

PART 203—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

203.104-4 [Removed]

2. Section 203.104-4 is removed.

203.104-5 [Amended]

3. Section 203.104-5 is amended by redesignating paragraph (e)(4) as (d)(4); and revising, in newly redesignated paragraph (d)(4), the reference "FAR 3.104-5(e)(4)" to read "FAR 3.104-5(d)(4)".

203.170 through 203.170-4 [Removed]

4. Sections 203.170 through 203.170-4 are removed.

PART 215—CONTRACTING BY NEGOTIATION

5. Section 215.608 is amended by revising the last sentence of paragraph (b) to read as follows:

215.608 Proposal evaluation.

* * * * *

(b) * * * Determinations based on violations or possible violations of Section 27 of the OFPP Act shall be made as specified in FAR 3.104.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.203-7000 [Removed and reserved]

6. Section 252.203-7000 is removed and reserved.

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BILLING CODE 5000-04-M

48 CFR Parts 212, 219, 225, 226, 227, 233, and 252

[DFARS Case 96-D306]

Defense Federal Acquisition Regulation Supplement; Elimination of Certifications

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: The Director of Defense Procurement is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to remove certification requirements for contractors and offerors that are not specifically imposed by statute.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before November 5, 1996, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Mr. Michael Mutty, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 96-D306 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Mr Michael Mutty, (703) 602-0131.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule amends DFARS Parts 212, 219, 225, 226, 227, 233, and

252 to remove particular certification requirements. The proposed rule implements Section 4301(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106). Section 4301(b) requires the head of each executive agency, that has agency procurement regulations containing one or more certification requirements for contractors and offerors that are not specifically imposed by statute, to issue for public comment a proposal to remove from the agency regulations those certification requirements that are not specifically imposed by statute. The head of the agency can omit such a certification from its proposal only if: (1) The senior procurement executive for the executive agency provides the head of the executive agency with a written justification for the requirement and a determination that there is no less burdensome means for administering and enforcing the particular regulation that contains the certification requirement; and (2) the head of the executive agency approves in writing the retention of such certification requirement.

The DFARS certifications for contractors and offerors proposed for elimination are summarized as follows:

DFARS citation	Title/subject
219.301	Representations by the offeror.
219.302-70	Protesting a small disadvantaged business representation.
225.603	Customs and Duties.
226.7005/7008	Eligibility as an HBCU or MI.
227.7004/7103/7104	Patents/Technical Data.
233.70/252.233-7000	Certification of Claims and Request for Adjustment or Relief.
252.216-7000	Economic Price Adjustment—Basic Steel, Aluminum, Brass, Bronze, or Copper Mill Products.
252.216-7001	Economic Price Adjustment—Nonstandard Steel Items.
252.217-7005	Inspection and Manner of Doing Work.
252.219-7000	Small Disadvantaged Business Concern Representation (DoD Contracts).
252.225-7000/7006	Buy American Act/Trade Agreements/Balance of Payments Program.
252.225-7007	Trade Agreements.
252.225-7009/7010/7037	Duty Free Entry.
252.225-7018	Notice of Prohibition of Certain Contracts with Foreign Entities for the Conduct of Ballistic Missile Defense RDT&E.
252.225-7027	Limitation on Sales Commissions and Fees.
252.225-7035/7036	Buy American Act/NAFTA/Balance of Payments Program.
252.226-7001	Historically Black College or University and Minority Institution Certification.
252.227-7036	Certification of Technical Data Conformity.
252.236-7003	Payment for Mobilization and Preparatory Work.
252.236-7006	Cost Limitation.
252.239-7007	Cancellation or Termination of Orders—Common Carriers.
252.247-7001	Price Adjustment.

The DFARS certifications for contractors and offerors specifically required by statute are summarized as follows:

DFARS citation	Title/subject	Statute
225.770/252.225-7031	Secondary Arab Boycott of Israel	10 U.S.C. 2410i.
232.970-1	Subcontractor Assertions of Nonpayment	31 U.S.C. 3903(b)(1)(B).
239.7406/252.239-7009	Cost or Pricing Data—Common Carriers	10 U.S.C. 2306a.
252.239-7010	Audit and Records—Common Carriers	10 U.S.C. 2306a.
252.243-7000	Engineering Change Proposals	10 U.S.C. 2306a.

