

Form 1411, Contract Pricing Proposal cover sheet. A copy of the form and instructions are attached to this contract. Each task order cost proposal must be fully supported by cost and pricing data adequate to establish the reasonableness of the proposed amounts. When the contractor's estimated cost for the proposed task order exceeds \$100,000 and the period of performance exceeds six months, the contractor may be required to submit a Contractor Spending Plan (CSP) as part of its cost proposal. The TORP indicates if a CSP is required.

(c) Task Order Award.

The contractor shall perform all work described in definitized task orders issued by the contracting officer. Definitized task orders include the following—

- (1) Statement of work/meetings/travel and deliverables;
- (2) Reporting requirements;
- (3) Period of performance;
- (4) Key personnel;
- (5) Applicable special provisions; and
- (6) Total task order amount including any fixed fee.

§ 2052.216-75 Accelerated task order procedures.

As prescribed at 2016.506-70(b), insert the following clause in applicable solicitations and contracts:

Accelerated Task Order Procedures

(a) The NRC may require the contractor to commence work before receipt of a definitized task order from the contracting officer. Accordingly, when the contracting officer verbally authorizes the work, the contractor shall proceed with performance of the task order subject to the monetary limitation established for the task order by the contracting officer.

(b) When this accelerated procedure is employed by the NRC, the contractor agrees to begin promptly negotiating with the contracting officer the terms of the definitive task order and agrees to submit a cost proposal with supporting cost or pricing data. If agreement on a definitized task order is not reached by the target date mutually agreed upon by the contractor and contracting officer, the contracting officer may determine a reasonable price and/or fee in accordance with Subpart 15.8 and part 31 of the FAR, subject to contractor appeal as provided in 52.233-1, Disputes. In any event, the contractor shall proceed with completion of the task order, subject only to the monetary limitation established by the contracting officer and the terms and conditions of the basic contract.

2052.222-70 Nondiscrimination because of age.

As prescribed at 2022.901-70, insert the following clause in applicable solicitations and contracts:

Nondiscrimination Because of Age

It is the policy of the Executive Branch of the Government that (a) contractors and subcontractors engaged in the performance of Federal contracts may not, in connection with the employment, advancement, or discharge of employees or in connection with the terms,

conditions, or privileges of their employment, discriminate against persons because of their age except upon the basis of a bona fide occupational qualification, retirement plan, or statutory requirements, and (b) that contractors and subcontractors, or person acting on their behalf, may not specify, in solicitations or advertisements for employees to work on Government contracts, a maximum age limit for employment unless the specified maximum age limit is based upon a bona fide occupational qualification, retirement plan, or statutory requirement. (End of Provision)

2052.231-70 Preaward costs.

As prescribed in 2031.109-70, insert the following clause in applicable solicitations and contracts:

Preaward Costs

Allowable costs under this contract must include such costs, incurred by the contractor in connection with the work covered by this contract during the period from* and including* to the effective date of this contract, as would have been allowable pursuant to the terms of this contract if this contract had been in effect during that period; provided, however, that the costs may not in aggregate exceed* which is included in the estimated cost of this contract.

*To be incorporated into any resultant contracts.

(End of Clause)

2052.235-70 Dissemination of contract information.

As prescribed in 2035.70, insert the following clause in applicable solicitations and contracts:

Dissemination of Contract Information

The contractor shall comply with the requirements of the attached NRC Manual Chapters 3202, "Publication of Technical Reports Prepared by NRC Contractors, Including Reports Prepared Under or Pursuant to Interagency Agreements," and 3206, "NRC Contractor Unclassified Papers, Journal Articles and Press or Other Media Releases on Regulatory and Technical Subjects." (see Section J for List of Attachments) regarding publications or dissemination to the public of any information, oral or written, concerning the work performed under this contract. Failure to comply with this clause constitutes grounds for termination of this contract. (End of Clause)

2052.235-71 Private use of contract information and data.

As prescribed in 2035.70, insert the following clause in applicable solicitations and contracts:

Private Use of Contract Information and Data

Except as specifically authorized by this contract, or as otherwise approved by the contracting officer, information and other data developed or acquired by or furnished to the contractor in the performance of this contract may be used only in connection with the work under this contract.

(End of Clause)

2052.235-72 Safety, health, and fire protection.

