

FAR part 52 cite	Title
52.209-5	Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters.
52.215-2	Audits and Records—Negotiation.
52.219-8	Utilization of Small, Small Disadvantaged, and Women-Owned Small Business Concerns.
52.223-6	Drug-Free Workplace.
52.233-2	Service of Protest (Solicitations only).

(h) All solicitations and contracts which exceed \$500,000 must include the FAR clauses at 52.219-9, Small, Small Disadvantaged, and Women-Owned Small Business Subcontracting Plan, and 52.219-16, Liquidated Damages—Subcontracting Plan.

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(j) When cost or pricing data is required for work or service exceeding \$500,000 the FAR clauses at 52.215-10, Price Reduction for Defective Cost or Pricing Data, and 52.215-12, Subcontractor Cost or Pricing Data, must be included in solicitations and contracts.

(k) When the contracting officer determines that it is desirable to authorize the submission of facsimile proposals, the solicitation must include the FAR provision at 52.215-5, Facsimile Proposals.

28. Section 570.702 is revised to read as follows:

570.702 Solicitation provisions.

When a solicitation for offers is issued, the contracting officer should include provisions substantially the same as the following unless the contracting officer makes a determination that use of one or more of the provisions is not appropriate:

(a) 552.270-1 Instructions to Offerors—Acquisition of Leasehold Interests in Real Property.

(1) Use Alternate I if the contracting officer decides that it is advantageous to the Government to allow offers to be submitted up to the exact time specified for receipt of final proposal revisions.

(2) Use Alternate II if the Government intends to award without discussions.

(b) 552.270-4 Historic Preference.

(c) 552.270-6 Parties to Execute Lease.

29. Section 570.703 is amended by deleting paragraph (a)(25) and redesignating paragraph (a)(26) as (a)(25).

30. Section 570.704 is revised to read as follows:

570.704 Use of provisions and clauses.

The omission of any provision or clause when its prescription requires its use constitutes a deviation which must be approved under subpart 501.4. Approval may be granted to deviate from provisions or clauses that are mandated by statute (e.g., GSAR 552.203-5, Covenant Against Contingent Fees, FAR 52.215-2, Audit and Records—Negotiation, etc.) in order to modify the language of the provision or clause, when permitted by the statute. However, the statutory provisions and clauses may not be omitted from the SFO unless the statute provides for waiving the requirements of the provision or clause. Also, certain clauses required by non-GSA regulations require approval of the issuing agency before the contracting officer can delete or modify them (e.g., 52.222-26, Equal Opportunity; 52.222-35, Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era; and 52.222-36 Affirmative Action for Handicapped Workers, require the approval of the Department of Labor's Office of Federal Contract Compliance Programs before they can be deleted from or modified in the SFO or lease).

Ida M. Ustad,

Deputy Associate Administrator for Acquisition Policy.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208297-8054-02; I.D. 041098A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Gulf of Alaska

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

ACTION: Apportionment of reserve.

SUMMARY: NMFS is apportioning the initial reserve of Pacific cod in the Gulf of Alaska (GOA). This action is necessary to allow incidental catch of Pacific cod to be retained in other directed fisheries and to account for previous harvest of the total allowable catch (TAC) in the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), April 16, 1998, through 2400 hrs, A.l.t., December 31, 1998.

Comments must be received by May 1, 1998.

ADDRESSES: Comments may be sent to Sue Salvesson, Assistant Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, 709 West 9th Street, Room 453, Juneau, AK 99801 or P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson, 907-486-6919.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The initial TAC of Pacific cod in the Western, Central, and Eastern Regulatory Areas of the GOA was established by the Final 1998 Harvest Specifications for Groundfish of the GOA (63 FR 12027, March 12, 1998) as 18,536 mt, 33,374 mt, and 936 mt in the Western, Central, and Eastern Regulatory Areas, respectively. Directed fishing for Pacific cod for processing by the inshore component in the Western Regulatory Area of the GOA was closed on March 3, 1998 (63 FR 11160, March 6, 1998), and in the Central Regulatory Area on March 10, 1998 (63 FR 12416, March 13, 1998), under § 679.20(d)(1)(iii) to prevent exceeding the allocation for processing by the inshore component in these areas.

The reserve of Pacific cod in the GOA was withheld under the Final 1998 Harvest Specifications for Groundfish of the GOA (63 FR 12027, March 12, 1998) as a management buffer to prevent exceeding the TACs and to provide greater assurance that Pacific cod could be retained as bycatch throughout the fishing year.

The Administrator, Alaska Region, NMFS, has determined that the initial TACs for Pacific cod in the GOA need to be supplemented from the Pacific cod reserve to allow the retention of incidental catch of Pacific cod in other fisheries and to account for prior harvest. Therefore, in accordance with § 679.20(b)(3)(i)(A), NMFS is apportioning 13,214 mt of Pacific cod from the reserve to the TAC in the GOA: 4,634 mt in the Western, 8,346 mt in the Central, and 234 mt in the Eastern Regulatory Areas.

Pursuant to § 679.20(a)(6)(iii), 90 percent and 10 percent of the

apportionment of the Pacific cod reserve in the GOA is allocated to vessels catching Pacific cod for processing by the inshore and offshore components respectively. This action increases the total allocation of the 1998 Pacific cod TACs for vessels catching Pacific cod for processing by the inshore component to 20,853 mt, 37,548 mt, and 1,053 mt in the Western, Central, and Eastern Regulatory Areas, respectively, and for the offshore component to 2,317 mt, 4,172 mt and 117 mt in the Western, Central, and Eastern Regulatory Areas, respectively.

In accordance with § 679.20 (b)(3)(iii)(A), NMFS finds that good cause exists for not providing the public with a prior opportunity to comment. As of March 21, 1998, NMFS estimates the amount of the Pacific cod initial TACs allocated to the inshore

component in the Western and the Central Regulatory Areas of the GOA of 16,682 mt and 30,037 mt, respectively have been reached. This action is necessary to allow retention of amounts of Pacific cod that are caught incidentally while conducting directed fishing for other species in these areas.

Maximum retainable bycatch amounts may be found at § 679.20(e) and (f).

Classification

This action responds to the initial TAC limitations for Pacific cod established in the Final 1998 Harvest Specifications for Groundfish in the GOA. This action will allow incidental catch of Pacific cod to be retained in other directed fisheries. The alternative is to prohibit retention of Pacific cod, which is contrary to the FMP goals of providing the opportunity to more fully

use the available TACs and reduce discards. A delay in the effective date is impracticable and contrary to public interest as it relieves a potential restriction. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

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

Dated: April 10, 1998.

Bruce C. Morehead,

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

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