

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

- 3. Section 252.212–7001 is amended as follows:
 - a. By revising the clause date to read “(SEPT 2005)”; and
 - b. In paragraphs (b) and (c), by adding, in numerical order, new entries to read as follows:

252.212–7001 Contract terms and conditions required to implement statutes or Executive orders applicable to Defense acquisitions of commercial items.

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(b) * * *

252.237–7019 Training for Contractor Personnel Interacting with Detainees (AUG 2005) (Section 1092 of Pub. L. 108–375).

* * * * *

(c) * * *

252.237–7019 Training for Contractor Personnel Interacting with Detainees (AUG 2005) (Section 1092 of Pub. L. 108–375).

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- 4. Section 252.237–7019 is added to read as follows:

252.237–7019 Training for Contractor Personnel Interacting with Detainees.

As prescribed in 237.171–4, use the following clause:

Training for Contractor Personnel Interacting With Detainees (SEPT 2005)

(a) *Definitions.* As used in this clause—
Combatant Commander means the commander of a unified or specified combatant command established in accordance with 10 U.S.C. 161.

Detainee means a person in the custody or under the physical control of the Department of Defense on behalf of the United States Government as a result of armed conflict or other military operation by United States armed forces.

Personnel interacting with detainees means personnel who, in the course of their duties, are expected to interact with detainees.

(b) *Training requirement.* This clause implements Section 1092 of the National Defense Authorization Act for Fiscal Year 2005 (Pub. L. 108–375).

(1) The Combatant Commander responsible for the area where a detention or interrogation facility is located will provide training for contractor personnel interacting with detainees. The training will address the international obligations and laws of the United States applicable to the detention of personnel, including the Geneva Conventions. The Combatant Commander will issue a training receipt document to personnel who have completed the training.

(2)(i) The Contractor shall arrange for its personnel interacting with detainees to—

(A) Receive the training specified in paragraph (b)(1) of this clause prior to interacting with detainees and annually thereafter; and

(B) Acknowledge receipt of the training through acknowledgment of the training

receipt document specified in paragraph (b)(1) of this clause.

(ii) To make these arrangements, the following points of contact apply:
[Contracting Officer to insert applicable point of contact information cited in PGI 237.171–3(b).]

(3) The Contractor and its personnel interacting with detainees shall retain a copy of the training receipt document(s) issued and acknowledged in accordance with paragraphs (b)(1) and (2) of this clause until the contract is closed.

(c) *Subcontracts.* The Contractor shall include the substance of this clause, including this paragraph (c), in all subcontracts that may require contractor personnel to interact with detainees in the course of their duties.

(End of clause)

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DEPARTMENT OF DEFENSE

48 CFR Part 242

[DFARS Case 2004–D007]

Defense Federal Acquisition Regulation Supplement; Assignment of Contract Administration—Exception for Defense Energy Support Center

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to reflect a memorandum of agreement between the Defense Contract Management Agency and the Defense Energy Support Center that provides for the Defense Energy Support Center to perform contract administration functions for all contracts it awards. This arrangement eliminates duplication of effort in the bulk fuel quality management program.

DATES: Effective September 1, 2005.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Tronic, Defense Acquisition Regulations Council, OUSD (AT&L) DPAP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0289; facsimile (703) 602–0350. Please cite DFARS Case 2004–D007.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS 242.202(a)(i) specifies that, with certain exceptions, DoD activities shall not retain any contract for administration that requires performance of contract administration functions at or near contractor facilities. This final rule adds a new exception to the policy at DFARS 242.202(a)(i) to

reflect a memorandum of agreement between the Defense Contract Management Agency and the Defense Energy Support Center, which provides for the Defense Energy Support Center to perform contract administration functions for all contracts it awards. This arrangement eliminates duplication of effort in the bulk fuel quality management program.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This rule will not have a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating procedures of DoD. Therefore, publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2004–D007.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 242

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

- Therefore, 48 CFR Part 242 is amended as follows:

- 1. The authority citation for 48 CFR Part 242 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 242—CONTRACT ADMINISTRATION AND AUDIT SERVICES

- 2. Section 242.202 is amended as follows:

- a. In paragraph (a)(i)(P) by removing at the end “and”;

- b. In paragraph (a)(i)(Q) by removing the period and adding “; and”;

- c. By adding paragraph (a)(i)(R) to read as follows:

242.202 Assignment of contract administration.

(a)(i) * * *

(R) The Defense Energy Support Center, Defense Logistics Agency.

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[FR Doc. 05-17350 Filed 8-31-05; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 050426117-5117-01; I.D. 082605A]

Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #6 - Adjustment of the Recreational Fishery from the U.S.-Canada Border to Cape Alava, Washington

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

ACTION: Temporary rule; modification of fishing seasons; request for comments.

