

acquisitions that are complex, have critical applications, or have unusual requirements. Follow the procedures at PGI 246.103(2) for preparation of instructions.

**246.104 and 246.203 [Removed]**

5. Sections 246.104 and 246.203 are removed.

6. Section 246.406 is amended by revising paragraph (2) to read as follows:

**246.406 Foreign governments.**

\* \* \* \* \*

(2) *International military sales (non-NATO)*. Departments and agencies shall—

(i) Perform quality assurance services on international military sales contracts or in accordance with existing agreements;

(ii) Inform host or U.S. Government personnel and contractors on the use of quality assurance publications; and

(iii) Delegate quality assurance to the host government when satisfactory services are available.

\* \* \* \* \*

7. Section 246.408–71 is amended by revising paragraph (c) to read as follows:

**246.408–71 Aircraft.**

\* \* \* \* \*

(c) The CAO shall ensure that the contractor possesses any required FAA certificates prior to acceptance.

**246.408–72 [Removed]**

8. Section 246.408–72 is removed.

9. Sections 246.470–1 and 246.470–2 are revised to read as follows:

**246.470–1 Assessment of additional costs.**

(a) Under the clause at FAR 52.246–2, Inspection of Supplies—Fixed-Price, after considering the factors in paragraph (c) of this subsection, the quality assurance representative (QAR) may believe that the assessment of additional costs is warranted. If so, the representative shall recommend that the contracting officer take the necessary action and provide a recommendation as to the amount of additional costs. Costs are based on the applicable Federal agency, foreign military sale, or public rate in effect at the time of the delay, reinspection, or retest.

(b) If the contracting officer agrees with the QAR, the contracting officer shall—

(1) Notify the contractor, in writing, of the determination to exercise the Government's right under the clause at FAR 52.246–2, Inspection of Supplies—Fixed-Price; and

(2) Demand payment of the costs in accordance with the collection procedures contained in FAR Subpart 32.6.

(c) In making a determination to assess additional costs, the contracting officer shall consider—

(1) The frequency of delays, reinspection, or retest under both current and prior contracts;

(2) The cause of such delay, reinspection, or retest; and

(3) The expense of recovering the additional costs.

**246.470–2 Quality evaluation data.**

The contract administration office shall establish a system for the collection, evaluation, and use of the types of quality evaluation data specified in PGI 246.470–2.

**246.470–3 through 246.470–5 [Removed]**

10. Sections 246.470–3 through 246.470–5 are removed.

11. Section 246.472 is revised to read as follows:

**246.472 Inspection stamping.**

(a) DoD quality inspection approval marking designs (stamps) may be used for both prime contracts and subcontracts. Follow the procedures at PGI 246.472(a) for use of DoD inspection stamps.

(b) Policies and procedures regarding the use of National Aeronautics and Space Administration (NASA) quality status stamps are contained in NASA publications. When requested by NASA centers, the DoD inspector shall use NASA quality status stamps in accordance with current NASA requirements.

12. Section 246.601 is added to read as follows:

**246.601 General.**

See Appendix F, Material Inspection and Receiving Report, for procedures and instructions for the use, preparation, and distribution of—

(1) The Material Inspection and Receiving Report (DD Form 250 series); and

(2) Supplier's commercial shipping/packing lists used to evidence Government contract quality assurance.

**246.670 and 246.671 [Removed]**

13. Sections 246.670 and 246.671 are removed.

**246.702 and 246.703 [Removed]**

14. Sections 246.702 and 246.703 are removed.

15. Sections 246.704 through 246.706 are revised to read as follows:

**246.704 Authority for use of warranties.**

(1) The chief of the contracting office must approve use of a warranty, except in acquisitions for—

(i) Commercial items (see FAR 46.709);

(ii) Technical data, unless the warranty provides for extended liability (see 246.708);

(iii) Supplies and services in fixed-price type contracts containing quality assurance provisions that reference higher-level contract quality requirements (see 246.202–4); or

(iv) Supplies and services in construction contracts when using the warranties that are contained in Federal, military, or construction guide specifications.

