PART 1819—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

1819.708-70 [Amended]

2. Section 1819.708-70 is revised as set forth below:
   a. The section heading to 1819.708-70 is revised to read as follows: 1819.708-70 NASA solicitation provision on contract clause.
   b. In section 1819.708-70, the existing paragraph is designated as paragraph "(a)", and a new paragraph "(b)" is added to read as follows:

   (b) The contracting officer shall insert the clause at 1852.219-74, Small Business and Small Disadvantaged Business Subcontracting Reporting, in solicitations and contracts containing the clause at FAR 52.219-9.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Part 1852 is amended as set forth below:

1852.219-73 [Amended]
   a. In section 1852.219-73, in the prescribing language for the clause and for the alternate, the citation "1819.708-70" is revised to read "1819.708-70(a)."
   b. Section 1852.219-74 is added to read as follows:

   1852.219-74 Small Business and Small Disadvantaged Business Subcontracting Reporting.

As prescribed in 1819.708-70(b), insert the following contract clause:

Small Business and Small Disadvantaged Business Subcontracting Reporting (xxxx)

   (a) The Contractor shall submit the Summary Subcontract Report (Standard Form [SF] 298) quarterly for the reporting periods specified in block 1.A. of the form. Reports are due 30 days after the close of each reporting period.
   (b) The Contractor shall also complete Item 15 (Subcontract awards to Historically Black Colleges and Universities/Minority Institutions) in accordance with the existing instructions applicable to DOD activities.
   (c) All other provisions in the instructions paragraphs of the SF 298 remain in effect.
   (d) The Contractor shall include this clause in all subcontracts that include the clause at FAR 52.219-9.

[FR Doc. 92-48152 Filed 7-31-92; 8:45 am] BILLING CODE 7610-01-42

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
50 CFR Part 17
RIN 1018-AB42
Endangered and Threatened Wildlife and Plants; Proposed Reclassification of the Nile Crocodile From Endangered to Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to reclassify the Nile crocodile (Crocodylus niloticus) from endangered to threatened under the provisions of the Endangered Species Act (Act) of 1973. The Nile crocodile was listed as endangered on June 2, 1970 (35 FR 9846) throughout its range. The Zimbabwe population was reclassified to threatened on September 30, 1988 (53 FR 39415). This and other information on its status prompted the Service on October 25, 1990, to initiate a status review of the species soliciting comments and information on its current status (55 FR 43387). The result of this status review indicates that the Nile crocodile is believed not to be in danger of extinction in any significant portion of its existing range. It was placed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) on July 1, 1975. Subsequently, certain populations were transferred to Appendix II by agreement of the Parties to CITES. The controls on international trade under CITES and the Act help ensure that the Nile crocodile will not become endangered in the foreseeable future. A special rule is proposed that will allow for the importation of whole or partial skins, parts and finished products (but no live animals) into the United States in the course of a commercial activity.

DATES: Comments from all interested parties must be received by October 2, 1992. Public hearing requests must be received by September 17, 1992.

ADDRESSES: Comments, information, and questions should be submitted to the Chief, Office of Scientific Authority; Mail Stop: Room 725, Arlington Square; U.S. Fish and Wildlife Service; Washington, DC 20240. Fax number (703) 436-0276, Express and messenger-delivered mail should be addressed to the Office of Scientific Authority; room 753, 4401 North Fairfax Drive; Arlington, Virginia 22203. Comments and other information received will be available for public inspection, by appointment, from 8 a.m. to 4 p.m. Monday through Friday, at the Arlington, Virginia address.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Chief, Office of Scientific Authority, at the above address, or by phone at (703) 358-1708.

SUPPLEMENTARY INFORMATION:

Background

Historically, the Nile crocodile (Crocodylus niloticus) was widespread throughout Africa as far north as Syria. Presently, it is confined chiefly to the upstream regions of the Nile, tropical and southern Africa, and Madagascar, the extent of its range when originally listed as endangered in 1970. In the 1950's and 1960's, throughout much of the then existing range, populations were seriously reduced by habitat alteration, hunting for the hide industry, or killing to eliminate threats to humans, livestock and the fishing industry.

The Nile crocodile was listed as endangered in 1976 (35 FR 4605) and on appendix I of CITES in 1975 (when CITES came into force) because of the widespread decline of the species. Since that time, a number of African countries have recognized the value of the Nile crocodile for its ecological role and as a source of sustainable economic benefit under proper management, especially through harvesting for a controlled harvest of skins.

