for the military department is the Secretary of the department with authority to redelegate no lower than an Assistant Secretary. The waiving authority may waive one or more of the weapons system warranties required by 246.770-2 if-

(c) Departments and agencies shall issue procedures for processing waivers and notifications to Congress.

* * * (2) Notifications shall include— *

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PART 252—CONTRACT CLAUSES

252.217-7027 [Removed]

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11. Section 252.217–7027 is removed. 12. Section 252.217-XXXX is added to read as follows:

252.217–XXXX Contract Definitization.

As prescribed in 217.7405(b), use the following clause:

Contract Definitization (XXX XXXX)

(a) A (insert specific type of contract action) is contemplated. The Contractor agrees to begin promptly negotiating with the Contracting Officer the terms of a definitive contract that will include (1) all clauses required by the Federal Acquisition Regulation (FAR) on the date of execution of the undefinitized contract action, (2) all clauses required by law on the date of execution of the definitive contract action, and (3) any other mutually agreeable clauses, terms, and conditions. The Contractor agrees to submit a (insert type of proposal; e.g., fixed-priced or cost-and-fee) proposal and cost or pricing data supporting its proposal.

(b) The schedule for definitizing this contract action is as follows (insert target date for definitization of the contract action and dates for submission of proposal, beginning of negotiations, and, if appropriate, submission of the make-or-buy and subcontracting plans and cost or pricing data):

(c) If agreement on a definitive contract action to supersede this undefinitized contract action is not reached by the target date in paragraph (b) of this clause, or within any extension of it granted by the Contracting Officer, the Contracting Officer may, with the approval of the head of the contracting activity, determine a reasonable price or fee in accordance with subpart 15.8 and part 31 of the FAR, subject to Contractor appeal as provided in the Disputes clause. In any event, the Contractor shall proceed with completion of the contract, subject only to the Limitation of Government Liability clause.

(1) After the Contracting Officer's determination of price or fee, the contract shall be governed by-

(i) All clauses required by the FAR on the date of execution of this undefinitized contract action for either fixed-price or costreimbursement contracts, as determined by the Contracting Officer under this paragraph (c):

(ii) All clauses required by law as of the date of the Contracting Officer's determination: and

(iii) Any other clauses, terms, and conditions mutually agreed upon.

(2) To the extent consistent with subparagraph (c)(1) of this clause, all clauses, terms, and conditions including included in this undefinitized contract action shall continue in effect, except those that by their nature apply only to an undefinitized contract action.

(d) The definitive contract resulting from this undefinitized contract action will include a negotiated (insert "cost/price ceiling '' or "firm-fixed price') in no event to exceed (insert the not-to-exceed amount). (End of Clause)

[FR Doc. 95-19318 Filed 8-4-95; 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; 90-Day Finding for a Petition To List the Eagle Lake Rainbow Trout and Designate Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: The Fish and Wildlife Service (Service) announces the 90-day finding on a petition to list the Eagle Lake rainbow trout (Oncorhynchus mykiss aquilarum) under the Endangered Species Act (Act) of 1973, as amended. The Service finds that the petition did not present substantial information indicating that the petitioned actions may be warranted.

DATES: The finding announced in this document was made on July 25, 1995.

ADDRESSES: Information, data, comments, or questions concerning this finding should be submitted to the U.S. Fish and Wildlife Service, 2800 Cottage Way, Room E–1803, Sacramento, California 95825-1846. The petition, petition finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Diane Windham, staff biologist, at the above address or telephone 916-979-2725.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1533 et seq.) (Act), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. This finding is to be based on all information available to the Service at the time the finding is made. To the maximum extent practicable, this finding is to be made within 90 days of the date the petition was received, and the finding is to be published promptly in the **Federal Register**. If the finding is that substantial information was presented, the Service also is required to commence a review of the status of the species.

The Service has made a 90-day finding on a petition to list the Éagle Lake rainbow trout (Oncorhynchus mykiss aquilarum). The petition, dated April 25, 1994, was submitted by John F. Bosta, of Susanville, California, and was received by the Service on April 28, 1994. The petition requested the Eagle Lake rainbow trout be listed as threatened or endangered, that critical habitat be designated, and that a recovery plan be developed. The petitioner provided some life history information for the Eagle Lake rainbow trout and material related to the fish passage problems, habitat degradation, and lack of natural reproduction. Recommendations for correcting habitat problems were included with the petition.

The Eagle Lake rainbow trout is a species of concern to the Service (November 15, 1994; 59 FR 58982). Such taxa are typically those for which some information indicates threats to the species exit but sufficient information on biological vulnerability and threats is not currently available indicating that listing as endangered or threatened is warranted.

Eagle Lake rainbow trout are endemic to Eagle Lake, Lassen County, California. Although they have been planted in numerous waters, no known self-sustaining populations of genetically pure Eagle Lake rainbow trout in waters exist outside of its native habitat. With the annual stocking of 200,000 Eagle Lake trout, the subspecies has been sustained almost entirely by California Department of Fish and Game's hatchery production since 1950. The petition and referenced literature