

DATES: Comments on this proposed rule must be received in writing by October 25, 1995.

ADDRESSES: Comments may be mailed to Joshua A. Tapp, Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Joshua A. Tapp at (913) 551-7606.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule which is located in the rules section of the Federal Register.

Dated: August 9, 1995.

Dennis Grams,

Regional Administrator.

[FR Doc. 95-23720 Filed 9-22-95; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF DEFENSE

48 CFR Part 225

Defense Federal Acquisition Regulation Supplement; Offset Implementation Costs

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comment.

SUMMARY: The Director of Defense Procurement is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to change the phrase "offset administrative costs" to "offset implementation costs" in order to clarify the scope of costs which may be recovered by a U.S. defense contractor if the foreign military sale Letter of Offer and Acceptance is financed wholly with customer cash or repayable foreign finance credits. The proposed rule also deletes the examples of offset administrative costs.

DATES: *Comment Date:* Comments on the proposed rule should be submitted in writing to the address below on or before November 24, 1995, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUS (AT&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 95-D019 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602-0131.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule amends language in the Defense Federal Acquisition Regulation Supplement (DFARS) 225.7303-2(a)(3) to change "offset administrative costs" to "offset implementation costs," and also changes "administer specific requirements of" to "implement" in 225.7303-2(a)(3)(i). The examples at 225.7303-2(a)(3)(iii) are deleted. These changes are proposed in order to clarify that the U.S. contractor may recover the full cost necessary to implement an offset agreement.

B. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the change in terminology from "administrative" to "implementation" is intended only to clarify the scope of costs covered. Furthermore, most companies involved in offset arrangements are not small business entities. An Initial Regulatory Flexibility Analysis has therefore not been prepared. Comments are invited from small businesses and other increased parties. Comments from small entities concerning the affected DFARS Subpart will be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 95-D019 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any additional information collection requirements which 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 225

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 225 is proposed to be amended as follows:

PART 225—FOREIGN ACQUISITION

1. The authority citation for 48 CFR Part 225 continues to read as follows:

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

2. Section 225.7303-2 is amended by revising paragraph (a)(3) to read as follows:

225.7303-2 Cost of doing business with a foreign government or an international organization.

(a) * * *

(3) Offset implementation costs.

(i) A U.S. defense contractor may recover costs incurred to implement its offset agreement with a foreign government or international organization if the foreign military sale Letter of Offer and Acceptance is financed wholly with customer cash or repayable foreign military finance credits.

(ii) The U.S. Government assumes no obligation to satisfy or administer the offset requirement or to bear any of the associated costs.

* * * * *

[FR Doc. 95-23551 Filed 9-22-95; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AD20

Endangered and Threatened Wildlife and Plants; Proposed Special Rule for the Conservation of the Northern Spotted Owl on Non-Federal Lands

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Reopening of the comment period for the proposed special rule.

SUMMARY: On February 17, 1995, the Fish and Wildlife Service (Service) published a proposed special rule in the Federal Register (February 17, 1995, 60 FR 9484) pursuant to section 4(d) of the Endangered Species Act (Act), to replace the blanket prohibitions against incidental take of spotted owls with a narrower, more tailor-made set of standards that reduce prohibitions applicable to timber harvest and related activities on specified non-Federal forest lands in Washington and California. The comment period was scheduled to end on September 15, 1995. The intent of this document is to reopen the comment period to November 24, 1995.

DATES: The comment period for written comments is reopened until November 24, 1995.

ADDRESSES: Comments and materials concerning this proposed rule should be sent to Mr. Michael J. Spear, Regional Director, Region 1, U.S. Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232-4181.

FOR FURTHER INFORMATION CONTACT: Mr. Curt Smitch, Assistant Regional

Director, North Pacific Coast Ecoregion, 3704 Griffin Lane SE, Suite 102, Olympia, Washington 98501 (360/534-9330); or Mr. Ron Crete, Manager, Habitat Protection and Restoration, Office of Technical Support-Forest Resources, P.O. Box 3623, Portland, Oregon 97204-3623 (503/326-6700).

SUPPLEMENTARY INFORMATION:

Background

The implementing regulations for threatened wildlife generally incorporate the prohibitions of section 9 of the Endangered Species Act of 1973, as amended (Act), for endangered wildlife, except when a "special rule" promulgated pursuant to section 4(d) of the Act has been issued with respect to a particular threatened species. At the time the northern spotted owl, *Strix occidentalis caurina*, was listed as a threatened species in 1990, the Service did not promulgate a special section 4(d) rule and therefore, all of the section 9 prohibitions, including the "take" prohibitions, became applicable to the species. To replace the blanket prohibitions against take of spotted owls, the Service published a proposed special rule, 50 CFR Part 17, on February 17, 1995, in the Federal Register, pursuant to section 4(d) of the Act, which proposes a narrower, more tailor-made set of standards that reduce prohibitions applicable to timber harvest and related activities on specified non-Federal forest lands in Washington and California.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)

Dated: September 11, 1995.

