(2) In the event that the contractor was aware of facts required to be disclosed or the existence of an actual or potential organizational conflict of interest and did not disclose such facts or such conflict of interest to the contracting officer, DOE may terminate this contract for default.

(d) Remedies. For breach of any of the above restrictions or for nondisclosure or misrepresentation of any facts required to be disclosed concerning this contract, including the existence of an actual or potential organizational conflict of interest at the time of or after award, the Government may terminate the contract for default, disqualify the contractor from subsequent related contractual efforts, and pursue such other remedies as may be permitted by law or this contract.

(e) Waiver. Requests for waiver under this clause shall be directed in writing to the contracting officer and shall include a full description of the requested waiver and the reasons in support thereof. If it is determined to be in the best interests of the Government, the contracting officer may grant such a waiver in writing.

(End of clause)

ALTERNATE I: In accordance with 909.507–2 and 970.0905, include the following alternate in the specified types of contracts.

(f) Subcontracts. (1) The contractor shall include a clause, substantially similar to this clause, including this paragraph (f), in subcontracts expected to exceed the simplified acquisition threshold determined in accordance with FAR Part 13 and involving the performance of advisory and assistance services as that term is defined at FAR 37.201. The terms ''contract,'' ''contractor,'' and ''contracting officer'' shall be appropriately modified to preserve the Government's rights.

(2) Prior to the award under this contract of any such subcontracts for advisory and assistance services, the contractor shall obtain from the proposed subcontractor or consultant the disclosure required by DEAR 909.507–1, and shall determine in writing whether the interests disclosed present an actual or significant potential for an organizational conflict of interest. Where an actual or significant potential organizational conflict of interest is identified, the contractor shall take actions to avoid, neutralize, or mitigate the organizational conflict to the satisfaction of the contractor. If the conflict cannot be avoided or neutralized, the contractor must obtain the approval of the DOE contracting officer prior to entering into the subcontract.

(End of alternate)

PART 970—DOE MANAGEMENT AND OPERATING CONTRACTS

7. The authority citation for part 970 continues to read as follows:

Authority: Sec. 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2201), sec. 644 of the Department of Energy Organization Act, Public Law 95–91 (42 U.S.C. 7254).

8. Section 970.0905 is revised to read as follows:

§ 970.0905 Organizational conflicts of interest.

Management and operating contracts shall contain an organizational conflict of interest clause substantially similar to the clause at 48 CFR 952.209–72 and appropriate to the statement of work of the individual contract. In addition, the contracting officer shall assure that the clause contains appropriate restraints on intra-corporate relations between the contractor's organization and personnel operating the Department's facility and its parent corporate body and affiliates, including personnel access to the facility, technical transfer of information from the facility, and the availability from the facility of other advantages flowing from performance of the contract. The Contracting Officer is responsible for ensuring that M&O contractors adopt policies and procedures in the award of subcontracts that will meet the Department's need to safeguard against a biased work product and an unfair competitive advantage. To this end, the organizational conflicts of interest clause in the management and operating contract shall include Alternate I.

9. Subsection 970.5204–44 is amended by revising clause paragraph (b)(15) to read as follows:

§ 970.5204–44 Flowdown of contract requirements to subcontracts.

* * * * *

(b) * * *

(15) Organizational Conflicts of Interest. Clause at 48 CFR (DEAR) 952.209–72 in accordance with 48 CFR (DEAR) 970.0905.

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[FR Doc. 97–20022 Filed 7–29–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

(Docket No. ; I.D. 021197C)

International Code of Conduct for Responsible Fisheries; Implementation Plan

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

ACTION: Notice of final implementation plan.

SUMMARY: On July 25, 1996, NMFS announced the availability of a Draft Implementation Plan for the Code of Conduct for Responsible Fisheries (Implementation Plan) in the **Federal Register** and requested comments by September 23, 1996. At the close of this period, it became clear that several of the public comments raised substantive issues. During the same period, two other relevant developments took place. First, in October 1996, the Congress passed the Sustainable Fisheries Act (SFA) which contained numerous and significant amendments to the Magnuson-Stevens Fishery Conservation and Management Act; and, second, NOAA/NMFS moved into the final and substantive phase of its long-term program planning exercise, the NOAA Fisheries Strategic Plan (Strategic Plan).

The requirements of the SFA and the Strategic Plan point in the same directions as the Code of Conduct. In effect, NMFS will implement the Code of Conduct domestically as it carries out its Congressionally mandated responsibilities and the objectives of the Strategic Plan. Accordingly, NMFS redrafted the Implementation Plan, taking into account (1) the comments received on the first draft; (2) the guidance provided by Congress in the SFA; and (3) the long-term program planning that was being developed through the Strategic Plan.

