

account for use in performance of the contract.

5. Section 245.7310-1 is amended by revising paragraph (a) to read as follows:

§ 245.7310-1 Demilitarization.

* * * * *

(a) *Demilitarization.*

Item(s) _____ require demilitarization by the Purchaser in the manner and to the degree set forth in the Defense Demilitarization Manual, DoD 4160.21-M-1.

* * * * *

6. Section 252.245-7XXX is added to read as follows:

§ 252.245-7XXX Demilitarization and Trade Security Controls.

As prescribed in 245.604-70(b), use the following clause:

Demilitarization and Trade Security Controls (XXX 1995)

(a) *Definitions.*

Demilitarization means the act of destroying the military offensive or defensive advantage inherent in certain types of equipment or material. The term includes mutilation, dumping at sea, cutting, crushing, scrapping, melting, burning or alteration designed to prevent the further use of this equipment and material for its originally intended military or lethal purpose and applies equally to material in unserviceable or serviceable condition, that has been screened through the Inventory Control Point (ICP) and declared surplus or foreign excess.

Munitions List item means any item contained in the U.S. Munitions list (22 CFR Part 121).

Trade Security Controls means control procedures designed to preclude the sale or shipment of Munitions List of Strategic List property to any entity whose interests are inimical to those of the United States. These controls are also applicable to such other selected property as may be designated by the Deputy Under Secretary of Defense (Trade Security Policy).

Strategic List item means an item assigned a code letter "A" or "B" following the export control classification number (ECCN) on the Commerce Control List, Supplement No. 1 to Section 799.1 of the Export Administration Regulations Department of Commerce.

(b) When Government property becomes excess to the needs of the Contractor in performing this contract, the Contractor shall—

(1) Ensure the appropriate demilitarization code is included in the item description on inventory schedules generated to report the excess Government property, utilizing the guidelines provided in the Defense Demilitarization Manual, DoD 4160.21-M-1;

(2) Ensure demilitarization of the items, if required; and

(3) Apply trade security controls as required by the Arms Export Control Act and 22 CFR Parts 120-130, the International Traffic in Arms Regulations; the Export Administration Act of 1979 and 15 CFR parts 700-799, the Export Administration Regulations; and DoD 4160.21-M-1, Defense Demilitarization Manual.

(4) Ensure a demilitarization code is included in the item description on all transfer documents when Contractor-acquired property is transferred to a follow on contract, utilizing the guidelines provided in the Defense Demilitarization Manual, DoD 4160.21-M-1.

(c) The Contractor also shall include this clause, including this paragraph (c) in any subcontract issued under this contract.

(End of clause)

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 14

RIN 1018-AB49

Importation, Exportation, and Transportation of Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; supplemental.

SUMMARY: The U.S. Fish and Wildlife Service (Service) is proposing additional changes to its regulations providing for uniform rules and procedures for the importation, exportation, and transportation of wildlife. The Service is proposing to allow the importation and exportation of dead, preserved, dried, or embedded scientific wildlife specimens by accredited scientists or accredited scientific institutions at any U.S. Customs port, or by way of the international mail. This proposed rule is a supplement to the Service's previous proposal published on September 14, 1994.

DATES: Comments must be submitted on or before May 22, 1995.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Director, U.S. Fish and Wildlife Service, P.O. Box 3247, Arlington, Virginia 22203-3247. Comments and materials may be hand-delivered to the U.S. Fish and Wildlife Service, Division of Law Enforcement, 4401 N. Fairfax Drive, Room 500, Arlington, Virginia, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Frank Shoemaker, Special Agent in Charge, Branch of Investigations, Division of Law Enforcement, telephone (703) 358-1949.

SUPPLEMENTARY INFORMATION: On Wednesday, September 14, 1994, the Service published in the **Federal Register** (59 FR 47212) a proposed rule amending 50 CFR parts 13 and 14. Since the date of the publication of this prior

