

made as bilateral contracts rather than purchase orders.

1813.003 Policy. (NASA supplements paragraph (h))

(h) Acquisitions under these simplified acquisition procedures shall be fixed-price, except as provided under the unpriced purchase order method in FAR 13.302-2.

Subpart 1813.1—Procedures

1813.106 Soliciting competition, evaluation of quotations or offers, award and documentation.

1813.106-3 Award and documentation. (NASA supplements paragraph (b))

(b)(3)(ii) For purchases up to \$50,000, documentation shall be limited to a brief notation in the file indicating the rationale for selecting other than the lowest priced offer.

Subpart 1813.3—Simplified Acquisition Methods

1813.301 Governmentwide commercial purchase card. (NASA supplements paragraphs (a), (b), and (c))

(a) The procurement officer shall designate individual cardholders in accordance with center procedures, subject to the following limitations:

(i) Personnel other than contracting officers may be designated as cardholders for micro-purchases and for individual orders under BPAs up to \$5,000 (see 1813.303-3(a)(4)), provided they complete training adequate to ensure appropriate use of the purchase card. Training materials are available from the NASA Procurement Library on the Internet at <http://ec.msfc.nasa.gov/hq/library/library.html>.

(ii) The procurement officer's designation shall be in writing and shall specify the scope of the cardholder's authority.

(iii) The center shall establish and maintain administrative procedures and management controls required by the General Services Administration (GSA). Purchases made with the Governmentwide commercial purchase card shall comply with the instructions and procedures issued by GSA as well as applicable parts of the FAR and NFS.

(b) The Governmentwide commercial purchase card may be used to order and pay for purchases under contracts established under FAR Part 8 procedures, up to the simplified acquisition threshold (except see paragraph (a)(i) of this section for dollar limitations for personnel other than contracting officers).

(c) The Governmentwide commercial purchase card may be used to order and pay for purchases in the circumstances

described in FAR 13.301(c) up to the simplified acquisition threshold (except see paragraph (a)(i) of this section for limitations for personnel other than contracting officers). Except as authorized in paragraphs (b) and (c) of this section, the Governmentwide commercial purchase card may not be used for purchases in excess of \$25,000. Purchases above the micro-purchase threshold shall comply with all applicable statutory and regulatory requirements, including the following:

(i) Small business set-aside (see FAR 13.003(b)).

(ii) Representations and certifications. The applicable items from the provision at FAR 52.212-3, Offeror Representations and Certifications—Commercial Items, shall be obtained for commercial or noncommercial purchases. This information may be obtained orally from vendors.

(iii) Maximum practicable competition (see FAR 13.106-1).

(iv) Implementation of the applicable contract clauses. This requirement may be satisfied by forwarding a completed SF 1449, appropriately modified to reflect purchase card terms, to the awardee after placing the order via the card, provided that the awardee must be notified of, and agree to, the applicability of the SF 1449 clauses when the order is placed.

1813.301-70 Purchase card documentation.

Documentation of purchases shall be minimized. For transactions below the micro-purchase threshold, the card holder shall maintain a brief log of purchases and a file of monthly purchase card statements indicating whether item receipt has occurred. For purchases above the micro-purchase threshold, see 1813.106-3(b)(3)(ii).

1813.301-72 Approving official.

The approving official is the individual who reviews and approves a cardholder's monthly statement of purchases. The approving official shall be the cardholder's immediate or higher level supervisor; in no case shall cardholders approve their own statement of purchases. Unless center procedures otherwise provide for their designation, the procurement officer shall designate approving officials.

1813.301-73 Program officials.

(a) The Headquarters Office of Procurement (Code HK) is the agency program coordinator.

(b) The procurement officer shall identify the center program coordinator and the center billing office point of contact, and provide their names to the agency program coordinator.

1813.302 Purchase orders.

1813.302-1 General. (NASA supplements paragraph (a))

(a) See 1813.003(h).

1813.302-70 Purchase orders under section 8(a) of the Small Business Act.

Purchase orders made using simplified acquisition procedures are authorized for 8(a) acquisitions under the simplified acquisition threshold.

1813.303 Blanket Purchase Agreements (BPAs)

1813.303-3 Preparation of BPAs. (NASA supplements paragraph (a))

(a)(4) Non-GS-1102 or -1105 personnel shall not be authorized to place individual orders under a BPA in an amount greater than \$5,000. For sole source orders above \$2,500, a contracting officer's determination is required in accordance with FAR 13.106-1(b)(1).

1813.307 Forms. (NASA supplements paragraphs (b), (c), and (d))

(b) Installations may use locally prescribed forms.

(c) Installations may use locally prescribed forms.

(d) The SF 44 may be used for purchases of aviation fuel and oil of \$10,000 or less.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 980414096-8173-02; I.D. 032698A]

RIN 0648-AJ99

Fisheries of the Exclusive Economic Zone Off Alaska; Gear Allocation of Shortraker and Rougheye Rockfish in the Aleutian Islands Subarea

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

ACTION: Final rule.

SUMMARY: NMFS issues regulations to implement Amendment 53 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). This rule allocates shortraker rockfish and rougheye rockfish (SR/RE) in the Aleutian Islands subarea (AI) between vessels using trawl gear and vessels

using non-trawl gear. This action is necessary to prevent the incidental catch of SR/RE in trawl fisheries from closing non-trawl fisheries and is intended to further the objectives of the FMP.

DATES: Effective July 22, 1998.