B. Regulatory Flexibility Act

This proposed rule is expected to have a significant beneficial impact on a substantial number of small entities, because it reduces the number of certifications that offerors and contractors must provide to the Government. An Initial Regulatory Flexibility Analysis (IRFA) has been prepared and may be obtained from the address specified herein. A copy of the IRFA has been submitted to the Chief Counsel for Advocacy of the Small Business Administration. The IRFA is summarized as follows: This rule removes DFARS certification requirements for contractors and offerors that are not specifically imposed by statute. The objective and legal basis of the rule is Section 4301(b) of the Fiscal Year 1996 Defense Authorization Act (Public Law 104-106). The rule will apply to all entities, large and small, who are interested in receiving Government contracts. The rule imposes no reporting, recordkeeping, or other compliance requirements, but, rather, deletes existing certification requirements that are not required by statute. The rule does not duplicate, overlap, or conflict with any other Federal rules. There are no practical alternatives that will effectively implement Section 4301(b) of Public Law 104-106. The rule is expected to have a beneficial impact on the public and, therefore, applies equally to both large and small entities.

Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts also will be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and cite DFARS Case 96-D306 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed rule does not impose any new recordkeeping, information collection requirements, or collections of information from offerors, contractors, or members of the public 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 Parts 212, 219, 225, 226, 227, 233, and 252

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

Therefore, 48 CFR Parts 212, 219, 225, 226, 227, 233, and 252 are proposed to be amended as follows:

1. The authority citation for 48 CFR Parts 212, 219, 225, 226, 227, 233, and 252 continues to read as follows:

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

PART 212—ACQUISITION OF COMMERCIAL ITEMS

2. Section 212.301 is amended by revising paragraph (f)(ii) to read as follows:

212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

- (f) * * *
- (ii) Use one of the following provisions as prescribed in Part 225:
 - (A) 252.225-7000, Buy American Act—Balance of Payments Program Provision.
 - (B) 252.225-7006, Buy American Act—Trade Agreements—Balance of Payments Program Provision.
 - (C) 252.225-7035, Buy American Act—North American Free Trade Agreement Implementation Act—Balance of Payments Program Provision.

PART 219—SMALL BUSINESS PROGRAMS

3. Section 219.301 is amended by revising paragraph (b) to read as follows:

219.301 Representation by the offeror.

- (b) The contracting officer shall protest an offeror's representation that it is a small disadvantaged business concern when—
 - (i) There is conflicting evidence;
 - (ii) The offeror represents that the Small Business Administration previously determined the concern to be non-disadvantaged; or
 - (iii) The offeror represents its ownership as other than Black American, Hispanic American, Native

American (including Indian tribes and Native Hawaiian organizations), Asian Pacific American, or Subcontinent Asian American; unless the offeror represents that—

- (A) It currently is in the Section 8(a) program; or
- (B) Within the 6 months preceding submission of its offer, the offeror was determined by the Small Business Administration to be socially and economically disadvantaged, and no circumstances have changed to vary that determination.

4. Section 219.302-70 is amended by revising paragraphs (d) and (e) to read as follows:

219.302-70 Protesting a small disadvantaged business representation.

(d) Upon receipt of a timely protest, the contracting officer shall withhold award and forward the protest to the SBA Office of Program Eligibility, Office of Minority Small Business and Capitol Ownership Development, 409 3rd Street, SW., Washington, DC 20416. Send SBA—

- (1) The protest;
- (2) The date the protest was received and a determination of timeliness; and
- (3) The date of bid opening or date on which notification of apparent successful offeror was sent to unsuccessful offerors.

(e) Do not withhold award when—

- (1) The contracting officer makes a written determination that award must be made to protect the public interest; or

(2) The offeror represents that, within the 6 months preceding submission of its offer, the SBA has determined the concern to be socially and economically disadvantaged, and no circumstances have changed to vary that determination.