proposed rule, the Service has received numerous inquiries from the scientific community concerned about the effects of the Service's regulations upon the ordinary scientific exchange of dead, preserved, dried, or embedded taxonomic or systematic collection specimens, or parts thereof, being imported or exported through the international mail or by way of ports other than Service designated ports of entry. The Service's proposed rule of September 14, 1994, made no substantive changes to the prior requirements of the existing regulations related to such matters and only touched upon such requirements tangentially. The Service has become aware, however, in responding to the numerous public inquiries regarding the scope of the proposed rule that some reasonable concerns exist with respect to its present requirements governing the importation or exportation of taxonomic or systematic collection specimens, or parts thereof, and acknowledges that some substantive changes to those requirements are necessarily in order. The Service, therefore, is making supplementary proposals at this time, in addition to those already published in the proposed rule of September 14, 1994. The Service makes these proposals in an effort to facilitate the importation and exportation of dead, preserved, dried, or embedded scientific specimens or parts thereof, encompassed within the definition of wildlife, and thereby alleviate any unnecessary impediments to scientific exchange its existing regulations may have imposed.

The Service is proposing to facilitate the importation or exportation of dead, preserved, dried, or embedded scientific taxonomic or systematic collection specimens, or parts thereof, by accredited scientists or accredited institutions by making several changes in its current regulations. The Service, in order to clarify its requirements, will define the terms "Accredited scientific institutions" and "Accredited scientist" in the definition section provided in § 14.4. The term "Accredited scientific institutions" is defined to include any public museum, public zoological park, accredited institution of higher education, accredited member of the American Zoological Association, accredited member of the American Association of Systematic Collections, or any State or Federal government agency that conducts biological or medical research. The term "Accredited scientist" is defined to include any individual associated with, employed by, or under contract to and accredited

by an accredited scientific institution for the purposes of conducting biological or medical research, and whose research activities are approved and sponsored by the scientific institution granting accreditation.

The Service will also add a new section at § 14.24, to be entitled Scientific Specimens. This new section will provide for dead, preserved, dried, or embedded taxonomic or systematic collection specimens to be imported or exported by accredited scientists and/or scientific institutions by way of any U.S. Customs port or to be shipped through the international mail. This exception, however, will not apply in situations where the wildlife being imported or exported requires a permit under any of the Service regulations established in 50 CFR parts 16, 17, 18, 21, 22, and 23 that set forth the Service regulations implementing: the Lacey Act, (18 U.S.C. 42); the Endangered Species Act (ESA), (16 U.S.C. 1531–1543); the Marine Mammal Protection Act (MMPA), (16 U.S.C. 1361–1407); the Migratory Bird Treaty Act (MBTA), (16 U.S.C. 703–712); the Bald and Golden Eagle Protection Act (Eagle Act), (16 U.S.C. 668); and the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), respectively. In addition this exception will not apply to any specimen or part of any specimen taken as a result of sport hunting. The term “sport hunting” will be given its common and ordinary meaning.

In general all wildlife imported into the United States must be cleared in accordance with § 14.52 by a Service officer prior to its release from detention by Customs officers. Clearance by a Service officer may be obtained only at designated ports, border ports, special ports, or any port where importation is authorized by permit, unless the wildlife is otherwise exempted from such requirement. The Service’s existing exceptions to clearance requirements for certain wildlife are set forth in § 14.55. The Service is proposing to amend § 14.55 by adding a new paragraph at § 14.55(d) providing an additional exception to the Service clearance requirements for dead, preserved, dried, or embedded specimens or parts thereof, imported or exported by accredited scientists and/or accredited scientific institutions for taxonomic or systematic research purposes.

The provisions of § 14.61 require that a completed Declaration for Importation and Exportation of Fish and Wildlife (Form 3–177) be filed with the Service when clearance is requested. A Declaration for Importation and Exportation of Wildlife does not have to

be filed, however, for certain categories of wildlife provided an exception under § 14.62, entitled Exceptions to Import Declaration Requirements. The Service is amending § 14.62 by revising §§ 14.62(c) and adding a new paragraph at § 14.62(d) to provide an additional exception to the import declaration requirements. This provision will provide that a Declaration for the Importation or Exportation of Fish or Wildlife (Form 3–177) does not have to be filed at the time of importation for shipments of dead, preserved, dried, or embedded scientific specimens or parts thereof, imported by accredited scientists and/or accredited scientific institutions for taxonomic or systematic research purposes. This exception, however, will not apply in situations where the wildlife being imported requires a permit under any of the Service regulations established in Title 50 CFR Parts 16, 17, 18, 21, 22, and 23.