(2) The chief of the contracting office shall approve the use of a warranty only when the benefits are expected to outweigh the cost.

**246.705 Limitations.**

(a) In addition to the exceptions provided in FAR 46.705(a), warranties in the clause at 252.246–7001, Warranty of Data, may be used in cost-reimbursement contracts.

**246.706 Warranty terms and conditions.**

(b)(5) *Markings*. For non-commercial items, use MIL–STD–129, Marking for Shipments and Storage, and MIL–STD–130, Identification Marking of U.S. Military Property, when marking warranty items.

16. Section 246.710 is amended by revising paragraph (1) to read as follows:

**246.710 Contract clauses.**

(1) Use a clause substantially the same as the clause at 252.246–7001, Warranty of Data, in solicitations and contracts that include the clause at 252.227–7013, Rights in Technical Data and Computer Software, when there is a need for greater protection or period of liability than provided by the inspection and warranty clauses prescribed in FAR part 46.

\* \* \* \* \*

[FR Doc. 05–10234 Filed 5–23–05; 8:45 am]

BILLING CODE 5001–08–P

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 15**

**RIN 1018–AH89**

**Importation of Exotic Wild Birds into the United States; Notice of Reopening of Comment Period on Proposed Rule to Add Blue-Fronted Amazon Parrots from Argentina's Sustainable-Use Management Plan to the Approved List of Non-Captive-Bred Species Under the Wild Bird Conservation Act**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; notice of reopening of comment period.

**SUMMARY:** We, the Fish and Wildlife Service (Service), give notice that we are reopening the comment period for the proposed rule to add blue-fronted amazon parrots (*Amazona aestiva*) from Argentina's sustainable-use management plan to the approved list of non-captive-bred (wild-caught) species under the Wild Bird Conservation Act of 1992 (WBCA). We are reopening the public comment period to allow all interested parties time to comment on Dr. Jorge Rabinovich's study, "Modeling the Sustainable Use of the Blue-Fronted Parrot (*Amazona aestiva*) in the Dry Chaco Region of Argentina." The proposed rule was published and the public comment period initially opened on August 6, 2003 (68 FR 46559). We reopened the public comment period on March 29, 2005 (70 FR 15798) in order to accept comments related to Dr. Rabinovich's study, and we are now reopening it for an additional 45 days.

**DATES:** Comments must be submitted directly to the Service (see **ADDRESSES** section) on or before July 8, 2005. Any comments received after the closing date may not be considered in the final determination on the proposal.

**ADDRESSES:** If you wish to comment, you may submit your comments and materials by any one of several methods:

1. You may submit written comments and information to Dr. Peter O. Thomas, Chief, Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203.
2. You may hand-deliver written comments and information to the Division of Management Authority, at the above address, or fax your comments to (703) 358-2298.
3. You may send your comments by electronic mail (e-mail) to [bluefront@fws.gov](mailto:bluefront@fws.gov). Please submit e-mail comments as an ASCII file, avoiding the use of special characters and any form of encryption. Please also include "Attention: [blue-fronted amazon]" and your name and return address in your message. Please note that the e-mail address, [bluefront@fws.gov](mailto:bluefront@fws.gov), will be closed out at the end of the public comment period.
4. We request that you not submit duplicate comments by multiple means. See **SUPPLEMENTARY INFORMATION** for comment procedures.

To obtain a copy of the aforementioned study, you can download or print it from <http://www.fws.gov/international/> or contact Anne St. John at (703) 358-2095 (phone)

or (703) 358-2298 (facsimile) to receive a faxed or mailed copy.

**FOR FURTHER INFORMATION CONTACT:** Dr. Peter O. Thomas, Chief, Division of Management Authority, U.S. Fish and Wildlife Service; telephone (703) 358-2093; fax (703) 358-2280.