As prescribed in 2035.70, insert the following clause in applicable solicitations and contracts:

Safety, Health, and Fire Protection

The contractor shall take all reasonable precautions in the performance of the work under this contract to protect the health and safety of its employees and of members of the public, including NRC employees and contractor personnel, and to minimize danger from all hazards to life and property and shall comply with all applicable health, safety, and fire protection regulations and requirements (including reporting requirements) of the Commission and the Department of Labor. In the event that the contractor fails to comply with these regulations or requirements, the contracting officer may, without prejudice to any other legal or contractual rights of the Commission, issue an order stopping all or any part of the work; thereafter, a start order for resumption of work may be issued at the discretion of the contracting officer. The contractor shall make no claim for an extension of time or for compensation or damages by reason of, or in connection with, this type of work stoppage.

PART 2053—FORMS (RESERVED)

Dated at Bethesda, Maryland this 22nd day of September, 1989.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 89-23025 Filed 9-29-89; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB36

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for the Plant, *Wilkesia hobbayi* (Dwarf Iliau)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to determine a plant, *Wilkesia hobbayi* (dwarf iliau), to be endangered pursuant to the Endangered Species Act of 1973, as amended (Act). This species grows on two adjacent, nearly vertical rock outcrops on the Na Pali Coast of western Kaua'i, Hawaiian Islands. The greatest immediate threat to the survival of this species is a rapidly increasing goat population in its habitat. The goats browse on the plant and their activity

accelerates erosion of the habitat. A determination that *Wilkesia hobydi* is endangered would implement the Federal protection and recovery provisions provided by the Act. Critical habitat is not proposed. Comments and materials related to this proposal are solicited.

DATES: Comments from all interested parties must be received by December 1, 1989. Public hearing requests must be received by November 16, 1989.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Pacific Islands Administrator, 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: Ernest F. Kosaka, Field Supervisor, at the above address (808/541-2749 or FTS 551-2749).

SUPPLEMENTARY INFORMATION:

Background

Wilkesia hobydi was discovered by Robert W. Hobdy on Polihale Ridge, Kaua'i, in 1968. He sent a specimen of the plant to Dr. Harold St. John of the Bishop Museum who described it as a new species, naming it in Hobdy's honor (St. John 1971). The plant was later found on the adjacent Ka'aweiki ridge and today only those two populations, comprising a total of about 350 individuals, are known. Both populations occur on State-owned land within the Pu'u ka Pele Forest Reserve, growing on the north-facing, nearly vertical rock outcrops near the summits of Polihale and Ka'aweiki ridges, island and county of Kaua'i.

Wilkesia is a shrub about 2 feet (60 cm) tall, which branches from the base. The tip of each branch bears a tuft of narrow leaves, which are about 1/2 inch (1.3 cm) wide and about 3 to 6 inches (7.5 to 15 cm) long. The leaves are produced in whorls, which are joined together into a short sheathing section where they are attached to the stem. The flower heads are in clusters of about 10 to 18 inches (25 to 45 cm) long. Each head is cream-colored and about 3/4 inch (2 cm) in diameter (Carr 1982).

The greatest immediate threat to the survival of this species is a rapidly increasing goat population in its habitat. The goats browse on the plant and their activity in the area accelerates erosion. Although the low number of individuals and their restricted habitat could be considered a potential threat to the survival of the species, the plant

appears to have vigorous reproduction and should survive indefinitely if goats were eliminated from its habitat. A cooperative effort between Federal and State agencies is needed to protect the remaining plants and to provide for the conservation of the species.

The Secretary of the Smithsonian Institution, as directed by Section 12 of the Endangered Species Act of 1973, prepared a report on those plants considered to be endangered, threatened, or extinct in the United States. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the *Federal Register* (40 FR 27823) accepting the report as a petition within the context of Section 4(c)(2) (now Section 4(b)(3)(A)) of the Act, and giving notice of its intention to review the status of the plant taxa named therein, including *Wilkesia hobydi*. As a result of this review, on June 16, 1976, the Service published a proposed rule in the *Federal Register* (41 FR 24523) to determine approximately 1,700 vascular plant species, including *Wilkesia hobydi* to be endangered pursuant to Section 4 of the Act. In 1978, amendments to the Act required that all proposals over 2 years old be withdrawn. A 1-year grace period was given to proposals already over 2 years old. On December 10, 1979, the Service published a notice in the *Federal Register* (44 FR 70796) of the withdrawal of that portion of the June 16, 1976, proposal that had not been made final, along with four other proposals that had expired. The Service published an updated Notice of Review for plants on December 15, 1980 (45 FR 82480), including *Wilkesia hobydi* as a Category 1 candidate, meaning that the Service had substantial information indicating that listing was appropriate.

