

addresses and telephone numbers: Diaz.max@epamail.epa.gov, (703) 308-0439; elliott.ross@epamail.epa.gov, (703) 308-8748].

SUPPLEMENTARY INFORMATION: The index to the docket is available on the Internet. Follow these instructions to access the information electronically: www.http://www.epa.gov/epaoswer/osw/hazwaste.htm#id

FTP: ftp.epa.gov
Login: anonymous
Password: your Internet address
Files are located in/pub/epaoswer

The official record for this action will be kept in paper form, and will be maintained at the address in **ADDRESSES** at the beginning of this document. EPA will transfer all comments received electronically into paper form and place them in the official record, which will also include all comments submitted directly in writing. The official record is the paper record. EPA responses to comments, whether the comments are written or electronic, will be in a document in the **Federal Register** or in a separate response to comments document placed in the official record for this rulemaking at the same time this document is published in the **Federal Register**.

EPA will not immediately reply to commenters electronically other than to seek clarification of electronic comments that may be garbled in transmission or during conversion to paper form, as discussed above.

Dated: August 6, 1998.

Matthew Hale,

Acting Director, Office of Solid Waste.
[FR Doc. 98-21751 Filed 8-12-98; 8:45 am]

BILLING CODE 6560-50-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1827 and 1852

Reportable Item Definition

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: This is a proposed rule to conform the two NASA FAR Supplement (NFS) definitions of "reportable item" the same and to improve their clarity by adding examples.

DATES: Comments should be submitted on or before October 13, 1998.

ADDRESSES: Interested parties should submit written comments to: Tom O'Toole, NASA Headquarters Office of Procurement, Contract Management

Division (Code HK), Washington, DC 20546. Comments may also be submitted by email to thomas.otoole@hq.nasa.gov.

FOR FURTHER INFORMATION CONTACT: Tom O'Toole, (202) 358-0478.

SUPPLEMENTARY INFORMATION:

Background

The NFS has two definitions of "reportable Item"—in section 1827.301, Definitions, and the clause at 1852.227-70, New Technology. These definitions vary slightly, and this rule proposes to conform these definitions by using the version at 1827.301 as a baseline. Other minor adjustments are made to cite appropriate USC titles and add examples of reportable items.

Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) since the changes are editorial clarifications and do not impose any new requirements on offerors or contractors. The rule does not impose any reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Parts 1827 and 1852

Government procurement.

Tom Luedtke,

Deputy Associate Administrator for Procurement.

Accordingly, 48 CFR Parts 1827 and 1852 are proposed to be amended as follows:

1. The authority citation for 48 CFR Parts 1827 and 1852 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1827—PATENTS, DATA, AND COPYRIGHTS

2. Section 1827.301 is amended by revising the definition of "reportable item" to read as follows:

1827.301 Definitions.

* * * * *

Reportable item, as used in this subpart, means any invention, discovery, improvement, or innovation of the contractor, whether or not patentable or copyrightable or otherwise protectible under Titles 17 or 35 of the United States Code, made in the performance of any work under any NASA contract or in the performance of any work that is reimbursable under any clause in any NASA contract providing for reimbursement of costs incurred

before the effective date of the contract. Reportable items also include new processes, machines, manufactures, compositions of matter, and computer programs, and improvements to, or new applications of, existing processes, machines, manufactures, compositions of matter, and computer programs.

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PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 1852.227-70 is amended by revising the clause date and the definition of "reportable item" in paragraph (a) of the clause to read as follows:

1852.227-70 New technology.

* * * * *

New Technology

(a) * * *

Reportable item, as used in this subpart, means any invention, discovery, improvement, or innovation of the contractor, whether or not patentable or copyrightable or otherwise protectible under Titles 17 or 35 of the United States Code, made in the performance of any work under any NASA contract or in the performance of any work that is reimbursable under any clause in any NASA contract providing for reimbursement of costs incurred before the effective date of the contract. Reportable items also include new processes, machines, manufactures, compositions of matter, and computer programs, and improvements to, or new applications of, existing processes, machines, manufactures, compositions of matter, and computer programs.

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[FR Doc. 98-21616 Filed 8-12-98; 8:45 am]

BILLING CODE 7510-01-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Availability of Protocol for Surveying for the Endangered Cactus Ferruginous Pygmy-Owl; Opening of Public Comment Period on Survey Protocol

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Availability; Opening of Public Comment Period.

