portion of fees, paid by NASA to the contractor. Situations where inclusion of fees in the acquisition cost would be appropriate are those in which the contractor designs, develops, fabricates or purchases property for NASA and part of the fees paid to the contractor by NASA are related to that effort.

(b) The use of weighted average methodologies is acceptable for valuation of Material.

(c) Contractors shall report unit acquisition costs using records that are part of the prescribed property or financial control system as provided in this section. Fabrication costs shall be based on approved systems or procedures and include all direct and indirect costs of fabrication.

(d) The contractor shall redetermine unit acquisition costs of items returned for modification or rehabilitation. If an item's original acquisition cost is $100,000 or more, only modifications that improve that item's capacity or extend its useful life two years or more and that cost $100,000 or more shall be added to the original acquisition cost reported on the NF 1018. The costs of any other modifications will be considered to be expensed. If an item's original unit acquisition cost is less than $100,000, but a single subsequent modification costs $100,000 or more, that modification *only* will be reported as an item $100,000 or more on subsequent NF 1018s. If an item's acquisition cost is reduced by removal of components so that its remaining acquisition cost is under $100,000, it shall be reported as under $100,000.

(e) The computation of work in process shall include costs of associated systems, subsystems, and spare parts and components furnished or acquired and charged to work in process pending incorporation into a finished item. These types of items make up what is sometimes called production inventory and include programmed extra units to cover replacement during the fabrication process (production spares). Also included are deliverable items on which the contractor or a subcontractor has begun work, and materials issued from inventory.

1845.7101–4 Types of deletions from contractor property records.

Contractors shall report the types of deletions from the property reportable under a given contract as described in this section.

(a) *Adjusted*. Changes in the deletion amounts that result from mathematical errors in the previous report.

(b) *Lost, Damaged or Destroyed*. Deletion amounts that result from relief from responsibility under FAR 45.503 granted during the reporting period.

(c) *Transferred in Place*. Deletion amounts that result from transfer of property to a follow-on contract with the same contractor.

(d) *Transferred to Center Accountability*. Deletion amounts that result from transfer of accountability to the center responsible for the contract, whether or not items are physically moved.

(e) *Transferred to Another NASA Center*. Deletion amounts that result from transfer of accountability to a center other than the one responsible for the contract, whether or not items are physically moved.

(f) *Transferred to Another Government Agency*. Deletion amounts that result from transfer of property for reutilization to another Government agency, as a part of the plant clearance process.

(g) *Purchased at Cost/Returned for Credit*. Deletion amounts that result from contractor purchase or retention of contractor acquired property as provided in FAR 45.605–1, or from contractor returns to suppliers under FAR 45.605–2.

(h) *Disposal Through Plant Clearance Process*. Deletions other than transfers, within the Federal Government e.g., donations to eligible recipients, sold at less than cost, or abandoned/directed destruction.

1845.7101–5 Contractor's privileged financial and business information.

If a transfer of property between contractors involves disclosing costs of a proprietary nature, the contractor shall furnish unit acquisition costs only on copies of shipping documents sent to the shipping and receiving NASA centers. Transfer of the property to the receiving contractor shall be on a no-cost basis.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 1852.245–73 is revised to read as follows:

1852.245–73 Financial Reporting of NASA Property in the Custody of Contractors.

As prescribed in 1845.106–70(d), insert the following clause:

Financial Reporting of NASA Property in the Custody of Contractors (XXX)

(a) The Contractor shall submit annually a NASA Form (NF) 1018, NASA Property in the Custody of Contractors, in accordance with the provisions of 1845.505–14, the instructions on the form, subpart 1845.71, and any supplemental instructions for the current reporting period issued by NASA. Subcontractor use of NF 1018 is not required by this clause; however, the contractor shall include data on property in the possession of subcontractors in the annual NF 1018.

(b) The contractor shall submit the original of the NF 1018 to the Center Deputy Chief Financial Officer, Finance, and three copies (through the Department of Defense (DOD) Property Administrator if contract administration has been delegated to DOD) to the following address: [Insert name and address of appropriate Center office .]

