

Authority: 40 U.S.C. 486(c).

2. Subpart 501.4 is revised to read as follows:

Subpart 501.4—Deviations From the FAR and GSAR

501.402 Policy.

(a) Uniformity is an objective of the GSA Acquisition Regulatory System. However, the desire for consistency of action by GSA contracting activities must not restrict or discourage development and testing of new procedures and techniques. Similarly, the desire for consistency must not prevent GSA contracting activities from adopting alternate procedures determined to be in the Government's interest based on unique programmatic or managerial considerations.

(b) A contracting activity may deviate from a regulatory provision which implements a statutory requirement only to the extent that the deviation does not violate the underlying statute.

(c) Deviations must not be used to defeat the FAR and GSAR approval requirements.

501.403 Individual deviations.

Individual deviations from the GSAR or the FAR must be approved by the Contracting Director. A copy must be submitted to GSA's Senior Procurement Executive (MV).

501.404 Class deviations.

(a) Class deviations from the FAR or the GSAR must be approved by the head of the contracting activity (HCA). A copy must be submitted to GSA's Senior Procurement Executive (MV).

(b) Requests for class deviations must be supported by statements that disclose the need for and the nature of the deviation.

(c) Class deviations from the GSAR will expire in 12 months if not extended. They may be rescinded earlier by the Senior Procurement Executive or the HCA without prejudice to any action previously taken.

Dated: September 26, 1996.

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

[I.D. 062596B]

RIN 0648-AH68

Fisheries of the Exclusive Economic Zone Off Alaska; Amendment 38; Pacific Ocean Perch

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

ACTION: Approval of a fishery management plan amendment.

SUMMARY: NMFS announces approval of Amendment 38 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). Amendment 38 provides the flexibility for the North Pacific Fishery Management Council (Council) to recommend a total allowable catch (TAC) amount for Pacific ocean perch (POP) below the level currently established in the FMP. This action is necessary to improve the conservation and management of POP and is intended to further the goals and objectives of the FMP.

EFFECTIVE DATE: September 25, 1996.

ADDRESSES: Copies of Amendment 38, the environmental assessment, and the economic analysis prepared for the amendment are available from the Council, 605 West 4th Avenue, Suite 306, Anchorage, AK 99501-2252; telephone 907-271-2809.

FOR FURTHER INFORMATION CONTACT: Kaja Brix, 907-586-7228.

SUPPLEMENTARY INFORMATION: Decline of the POP stock since the early period of the foreign fishery (mid-1960's) prompted the Council to recommend a rebuilding plan for POP. The Pacific

Ocean Perch Rebuilding Plan (Rebuilding Plan) was established in Amendment 32 to the FMP. Details of the justification for the Rebuilding Plan can be found in the Notice of Availability for Amendment 32 (59 FR 295, January 4, 1994). The Rebuilding Plan provides a specific rebuilding strategy for POP stocks, based on available biological and economic information. The Rebuilding Plan establishes a formula to determine annually the POP TAC, which is then apportioned among Gulf of Alaska (GOA) regulatory areas based on biomass distribution. However, the amendment does not provide for any flexibility to reduce the TAC below the amount specified by the formula.

Under the current Rebuilding Plan, the potential exists for the calculated TAC to be greater than the acceptable biological catch level, which would be inconsistent with the current management practice for other groundfish stocks. The Council also has expressed concern that it does not have the flexibility to lower the POP TAC under the Rebuilding Plan to accommodate other resource conservation concerns. Therefore, at its December 1995 meeting, the Council adopted Amendment 38 to the FMP for review by NMFS under section 304(b) of the Magnuson Fishery Conservation and Management Act (Magnuson Act). Amendment 38 does not prescribe a TAC lower than that specified by the formula; however, it allows the Council the flexibility to recommend a TAC below the level of the specified formula in one or more GOA regulatory areas or districts.

The FMP amendment gives the Council the alternative of recommending a lower POP TAC in the annual specifications process only for the purpose of addressing biological or resource conservation concerns that are not addressed under the Rebuilding Plan or Stock Assessment and Fishery Evaluation reports. If socioeconomic concerns exist with respect to the management of the POP fishery, particularly in the Eastern GOA, the Council would need to consider a separate amendment to address these issues.

A Notice of Availability of Amendment 38, which described the proposed action and solicited comments from the public until August 30, 1996, was published in the Federal Register on July 5, 1996 (61 FR 35174). No written comments were received during the 60-day comment period. After review under the Magnuson Act, NMFS determined that Amendment 38 is consistent with the Magnuson Act and other applicable laws and approved Amendment 38 on September 25, 1996. Additional information on this action is contained in the Notice of Availability.

No regulatory changes are necessary to implement this FMP amendment. Any recommendation that the Council may make for the POP TAC as a result of this amendment will take place during the annual groundfish TAC specification process under regulations at § 679.20(a)(2).

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

Dated: September 26, 1996.

Gary C. Matlock,

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

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