Throughout its range today, most Nile crocodile populations are reported to be increasing or to have at least stabilized. In some areas, dams on rivers have increased available habitat through the creation of lakes. Of those countries that have started ranching operations, Zimbabwe appears to have the best information on wild crocodile populations. Other nations, particularly Botswana, Ethiopia, Kenya, Malawi, Mozambique, South Africa, Tanzania, Uganda, and Zambia, have expanded their national data bases on wild crocodile populations in order to meet the CITES criteria for ranching operations.

Because Zimbabwe had a well-developed ranching scheme and considerable data on the status of its wild populations, its ranching proposal was the first one accepted by the CITES Parties (1983). Based on this and other information, in 1986, the Service reclassified ranched populations of the Nile crocodile in Zimbabwe to threatened (52 FR 32146), and in 1986, the Service reclassified the wild populations of the Nile crocodile in Zimbabwe from endangered to threatened (53 FR 30451).
In 1984, CITES officials met in Brussels, Belgium, to discuss CITES implementation in Africa. The transfer of the Nile crocodile to Appendix II and the difficulty of satisfying the Berne criteria were major issues of discussion. Not all African nations had ranching schemes at that time or intentions to develop them. It was recognized that an alternative procedure was needed to allow for utilization of wild populations while information was being gathered to satisfy the rigorous criteria of resolutions Conf. 1.2 (Berne criteria) or Conf. 3.15 (ranching). The outcome was a quota system adopted by the Parties in 1985 as resolution Conf. 5.21. Under this procedure, Nile crocodile populations of nine African countries (Cameroon, Congo, Kenya, Madagascar, Malawi, Mozambique, Sudan, Tanzania, and Zambia), were transferred from appendix I to appendix II, subject to export quotas established by agreement of the Parties. The population of Botswana was added in 1988 through a postal vote. In 1987, export quotas were renewed for Nile crocodiles from all ten countries, and the CITES Secretariat initiated the CITES Nile Crocodile Project in eastern and central Africa and Madagascar (Hutton 1989).

At the 1989 CITES Conference of Parties, additional populations of Nile crocodile were transferred from appendix I to appendix II, pursuant to resolution Conf. 3.15 on ranching. This decision affected populations in Botswana, Malawi, Mozambique, and Zambia. The Party nations also agreed in 1989 to continue export quotas for the Nile crocodile pursuant to resolutions Conf. 5.21 (export quota system) and Conf. 7.14 (annual export quotas). However, export quotas for Cameroon, Congo, Madagascar, and Sudan populations were set at zero for the present with export of only captive-raised specimens allowed from Madagascar in 1991 and 1992. The Parties also approved the transfer of Nile crocodile populations in Ethiopia and Somalia from appendix I to appendix II pursuant to Conf. 5.21.

The appropriateness of the original endangered listing under the Act and appendix I listing under CITES has been the subject of much international debate. However, improvements in the status of Nile crocodile populations and their management have prompted the CITES Parties to transfer 11 national populations to appendix II, most of these under the ranching criteria of resolution Conf. 3.15.

Comments

The Service received eight comments in response to its October 29, 1990, Federal Register notice initiating a status review of the Nile crocodile: two from range states Management Authorities (South Africa and Zimbabwe), two representing the International Union for the Conservation of Nature Crocodile Specialist Group (CSCG), one from the German Scientific Authority, one from the trade industry (Repte Madagascar), one from Traffic/USA and one from the Crocodile Farmers Association of Zimbabwe. All expressed the opinion that the Service should reclassify the Nile crocodile from endangered to threatened and rely on CITES controls between producing and consuming countries to ensure that illegal products do not enter the market.

The Zimbabwe Department of National Parks and Wildlife Management furnished extensive comments, especially concerning the Service's special rule (50 CFR 17.42(c)) limiting imports to whole raw skins of ranched specimens imported directly from Zimbabwe into the United States. Zimbabwe contended that this negates the whole purpose of the transfer from Appendix I to II under the ranching provisions (Conf. 3.15). Zimbabwe requested that tanned skins be allowed to enter the U.S. if they bear the original CITES tags; and that other products be admitted, especially if they use product marking which is part of the German system.

The Natal Parks Board (South Africa) suggested that the listing under the Act should be changed to bring it in line with CITES, and indicated that South Africa was transferring its Nile crocodile population from appendix I to II for consideration at the 8th CITES meeting of the Parties in Kyoto, Japan. Dr. James Perran Ross, Executive Secretary of the Crocodile Specialist Group (CSCG) also recommended that the South African Nile crocodile population be reclassified as threatened under the Act. He presented information indicating that the Natal population numbered at about 4,400 individuals above one meter (3.28 feet) in length.

