List of Subjects in 48 CFR Parts 1828 and 1852

Government procurement.

Tom Luedtke,
Associate Administrator for Procurement.

Accordingly, 48 CFR Parts 1828 and 1852 are proposed to be amended as follows:

1. The authority citation for 48 CFR Parts 1828 and 1852 continues to read as follows:

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

PART 1828—BONDS AND INSURANCE

2. Revise sections 1828.311–1 and 1828.311–2, and add section 1828.311–270 to read as follows:

1828.311–1 Contract clause.

The contracting officer must insert the clause at FAR 52.228–7, Insurance—Liability to Third Persons, as prescribed in FAR 28.311–1, unless—

(a) Waived by the procurement officer; or

(b) The successful offeror represents in its offer that it is totally immune from tort liability to third persons as a State agency or as a charitable institution.

1828.311–2 Agency solicitation provisions and contract clauses.

1828.311–270 NASA solicitation provisions and contract clauses.

(a) The contracting officer must insert the clause at 1852.228–71, Aircraft Flight Risks, in all cost-reimbursement contracts for the development, production, modification, maintenance, or overhaul of aircraft, or otherwise involving the furnishing of aircraft to the contractor, except when the aircraft are covered by a separate bailment.

(b) The contracting officer must insert the provision at 1852.228–80, Insurance—Immunity from Tort Liability, in solicitations for research and development when a cost-reimbursement contract is contemplated.

(c) The contracting officer must insert FAR clause 52.228–7 and the associated clause at 1852.228–81, Insurance—Partial Immunity From Tort Liability, when the successful offeror represents in its offer that the offeror is partially immune from tort liability as a State agency or as a charitable institution.

(d) The contracting officer must insert the clause at 1852.228–82, Insurance—Total Immunity From Tort Liability, when the successful offeror represents in its offer that the offeror is totally immune from tort liability as a State agency or as a charitable institution.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Amend Part 1852 by adding sections 1852.228–80, 1852.228–81, and 1852.228–82 to read as follows:

1852.228–80 Insurance—Immunity From Tort Liability.

As prescribed in 1828.311–270(d), insert the following provision:

INSURANCE—IMMUNITY FROM TORT LIABILITY

(XXX)

(a) Waived by the procurement officer; or

(b) The successful offeror represents in its offer that it is totally immune from tort liability to third persons as a State agency or as a charitable institution.

1852.228–81 Insurance—Partial Immunity From Tort Liability.

As prescribed in 1828.311–270(c), insert the following clause:

INSURANCE—PARTIAL IMMUNITY FROM TORT LIABILITY

(XXX)

(a) Except as provided for in paragraph (b) of this clause, the Government does not assume any liability to third persons, nor will the Government reimburse the Contractor for its liability to third persons, with respect to loss due to death, bodily injury, or damage to property resulting in any way from the performance of this contract.

(b) The Contractor need not provide or maintain insurance coverage as required by paragraph (a) of FAR clause 52.228–7, Insurance—Liability To Third Persons, provided that the Contractor may obtain any insurance coverage deemed necessary, subject to approval by the Contracting Officer as to form, amount, and duration. The Contractor shall be reimbursed for the cost of such insurance and, to the extent provided in paragraph (c) of FAR clause 52.228–7, for liabilities to third person for which the Contractor has obtained insurance coverage as provided in this paragraph (b), but for which such coverage is insufficient in amount.

(End of provision)

1852.228–82 Insurance—Total Immunity From Tort Liability

As prescribed in 1828.311–270(d), insert the following clause:

INSURANCE—TOTAL IMMUNITY FROM TORT LIABILITY

(XXX)

(a) The Government does not assume any liability to third persons, nor will the Government reimburse the Contractor for its liability to third persons, with respect to loss due to death, bodily injury, or damage to property resulting in any way from the performance of this contract or any subcontract under this contract.

(b) If any suit or action is filed, or if any claim is made against the Contractor, the cost and expense of which may be reimbursable to the Contractor under this contract, the Contractor will immediately notify the Contracting Officer and furnish copies of all pertinent papers received by the Contractor. The Contractor may, at its own expense, be associated with the Government representatives in any such claim or litigation.

(End of clause)

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-day Finding on Petition To List the Tibetan Antelope as Endangered Throughout Its Range

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the 90-day finding that a petition to list the Tibetan antelope (Pantholops hodgsonii) as endangered throughout its range has presented substantial information indicating that the action may be warranted. A status review of the species is initiated.