PART 225—FOREIGN ACQUISITION

5. Section 225.109 is amended by revising the first sentence of paragraph (a) to read as follows:

225.109 Solicitation provisions and contract clauses.

(a) Use the provision at 252.225-7000, Buy American Act—Balance of Payments Program Provision, instead of

the provisions at FAR 52.225-1, Buy American Provision, and FAR 52.225-6, Balance of Payments Program Provision.
* * *

* * * * *

6. Section 225.408 is amended by revising paragraphs (a)(1) and (a)(3) to read as follows:

225.408 Solicitation provisions and contract clauses.

(a)(1) Use the provision at 252.225-7006, Buy American Act—Trade Agreements—Balance of Payments Program Provision, instead of the provision at FAR 52.225-8, Buy American Act—Trade Agreements—Balance of Payments Program Provision, in all solicitations that include the clause at 252.225-7007, Trade Agreements.
* * * * *

(3) Use the provision at 252.225-7035, Buy American Act—North American Free Trade Agreement Implementation Act—Balance of Payments Program Provision, instead of the provision at FAR 52.225-20, Buy American Act—North American Free Trade Agreement Implementation Act—Balance of Payments Program Provision, in all solicitations that include the clause at 252.225-7036, North American Free Trade Agreement Implementation Act.
* * * * *

7. Section 225.603 is amended by revising paragraph (1)(iii)(C)(2) to read as follows:

225.603 Procedures.

- (1) * * *
- (iii) * * *
- (c) * * *

(2) The supplies so purchased will be delivered to the Government or incorporated in Government-owned property or in an end product to furnished to the Government, and the duty will be paid if such supplies or any portion are used for other than the performance of the Government contract or disposed of other than for the benefit of the Government in accordance with the contract terms; and
* * * * *

PART 226—OTHER SOCIOECONOMIC PROGRAMS

8. Section 226.7005 is amended by revising the introductory text of paragraph (b) and paragraph (b)(1) to read as follows:

226.7005 Eligibility as an HBCU or MI.
* * * * *

(b) The contracting officer shall accept an offeror's HBCU or MI status under the provision at 252.226-7001, unless—

(1) Another offeror challenges the status; or
* * * * *

226.7008 [Amended]

9. Section 226.7008 is amended in paragraph (b) by removing the word "Certification" and inserting the word "Status" in its place.

PART 227—PATENTS, DATA, AND COPYRIGHTS

227.7004 [Amended]

10. Section 227.7004 is amended in paragraph (a)(6) by removing the word "certification" and inserting the word "declaration" in its place.

227.7103-6 [Amended]

11. Section 227.7103-6 is amended in paragraph (e)(3) by removing the word "Certification" and inserting the word "Declaration" in its place.

227.7104 [Amended]

12. Section 227.7104 is amended in paragraph (e)(5) by removing the word "Certification" and inserting the word "Declaration" in its place.

PART 233—PROTESTS, DISPUTES, AND APPEALS

Subpart 233.70—[Removed]

13. Subpart 233.70 is removed.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

14. Section 252.216-7000 is amended by removing paragraph (c)(4) and by revising paragraph (e)(1) to read as follows:

252.216-7000 Economic Price Adjustment—Basic Steel, Aluminum, Brass, Bronze, or Copper Mill Products.
* * * * *

(e) * * *

(1) The Contractor may, after that time, deliver any items which were completed or in the process of manufacture at the time of receipt of the cancellation notice, provided the Contractor notifies the Contracting Officer of such items within 10 days after the Contractor receives the cancellation notice.
* * * * *

252.216-7001 [Amended]

15. Section 252.216-7001 is amended in the introductory text of paragraph (f)(2) by removing the words "and certifying"; and in the first sentence of paragraph (f)(4) by removing the word "certified".