Section 4(b)(3)(B) of the Act, as amended, requires the Secretary to make findings on certain pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 Amendments to the Act requires all petitions pending on October 1, 1982, be treated as having been newly submitted on that date. The latter was the case for *Wilkesia hobydi* because the Service had accepted the 1975 Smithsonian report as a petition. On October 13, 1983, the Service found that the petitioned listing of this species was warranted, but precluded by other pending listing actions, in accordance with Section 4(b)(3)(B)(iii) of the Act: notification of this finding was published on January 20, 1984 (49 FR 2485). Such a finding requires the petition to be recycled, pursuant to section 4(b)(3)(C)(i) of the Act. The finding was reviewed in

October of 1984, 1985, 1986, 1987, and 1988. Publication of the present proposal constitutes the final 1-year finding.

Summary of Factors Affecting the Species

Section 4 of the Act (16 U.S.C. 1533) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in Section 4(a)(1). These factors and their application to *Wilkesia hobydi* St. John (dwarf iliau) are as follows:

A. The present or threatened destruction, modification, or curtailment of its habitat or range. The habitat of *Wilkesia hobydi* is subject to disturbance by feral goats. The high, steep ocean cliffs on which the plant grows have always been subject to erosion by wind and water. However, the activity of the goats on the narrow cliff ledges, destroying the vegetation, dislodging stones, and loosening the soil, has accelerated the rate of erosion and degraded the plant's habitat.

B. Overutilization for commercial, recreational, scientific, or educational purposes. Not known to be a factor.

C. Disease or predation. Browsing by feral goats probably is the greatest present threat to this species. Large herds of feral goats inhabit the cliffs upon which the plants grow and are responsible for much damage both through their predation on the plant and the concomitant habitat disturbance that favors the introduction and spread of exotic vegetation, and an increase in erosion. The large goat herds result from specific game management practices aimed at maintaining high goat population levels for hunting.

D. The inadequacy of existing regulatory mechanisms. *Wilkesia hobydi* grows within the boundaries of the State-owned Pu'u ka Pele Forest Reserve. State regulations prohibit the removal, destruction, or damage of plants found on State forest land. However, these regulations are difficult to enforce due to limited personnel. Hawaii's Endangered Species Act (HRS, Sect. 195D-4(a)) states that "Any species of wildlife or wild plant that has been determined to be an endangered species pursuant to the Endangered Species Act (of 1973) shall be deemed to be an endangered species under the provisions of this chapter * * * Further, the State may enter into agreements with Federal agencies to administer and manage any area required for the

conservation, management, enhancement, or protection of endangered species (Sect. 195D-5(c)). Funds for these activities could be made available under Section 6 of the Act (State Cooperative agreements). Therefore, listing this species would reinforce and supplement the protection available to it under State law. Also the Act would offer additional protection to the species, as it is now a violation of the Act to remove, cut, dig up, damage, or destroy any listed plant in knowing violation of State law or regulation or in the course of any violation of a State criminal trespass law.

E. Other natural or manmade factors affecting its continued existence. The small population (350 individuals) remaining makes *Wilkesia hobdyi* vulnerable to any catastrophe, natural or man-caused, that may impact the area. Reduction of the gene pool and genetic variability, resulting from a small population size, potentially could have detrimental effects on the continued existence of the species although the plant appears at present to be adequately reproducing itself.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Wilkesia hobdyi* as endangered. Only 350 individuals remain in the wild, and these face threats from feral goats and habitat degradation. Given these circumstances, the determination of endangered status is warranted. Critical habitat is not being proposed for the reasons discussed in the next section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate any habitat of a species that is considered to be critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. Such a determination would result in no known benefit to the species. All populations are on State land, and, due to the cliff terrain on which it grows, all but a few individual plants are inaccessible to man. Protection of this species habitat will be addressed through the recovery process and through the Section 7 jeopardy standard. Therefore, the Service finds that designation of critical habitat is not prudent for *Wilkesia hobdyi* at the present time.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain activities. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Act provides for possible land acquisition and cooperation with the States, and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. Since *Wilkesia hobdyi* is known only to occur on State land, cooperation between Federal and State agencies is necessary to provide for its conservation. The protection required of Federal agencies and the prohibitions against trade and collecting are discussed, in part, below:

Section 7 (a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened, and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed habitat. If a species is listed subsequently, Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. No Federal involvement is known or anticipated that would affect *Wilkesia hobdyi* as all known sites for this plant are on State-owned land.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plant species. With respect to *Wilkesia hobdyi* all trade prohibitions of Section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale

in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. In addition, the 1988 amendments (Pub. L. 100-478) to the Act prohibit the malicious damage or destruction of listed plants on Federal lands, and the removal, cutting, digging up, or damaging or destroying of these plants in knowing violation of any State law or regulation, including State criminal trespass law. Certain exceptions apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered plant species under certain circumstances. It is anticipated that few, if any, trade permits would ever be sought or issued, since the species is not common in cultivation nor in the wild.

Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, P.O. Box 3507, Arlington, Virginia 22203 (703/358-2104).

Public Comments Solicited

The Service intends that any final rule adopted will be accurate and as effective as possible in the conservation of endangered or threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments, particularly are sought concerning the following:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Wilkesia hobdyi*;

(2) The location of any additional populations of *Wilkesia hobdyi* and the reasons why any habitat should or should not be determined to be critical habitat as provided by Section 4 of the Act;

(3) Additional information concerning the range and distribution of this species; and

(4) Current or planned activities in the subject area and the possible impacts on *Wilkesia hobdyi*.

The final decision on this proposed rule will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if

requested. Requests must be filed within 45 days of the date of publication of the proposal in the **Federal Register**. Such requests must be made in writing to the Service's Pacific Islands Administrator (see **ADDRESSES** section).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined pursuant to the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Literature Cited

- Carr, G. D. 1982. Unpublished status survey of *Wilkesia hobbdi* St. John (Hobby's iliau). U.S. Fish and Wildlife Service. 24 pp.
- St. John, H. 1971. The status of the genus *Wilkesia* (Compositae), and discovery of a second Hawaiian species. Occas. Pap. B. P. Bishop Museum 24(8):127-138.

Author

The primary author of this proposed rule is Dr. Derral R. Herbst, Office of Environmental Services, U.S. Fish and Wildlife Service, Pacific Islands, 300 Ala Moana Boulevard, Room 6307, P.O. Box 50167, Honolulu, Hawaii 96850 (808/541-2749 or FTS 551-2749).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1543; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

2. It is proposed to amend 17.12(h) by adding the following, in alphabetical order under the family Asteraceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *
(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Asteraceae—Aster family:						
<i>Wilkesia hobbdi</i>	Dwarf iliau	U.S.A. (HI)	E		NA	NA

Dated: September 19, 1989.
Richard N. Smith,
Acting Director, Fish and Wildlife Service.
 [FR Doc. 89-23054 Filed 9-29-89; 8:45 am]
BILLING CODE 4310-55-M

50 CFR Part 17

RIN 1018-AB36

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Three Hawaiian Plants of the Genus *Remya*

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to determine the three species of the genus *Remva* to be endangered pursuant to the Endangered Species Act of 1973, as amended (Act). The three species of this genus are endemic to the islands of Kauai and Maui, Hawaiian Islands. The greatest immediate threat to their survival is the degradation of their habitat by grazing and browsing feral and domesticated animals. The quality of the Hawaiian environment has

undergone a steady degradation since man's arrival in the islands due to the introduction of alien species. Feral and domesticated browsing and grazing animals and competing naturalized plants have impacted the *Remva* species and their habitat. A determination that the three species of the genus *Remya* are endangered would implement the Federal protection and recovery provisions provided by the Act. Critical habitat is not proposed. Comments and materials related to this proposal are solicited.

DATES: Comments from all interested parties must be received by December 1, 1989. Public hearing requests must be received by November 16, 1989.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Pacific Islands Administrator, 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: Ernest F. Kosaka, Field Supervisor, at the above address (808/541-2749 or FTS 551-2749).

SUPPLEMENTARY INFORMATION:

Background

Remya is a genus of small perennial shrubs in the aster family (Asteraceae, also known as Compositae). The genus comprises three species and is endemic to the Hawaiian Islands. Until 1985, there were two known species, *R. kauaiensis* and *R. mauiensis*, both described in 1888 (Hillebrand 1888). Apparently neither species has been common during historical times, and they rarely have been collected.

Remya kauaiensis was first collected prior to 1871 by Valdemar Knudsen at "Waimea" on Kauai. Knudsen sent the specimen to William Hillebrand, a Honolulu physician, who described it as a new species. It was next collected more than 80 years later by Otto Degener in 1952 in Kokee State Park, Kauai. The species was considered extinct until 1983 when it was rediscovered by Galen Kawakami, a forester on Kauai who discovered two small populations, both on State land in the Kokee area. Three additional small populations were discovered in the same general area in 1985 and 1986 by Timothy Flynn of the Pacific Tropical Botanical Garden.