Dr. J.M. Hutton, Vice Chairman for Africa, CSCG, commented that the Nile crocodile is not and has never been in danger of extinction. With current CITES controls, and the encouragement of ranching over hunting, he stated that commercial utilization is not a threat to the species. Even where some individual populations are under pressure from poor management (such as Madagascar), Hutton reported that CITES regulations and current levels of enforcement are adequate to ensure that illegal skins do not enter world trade.

Hutton recommended that commercial skins be permitted to enter the U.S. in processed form provided the original self-locking CITES tag remains intact on the skin; and that finished products be admitted from Europe and elsewhere.

Dr. Hutton also submitted additional comments as Executive Manager of the Crocodile Farmers Association of Zimbabwe. These comments were in the form of a petition requesting reclassification of the Nile crocodile from endangered to threatened throughout its range. The information provided included a population model for the Nile crocodile and simulation of different harvesting strategies; status and distribution information from the CITES Nile Crocodile Project (1987–1988) including surveys of Botswana, Kenya, Madagascar, Malawi, Mozambique, Tanzania, and Zambia; and the report of the coordinator of the CITES Nile Crocodile Project to the CITES Secretariat. Since this information was received during the open comment period for a Service status review of the species, the information was considered as a comment for the purposes of this proposed rulemaking and not a formal petition under the Act.

Dr. Dietrich Jelden, Germany Scientific Authority for CITES, recommended reclassifying the Nile crocodile for Ethiopia and Tanzania to threatened while retaining the population of Somalia as endangered. Jelden based his conclusions on the CITES Nile Crocodile Project. At the 1989 Conference of the Parties, transfer of populations from appendix I to appendix II pursuant to resolutions Conf. 5.21 and 7.14 (annual export quotas) was agreed for these three countries.

Ms. Cinette Hemley of TRAFFIC/USA submitted extensive comments concerning the reclassification of the Nile crocodile. She noted that since 1983, CITES has accommodated important utilization needs of African countries with healthy Nile crocodile populations by transferring those populations to Appendix II under special export quota criteria. She added that ranching management practices have improved markedly in many countries, particularly in southern Africa. Ms. Hemley recommended that the Service reclassify from endangered to threatened those populations that have been transferred to Appendix II under the ranching criteria, especially the populations of Botswana, Malawi, Mozambique, and Zambia. Because these countries have implemented...
ranching programs that have met the requirements of CITES for such transfers, she observed that the information available qualifies these populations for "threatened" status according to Section 4(a)(1) of the Endangered Species Act.

This proposed rule, if made final, would reclassify the Nile crocodile throughout its range from endangered to threatened, and would revise 50 CFR 17.11(h) by designation all Nile crocodile populations (wild, ranched, and captive bred) as threatened. It would also amend the special rule found at 50 CFR 17.42 by amending paragraph (c) to allow for the importation of skins, parts, and finished products) of the Nile crocodile into the United States with specific marking requirements and trade controls as required by CITES.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 et seq.) and regulations implementing the listing provision of the Act (50 CFR part 424) set forth five criteria to be used in determining whether to add, reclassify, or remove a species from the Lists of Endangered and Threatened Wildlife and Plants. These factors and their applicability to populations of the Nile crocodile in Africa are as follows:

A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range

The Nile crocodile is widely distributed throughout Africa, south of the Sahara, and is chiefly confined to the upper Nile, tropical and southern Africa, and Madagascar. It is regarded as a dangerous pest species and each year, many attacks on humans are reported. In the 1950's and 1960's, Nile crocodile populations were seriously reduced throughout much of their range because of habitat alteration, hunting for the hide industry, and killing to eliminate a threat to humans, livestock, and the fishing industry.

Little is known about Nile crocodile distribution and abundance prior to the 1960's. Intensive surveys and management of the species did not begin until the 1980's. The CITES Nile Crocodile Project was initiated in 1987 and surveys were conducted in the following countries: Botswana, Kenya, Madagascar, Malawi, Mozambique, Tanzania, and Zambia. Crocodile populations are either stable or increasing in all of these countries except Madagascar (Hutton 1988), although crocodiles are still widely distributed on the island. Most African countries have now recognized the species as valuable in terms of its ecological role and as a source of sustainable economic benefit when properly managed, especially the ranching of animals for a controlled harvest of skins. Commercial ranching of the species has increased the management and conservation of the wild populations. In some areas, dams on rivers have increased available habitat through the creation of lakes and lagoons.