16. Section 252.217-7005 is amended by revising paragraph (e)(6) to read as follows:

252.217-7005 Inspection and Manner of Doing Work.
* * * * *

(e) * * *

(6) Furnish the Contracting Officer or designated representative with a copy of the "gas-free" or "safe-for-hotwork" certificate, provided by a Marine Chemist or Coast Guard authorized person in accordance with Occupational Safety and Health Administration regulations (29 CFR 1915.14) before any hot work is done on a tank;
* * * * *

17. Section 252.219-7000 is amended by revising the introductory text of paragraph (c) to read as follows:

252.219-7000 Small Disadvantaged Business Concern Representation (DoD Contracts).
* * * * *

(c) Complete the following—
* * * * *

18. Section 252.225-7000 is amended by revising the section title, clause title and date, and paragraph (c) to read as follows:

252.225-7000 Buy American Act—Balance of Payments Program Provision.
* * * * *

Buy American Act—Balance of Payments Program Provision (Date)
* * * * *

(c) *Origin of end products.*

(1) Each end product, except those listed in paragraphs (c) (2) or (3) of this clause, is a domestic end product. Components of unknown origin are considered to have been mined, produced, or manufactured outside the United States or a qualifying country.

(2) The following end products are qualifying country end products:
Qualifying Country End Products

Line Item Number

Country of Origin

(3) The following end products are nonqualifying country end products:
Nonqualifying Country End Products

Line Item Number

Country of Origin (If known)
(End of provision)

19. Section 252.225-7006 is amended by revising the section title, clause title and date, and paragraph (c) to read as follows:

252.225-7006 Buy American Act—Trade Agreements—Balance of Payments Program Provision.
* * * * *

Buy American Act—Trade Agreements—Balance of Payments Program Provision (Date)

* * * * *

(c) *Origin of end products.*

(1) Each end product, except the end products listed in paragraph (c)(2) of this provision, is a domestic end product (as defined in the Buy American Act and Balance of Payments Program clause of this solicitation). Components of unknown origin are considered to have been mined, produced, or manufactured outside the United States or a qualifying country.

(2) The offeror must identify all end products that are not domestic end products.

(i) The following supplies qualify as "U.S. made end products" but do not meet the definition of "domestic end product":

(insert line item number)

(ii) The following supplies are qualifying country end products:

(insert line item number)

(insert country of origin)

(iii) The following supplies qualify as designated country end products:

(insert line item number)

(insert country of origin)

(iv) The following supplies qualify as Caribbean Basin country end products:

(insert line item number)

(insert country of origin)

(v) The following supplies qualify as NAFTA country end products:

(insert line item number)

(insert country of origin)

(vi) The following supplies are other nondesignated country end products:

(insert line item number)

(insert country of origin)

(End of provision)

20. Section 252.225-7007 is amended by revising the introductory text of paragraph (c), paragraph (c)(2), and paragraph (d) to read as follows:

§ 252.225-7007 Trade Agreements.

* * * * *

(c) The Contractor agrees to deliver under this contract only U.S. made end products unless, in its offer, it specified delivery of qualifying country, designated country, NAFTA country, or nondesignated country end products in the Buy American Act—Trade Agreements—Balance of Payments Program Provision.

* * * * *

(2) An offer proposing that a qualifying country end product, a designated country end product, a NAFTA country end product,

or a Caribbean Basin country end product will be supplied requires the Contractor to supply a qualifying country end product, a designated country end product, a NAFTA country end product, or a Caribbean Basin country end product, whichever is proposed, or, at the Contractor's option, a U.S. made end product.

(d) The offered price of end products listed under paragraphs (c)(2)(i) and (vi) of the Buy American Act—Trade Agreements—Balance of Payments Program Provision of the solicitation must include all applicable duty. The offered price of qualifying country end products, designated country end products, NAFTA country end products, and Caribbean Basin country end products for line items subject to the Trade Agreements Act, or the North American Free Trade Agreement Implementation Act, should not include custom fees or duty.

(End of clause)

21. Section 252.225-7009 is amended by revising paragraph (i)(10) to read as follows:

§ 252.225-7009 Duty-Free Entry—Qualifying Country End Products and Supplies.

* * * * *

(i) * * *

(10) An agreement by the Contractor that duty shall be paid by the Contractor to the extent that such supplies, or any portion (if not scrap or salvage), are diverted to nongovernmental use other than as a result of a competitive sale made, directed, or authorized by the Contracting Officer;

* * * * *

22. Section 252.225-7010 is amended by revising paragraph (c)(10) to read as follows:

§ 252.225-7010 Duty-Free Entry—Additional Provisions.

