

**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

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**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.

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**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.

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

BILLING CODE 5000-04-M

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**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.

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**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