In 1987, the Southern African Development Coordination Conference (SADCC) held a workshop on crocodile management and utilization to improve conservation efforts. Over the years, the SADCC countries (Angola, Botswana, Malawi, Mozambique, South Africa, Tanzania, Zambia and Zimbabwe) have taken an active role in the management of crocodiles. Intensive surveys have been conducted in several SADCC countries, and it is estimated that there are at least 43,000 crocodiles in the Zambezi River and lake system alone. The major rivers (4,064 km shoreline) and lakes (2,780 km shoreline) of Tanzania have about 76,000 animals. Zambia, with 6870 km of rivers and 5,776 km of lake shore, has over 150,000 crocodiles (Hutton et al. 1987). Nile crocodile populations in Southern Africa have recovered significantly and according to Hutton (1989), the species never was in danger of extinction.

B. Over-Utilization for Commercial, Recreational, Scientific, or Educational Purposes

The Nile crocodile has been persecuted as vermin, often with the aim of complete eradication. Harvest was accelerated in the 1960's and 1970's for the commercial export of hides. By the late 1960's, large-scale uncontrolled hunting had markedly declined in many countries, either because of legal protection or because it was no longer profitable to hunt crocodiles. In recognition of over-exploitation, the species was placed in appendix I of CITES in 1975. The subsequent recovery of most populations, even to nuisance levels, led to the need for a procedure to allow for controlled utilization of wild populations, so that there would be an economic incentive to conserve a species that was otherwise viewed as a threat.

Zimbabwe was the first African country to successfully use CITES procedures and criteria (Conf. 3.15 on ranching) to transfer its Nile crocodile population to Appendix II, thus allowing for regulated trade. Zimbabwe's ranching proposal was accepted in 1983. Following a meeting in 1984 at Brussels to discuss CITES implementation in Africa, an alternative procedure was adopted to allow for the utilization of wild populations while information was being gathered to satisfy the criteria of resolutions Conf. 1.2 or 3.15. In 1985, in accordance with resolution Conf. 5.21, Nile crocodile populations in nine African countries were transferred to Appendix II with export quotas. In 1986, the population of Botswana was added through the CITES postal procedure. In 1987, all ten African countries applied to continue their quotas. At the 1989 Meeting of the Conference of the Parties, ranching schemes (under Conf. 3.15) were approved for Botswana, Malawi, Mozambique, and Zambia. To date, 11 national populations of the Nile crocodile have been transferred to Appendix II either under the ranching criteria (Conf. 3.15) or the quota system (Conf. 5.21).

C. Disease or Predation

Disease and predation are not reported to be factors significantly affecting the status of Nile crocodile populations.

D. The Inadequacy of Existing Regulatory Mechanisms

The Parties to CITES have adopted a series of resolutions to allow for trade of Nile crocodile skins. Presently 11 countries have Nile crocodile populations listed in appendix II, chiefly under the resolutions on ranching (Conf. 3.15) and quotas (Conf. 5.21). Throughout Africa, countries are seeking to increase tolerance for the species and encourage the maintenance of wetland habitats by insuring that sustainable use gives the wild populations of Nile crocodiles an economic value.

The high value of Nile crocodile products and the relative abundance of animals have prompted many range countries to develop, or begin to develop, sustained-use management programs. Virtually all of these programs have been endorsed by the Parties to CITES. In 1987, the CITES Secretariat funded the CITES Nile Crocodile Project, which surveyed populations in seven African countries. Governments of African countries now advocate conservation of the species through ranching, egg collecting, and trade.

The adoption of universal tagging requirements for all crocodilian skins is an important step in addressing illegal trade. At the 8th meeting of the CITES Conference of the Parties in Kyoto, Japan, a resolution was passed establishing requirements for a universal tagging system to aid identification of crocodilian skins in international trade. This resolution had
been strongly supported by the IUCN/SSC Crocodile Specialist Group.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

No other natural or manmade factors are considered to be significantly affecting the status of the Nile crocodile.

The Service has evaluated the best available biological and status information regarding past, present, and future threats faced by the Nile crocodile in proposing this rule. Criteria for reclassification of a threatened or an endangered species, found in 50 CFR 224.11(d); include extinction, recovery of the species, or error in the original data for reclassification. The proposed rule is based upon data that populations of the Nile crocodile have recovered sufficiently, threats have been significantly reduced, and therefore the species is not in danger of extinction. Identification of skins and products as to origin remains necessary to ensure that illegal skins do not enter into commercial trade.

Marking

International trade in certain crocodilian species has presented significant problems for the Parties to CITES; several resolutions have been adopted at previous meetings of the Parties to support management regimes for the conservation of particular species. The United States, in conjunction with Australia, submitted a resolution for consideration at the 1992 Meeting of the Conference of the Parties in Japan calling for a universal tagging system to identify crocodilian skins in international trade. This resolution was adopted by the Parties and the requirements are incorporated in this proposed rule. Adherence to the new marking requirements should minimize the potential for substitution of illegal skins and reduce the trade control problems associated with similarity in appearance of skins and products among different species of crocodiles.