* * * * *

(c) * * *

(10) An agreement by the Contractor that duty shall be paid by the Contractor to the extent that such supplies, or any portion (if not scrap or salvage), are diverted to nongovernmental use other than as a result of a competitive sale made, directed, or authorized by the Contracting Officer.

* * * * *

23. Section 252.225-7018 is amended by revising paragraph (e) to read as follows:

252.225.7018 Notice of Prohibition of Certain Contracts with Foreign Entities for the Conduct of Ballistic Missile Defense RDT&E.

* * * * *

(e) The offeror () is () is not a U.S. firm.

(End of provision)

24. Section 252.225-7027 is amended by revising paragraphs (a) and (b) to read as follows:

252.225-7027 Limitation on Sales Commissions and Fees.

* * * * *

(a) For firm-fixed-price contracts or fixed-price contracts with economic price adjustment, the contract price (including any subcontracts) shall not include any direct or indirect cost of sales commissions or fees for Contractor sales representatives for solicitation or promotion or otherwise to secure the conclusion of the sale of any of the supplies or services called for by this contract to the Government of _____.

(b) For all other types of contracts, notwithstanding any other provision of this contract, any direct or indirect costs of sales commissions or fees for Contractor (or subcontractor) sales representatives for solicitation or promotion or otherwise to secure the conclusion of the sale of any of the supplies or services called for by this contract to the Government of _____ shall be an unallowable item of cost under this contract.

(End of clause)

25. Section 252.225-7035 is amended by revising the section title, clause title and date, and paragraph (c) to read as follows:

252.225-7035 Buy American Act—North American Free Trade Agreement Implementation Act—Balance of Payments Program Provision.

* * * * *

Buy American Act—North American Free Trade Agreement Implementation Act—Balance of Payment Program Provision (Date)

* * * * *

(c) *Origin of end products.*

(1) Each end product, except the end products listed in paragraph (c)(2) of this provision, is a domestic end product (as defined in the Buy American Act and Balance of Payments Program clause of this solicitation). Components of unknown origin are considered to have been mined, produced, or manufactured outside the United States or a qualifying country.

(2) The offeror must identify all end products that are not domestic end products.

(i) The following supplies qualify as "U.S. made end products" but do not meet the definition of "domestic end product":

(insert line item number)

(ii) The following supplies are qualifying country (except Canada) end products:

(insert line item number)

(insert country of origin)

(iii) The following supplies qualify as NAFTA country end products:

(insert line item number)

(insert country of origin)

(iv) The following supplies are other non-NAFTA country end products:

(insert line item number)

(insert country of origin)
(End of provision)

26. Section 252.225-7036 is amended by revising paragraphs (c) and (d); and in Alternate I by revising the date and paragraph (c) to read as follows:

252.225-7036 North American Free Trade Agreement Implementation Act.

* * * * *

(c) The Contractor agrees to deliver under this contract only U.S. made end products unless, in its offer, it specified delivery of qualifying country, NAFTA country, or non-NAFTA country end products in the Buy American Act—North American Free Trade Agreement Implementation Act—Balance of Payments Program Provision. An offer proposing that a qualifying country end product or a NAFTA country end product will be supplied requires the Contractor to supply a qualifying country end product or a NAFTA country end product, whichever is proposed, or, at the Contractor's option, a U.S. made end product.

(d) The offered price of end products listed under paragraphs (c)(2) (i) and (iv) of the Buy American Act—North American Free Trade Agreement Implementation Act—Balance of Payment Program Provision of the solicitation must include all applicable duty. The offered price of qualifying country end products or NAFTA country end products for line items subject to the North American Free Trade Agreement Implementation Act, should not include custom fees or duty.