(c) The annual reporting period shall be from October 1 of each year through September 30 of the following year. The report shall be submitted in time to be received by October 31. The information contained in these reports is entered into the NASA accounting system to reflect current asset values for agency financial statement purposes. Therefore, it is essential that required reports be received no later than October 31. The Contracting Officer may, in the Government's interest, withhold payment until a reserve not exceeding $25,000 or 5 percent of the amount of the contract, whichever is less, has been set aside, if the Contractor fails to submit annual NF 1018 reports when due. Such reserve shall be withheld until the Contracting Officer has determined that the required reports have been received by the Government. The withholding of any amount or the subsequent payment thereof shall not be construed as a waiver of any Government right.

(d) A final report is required within 30 days after disposition of all property subject to reporting when the contract performance period is complete.

(End of clause)

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BILLING CODE 7510–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1244

[STB Ex Parte No. 385 (Sub–No. 4)]

Modification of the Carload Waybill Sample and Public Use File Regulations

AGENCY: Surface Transportation Board.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Surface Transportation Board (Board) solicits comments on modifications to the existing regulations at 49 CFR Part 1244 to require identification of contract movements in the annual Carload Waybill Sample (Waybill Sample), to establish procedures to ensure the confidentiality of contract revenue information in the Waybill Sample, and to limit the period during which the Waybill Sample will remain confidential.

DATES: Comments are due on July 1, 1999.

ADDRESSES: Send comments (an original and 10 copies) referring to STB Ex Parte No. 385 (Sub-No. 4) to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K Street, NW, Washington, D.C. 20423–0001.

FOR FURTHER INFORMATION CONTACT: H. Jeff Warren, (202) 565–1533 or James A. Nash, (202) 525–1542. [Assistance for the hearing impaired is available through TDD services (202) 565–1695.]

SUPPLEMENTARY INFORMATION: Railroads that annually terminate 4,500 or more carloads (or 5 percent of the carloads in any state) are required to report data, including revenues, on individual movements contained in a sampling of their traffic. This Waybill Sample is used for a variety of purposes by the Board, parties appearing before the agency and the public in general. Because of the widespread use of confidential transportation contracts in the railroad industry, [1] the Waybill Sample reporting requirements must be tailored to ensure that the Board receives accurate data on contract movements for all carriers and, at the same time, that confidential information regarding those contracts is protected from public disclosure. In addition, the National Archives and Records Administration (Archives) recently indicated that it is interested in maintaining historic Waybill Sample records for future studies. To do so, the confidentiality of these records must expire at some time to allow for future public release.

Proposed Procedures

To enhance the usefulness of the Waybill Sample, both for ourselves and for other parties, and to facilitate the ability of the Archives to maintain historical records, we are considering several changes to our rules and procedures. First, all railroads would be required to identify (flag) those shipments in the Waybill Sample that are governed by transportation contracts. Second, railroads would be required to report the actual revenues for each such contract shipment, although an average revenue value would be substituted for the actual revenues to maintain the confidentiality of the contract rate information. These two changes would fulfill our need for more complete contract data, protect sensitive commercial contract rate information, and allow others to conduct accurate, broad-based economic studies. Third, the confidentiality of such Waybill Sample records would be limited to 20 years.

1. Identification of Contract Shipments

The majority of railroads already identify contract movements in the Waybill Sample and simply ''mask'' the contract revenue information using varying procedures to conceal the actual revenues earned on contract traffic. However, because some carriers do not flag contract movements, we are unable to develop complete information on contract traffic. The Board needs more accurate data to carry out statutorily mandated functions, to provide reports to Congress, and to perform internal studies of the rail industry. Thus, we need to revise our regulations to ensure that all carriers flag contract movements.

There will be no impact on those carriers already flagging contract movements from the new proposed requirement, and these procedures may help safeguard commercially sensitive contract rate information for those carriers that do not now flag contract shipments and whose actual contract revenues may appear in the Waybill Sample. While we may be unaware that a particular movement is a contract shipment, competitors of the shipper or railroad might know that it is a contract movement. In such circumstances, disclosure of the actual unflagged contract rate may be at risk when Waybill Sample data is released to parties for use in individual proceedings before the Board. Thus, while some carriers may have to begin flagging contract shipments, the confidentiality of the contract rate should be better protected under our proposal to mask contract revenue information in a uniform manner.