Except for wildlife requiring a permit pursuant to parts 16, 17, 18, 21, 22 and 23 of this subchapter, the new § 14.62(d) will provide that a Declaration for the Importation or Exportation of Fish or Wildlife (Form 3–177) does not have to be filed at the time of importation for shipments of dead, preserved, dried, or embedded scientific specimens or parts thereof, imported by accredited scientists and/or accredited scientific institutions for taxonomic or systematic research purposes. A Form 3–177 must be filed within 180 days of importation with the appropriate Assistant Regional Director—Law Enforcement in the Region where the importation occurs. The specimens must be identified to the most accurate taxonomic classification reasonably practicable using the best available taxonomic information, and the country of origin must be declared. This exception to the import declaration requirements will be limited to only exchanges made by accredited scientists or accredited scientific institutions and shall not apply to any specimens or parts thereof, taken as a result of sport hunting.

Section 14.63 set forth the requirement that a completed Declaration of Importation and Exportation of Fish or Wildlife (Form 3–177) must be filed with the Service prior to the export of any wildlife. Certain exceptions to this export declaration requirement are provided in § 14.64. The Service is amending § 14.64, by adding a new paragraph at § 14.64(b)(3) to provide an additional exception to the Service’s export declaration requirements. This exception will provide that a Declaration for the Importation or Exportation of Fish or Wildlife (Form 3–177) does not have to

be filed at the time of exportation for shipments of dead, preserved dried, or embedded scientific specimens or parts thereof, exported by accredited scientists and/or accredited scientific institutions for taxonomic or systematic research purposes. This exception, however, will not apply in situations where the wildlife being exported requires a permit under any of the Service regulations established in Title 50 CFR parts 16, 17, 18, 21, 22, and 23.

Except for wildlife requiring a permit pursuant to parts 16, 17, 18, 21, 22 and 23 of this subchapter, the new § 14.63(b)(3) will provide that a Declaration for the Importation or Exportation of Fish or Wildlife (Form 3–177) does not have to be filed at the time of exportation for shipments of dead, preserved, dried, or embedded scientific specimens or parts thereof, exported by accredited scientists and/or accredited scientific institutions for taxonomic or systematic research purposes. A Form 3–177 must be filed within 180 days of exportation with the appropriate Assistant Regional Director—Law Enforcement in the Region where the exportation occurs. The specimens must be identified to the most accurate taxonomic classification reasonably practicable using the best available taxonomic information, and the country of origin must be declared. This exception to the export declaration requirements will be limited to only exchanges made by accredited scientists or accredited scientific institutions and will not apply to any specimens or parts thereof, taken as result of sport hunting.

The Service is currently deliberating upon the comments received to its earlier proposed rule. The Service invites public comments to these new proposals and will respond to all comments to its proposals in the final rule.

Required Determination

This rule was not subject to Office of Management and Budget (OMB) review under Executive Order 12866. The Department of the Interior (Department) has determined that this proposed rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Act (5 U.S.C. 601 *et seq.*). This action is not expected to have significant taking implications, as per Executive Order 12630.

This proposed rule does not contain any additional information collection requirements, beyond those already approved under OMB Approval Number 1018–0012, that would require approval by the Office of Management and Budget under the Paperwork Reduction

Act, 44 U.S.C. 3501 *et seq.* This action does not contain any federalism impacts as described in Executive Order 12612.

These proposed changes in the regulations in parts 13 and 14 are regulatory and enforcement actions which are covered by a categorical exclusion from National Environmental Policy Act procedures under 516 Department Manual and an Environmental Action Memorandum is on file at the Service's office in Arlington, Virginia. A determination has been made pursuant to Section 7 of the Endangered Species Act that the proposed revision of part 14 will not effect federally listed species. The Department has certified to OMB that these regulations meet the applicable standards provided in Section 2(a) and 2(b)(2) of Executive Order 12778.

Authorship. The originators of this proposed rule are Special Agents Frank Shoemaker and Marty Hernandez, and Law Enforcement Specialist Paul McGowan, Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, D.C.

List of Subjects in 50 CFR Part 14

Animal welfare, Exports, Fish, Imports, Labeling, Reporting and recordkeeping requirements, Transportation, Wildlife.

Regulation Promulgation

For the reasons set out in the preamble, title 50, chapter I, subchapter B of the Code of Federal Regulations is proposed to be amended as set forth below:

PART 14—[AMENDED]

1. The authority citation for part 14 is revised to read as follows:

Authority: 16 U.S.C. 704, 712, 1382, 1538(d)-(f), 1539, 1540(f), 3371-3378, 4223-4244, and 4901-4916; 18 U.S.C. 42; 31 U.S.C. 483(a).