DATES: This finding was made on April 14, 2000. Comments and information may be submitted until June 26, 2000.

ADDRESSES: Submit comments, information, and questions to the Chief, Office of Scientific Authority; Mail Stop: Room 750, Arlington Square; U.S. Fish and Wildlife Service; Washington, D.C. 20003.
The Tibetan antelope (Pantholops hodgsonii; sensu Wilson and Reeder 1993) is a medium-sized bovid endemic to the Tibetan Plateau in China (Tibet Autonomous Region (TAR), Xinjiang to the Tibetan Plateau in China (Tibet 1993) is a medium-sized bovid endemic to the Tibetan antelope be listed as the top priority for protection. Dr. Schaller is considered to be the world’s leading expert on the Tibetan antelope. He has mentioned that the species is critically endangered due to habitat loss, fragmentation, and illegal hunting. The habitat of the Tibetan antelope is the high elevation grasslands of the Tibetan Plateau, which are unique to the Tibetan ecosystem. The antelope is a herbivorous species, and the ecosystem is defined by the presence of this species. The Tibetan antelope is adapted to the cold, dry climate of the Tibetan Plateau, which is the highest plateau in the world. The antelope is listed as a Class 1 protected species under the Law of the People’s Republic of China on the Protection of Wildlife (1989). The chiru, which is also known as the shahtoosh antelope, is a subspecies of the Tibetan antelope, and it is also critically endangered. The chiru is valued for its high-quality wool, which is processed into expensive, high-fashion scarves and shawls. Poaching and illegal hunting are major threats to the survival of the species. The international community, including India and China, has been working to protect the species and its habitat. The international community is also working to prevent the violation of CITES and domestic laws of those countries. The Shahtoosh is smuggled out of China through a variety of routes and is valued by some people from around the world, including the United States. To reach consumer markets, the shahtoosh must be smuggled out of India and into the consumer countries, in violation of CITES and domestic laws of those countries. The illegal trade in shahtoosh products is the most serious threat to the survival of the species.
the continued existence of the Tibetan antelope.

Schaller speculates that, during the 1980's and 1990's, tens of thousands of chiru were killed for their wool (Ginsberg et al. 1999). One chiru carcass yields about 125–150 grams (4–5 ounces) of fiber. In the winter of 1992, an estimated 2,000 kilograms (kg) (4,420 pounds) of wool reached India, and consignments of 600 kg (1,325 pounds) were seized (and released) in India during 1993 and 1994 (Bagla 1995, cited in Ginsberg et al. 1999). This amount alone represents 17,000 chiru. In October 1998, 14 poachers in the TAR were convicted of collectively killing 500 chiru and purchasing 212 hides, and were sentenced to 3 to 13 years imprisonment (Xinhua 1998, cited in Ginsberg et al. 1999). The largest enforcement action to date within China, involving several jurisdictions and dubbed the “Hoh Xil Number One Action” by Chinese authorities, resulted in the arrest of 66 poachers and the confiscation of 1,658 chiru hides in April and May, 1999 (Liu 1999, cited in Ginsberg et al. 1999).

Despite an Appendix-I listing under CITES, and protection by domestic legislation at the national level by China, Nepal, and India, existing regulatory mechanisms have been inadequate to prevent the poaching of Tibetan antelope or the international smuggling of raw shahtoosh and finished shahtoosh products.

We find that the petition presents substantial information indicating that the requested action may be warranted. Specifically, substantial information indicates that the total population of Tibetan antelope has declined drastically over the last three decades, and that this decline has resulted primarily from overutilization for commercial purposes and inadequacy of existing regulatory mechanisms. Habitat impacts, especially grazing of domestic livestock, appear to be a contributory factor in the decline, and could have potentially greater impacts in the near future.

Pursuant to section 4(b)(3)(A), we hereby commence a review of the status of Pantholops hodgsonii. We encourage the submission of appropriate data, opinions, and publications regarding the subject petition or the status of the species. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. In some circumstances, we may also withhold from the rulemaking record a respondent’s identity, as allowable by law. If you wish for us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Section 4(b)(3)(B) of the Act requires that we make a finding within 12 months of receipt of the petition as to whether the listing of P. hodgsonii as threatened or endangered is warranted.

References Cited

You may request a complete list of references cited in this Notice from the Office of Scientific Authority (see ADDRESSES section).

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

Dated: April 14, 2000
Jamie Rappaport Clark,
Director.