**SUPPLEMENTARY INFORMATION:**

**Background**

The WBCA limits or prohibits import into the United States of exotic bird species to ensure that their wild populations are not harmed by international trade. It also encourages wild bird conservation programs in countries of origin by ensuring that all imports of such species are biologically sustainable and not detrimental to the survival of the species. On November 16, 1993, we published a final rule in the **Federal Register** (58 FR 60536) in which we informed the public that imports of all CITES-listed birds (as defined in the final rule) were prohibited, except for (a) species included in an approved list; (b) specimens for which an import permit has been issued; (c) species from countries that have approved sustainable-use management plans for those species; or (d) specimens from approved foreign captive-breeding facilities.

On August 6, 2003, we published in the **Federal Register** (68 FR 46559) a rule proposing to approve a sustainable-use management plan developed by the CITES Management Authority of Argentina for blue-fronted amazon parrots under the WBCA. The rule proposed to add blue-fronted amazon parrots from Argentina's program to the approved list of non-captive-bred (wild-caught) species contained in 50 CFR 15.33(b). The public comment period on that proposed rule was open for 60 days, and in our final rule, we will address the comments we received. On March 29, 2005 (70 FR 15798), we reopened the comment period to enter into the record, Dr. Jorge Rabinovich's 2004 study, "Modeling the Sustainable Use of the Blue-Fronted Parrot (*Amazona aestiva*) in the Dry Chaco Region of Argentina," and any comments we receive regarding the relationship of this study to the proposed addition of blue-fronted amazon parrots from Argentina's program to the approved list of non-captive-bred (wild-caught) species under the WBCA.

**Public Comments Solicited**

We request comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other

interested party concerning this study and its relationship to the proposed rule. In making a final decision, we will take into consideration the comments we received and their relationship to the proposed action. Such communications may lead to a final determination that differs from the proposed rule.

The initial comment period on this proposed rule closed on October 6, 2003. In response to the receipt of Rabinovich's 2004 study, on March 29, 2005 (70 FR 15798), we reopened the public comment period on our proposed rule for 30 days, until April 28, 2005. To date, we have not yet made a final decision regarding the approval of Argentina's sustainable-use management plan for blue-fronted amazon parrots. To allow all interested parties time to submit their comments on this report for the record, we are reopening comment period for an additional 45 days.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the Division of Management Authority (see **ADDRESSES** section).

**References Cited**

Rabinovich, Jorge. 2004. Unpublished report. Centro de Estudios Parasitológicos y de Vectores (CEPAVE), Universidad Nacional de La Plata, La Plata, Prov. de Buenos Aires, Argentina. 147 pp. with figures.

**Author**

The primary author of this notice is Anne St. John (see **ADDRESSES** section).

**Authority**

The authority for this action is the Wild Bird Conservation Act of 1992

(Pub. L. 102-440, 16 U.S.C. 4901-4916.).

Dated: May 12, 2005.

**Paul Hoffman,**

*Acting Assistant Secretary—Fish and Wildlife and Parks.*

[FR Doc. 05-10253 Filed 5-23-05; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[Docket No. 050504121-5121-01; I.D. 050205B]

RIN 0648-AT40

#### Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Spiny Dogfish Management Program and Trawl Individual Quota Program and Establishment of a Control Date

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

**ACTION:** Advance notice of proposed rulemaking; notice of control date for the Pacific Coast groundfish fishery; request for comments.

**SUMMARY:** The Pacific Fishery Management Council (Pacific Council) is considering implementing management measures for the spiny dogfish (*Squalus acanthias*) fishery off Washington, Oregon and California. This document announces a control date of April 8, 2005, for the spiny dogfish fishery. The control date for the spiny dogfish fishery is intended to discourage increased fishing effort in the limited entry and open access groundfish fisheries targeting spiny dogfish based on economic speculation while the Pacific Council develops and considers management measures for the spiny dogfish fishery. In addition, this document provides supplemental information on a control date for a limited entry groundfish trawl individual quota (IQ) program announced in the **Federal Register** on January 9, 2004, by clarifying that the control date does not preclude processors from being eligible to own quota as part of the trawl IQ program.

