

**DEPARTMENT OF VETERANS AFFAIRS****48 CFR Parts 807 and 852**

RIN 2900-A161

**Removal of Certain Limitations on Cost Comparisons Related to Contracting Out of Activities at VA Health-Care Facilities**

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

**SUMMARY:** This document amends the Department of Veterans Affairs (VA) Acquisition Regulations (VAAR) by removing certain limitations on cost comparisons related to contracting out of activities at VA health-care facilities that are not direct patient care activities nor incident to direct patient care. This reflects statutory changes made by the Veterans' Health Care Eligibility Reform Act of 1996 (Pub. L. 104-262).

EFFECTIVE DATE: April 15, 1997.

**FOR FURTHER INFORMATION CONTACT:** Don Kaliber, Acquisition Policy Team (95A), Office of Acquisition and Materiel Management, Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420, (202) 273-8819.

**SUPPLEMENTARY INFORMATION:** Previously, 38 U.S.C. 8110(c) placed certain restrictions on Veterans Health Administration (VHA) cost comparison studies (studies similar to those conducted pursuant to Office of Management and Budget (OMB) Circular A-76). Prior to the effective date of this document, these restrictions were reflected in VAAR sections 807.302, 807.304-72, 852.207-71, and 852.207-72. Section 305 of Public Law 104-262, the Veterans' Health Care Eligibility Reform Act of 1996, amended 38 U.S.C. 8110(c), deleting its restrictions on the conduct of cost comparison studies at VHA facilities. Therefore, this document removes provisions of the VAAR to correspond with the statutory changes. In the absence of these VAAR provisions, VHA cost comparison studies will be performed in accordance with, to the extent applicable, remaining provisions of the VAAR, the Federal Acquisition Regulation, VHA directives, OMB Circular A-76, Circular A-76 Revised Supplemental Handbook, and other provisions of law.

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. This final rule

merely reflects statutory changes and would not cause a significant effect on any entities. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

**List of Subjects in 48 CFR Parts 807 and 852**

Government procurement.

Approved: April 4, 1997.

**Jesse Brown,***Secretary of Veterans Affairs.*

For the reasons set forth in the preamble, 48 CFR parts 807 and 852 are amended as follows:

1. The authority citation for part 807 is revised to read as follows:

**Authority:** 38 U.S.C. 501; 40 U.S.C. 486(c).

**PART 807—ACQUISITION PLANNING****Subpart 807.3—Contractor Versus Government Performance****807.302, 807.304-72** [Removed]

2. Sections 807.302 and 807.304-72 are removed.

**PART 852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

3. The authority citation for part 852 is revised to read as follows:

**Authority:** 38 U.S.C. 501; 40 U.S.C. 486(c).

**Subpart 852.2—Texts of Provisions and Clauses****852.207-71, 852.207-72** [Removed]

3. Sections 852.207-71 and 852.207-72 are removed.

[FR Doc. 97-9602 Filed 4-14-97; 8:45 am]

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Parts 600 and 648**

[Docket No. 960612172-7054-02; I.D. 011697A]

RIN 0648-A121

**Fisheries of the Northeastern United States; Technical Amendment; Correction**

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

ACTION: Final rule; correction to technical amendment.

**SUMMARY:** This document contains corrections to a final rule; technical amendment [I.D. 011697A] that was published on March 27, 1997. The technical amendment corrected and clarified regulations implementing the fishery management plans (FMPs) for: Summer flounder, scup, and black sea bass; Atlantic sea scallops; Northeast multispecies; Atlantic surf clams and ocean quahogs; Atlantic mackerel, squid, and butterfish; and Atlantic salmon. These FMPs were consolidated into one part (50 CFR part 648).

EFFECTIVE DATE: March 24, 1997.

**FOR FURTHER INFORMATION CONTACT:**

Mary M. Tokarcik, Fisheries Management Specialist, 508-281-9326.

**SUPPLEMENTARY INFORMATION:****Need for Correction**

As published, the technical amendment inadvertently revised regulatory text that was implemented in Amendment 5 to the Atlantic Sea Scallop Fishery (62 FR 1829, January 14, 1997).

**Correction to the Publication**

Accordingly, the publication on March 27, 1997 (62 FR 14644), of the final rule; technical amendment [I.D. 011697A], which was the subject of FR Doc. 97-7714, is corrected as follows:

1. On page 14645, in the second column, in line nine from the top of the page, remove "(a)(96)" and insert "(a)(100)" and in line ten, remove "(97)" and insert "(101)".

2. On page 14647, in the third column, instruction 9 to § 648.14 is corrected, paragraph (a)(96), as published on January 14, 1997, is reinstated, and paragraph (a)(101) is added to read as follows:

"9. In § 648.14, paragraphs (a)(19), (a)(37), (a)(40), (a)(43), (a)(48), (a)(50), (a)(57) introductory text, (a)(57)(i), (a)(86), (c)(6), (c)(7), (d)(3), (h)(1), (h)(9), (i)(1), and (x)(1)(iii) are revised, paragraphs (a)(100), (a)(101), and (d)(4) are added, paragraph (c)(10) is removed and paragraph (r) is removed and reserved as follows:"

**§ 648.14 Prohibitions.**

(a) \* \* \*

(101) Enter or fish in the Gulf of Maine/Georges Bank and Southern New England Regulated Mesh Areas, except as provided in §§ 648.80 (a)(2)(iii) and (b)(2)(iii), and for purposes of transiting, provided that all gear (other than exempted gear) is stowed in accordance with § 648.23(b).

\* \* \* \* \*

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