

entities concerning the affected NASA FAR Supplement subparts will be considered in accordance with 5 U.S.C. 601. Such comments must be submitted separately and cite 5 U.S.C. 601, *et seq.*

Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the NASA FAR Supplement does not impose any new recordkeeping or information collection requirements, or new collections of information from offerors contractors, or members of the public which require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 1833 and 1852

Government procurement.

Tom Luedtke

Deputy Associate Administrator for Procurement.

Accordingly, 48 CFR parts 1833 and 1852 are amended as follows:

1. The authority citation for 48 CFR parts 1833 and 1852 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1833—PROTESTS, DISPUTES, AND APPEALS

Subpart 1833.1—Protests

2. Section 1833.103 is revised to read as follows:

1833.103 Protests to the agency. (NASA supplements paragraph (b))

(b) Protests received at NASA offices or locations other than that of the cognizant contracting officer shall be immediately referred to the contracting officer for disposition (see 1833.106(a)). The contracting officer shall advise the Headquarters Office of the General Counsel (Code GK) of the receipt of the protest and the planned and actual disposition. This paragraph does not apply when the protester has requested an independent review under the provision at 1852.233-70.

3. Section 1833.106-70 is added to read as follows:

1833.106-70 Solicitation provision.

Contracting officers shall insert the provision at 1852.233-70 in all solicitations.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Section 1852.233-70 is added to read as follows:

1852.233-70 Protests to NASA.

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

Protests to NASA (March 1997)

Potential bidders or offerors may submit a protest under 48 CFR part 33 (FAR Part 33) directly to the Contracting Officer. As an alternative to the Contracting Officer's consideration of a protest, a potential bidder or offeror may submit the protest to the Deputy Associate Administrator for Procurement, who will serve as or designate the official responsible for conducting an independent review. Protests requesting an independent review shall be addressed to Deputy Associate Administrator for Procurement, NASA Code H, Washington, DC 20546-0001.

[FR Doc. 97-5692 Filed 3-10-97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 961210346-7035-02; I.D. 030497A]

Summer Flounder Fishery

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

ACTION: Commercial quota harvest.

SUMMARY: NMFS announces that the summer flounder commercial quota available to the State of Maine has been harvested. Vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in Maine for the remainder of calendar year 1997, unless additional quota becomes available through a transfer. This announcement is in accordance with the regulations governing the summer flounder fishery. **EFFECTIVE DATE:** March 5, 1997 through December 31, 1997.

FOR FURTHER INFORMATION CONTACT: David M. Gouveia, Fishery Management Specialist, 508-281-9280.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the states from North Carolina through Maine. The process to set the annual commercial quota and the percentage allocated to each state are described in § 648.100.

The total commercial quota for summer flounder for the 1997 calendar year is set equal to 11,111,298 lb

(5,040,000 kg), effective March 5, 1997. The percentage allocated to vessels landing summer flounder in Maine is 0.04756 percent, or 5,284 lb (2,397 kg).

Section 648.100(d)(2) stipulates that any overages of commercial quota landed in any state be deducted from that state's annual quota for the following year. In calendar year 1996, a total of 8,226 lb (3,731 kg) were landed in Maine. The amount allocated for Maine landings in 1996 was 5,284 lb (2,397 kg), creating a 2,942 lb (1,334 kg) overage that was deducted from the amount allocated for landings in that state during 1997, effective March 5, 1997. The resulting quota for Maine is 2,342 lb (1,062 kg).

Section 648.101(b) requires the Regional Administrator to monitor state commercial quotas and to determine when a state commercial quota is harvested. The Regional Administrator is further required to publish an announcement in the Federal Register advising a state and notifying Federal vessel and dealer permit holders that, effective upon a specific date, the state's commercial quota has been harvested and no commercial quota is available for landing summer flounder in that state. Because the available information indicates that the State of Maine has attained its quota for 1997, the Regional Administrator has determined based on dealer reports and other available information, that the State's commercial quota has been harvested.

The regulations at § 648.4(b) provide that Federal permit holders agree, as a condition of the permit, not to land summer flounder in any state that the Regional Administrator has determined no longer has commercial quota available. Therefore, effective 0001 hours March 5, 1997, further landings of summer flounder in Maine by vessels holding commercial Federal fisheries permits are prohibited for the remainder of the 1997 calendar year, unless additional quota becomes available through a transfer and is announced in the Federal Register. Federally permitted dealers are also advised that they may not purchase summer flounder from federally permitted vessels that land in Maine for the remainder of the calendar year, or until additional quota becomes available through a transfer.

