

B. Regulatory Flexibility Act

The final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98-577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subpart will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 98-D001.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final 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 232

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 232 is amended as follows:

PART 232—CONTRACT FINANCING

1. The authority citation for 48 CFR Part 232 continues to read as follows:

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

2. Section 232.905 is amended by revising paragraph (f)(6) to read as follows:

232.905 Invoice payments.

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(f)(6) DoD Manual 4000.25-5-M, Military Standard Contract Administration Procedures (MILSCAP), authorizes electronic notification to the payment office of Government acceptance or approval, as appropriate.

[FR Doc. 98-33177 Filed 12-14-98; 8:45 am]

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DEPARTMENT OF DEFENSE**48 CFR Parts 235 and 253**

[DFARS Case 97-D030]

Defense Federal Acquisition Regulation Supplement; Short Form Research Contract

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove obsolete guidance pertaining to short form research

contracts with educational institutions and nonprofit organizations.

EFFECTIVE DATE: December 15, 1998.

FOR FURTHER INFORMATION CONTACT:

Mr. Michael Pelkey, Defense Acquisition Regulations Council, PDUSD (A&T) DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 97-D030.

SUPPLEMENTARY INFORMATION:**A. Background**

This final rule removes obsolete guidance at DFARS 235.015-71, and associated DD Forms 2222, 2222-1, and 2222-2, pertaining to short form research contracts. DoD now uses the streamlined procedures in DFARS Subpart 235.70 for research and development contracting.

B. Regulatory Flexibility Act

The final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98-577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subpart will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 97-D030.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final 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 Parts 235 and 253

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 235 and 253 are amended as follows:

PART 235—RESEARCH AND DEVELOPMENT CONTRACTING

1. The authority citation for 48 CFR Parts 235 and 253 continues to read as follows:

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

§ 235.015-71 [Removed]

2. Section 235.015-71 is removed.

PART 253—FORMS [AMENDED]

3. The note at the end of Part 253 is amended by removing the entries at

253.303-2222, 253.303-2222-1, and 253.303-2222-2.

[FR Doc. 98-33180 Filed 12-14-98; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF DEFENSE**48 CFR Part 236**

[DFARS Case 98-D313]

Defense Federal Acquisition Regulation Supplement; Architectural and Engineering Services and Construction Design

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 2801 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999. Section 2801 increases, from \$300,000 to \$500,000, the threshold at which notice to Congress is required before the award of a contract for architect-engineer services or construction design.

EFFECTIVE DATE: December 15, 1998.

FOR FURTHER INFORMATION CONTACT:

Ms. Amy Williams, Defense Acquisition Regulations Council, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telephone (703) 602-0131; telefax (703) 602-0350. Please cite DFARS Case 98-D313.

SUPPLEMENTARY INFORMATION:**A. Background**

This final rule amends DFARS 236.601 to implement Section 2801 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261). Section 2801 amends 10 U.S.C. 2807(b) to increase the dollar threshold for Congressional notification prior to award of a contract for architect-engineer services or construction design.

B. Regulatory Flexibility Act

The final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98-577 and publication for public comment is not required. However, comments from small entities concerning the affected DFARS subpart will be considered in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 98-D313.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final 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 236

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 236 is amended as follows:

PART 236—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

1. The authority citation for 48 CFR Part 236 continues to read as follows:

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

236.601 [Amended]

2. Section 236.601 is amended in paragraph (1)(ii) by removing "\$300,000" and adding in its place "\$500,000".

[FR Doc. 98-33176 Filed 12-14-98; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17**

RIN 1018-AE42

Endangered and Threatened Wildlife and Plants; Final Rule To List the Topeka Shiner as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service determines the Topeka shiner (*Notropis topeka*) to be an endangered species under the authority of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.). The Topeka shiner is a small fish presently known from small tributary streams in the Kansas and Cottonwood river basins in Kansas; the Missouri, Grand, Lamine, Chariton, and Des Moines river basins in Missouri; the North Raccoon and Rock river basins in Iowa; the James, Big Sioux and Vermillion river watersheds in South Dakota; and, the Rock and Big Sioux river watersheds in Minnesota. The Topeka shiner is threatened by habitat destruction, degradation, modification, and fragmentation resulting from siltation (the build up of

silt), reduced water quality, tributary impoundment, stream channelization, and stream dewatering. The species also is impacted by introduced predaceous fishes. This determination implements Federal protection provided by the Act for *Notropis topeka*. We further determine that designation of critical habitat is neither beneficial nor prudent.

