

Integrated Accounting (May 2000)

Integrated accounting procedures are required for use under this contract. The contractor's financial management system shall include an integrated accounting system that is linked to DOE's accounts through the use of reciprocal accounts and that has electronic capability to transmit monthly and year-end self-balancing trial balances to the Department's Primary Accounting System for reporting financial activity under this contract in accordance with requirements imposed by the contracting officer pursuant to the Laws, regulations, and DOE directives clause of this contract.

13. Section 970.5204-92 is added to read as follows:

970.5204-92 Liability With respect to cost accounting standards.

As prescribed in 970.3270, insert the following clause.

Liability with Respect to Cost Accounting Standards (May 2000)

(a) The contractor is not liable to the Government for increased costs or interest resulting from its failure to comply with the clauses of this contract entitled, "Cost Accounting Standards," and "Administration of Cost Accounting Standards," if its failure to comply with the clauses is caused by the contractor's compliance with published DOE financial management policies and procedures or other requirements established by the Department's Chief Financial Officer or Procurement Executive.

(b) The contractor is not liable to the Government for increased costs or interest resulting from its subcontractors' failure to comply with the clauses at FAR 52.230-2, "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 970.5204-93 is added to read as follows:

970.5204-93 Work for others funding authorization.

As prescribed in 970.3270, insert the following clause.

Work for Others Funding Authorization (May 2000)

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 for the contractor's uncollected receivables. 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 THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AF80

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 224, 226, and 424

[Docket No. 000330090-0090-01]

RIN 0648-XA51

Endangered and Threatened Wildlife and Plants; Notice of Change of Jurisdiction for Coastal Cutthroat Trout

AGENCIES: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce; Fish and Wildlife Service (FWS), Interior.

ACTION: Transfer of agency jurisdiction.

SUMMARY: The Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) have, in the past, jointly managed coastal cutthroat trout (*Oncorhynchus clarki clarki*) under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (ESA). This document is to alert interested parties that, effective November 22, 1999, the FWS assumed all ESA regulatory jurisdiction over coastal cutthroat. The only exception is that NMFS will retain ESA jurisdiction over the endangered Umpqua River cutthroat trout Evolutionary Significant Unit (ESU) until the agencies complete a final determination on the proposed de-listing of this ESU. The change in jurisdiction results from a joint agency

determination that coastal cutthroat trout spend the majority of their life cycle in fresh water habitat.

DATES: The finding announced in this document was made on November 22, 1999.

ADDRESSES: Questions concerning this document should be submitted to the Supervisor, Fish and Wildlife Service, Oregon State Office, 2600 SE 98th Avenue, Suite 100, Portland, Oregon 97266; or to, Garth Griffin, National Marine Fisheries Service, Northwest Region, Protected Resources Division, 525 NE Oregon Street, Suite 500, Portland, OR 97232-2737.

FOR FURTHER INFORMATION CONTACT: Rollie White, Fish and Wildlife Service, telephone 503-231-6179, fax 503-231-6195; or, Garth Griffin, National Marine Fisheries Service, telephone 503-231-2005, fax 503-230-5435.

SUPPLEMENTARY INFORMATION: In the past, ESA jurisdiction over the coastal cutthroat trout has been shared by the FWS and NMFS, although NMFS has a history of conducting status reviews on sea-run forms of cutthroat trout (61 FR 41514, August 9, 1996; 64 FR 16397, April 5, 1999). During the status review for Umpqua River sea-run cutthroat trout, both agencies agreed that NMFS would handle ESA responsibilities for this species in the Umpqua River Basin (FWS, 1994). Since that time, the matter of agency jurisdiction has arisen for the various cutthroat life forms in other west coast basins. At issue is the question of appropriate jurisdiction for a species with both diadromous (*i.e.*, migrating between fresh-and saltwater) and resident (*i.e.*, freshwater-dwelling) life forms. Salmonid species exhibiting the former life forms have generally been managed by NMFS while the latter forms have typically been under the jurisdiction of the FWS. The change in jurisdiction announced in this Notice is based on a determination that coastal cutthroat trout spend the majority of their life cycle in fresh water habitat.

On April 5, 1999, the agencies published a joint proposal to list the southwestern Washington/Columbia River cutthroat trout ESU as a threatened species and to de-list the Umpqua River ESU under the ESA (64 FR 16397). In that proposal, we announced that a decision would be made about which agency would have sole jurisdiction over the species. On November 22, 1999, the Directors of NMFS and the FWS signed a joint letter determining that the FWS shall assume all ESA regulatory jurisdiction over coastal cutthroat trout. For the FWS, applicable ESA regulations would include those promulgated in 50 CFR

part 17. For NMFS the applicable ESA regulations would include those promulgated in 50 CFR part 222, 226 and 424.