Classification

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

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

Dated: March 5, 1997.
 Gary C. Matlock,
 Director, Office of Sustainable Fisheries,
 National Marine Fisheries Service.
 [FR Doc. 97-5876 Filed 3-5-97; 4:30 pm]
 BILLING CODE 3510-22-F

50 CFR Part 679

[Docket No. 961220363-7038-02; I.D. 120296B]

RIN 0648-A165

Fisheries of the Exclusive Economic Zone Off Alaska; Maximum Retainable Bycatch Percentages

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

ACTION: Final rule.

SUMMARY: NMFS implements a regulatory amendment to reduce maximum retainable bycatch percentages for sablefish in the Gulf of Alaska (GOA) groundfish trawl fisheries and to allow the use of GOA arrowtooth flounder as a basis species for the retention of bycatch amounts of pollock and Pacific cod when either of these two species is closed to directed fishing. This action is necessary to slow the harvest rate of GOA sablefish and to provide for fuller utilization of pollock and Pacific cod incidentally taken in the arrowtooth flounder fishery. This action is intended to further the objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP).

EFFECTIVE DATE: April 10, 1997.

ADDRESSES: Copies of the environmental assessment/regulatory impact review prepared for this action may be obtained from the Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel.

FOR FURTHER INFORMATION CONTACT: Sue Salvesson, 907-586-7228.

SUPPLEMENTARY INFORMATION: Fishing for groundfish by U.S. vessels in the

exclusive economic zone of the GOA is managed by NMFS according to the FMP. The FMP was prepared by the North Pacific Fishery Management Council (Council) under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens 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.

Regulations at § 679.20(e) establish maximum retainable bycatch (MRB) percentages for groundfish species or species groups. These MRB percentages establish the amount of a species that is closed to directed fishing that may be retained on board a vessel, relative to amounts of other retained species open to directed fishing.

At the Council's September 1996 meeting, the Council requested that NMFS initiate rulemaking to change several MRB percentages. This request was in response to (1) concerns about the extent to which some existing MRB percentages allow vessel operators to top off their retained catch of bycatch species up to the MRB amount and (2) testimony that a limited fishery for GOA arrowtooth flounder exists and that this species should be allowed as a basis species for the retention of pollock and Pacific cod. A proposed rule to implement the Council's recommended changes was published in the Federal Register on January 6, 1997 (62 FR 724). No comments were received within the public comment period that ended February 5, 1997.

This final rule implements the following changes to the MRB percentages established for GOA groundfish:

1. The MRB percentage for sablefish relative to deep water species is reduced from 15 percent to 7 percent; and
2. The use of GOA arrowtooth flounder is allowed as a basis species for the retention of pollock and Pacific cod. An MRB of 5 percent of each these species relative to arrowtooth flounder is established.

Further justification of these changes is discussed in the preamble to the proposed rule.

Changes from the proposed rule

NMFS clarifies § 679.20(f)(2) so that regulatory constraints to using arrowtooth flounder as a basis to calculate retained amounts of other groundfish species are consistent with the allowances provided under the final rule for GOA pollock and Pacific cod.

Classification

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. The reasons were published in the Federal Register with the proposed rule (62 FR 724, January 6, 1997). No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

List of Subjects in 50 CFR Part 679

Fisheries, Reporting and recordkeeping requirements.

Dated: March 3, 1997.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

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.*, 1801 *et seq.*

2. In part 679, Table 10 is revised to read as follows:

TABLE 10 TO PART 679.—CURRENT GULF OF ALASKA RETAINABLE PERCENTAGES

	Pollock	Pacific cod	Deep flatfish	Rex sole	Bycatch species ¹				Aggregated rockfish ²	DSR SEEO ⁴	Atka mackerel	Other species
					Flathead sole	Shallow flatfish	Arrowtooth	Sablefish				
Basis Species:												
Pollock	³ na	20	20	20	20	20	35	1	5	10	20	20
Pacific cod	20	³ na	20	20	20	20	35	1	5	10	20	20
Deep flatfish	20	20	³ na	20	20	20	35	7	15	1	20	20
Rex sole	20	20	20	³ na	20	20	35	7	15	1	20	20
Flathead sole	20	20	20	20	³ na	20	35	7	15	1	20	20
Shallow flatfish	20	20	20	20	20	³ na	35	1	5	10	20	20
Arrowtooth	5	5	0	0	0	0	³ na	0	0	0	0	0
Sablefish	20	20	20	20	20	20	35	³ na	15	1	20	20
Pacific Ocean perch	20	20	20	20	20	20	35	7	15	1	20	20
Shortraker/rougheye	20	20	20	20	20	20	35	7	15	1	20	20