SUMMARY: NMFS announces a regulatory modification in the recreational fishery from the U.S.-Canada Border to Cape Alava, WA (Neah Bay Subarea). Effective Tuesday, August 16, 2005, the Neah Bay Subarea was modified to have a daily bag limit as follows: "All salmon, two fish per day, and all retained coho must have a healed adipose fin clip." All other restrictions remain in effect as announced for 2005 Ocean Salmon Fisheries. This action was necessary to conform to the 2005 management goals, and the intended effect is to allow the fishery to operate within the seasons and quotas specified in the 2005 annual management measures.

DATES: Effective 0001 hours local time (l.t.), Tuesday, August 16, 2005, until the Chinook quota or coho quota are taken, or 2359 hours l.t., September 18, 2005, whichever ever is earlier; after which the fishery will remain closed until opened through an additional inseason action for the west coast salmon fisheries, which will be published in the **Federal Register**, or until the effective date of the next scheduled open period announced in the 2005 annual management measures.

Comments will be accepted through September 16, 2005.

ADDRESSES: Comments on this action must be mailed to D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115-

0070; or faxed to 206-526-6376; or Rod McInnis, Regional Administrator, Southwest Region, NMFS, NOAA, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4132; or faxed to 562-980-4018. Comments can also be submitted via e-mail at the 2005salmonIA6.nwr@noaa.gov address, or through the internet at the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments, and include [050426117-5117-01 and/or I.D. 082605A] in the subject line of the message. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

FOR FURTHER INFORMATION CONTACT: Christopher Wright, 206-526-6140.

SUPPLEMENTARY INFORMATION: The NMFS Regional Administrator (RA) has adjusted the recreational fishery from U.S.-Canada Border to Cape Alava, WA (Neah Bay Subarea), with one regulatory modification. Effective Tuesday, August 16, 2005, the Neah Bay Subarea was modified to have a daily bag limit as follows: "All salmon, two fish per day, and all retained coho must have a healed adipose fin clip." All other restrictions remain in effect as announced for 2005 Ocean Salmon Fisheries. On August 11, 2005, the Regional Administrator had determined that the catch was less than anticipated preseason and that provisions designed to slow the catch of Chinook could be modified.

All other restrictions remained in effect as announced for 2005 Ocean Salmon Fisheries. This action was necessary to conform to the 2005 management goals, and the intended effect is to allow the fishery to operate within the seasons and quotas specified in the 2005 annual management measures. Modification in recreational bag limits and recreational fishing days per calendar week is authorized by regulations at 50 CFR 660.409(b)(1)(iii).

In the 2005 annual management measures for ocean salmon fisheries (70 FR 23054, May 4, 2005), NMFS announced the recreational fisheries: the area from the U.S.-Canada Border to Cape Alava, WA (Neah Bay Subarea) opened July 1 through the earlier of September 18 or a 12,667 marked coho subarea quota with a subarea guideline of 4,300 Chinook; the area from Cape Alava to Queets River, WA (La Push Subarea) opened July 1 through the earlier of September 18 or a 3,067 marked coho subarea quota with a subarea guideline of 1,900 Chinook; the area from Queets River to Leadbetter

Point, WA (Westport Subarea) opened June 26 through the earlier of September 18 or a 45,066 marked coho subarea quota with a subarea guideline of 28,750 Chinook; the area from Leadbetter Point, WA to Cape Falcon, OR (Columbia River Subarea) opened July 3 through the earlier of September 30 or a 60,900-marked coho subarea quota with a subarea guideline of 8,200 Chinook. The Neah Bay and La Push Subareas were opened Tuesday through Saturday, and the Westport and Columbia River Subareas were opened Sunday through Thursday. All subareas had a provision that there may be a conference call no later than July 27 to consider opening seven days per week. All subareas were restricted to a Chinook minimum size limit of 24 inches (61.0 cm) total length. In addition, all of the subarea bag limits were for all salmon, two fish per day, no more than one of which may be a Chinook, with all retained coho required to have a healed adipose fin clip.

The recreational fisheries in the area from Cape Alava, WA, to Cape Falcon, OR (La Push, Westport, and Columbia River Subareas), were modified by Inseason Action #5, effective Friday, July 29, 2005, to be open seven days per week, with a modified daily bag limit as follows: "All salmon, two fish per day, and all retained coho must have a healed adipose fin clip." All other restrictions remain in effect as announced for 2005 Ocean Salmon Fisheries (70 FR 47727, August 15, 2005).

On August 11, 2005, the RA consulted with representatives of the Pacific Fishery Management Council, Washington Department of Fish and Wildlife, and Oregon Department of Fish and Wildlife by conference call. Information related to catch to date, the Chinook and coho catch rates, and effort data indicated that the catch was less than anticipated preseason and that the provision designed to slow the catch of Chinook could be modified by relaxing the bag limit. As a result, on August 11, 2005, the states recommended, and the RA concurred, that effective Tuesday, August 16, 2005, the Neah Bay Subarea would be modified to have a daily bag limit as follows: "All salmon, two fish per day, and all retained coho must have a healed adipose fin clip." All other restrictions remained in effect as announced for 2005 Ocean Salmon Fisheries.

The RA determined that the best available information indicated that the catch and effort data, and projections, supported the above inseason action recommended by the states. The states manage the fisheries in state waters