In making this decision, the agencies recognized that certain ESA responsibilities pertaining to the Umpqua River ESU should be retained by NMFS for a short time so that pending rulemaking and consultation issues can be efficiently concluded prior to FWS assuming complete jurisdiction for the species. Because the original status review and listing decisions for this ESU were conducted by NMFS, the final de-listing assessment will continue to be conducted by NMFS. The results of this assessment have been announced in a **Federal Register** document¹ and, in accordance with section 4(a)(2)(B) of the ESA, will require FWS' concurrence on any de-listing determination for the Umpqua River ESU. Also, NMFS will continue to conduct ESA section 7 consultations for this ESU until publication of a final determination.

In addition, the agencies have determined that the FWS would conclude the final listing determination for southwestern Washington/Columbia River cutthroat trout populations in light of their proposed listing status. FWS has, therefore, assumed sole ESA regulatory responsibilities (e.g., conferencing requirements) for addressing these populations. Final listing determinations for the Southwestern Washington/Columbia River and Umpqua River populations are expected to be completed by April 2000. Regardless, both agencies will continue to coordinate activities such as section 7 consultations and Habitat Conservation Plans involving watersheds shared by coastal cutthroat trout and salmonid species under NMFS jurisdiction (e.g., steelhead, coho, and chinook salmon).

References Cited

A complete list of all references cited herein is available on request from the Fish and Wildlife Service (See **ADDRESSES** section).

Author

The primary author of this document is Rollie White, Fish and Wildlife Service, (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: April 12, 2000.

Cynthia U. Barry,

Acting Regional Director, Region 1, Fish and Wildlife Service.

Dated: April 7, 2000.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 041700B]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the Commercial Red Snapper Component

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

ACTION: Closure.

SUMMARY: NMFS closes the commercial fishery for red snapper in the exclusive economic zone (EEZ) of the Gulf of Mexico. NMFS has determined that the spring portion of the annual commercial quota for red snapper will be reached on May 8, 2000. This closure is necessary to protect the red snapper resource.

DATES: Closure is effective noon, local time, May 8, 2000, until noon, local time, on September 1, 2000.

FOR FURTHER INFORMATION CONTACT: Dr. Roy Crabtree, 727-570-5305.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act by regulations at 50 CFR part 622. Those regulations set the commercial quota for red snapper in the Gulf of Mexico at 4.65 million lb (2.11 million kg) for the current fishing year, January 1 through December 31, 2000. The red snapper commercial fishing season is split into two time periods, the first commencing at noon on February 1 with two-thirds of the annual quota (3.06 million lb (1.39 million kg)) available, and the second commencing at noon on September 1 with the remainder of the

annual quota available. During the commercial season, the red snapper commercial fishery opens at noon on the first of each month and closes at noon on the 10th of each month, until the applicable commercial quotas are reached.

Under 50 CFR 622.43(a), NMFS is required to close the commercial fishery for a species or species group when the quota for that species or species group is reached, or is projected to be reached, by publishing a notification to that effect in the **Federal Register**. Based on current statistics, NMFS has determined that the available commercial quota of 3.06 million lb (1.39 million kg) for red snapper will be reached when the fishery closes at noon on May 8, 2000. Accordingly, the commercial fishery in the EEZ in the Gulf of Mexico for red snapper will remain closed until noon, local time, on September 1, 2000. The operator of a vessel with a valid reef fish permit having red snapper aboard must have landed and bartered, traded, or sold such red snapper prior to noon, local time, May 8, 2000.

During the closure, the bag and possession limits specified in 50 CFR 622.39(b) apply to all harvest or possession of red snapper in or from the EEZ in the Gulf of Mexico, and the sale or purchase of red snapper taken from the EEZ is prohibited. In addition, the bag and possession limits for red snapper apply on board a vessel for which a commercial permit for Gulf reef fish has been issued, without regard to where such red snapper were harvested. However, the bag and possession limits for red snapper apply only when the recreational quota for red snapper has not been reached and the bag and possession limit has not been reduced to zero. The prohibition on sale or purchase does not apply to sale or purchase of red snapper that were harvested, landed ashore, and sold prior to noon, local time, May 8, 2000, and were held in cold storage by a dealer or processor.

Classification

This action is taken under 50 CFR 622.43(a) and is exempt from review under Executive Order 12866.

Dated: April 17, 2000.

Bruce Morehead,

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

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¹ See the **Federal Register** issue of April 19, 2000 (I.D. 121198A).