EFFECTIVE DATE: January 14, 1999.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Kansas Ecological Services Field Office, 315 Houston Street, Suite E, Manhattan, Kansas 66502.

FOR FURTHER INFORMATION CONTACT: William H. Gill, Field Supervisor, or Vernon M. Tabor, Fish and Wildlife Biologist, at the above address (913/539-3474).

SUPPLEMENTARY INFORMATION:**Background**

The Topeka shiner was first described by C.H. Gilbert in 1884, using specimens captured from Shunganunga Creek, Shawnee County, Kansas (Gilbert 1884). The Topeka shiner is a small, stout minnow, not exceeding 75 millimeters (mm) (3 inches (in)) in total length. The head is short with a small, moderately oblique (slanted or sloping) mouth. The eye diameter is equal to or slightly longer than the snout. The dorsal (back) fin is large, with the height more than one half the predorsal length of the fish, originating over the leading edge of the pectoral (chest) fins. Dorsal and pelvic fins each contain 8 rays (boney spines supporting the membrane of a fin). The anal and pectoral fins contain 7 and 13 rays respectively, and there are 32 to 37 lateral line scales. Dorsally the body is oliveaceous (olive-green), with a distinct dark stripe preceding the dorsal fin. A dusky stripe is exhibited along the entire longitudinal length of the lateral line. The scales above this line are darkly outlined with pigment, appearing cross-hatched. Below the lateral line the body lacks pigment, appearing silvery-white. A distinct chevron-like spot exists at the base of the caudal (tail) fin (Cross 1967; Pflieger 1975; Service 1993).

The Topeka shiner is characteristic of small, low order (headwater), prairie streams with good water quality and cool temperatures. These streams generally exhibit perennial (year round) flow, however, some approach intermittency (periodic flow) during summer. At times when surface flow ceases, pool levels and cool water temperatures are maintained by percolation (seepage) through the

streambed, spring flow and/or groundwater seepage. The predominant substrate (surface) types within these streams are clean gravel, cobble and sand. However, bedrock and clay hardpan (layer of hard soil) overlain by a thin layer of silt are not uncommon (Minckley and Cross 1959). Topeka shiners most often occur in pool and run areas of streams, seldom being found in riffles (choppy water). They are pelagic (living in open water) in nature, occurring in mid-water and surface areas, and are primarily considered a schooling fish. Occasionally, individuals of this species have been found in larger streams, downstream of known populations, presumably as waifs (strays) (Cross 1967; Pflieger 1975; Tabor *in litt.* 1992a).

Data regarding the food habits and reproduction of Topeka shiners are limited and detailed reports have not been published. However, Pflieger (Missouri Department of Conservation, *in litt.* 1992) reports the species as a nektonic (swimming independently of currents) insectivore (insect eater). In a graduate research report, Kerns (University of Kansas, *in litt.* 1983) states that the species is primarily a diurnal (daytime) feeder on insects, with chironomids (midges), other dipterans (true flies), and ephemeropterans (mayflies), making up the bulk of the diet. However, the microcrustaceans cladocera and copopoda (zooplanktons) also contribute significantly to the species' diet. The Topeka shiner is reported to spawn in pool habitats, over green sunfish (*Lepomis cyanellus*) and orangespotted sunfish (*Lepomis humilis*) nests, from late May through July in Missouri and Kansas (Pflieger 1975; Kerns *in litt.* 1983). Males of the species are reported to establish small territories near these nests. Pflieger (*in litt.* 1992) states that the Topeka shiner is an obligate (essential) spawner on silt-free sunfish nests, while Cross (University of Kansas, pers. comm. 1992) states that it is unlikely that the species is solely reproductively dependent on sunfish, and suggests that the species also utilizes other silt-free substrates as spawning sites. Data concerning exact spawning behavior, larval stages, and subsequent development is lacking. Maximum known longevity for the Topeka shiner is 3 years, however, only a very small percentage of each year class attains the third summer. Young-of-the-year attain total lengths of 20 mm to 40 mm (.78 to 1.6 in), age 1 fish 35 mm to 55 mm (1.4 to 2.2 in), and age 2 fish 47 mm to 65 mm (1.8 to 2.5 in) (Cross and Collins 1975; Pflieger 1975).