Don Weathers,

Acting Regional Director, U.S. Fish and Wildlife Service, Region 1, Portland, Oregon. [FR Doc. 95-23556 Filed 9-22-95; 8:45 am]

BILLING CODE 4310-55-P

50 CFR Part 17

RIN 1018-AD46

Endangered and Threatened Wildlife and Plants; Proposed Endangered or Threatened Status for Nineteen Plant Species From the Island of Kauai, Hawaii

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes endangered status pursuant to the Endangered Species Act of 1973, as amended (Act), for 17 plants: *Alsinidendron lychnooides* (kawawaenuhu), *Alsinidendron viscosum* (No common name (NCN)), *Cyanea remyi* (haha), *Cyrtandra cyaneoides* (mapele), *Delissea rivularis* ('oha), *Hibiscadelphus woodii* (hau kuahiwi), *Hibiscus waimeae* ssp. *hannerae* (koki'o ke'oke'o), *Kokia kauaiensis* (koki'o), *Labordia tinifolia* var. *wahiawaensis* (kamakahala), *Phyllostegia knudsenii* (NCN), *Phyllostegia wawrana* (NCN), *Pritchardia napaliensis* (loulou), *Pritchardia viscosa* (loulou), *Schiedea helleri* (NCN), *Schiedea membranacea* (NCN), *Schiedea stellarioides* (lauhilihi), and *Viola kauaensis* var. *wahiawaensis* (nani wai'ale'ale). The Service also proposes threatened status for two plant species: *Cyanea recta* (haha) and *Myrsine linearifolia* (kolea). All of the species are endemic to the island of Kauai, Hawaiian Islands. The 19 plant taxa and their habitats have been variously affected or are currently threatened by one or more of the following: competition, predation or habitat degradation from introduced species; natural disasters; and trampling by humans. This proposal, if made final, would implement the Federal protection provisions provided by the Act. Listing under the Act would also trigger listed status for these 19 taxa under State law.

DATES: Comments from all interested parties must be received by November 24, 1995. Public hearing requests must be received by November 9, 1995.

ADDRESSES: Comments and materials concerning this proposal should be sent to Robert P. Smith, Manager, Pacific Islands Ecoregion, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, Room 6307, P.O. Box 50167, Honolulu, Hawaii 96850. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Robert P. Smith, Manager, Pacific Islands Ecoregion (see ADDRESSES section) (telephone: 808/541-2749; facsimile: 808/541-2756).

SUPPLEMENTARY INFORMATION:

Background

Alsinidendron lychnooides, *Alsinidendron viscosum*, *Cyanea recta*, *Cyanea remyi*, *Cyrtandra cyaneoides*, *Delissea rivularis*, *Hibiscadelphus woodii*, *Hibiscus waimeae* ssp.

hannerae, *Kokia kauaiensis*, *Labordia tinifolia* var. *wahiawaensis*, *Myrsine linearifolia*, *Phyllostegia knudsenii*, *Phyllostegia wawrana*, *Pritchardia napaliensis*, *Pritchardia viscosa*, *Schiedea helleri*, *Schiedea membranacea*, *Schiedea stellarioides*, and *Viola kauaensis* var. *wahiawaensis* are endemic to the island of Kauai.

The island of Kauai is the northernmost and oldest of the eight major Hawaiian Islands (Foote *et al.* 1972). This highly eroded island, characterized by deeply dissected canyons and steep ridges, is 1,430 square kilometers (sq km) (553 sq miles (mi)) in area (Department of Geography 1983). Kauai was formed about six million years ago by a single shield volcano. Its caldera, once the largest in the Hawaiian Islands, now extends about 16 km (10 mi) in diameter and comprises the extremely wet, elevated tableland of Alakai Swamp (Department of Geography 1983). Because the highest point on Kauai, at Kawaikini Peak, is only 1,598 m (5,243 ft) in elevation (Walker 1990), it lacks the contrasting leeward montane rainfall patterns found on other Hawaiian islands that have higher mountain systems. Rainfall is distributed throughout the upper elevations, especially at Mount Waialeale, Kauai's second highest point at 1,569 m (5,148 ft) in elevation (Walker 1990) and one of the wettest spots on earth, where annual rainfall averages 1,145 centimeters (cm) (450 inches (in)) (Wagner *et al.* 1990). To the west of the Alakai Swamp is the deeply dissected Waimea Canyon, extending 16 km (10 mi) in length and up to 1.6 km (1 mi) in width. Later volcanic activity on the southeastern flank of the volcano formed the smaller Haupu caldera. Subsequent erosion and collapse of its flank formed Haupu Ridge (Macdonald *et al.* 1983). One of the island's most famous features is the Na Pali Coast, where stream and wave action have cut deep valleys and eroded the northern coast to form precipitous cliffs as high as 910 m (3,000 ft) (Joesting 1984).

Because of its age and relative isolation, levels of floristic diversity and endemism are higher on Kauai than on any other island in the Hawaiian archipelago. However, the vegetation of Kauai has undergone extreme alterations because of past and present land use. Land with rich soils was altered by the early Hawaiians and, more recently, converted to agricultural use (Gagne and Cuddihy 1990) or pasture. Intentional or inadvertent introduction of alien plant and animal species has also contributed to the reduction of native vegetation on the island of Kauai. Native forests are now