**DATES:** Comments may be submitted in writing by June 23, 2005.

**ADDRESSES:** You may submit comments, identified by I.D. 050205B by any of the following methods:

- E-mail: [dogfish.nwr@noaa.gov](mailto:dogfish.nwr@noaa.gov). Include 050205B in the subject line of the message.

- Federal eRulemaking Portal: [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments.

- Fax: 206-526-6736, Attn: Jamie Goen

- Mail: D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115-0070, Attn: Jamie Goen

**FOR FURTHER INFORMATION CONTACT:** The Pacific Fishery Management Council at 866-806-7204; or Steve Freese at 206-526-6140.

**SUPPLEMENTARY INFORMATION:** The Pacific Council established under section 302(a)(1)(F) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(F)) (Magnuson-Stevens Act) is considering management measures for the spiny dogfish (*Squalus acanthias*) fishery off Washington, Oregon and California. In addition, NMFS previously announced a control date for a limited entry groundfish trawl IQ program off Washington, Oregon and California that is clarified later in this notice. The Pacific Coast groundfish fishery is managed under the Pacific Coast Groundfish Fishery Management Plan (FMP) approved on January 4, 1982 (47 FR 43964, October 5, 1982), as amended 18 times. Implementing regulations for the FMP and its amendments are codified at 50 CFR part 660, subpart G.

#### Control Date for the Spiny Dogfish Fishery

Recent interest in the spiny dogfish fishery and concern over the status of the stock has led the Pacific Council to consider management measures for the spiny dogfish fishery off Washington, Oregon and California. On May 5, 2005 (70 FR 23804), NMFS published a temporary emergency rule to set bycatch limits in the directed open access fishery for canary and yelloweye rockfish in order to protect those species from impacts from new vessels interested in participating in the open access fishery for dogfish (Historically, a limited number of vessels have targeted dogfish off the West Coast even though harvest of the species is currently not limited. [Note: Spiny dogfish are included in the "Other Fish" category in Pacific Coast groundfish management. Thus, the harvest of spiny dogfish is included in the optimum yield (OY) for "Other Fish," which is not limited.]

In the past few years, large areas along the coast have been closed to the non-trawl groundfish fishery to protect overfished rockfish species. Some vessels explored accessing these closed areas through an experimental fishing permit (EFP) sponsored by the Washington Department of Fish and Wildlife in an effort to test whether vessels can target spiny dogfish in the closed area while keeping catch of overfished rockfish species limited. EFP results proved promising in terms of participating vessels maintaining low bycatch rates while targeting dogfish. However, before the Pacific Council and NMFS might consider moving forward with management measures to create a targeted spiny dogfish fishery additional information is necessary, including an assessment of the status of the stock.

A formal stock assessment has not been conducted on the West Coast stock of spiny dogfish. A formal stock assessment is planned for the 2007 stock assessment cycle. In the meantime, little is known about the status of spiny dogfish on the West Coast, except that like other shark species, they are slow growing, late to mature, and have a low fecundity, making them susceptible to becoming overfished.

Thus, in an effort to discourage increased fishing effort on spiny dogfish in the limited entry and open access groundfish fisheries based on speculative new entrants while the Pacific Council considers management measures, the Pacific Council recommended and NMFS is announcing a control date of April 8, 2005, in advance of a rulemaking. Management measures may include setting an acceptable biological catch (ABC) and OY specific to spiny dogfish. While a control date is not necessary for setting an ABC/OY, it may be used if management measures include limiting future participation in the spiny dogfish fishery. If the Pacific Council recommends and NMFS adopts management measures for the spiny dogfish fishery, the measures would be implemented through a proposed and final rulemaking, and possibly an FMP amendment.

The control date announces to the public that the Pacific Council may decide not to count activities occurring after the control date toward determining a person's qualification for participation in the spiny dogfish fishery. Spiny dogfish landed after April 8, 2005, potentially may not be included in the catch history used to qualify for participation in the spiny dogfish fishery.

Implementation of any management measures for the fishery will require