ADDRESSES: Copies of Amendment 53 and the Environmental Assessment/Regulatory Impact Review (EA/RIR) prepared for this action are available from the Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau AK 99802, Attn: Lori J. Gravel, or by calling the Alaska Region, NMFS at 907-586-7228.

FOR FURTHER INFORMATION CONTACT: Alan Kinsolving, NMFS, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the domestic groundfish fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) under the FMP. The North Pacific Fishery Management Council (Council) prepared the FMP pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing the Alaska groundfish fisheries appear at 50 CFR parts 600 and 679.

NMFS published a Notice of Availability of Amendment 53 in the **Federal Register** on April 2, 1998 (63 FR 16223), and invited comments through June 1, 1998. On April 28, 1998, NMFS published a proposed rule to implement Amendment 53 (63 FR 23261) and invited comments through June 12, 1998. NMFS did not receive comments on either the rule or the FMP amendment. The final rule text is unchanged from the proposed rule.

In 1997, unanticipated high harvest rates of SR/RE in the Pacific ocean perch (POP) and Atka mackerel trawl fisheries undermined the effectiveness of inseason management and monitoring of fisheries in the AI. These higher than anticipated catch rates resulted in harvest amounts that exceeded the acceptable biological catch. Estimates of SR/RE bycatch through mid-1997 indicated that the overfishing level would be reached if all fisheries that took these species were not closed. As a result, NMFS prohibited the retention of Atka mackerel, Pacific cod, and rockfish by vessels using trawl gear and retention of Pacific cod and Greenland turbot by vessels using hook-and-line gear in the AI. Thus, although overfishing concerns stemmed primarily from the bycatch of SR/RE in the POP and Atka mackerel trawl fisheries, lucrative non-trawl fisheries that also take incidental amounts of SR/RE were

closed, or threatened with closure, to prevent reaching the overfishing level for SR/RE. These overfishing closures disrupted fishing plans and created a loss of economic opportunity for both the trawl and non-trawl fishing industry.

Concerns about the overall management of the SR/RE total allowable catch (TAC) have prompted the Council to take two actions. Based on Council's recommendations, NMFS published a final rule to reduce maximum retainable bycatch percentages for SR/RE on March 31, 1998 (63 FR 15334). This action should reduce the incentive to "top off" target catch with SR/RE and result in lower catch rates for SR/RE. Nonetheless, overall bycatch amounts still could pose concerns because the TAC amounts annually specified for SR/RE are small in comparison to the high volume POP and Atka mackerel trawl fisheries. Consequently, representatives of the trawl and non-trawl industry recommended that SR/RE be allocated among gear groups. At its February 1998 meeting, the Council adopted Amendment 53 to the FMP. This amendment allocates 30 percent of SR/RE TAC to non-trawl gear and 70 percent of SR/RE TAC to trawl gear.

The industry-recommended allocation of SR/RE TAC between trawl and non-trawl vessels is intended to provide an allocation to non-trawl fisheries in excess of actual relative harvest in recent years, so that these operations will have adequate opportunity to harvest their full allocations of Pacific cod and sablefish. Trawl industry representatives endorsed this split, recognizing that trawl bycatch rates likely will decrease as a result of the reduction in SR/RE MRB percentages, and a gear specific allocation of SR/RE will allow more effective management of SR/RE bycatch in both the trawl and non-trawl fisheries.

The preamble to the proposed rule and the EA/RIR contain additional information on this action (see **ADDRESSES**). Upon reviewing Amendment 53, the Administrator, Alaska Region, NMFS, has determined that Amendment 53 is necessary for the conservation and management of the groundfish fisheries of the BSAI, and is consistent with the Magnuson-Stevens Act and with other applicable laws.

Amendment to Final 1998 BSAI Harvest Specifications

To implement this final rule in 1998, this action also amends the final 1998 harvest specifications for groundfish of the BSAI (63 FR 12689, March 16, 1998). Table 1 of the final specifications

sets the 1998 TAC for SR/RE in the AI at 965 mt. After subtraction of reserves, 820 mt remains. Under this final rule, the 1998 harvest specifications are amended to allocate 574 mt to trawl gear and 246 mt to non-trawl gear.

Classification

This action was developed and supported by both the trawl and non-trawl sectors of the fishing industry and does not significantly revise management measures in a manner that would require time to plan or prepare for those revisions. Without immediate effectiveness, it is possible that harvest of SR/RE in trawl fisheries could result in unnecessary closures and disruption within the non-trawl sector of the fishing industry. The immediate effectiveness of this action is required to provide consistent management and conservation of fishery resources and to give the fishing industry the earliest possible opportunity to plan its fishing operations. Accordingly, the Assistant Administrator for Fisheries, NOAA, finds there is good cause to waive the 30-day delayed effectiveness period under 5 U.S.C. 553(d)(3).

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 rationale for this determination appeared in the proposed rule. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

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

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: July 22, 1998.

Rolland A. Schmitten,

*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 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.20, paragraph (a)(9) is redesignated as paragraph (a)(10), and a

new paragraph (a)(9) is added to read as follows:

§ 679.20 General Limitations.

* * * * *

(a) * * *

(9) *BSAI shortraker rockfish and rougheye rockfish*. After subtraction of reserves, the TAC of shortraker rockfish and rougheye rockfish specified for the Aleutian Islands subarea will be allocated 30 percent to vessels using

non-trawl gear and 70 percent to vessels using trawl gear.

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