Effects of This Rule

If this proposed rule is made final, it will reclassify all populations of the Nile crocodile from endangered to threatened under the Act. A special rule will amend 50 CFR 17.42 to allow for the importation of whole or partial skins, other parts, and products of the Nile crocodile originating from CITES Appendix II populations in Africa under internationally agreed measures for the control of trade in CITES Appendix II species. For all live specimens, not covered by these measures, the provisions of subpart D (17.31 and 17.32) remain in effect.

The Service intends that any action resulting from this proposed rule is accurate and that it is as effective as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, the trade industry, or any other interested party concerning any aspect of this proposal are hereby solicited. Comments are particularly sought concerning biological or commercial trade impacts on any Nile crocodile population, or other relevant data concerning any threat, or lack thereof, to wild populations of the Nile crocodile. Comments are also sought on the relevant listing of the Nile crocodile as threatened for similarity of appearance purposes only, since the primary purpose of this proposal is to declassify the Nile crocodile except for the need for the identification of skins and products as to origin to ensure that illegal skins do not enter into commercial trade.

Final rulemaking on the Nile crocodile will take into consideration all comments and any additional information received by the Service. Such communications may lead to adoption of final regulations that differ from those in the proposed rule.

The Endangered Species Act provides for a public hearing on this proposal, if requested. All requests must be filed within 45 days of the date of publication of this proposal. Such requests must be made in writing and addressed to the Office of Scientific Authority (see addressess excellent).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(d) 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


List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and record-keeping requirements, and Transportation.

Proposed Regulations Promulgation

PART 17—AMENDED

Accordingly, it is hereby proposed to amend part 17, subpart B of chapter 1, title 50 of the Code of Federal Regulations as set forth below:

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


2. Amend §17.71 by revising the current entry for the Nile crocodile under "Reptiles," on the list of Endangered and Threatened Wildlife to read as follows:

§17.71 Endangered and threatened wildlife.
3. Amend Section 17.42 by revising paragraph (c) to read as follows.

§ 17.42 Special rules—reptiles.

(c) Nile crocodile (Crocodylus niloticus)—(1) Prohibitions. The following prohibitions apply to Nile crocodiles:

(i) Except as allowed in paragraphs (c)(1)(ii) and (c)(2) of this section, it shall be unlawful to import or export any such wildlife.

(ii) Import and export. (A) Nile crocodiles consisting of raw and processed skins and parts thereof which are tagged in accordance with paragraph (c)(1)(ii)(B) of this section, as evidence that the wildlife was taken in accordance with the laws of the country of origin and in compliance with the requirements of CITES for appendix II species (50 CFR part 23), may be imported into the United States without permits otherwise required by 50 CFR part 17. The same information as is given on the tags affixed to the wildlife must be given on the accompanying CITES permit or certificate documents. Importation into the United States must comply with the requirements of 50 CFR parts 14 and 23.

(B) Nile crocodiles consisting of raw and processed skins (salted, crusted, or tanned) and parts thereof must be marked with intact, non-reusable tags that include as a minimum the International Organization for Standardization code for country of origin, a unique serial identification number, species code, and year of production, and further, such tags shall have the following characteristics: a self-locking system, heat resistance, inert to chemical and mechanical processing, and information to be applied by permanent stamping.

(C) Manufactured products of Nile crocodiles that do not have affixed tags as a consequence of processing, may be imported or exported without permits otherwise required by 50 CFR part 17. The CITES export permits and/or certificates of reexport must contain the same information as is on the tags for wildlife from which the manufactured products or other parts were obtained, as specified in Paragraph (c)(1)(ii)(B) of this section. Import into, and reexport from, the United States must comply with the requirements of 50 CFR parts 13 and 23.

(iii) Unlawful importation. It shall be unlawful, in the course of a commercial activity, to deliver, receive, carry, transport, or ship in interstate or foreign commerce any Nile crocodiles imported unlawfully.

(iv) Commercial transactions. It shall be unlawful to sell or offer for sale in interstate or foreign commerce any Nile crocodiles imported unlawfully.

(2) Permits. For prohibited activities and types of specimens, including live specimens, not expressly included in Paragraph (c)(1)(ii) of this section, the permit requirements and other provisions of subpart D of 50 CFR part 17 remain in effect.

Dated: July 17, 1992.

Richard N. Smith,
Director.