2. Section 14.4, as proposed to be added at 59 FR 47217, September 14, 1994, is amended by adding paragraphs (e) and (f) to read as follows:

§ 14.4 Definitions.

* * * * *

(e) Accredited scientific institutions include any public museum, public zoological park, accredited institution of higher education, accredited member of the American Zoological Association, accredited member of the American Zoological Association, accredited member of the American Association of Systematic Collections, or any State or Federal government agency that conducts biological or medical research.

(f) Accredited scientist includes any individual associated with, employed

by, or under contract to and accredited by an accredited scientific institution for the purposes of conducting biological or medical research, and whose research activities are approved and sponsored by the scientific institution granting accreditation.

3. A new § 14.24 is added to read as follows:

§ 14.24 Scientific specimens.

Except for wildlife requiring a permit pursuant to parts 16, 17, 18, 21, 22 and 23 of this subchapter, dead, preserved, dried, or embedded scientific specimens or parts thereof, imported or exported by accredited scientists and/or accredited scientific institutions may be imported or exported through any U.S. Customs port, or may be shipped through the international mail system. *Provided:* That this exception will not apply to any specimens or parts thereof, taken as a result of sport hunting.

4. Section 14.55 is amended by adding paragraph (d) to read as follows:

§ 14.55 Exceptions to clearance requirements.

* * * * *

(d) Dead, preserved, dried, or embedded scientific specimens or parts thereof, imported or exported by accredited scientists and/or accredited scientific institutions for taxonomic or systematic research purposes. *Provided:* That this exception will not apply to any specimens or parts thereof, taken as a result of sport hunting.

5. Section 14.62 is amended by revising paragraph (c) and adding paragraph (d) to read as follows:

§ 14.62 Exceptions to import declaration requirements.

* * * * *

(c) *General declarations for certain specimens.* Notwithstanding the provisions of § 14.61 and except for wildlife included in paragraph (d) of this section, scientific specimens imported for scientific institutions for taxonomic, systematic research, or faunal survey purposes may be described in general terms on a Declaration for the Importation or Exportation of Fish or Wildlife (Form 3-177). An amended Form 3-177 must be filed within 180 days after filing of the general declaration with the Service. The specimens must be identified to the most accurate taxonomic classification reasonably practicable using the best available taxonomic information. Extensions of the 180 day period may be granted by the Director.

(d) Except for wildlife requiring a permit pursuant to parts 16, 17, 18, 21, 22 and 23 of this subchapter, a

Declaration for the Importation or Exportation of Fish or Wildlife (Form 3-177) does not have to be filed at the time of importation for shipments of dead, preserved, dried, or embedded scientific specimens or parts thereof, imported by accredited scientists and/or accredited scientific institutions for taxonomic or systematic research purposes. A Form 3-177 must be filed within 180 days of importation with the appropriate Assistant Regional Director—Law Enforcement in the Region where the importation occurs. The specimens must be identified to the most accurate taxonomic classification reasonably practicable using the best available taxonomic information, and the country of origin must be declared. *Provided:* That this exception will not apply to any specimens or parts thereof, taken as a result of sport hunting.

6. Section 14.64 is amended by adding paragraph (b)(3) to read as follows:

§ 14.64 Exceptions to export declaration requirements.

* * * * *

(b) * * *

(3) Except for wildlife requiring a permit pursuant to parts 16, 17, 18, 21, 22 and 23 of this subchapter, a Declaration for the Importation or Exportation of Fish or Wildlife (Form 3-177) does not have to be filed at the time of exportation for shipments of dead, preserved, dried, or embedded scientific specimens or parts thereof, exported by accredited scientists and/or accredited scientific institutions for taxonomic or systematic research purposes. A Form 3-177 must be filed within 180 days of exportation with the appropriate Assistant Regional Director—Law Enforcement in the Region where the exportation occurs. The specimens must be identified to the most accurate taxonomic classification reasonably practicable using the best available taxonomic information, and the country of origin must be declared. *Provided:* That this exception shall not apply to any specimens or parts thereof, taken as a result of sport hunting.

Dated: February 10, 1995.

George T. Frampton Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

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