The revised Implementation Plan was made available for public comment in a **Federal Register** notice on March 12, 1997 (62 FR 11410), and comments were requested by April 28, 1997. The public may request a copy of the final plan (see **ADDRESSES**) or access it on the NMFS home page at http://www.nmfs.gov.

ADDRESSES: Questions regarding this document may be directed to Matteo Milazzo, International Fisheries Division, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Matteo Milazzo, 3O1–713–2276.

SUPPLEMENTARY INFORMATION: For background and rationale for the Implementation Plan, please refer to the notices of availability published on July 25, 1996 (61 FR 38703) and March 12, 1997

(62 FR 11410).

Comments and Responses

Five written comments were received regarding the proposed Implementation Plan. All were generally supportive of the Implementation Plan but made specific suggestions about various of its provisions. Specific comments and responses are given below:

Comment: One response urged that the Implementation Plan should be

actively supported and implemented by all the Federal and state agencies involved in marine fisheries and recommended that NMFS strive to include these agencies and upgrade the document from an NMFS to a United States Government Implementation Plan.

Response: NMFS has determined that, since it is the Federal agency responsible for marine fisheries, it is appropriate at this time for NMFS to take the lead in implementation of the Code of Conduct for Responsible Fisheries and move forward with its Implementation Plan. At the same time, NMFS will work closely with other Federal, state, and local agencies on various elements of the Implementation Plan, as noted in the Implementation Plan. The intent to collaborate closely with these other government agencies, especially with respect to fisheries management, marine aquaculture, international fisheries agreements, and trade is stressed in the Implementation Plan.

Comment: One response recommended that the treatment of aquaculture be more detailed, proactively developmental, less regulatory, and more specific about resources that NMFS can make available in this area.

Response: The final Implementation Plan's treatment of aquaculture reflects the fact that, in April 1997, the Strategic Plan was approved, with a significantly modified section on marine aquaculture development. Therefore, the revised Implementation Plan includes more specific information regarding the NMFS marine aquaculture objective: To promote robust and environmentally sound aquaculture.

Comment: One comment was critical of the prominence assigned to individual transferable quotas (ITQs) as a means to deal effectively with overfishing and overcapitalization.

Response: NMFS believes that ITQs are a potentially useful management tool. However, largely in view of the fact that the SFA mandates that the National Academy of Sciences conduct a study of their effectiveness, NMFS agreed to identify ITQs as a type of limited entry in the revised Implementation Plan.

Comment: Some comments noted that the Implementation Plan generally dealt more with goals than with the specific means to reach those goals and suggested that it should be more forthcoming about particular action steps.

Response: In some instances, it was felt that the comment had some validity, and the Implementation Plan was modified. As examples, the treatments of aquaculture, recreational fisheries, and the agency's obligations under the Convention for International Trade in Endangered Species and the Endangered Species Act are stated with greater specificity. More generally, an entirely new section was added to the end of the Implementation Plan, ''Implementation Steps,'' that details the agency's resolve to work with all our constituencies, mainly through the regional Fishery Management Councils, to develop specific implementation plans on certain issues. On the other hand, NMFS is presently unable to spell out precise action steps in all areas for a variety of reasons, including the needs to complete Congressionally mandated studies, and to await future appropriation decisions.

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

Dated: July 21, 1997.

David Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 97–20042 Filed 7–29–97; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 961126334–7052–02; I.D. 072397A]

Fisheries of the Exclusive Economic Zone Off Alaska; ''Other Rockfish'' Species Group in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting retention of the ''other rockfish'' species group in the Western Regulatory Area of the Gulf of Alaska (GOA). NMFS is requiring that catch of the ''other rockfish'' species group in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the ''other rockfish'' species group 1997 total allowable catch (TAC) in this area has been reached.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 25, 1997, until 2400 hrs, A.l.t., December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586-7228.

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 1997 TAC of the ''other rockfish'' species group in the Western Regulatory Area of the GOA was established by the Final 1997 Harvest Specifications of Groundfish for the GOA (62 FR 8179, February 24, 1997) as 20 metric tons (mt). See § 679.20(c)(3)(ii).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS, has determined that the 1997 TAC for the ''other rockfish'' species group in the Western Regulatory Area of the GOA has been reached. Therefore, NMFS is requiring that further catches of the ''other rockfish'' species group in the Western Regulatory Area of the GOA be treated as prohibited species in accordance with § 679.21(b).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the 1997 TAC for the ''other rockfish'' species group in the Western Regulatory Area of the GOA. Providing an opportunity for prior notice and comment would be impracticable and contrary to public interest. The fleet has already taken the directed fishing allowance for the ''other rockfish'' species group. Further delay would only result in overharvest and disrupt the FMP's objective of allowing incidental catch to be retained throughout the year. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 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: July 24, 1997.

Bruce Morehead,

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

[FR Doc. 97–20007 Filed 7–25–97; 9:24 am]

BILLING CODE 3510–22–F