(End of clause)

Alternate I (Date)

* * * * *

(c) The Contractor agrees to deliver under this contract only U.S. made end products unless, in its offer, it specified delivery of qualifying country, NAFTA country, or non-NAFTA country end products in the Buy American Act—North American Free Trade Agreement Implementation Act—Balance of Payments Program Provision. An offer proposing that a qualifying country end product or a Canadian end product will be supplied requires the Contractor to supply a qualifying country end product or a Canadian end product, whichever is proposed, or, at the Contractor's option, a U.S. made end product.

27. Section 252.225-7037 is amended by revising paragraph (i)(10) to read as follows:

252.225-7037 Duty-Free Entry—NAFTA Country End Products and Supplies.

* * * * *

(i) * * *

(10) An agreement by the Contractor that duty shall be paid by the Contractor to the extent that such supplies, or any portion (if not scrap or salvage), are diverted to nongovernmental use other than as a result of a competitive sale made, directed, or authorized by the Contracting Officer; and

* * * * *

28. Section 252.226-7001 is amended by revising the section title, clause title and date, and paragraph (b) to read as follows:

252.226-7001 Historically Black College or University and Minority Institution Status.

* * * * *

HISTORICALLY BLACK COLLEGE OR UNIVERSITY AND MINORITY INSTITUTION STATUS (DATE)

* * * * *

(b) *Status.*

If applicable, the offeror shall check the appropriate box below:

_____ A historically black college or university

_____ A minority institution

(End of provision)

29. Section 252.227-7036 is revised to read as follows:

252.227-7036 Declaration of Technical Data Conformity.

As prescribed at 227.7103-6(e)(3) or 227.7104(e)(5), use the following clause: Declaration of Technical Data Conformity (Date)

All technical data delivered under this contract shall be accompanied by the following written declaration: The Contractor, _____, hereby declares that, to the best of its knowledge and belief, the technical data delivered herewith under Contract No. _____ is complete, accurate, and complies with all requirements of the contract.

Date _____

Name and Title of Authorized Official _____

(End of clause)

252.233-7000 [Removed]

30. Section 252.233-7000 is removed.

31. Section 252.236-7003 is amended by revising paragraphs (c)(1) and (c)(2) and the introductory text of paragraph (c)(3) to read as follows:

252.236-7003 Payment for Mobilization and Preparatory Work.

* * * * *

(c) * * *

(1) An account of the Contractor's actual expenditures;

(2) Supporting documentation, including receipted bills or copies of payrolls and freight bills; and

(3) The Contractor's documentation—

* * * * *

252.236-7006 [Amended]

32. Section 252.236-7006 is amended by removing paragraph (c) and redesignating paragraph (d) as paragraph (c).

252.239-7007 [Amended]

33. Section 252.239-7007 is amended in paragraph (d)(1) by removing the word "certified".

252.247-7001 [Amended]

34. Section 252.247-7001 is amended in paragraph (g) by removing the word "certification" and inserting the word "statement" in its place.

[FR Doc. 96-22618 Filed 9-5-96; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Public Hearing and Reopening of Public Comment Period on Proposed Endangered Status for Two San Francisco Bay California Tidal Marsh Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of public hearing and reopening of public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973, as amended (Act), provides notice of a public hearing and reopening of the comment period on the proposed endangered status for *Cirsium hydrophilum* var. *hydrophilum* (Suisun thistle) and *Cordylanthus mollis* ssp. *mollis* (soft bird's-beak). All parties are invited to comment on this proposal.

DATES: The public hearing will be held from 6:00 p.m. to 8:00 p.m. on Wednesday, October 2, 1996, in Fairfield, California. The public comment period now closes on October 15, 1996. Any comments received by the closing date will be considered in the final decision on this proposal.

ADDRESSES: The public hearing will be held at the Holiday Inn, 1350 Holiday Lane, Fairfield, California. Written comments and materials concerning this proposal should be sent to the Field Supervisor, Sacramento Field Office, U.S. Fish and Wildlife Service, 3310 El Camino Avenue, Suite 130, Sacramento, California 95821-6340. Comments and materials received, as well as the supporting documentation used in preparing the rule, will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Kirsten Tarp, Sacramento Field Office (see ADDRESSES section) at (916) 979-2710; facsimile (916) 979-2723.