheries and require permits for charter and headboat vessels participating in them. Landings of the vessels are regulated through bag, possession, and size limits. There also is a recreational quota for red snapper.

In both the red snapper and king mackerel fisheries, the recreational sector, including recreational-for-hire vessels, has frequently exceeded the allocations set for that sector when total allowable catch (TAC) is set annually. To prevent the recreational sector from exceeding its allocation, the Council must either reduce the bag limits or take some other action to reduce the effort and/or landings (e.g., seasonal closures, increased size limits). Reduction of the bag limits is the most effective way to control landings, but such reductions have adverse economic impacts on the recreational-for-hire vessels. When the bag limit is reduced to a lower level, some of the clientele of these vessels cease to fish and to pay for fishing trips. The Council is, therefore, considering limited entry or other effort limitation programs for recreational-for-hire vessels.

Implementation of an effort limitation program for these recreational-for-hire fisheries in the EEZ would require preparation of amendments to the FMPs by the Council and publication of proposed implementing rules with a public comment period. NMFS' approval of the amendments and issuance of final implementing rules also would be required.

As the Council considers management options, including limited entry or access-controlled regimes, some fishermen who do not currently participate in the recreational-for-hire fisheries, and have never done so, may decide to enter the fisheries for the sole purpose of establishing a record of landings. When management authorities begin to consider use of a limited access management regime, this kind of speculative entry often is responsible for a rapid increase in fishing effort in fisheries that are already fully

developed or overdeveloped. The original fishery problems, such as overcapitalization or overfishing, may be exacerbated by the entry of new participants.

In order to avoid this problem, if management measures to limit participation or effort in the fisheries are determined to be necessary, the Council is considering November 18, 1998, as the control date. After that date, anyone entering these recreational-for-hire fisheries may not be assured of future participation in the fisheries if a management regime is developed and implemented limiting the number of fishery participants.

The Council previously established a control date of October 16, 1995, (60 FR 53576, October 16, 1995) for the recreational-for-hire fishery for Gulf king mackerel. It is the Council's intent that the November 18, 1998 control date established by this advance notice of proposed rulemaking supersede the October 15, 1995, control date for that sector of the fishery.

Consideration of a control date does not commit the Council or NMFS to any particular management regime or criteria for entry into the recreational-for-hire fisheries. Fishermen are not guaranteed future participation in these fisheries, regardless of their entry date or intensity of participation in the fisheries before or after the control date under consideration. The Council subsequently may choose a different control date or it may choose a management regime that does not make use of such a date. The Council may choose to give variably weighted consideration to fishermen active in the fisheries before and after the control date. Other qualifying criteria, such as documentation of landings and sales, may be applied for entry. The Council also may choose to take no further action to control entry or access to the fisheries, in which case the control date may be rescinded.

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

Dated: November 12, 1998.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 110998F]

RIN 0648-AJ33

Fisheries of the Northeastern United States; Amendment 7 to the Atlantic Sea Scallop Fishery Management Plan; Amendments to Address the Sustainable Fisheries Act Requirements and Other Measures

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

ACTION: Notice of availability of an amendment to a fishery management plan; request for comments.

SUMMARY: NMFS announces that the New England Fishery Management Council (Council) has submitted Amendment 7 to the Atlantic Sea Scallop Fishery Management Plan (Amendment 7) for Secretarial review and is requesting comments from the public. Included in Amendment 7 are the new Sustainable Fisheries Act requirements for Atlantic sea scallops.

DATES: Comments must be received on or before January 19, 1999.

ADDRESSES: Comments on the proposed amendment should be sent to Jon C. Rittgers, Acting Regional Administrator, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on Amendment 7 to the Atlantic Sea Scallop FMP."

Copies of Amendment 7, its regulatory impact review, initial regulatory flexibility analysis, the final supplemental environmental impact statement, and the supporting documents for Amendment 7 are available from Paul J. Howard, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1036.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, 978-281-9273.

SUPPLEMENTARY INFORMATION:

Amendment 7 proposes to: (1) Establish a 10-year stock rebuilding schedule; (2) initiate a new overfishing definition and rebuilding target for Atlantic sea scallops; (3) revise the specification of optimum yield; (4) continue the Mid-Atlantic closed areas, with a sunset date of March 1, 2001; (5) implement a system for closing and opening areas to improve yield per recruit; (6) establish an annual monitoring and adjustment