SUMMARY: The Fish and Wildlife Service (Service), in cooperation with the Arizona Game and Fish Department (Department), announces the availability for public comment of survey protocol for determining the

presence of the endangered cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) within known historic range of the species in Arizona. The proposed survey protocol comes in two versions depending on its use: the first is for use in determining if cactus ferruginous pygmy-owls are present on specific project sites where an activity is proposed; the second is for use in gathering information on distribution, occurrence, and numbers of pygmy-owls over more extensive areas of its historic range in Arizona. This proposed protocol is founded on procedures established by the Arizona Game and Fish Department in 1993. The current proposed protocol incorporates modifications found to be appropriate following the 5 years of field application. Differences between the 1993 protocol and the current proposed protocol include a reduction in the survey period from 9 months (September through May) to 6 months (January through June); and an increase in surveys from one to three, with at least 30 days between each of the three surveys preferred, but a minimum of 15 days required. At least one survey must occur between February 15 and April 15. In reviewing determinations of pygmy owl presence or absence, the Service will require the implementation of the protocol for two consecutive years prior to actions that may impact the owls or their habitats.

The existing protocol will remain in use (i.e., surveys from September through December this year will still be accepted through December 31, 1998). Use of the currently proposed protocol will be required from January 1, 1999, forward.

The Service and Department will be submitting the protocol to recognized species and technical experts for peer review to ensure a scientifically sound basis for determination of the presence of the species within its known range.

The Service and the Department will regularly review and modify, as necessary, the survey protocol to ensure that the best available scientific information is incorporated into the prescribed methodology.

DATES: Data and comments must be received by September 14, 1998.

ADDRESSES: Copies of this protocol may be obtained from the Field Supervisor, Arizona Ecological Services Field Office, 2321 West Royal Palm Road, Phoenix, Arizona, 85021. Comments and materials concerning the survey protocol should be sent to the Field Supervisor at the above address.

FOR FURTHER INFORMATION CONTACT: Tom Gatz, Acting Field Supervisor, Arizona

Ecological Services Field Office, at the above address (602) 640-2720.

SUPPLEMENTARY INFORMATION:

Background

The cactus ferruginous pygmy-owl was listed by the Service as an endangered species in Arizona on March 10, 1997, based on extensive population declines within its historic range in the state. The pygmy-owl, a small reddish-brown owl, nests in a cavity in a tree or large columnar cactus. The species was once common to abundant in riparian forests, mesquite-cottonwood woodlands, and desertscrub habitats in central and southern portions of the state. It is still considered a potential inhabitant of riparian areas, where this extremely limited vegetative community still occurs, and is found in upper Sonoran Desert habitats usually consisting of dense ironwood, mesquite, acacia, bursage, and saguaro cacti, with understory vegetation of smaller trees and shrubs.

The Service is seeking additional information in order to more adequately understand the occurrence and biology of the cactus ferruginous pygmy-owl in central and southern Arizona. However, until more complete scientific information is available, the Service believes that continued use of the current survey protocol through December, 1998, and use of the proposed protocol thereafter will provide the most biologically valid data upon which to determine habitat use and occupancy by the pygmy-owl.

Author

The primary author of this document is Jennifer Fowler-Propst, Acting Field Supervisor, Arizona Ecological Services Field Office (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1532 *et seq.*).

Dated: August 7, 1998.

Geoffrey L. Haskett,

Acting Regional Director, Fish and Wildlife Service.

[FR Doc. 98-21709 Filed 8-12-98; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Guidance for Private Landowners and Federal, State, and Local Agencies Concerning Take of the Endangered Cactus Ferruginous Pygmy-Owl; Opening of Public Comment Period on the Guidance

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability, opening of public comment period.

SUMMARY: The Fish and Wildlife Service (Service), announces the availability for public comment of guidance for use in determining if take of the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) may result from activities within areas occupied by the species in Arizona.

Identification of actions that may be considered to result in take of the cactus ferruginous pygmy-owl was first provided by the Service in the final rule listing the species on March 10, 1997. Additional guidance for private landowners was subsequently issued by the Service in December 1997. The proposed revisions to this guidance more clearly define the types of habitats in which the owl may be encountered, and the Arizona counties in which the species is known to have historically occurred and which may still harbor the owl in appropriate habitats. This guidance also expands the required survey effort from one year to two consecutive years prior to actions that may impact the owl or its habitats.

DATES: Data and comments must be received by September 14, 1998.

ADDRESSES: Copies of this guidance may be obtained from the Field Supervisor, Arizona Ecological Services Field Office, 2321 West Royal Palm Road, Phoenix, Arizona 85021. Comments and materials concerning the guidance should be sent to the Field Supervisor at the above address.

FOR FURTHER INFORMATION CONTACT: Tom Gatz, Acting Field Supervisor, Arizona Ecological Services Field Office, at the above address, (602) 640-2720.

SUPPLEMENTARY INFORMATION:

Background

The cactus ferruginous pygmy-owl was listed by the Service as an endangered species in Arizona on March 10, 1997, based on extensive population declines within its historic range in the state. The pygmy-owl, a