2. Use of Average Revenue Figures

The masking procedures currently used by some carriers make it impossible for outside parties to conduct accurate revenue based studies from the Waybill Sample data regardless of the level of aggregation. To provide a more useful method of masking all revenue information in the Waybill Sample, we suggest aggregating actual contract and non-contract revenue data, after which we would calculate an average revenue per ton-mile by Standard Transportation Commodity Code (STCC) class within broad geographic areas, such as the nine census regions. We would then use this average value to develop a revenue figure for each waybill by multiplying the average revenue per ton-mile by each movement's shipment tons and miles. The reported actual revenue in each Waybill Sample record would then be replaced by the average revenue number. Sensitive commercial contract information would be protected because we would not identify contract shipment and because actual revenue data would not be released. Nevertheless, the public could conduct accurate, broad-based economic studies because the average revenues would be accurate when aggregated to the appropriate level.

Parties are asked to comment on our suggested masking methodology or to suggest other procedures that could be applied by us or the railroads to meet the same objectives. Comments should address the appropriate level of geographic aggregation and the appropriate level of STCC aggregation (two digit, four digit, etc.) to be used.

3. Waybill Confidentiality Time Limit

Finally, we believe that it should be possible to limit confidential treatment of contract revenue information contained in the Waybill Sample to a 20-year period. The Archives is interested in maintaining the Waybill Sample records for future studies, much as the U.S. Census is maintained. However, in order for historic Waybill Sample records to be useful, a time period must be specified after which confidential data can be made public. It could be as little as ten years, or as much as one hundred years. (Census data is now made public after seventy years.) Because most rail contracts do not exceed a 20-year term, a 20-year confidentiality period may be adequate to protect commercially sensitive shipper and railroad data.

Scope of This Proceeding

While we encourage all parties to comment on the areas we have discussed above, we are not soliciting comments in this proceeding on any other aspects of the collection, design, or release of the Waybill Sample or its associated Public Use Waybill file. Moreover, because no analysis of the Waybill Sample should be needed to comment on this Advance Notice of Proposed Rulemaking, we do not plan to release Waybill Sample data in connection with this proceeding.

This action will not significantly affect either the quality of the human environment or energy conservation.

Pursuant to 5 U.S.C. 605(b), we conclude preliminarily that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Decided: May 10, 1999

[1] The Association of American Railroads recently advised the General Accounting Office that 70% of rail traffic moves under contract.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams,

Secretary.

[FR Doc. 99–12334 Filed 5–14–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants: 12-month Finding on Petitions To Change the Status of Grizzly Bear Populations in the Selkirk Area in Idaho and Washington and the Cabinet-Yaak Area of Montana and Idaho From Threatened to Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12-month petition finding.

SUMMARY: We find that reclassification of grizzly bears (*Ursus arctos horribilis*) in the combined Cabinet-Yaak/Selkirk recovery zones of Idaho, Montana, and Washington from threatened to endangered status is warranted but precluded by work on other higher priority species.

DATES: The finding announced in this document was approved on April 20, 1999.

ADDRESSES: You may send questions or comments concerning this finding to U.S. Fish and Wildlife Service, Grizzly Bear Recovery Coordinator, University Hall 309, University of Montana, Missoula, Montana 59812. You may inspect the petition, finding, and supporting data by appointment during normal business hours at the above office.

FOR FURTHER INFORMATION CONTACT: Dr. Christopher Servheen, Grizzly Bear Recovery Coordinator (see **ADDRESSES** section) at telephone (406) 243–4903.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(B) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires that for any petition to revise the Lists of Endangered and Threatened Wildlife and Plants that contains substantial scientific and commercial information, we make a finding within 12 months of the receipt of the petition on whether the petitioned action is—(a) not warranted, (b) warranted, or (c) warranted but precluded from immediate proposal by other pending proposals of higher priority. When a petition to list a species is found to be warranted but precluded, the species is designated a candidate species. A candidate species is a taxon for which we have on file sufficient information to support issuance of a proposed listing rule. Section 4(b)(3)(C) requires that a petition for which we find the requested action to be warranted but precluded be treated as though it has been resubmitted on the date of such finding; a subsequent finding is to be made on such a petition within 12 months of the initial or previous finding. Notices of such 12-month findings are to be published promptly in the **Federal Register**. The finding reported here is a finding on a petitioned action for which we have made previous 12-month findings.

On February 4, 1991, the Fund for Animals, Inc., petitioned us to reclassify the grizzly bear from threatened to endangered in the Selkirk ecosystem of Idaho and Washington; the Cabinet-Yaak ecosystem of Montana and Idaho; the Yellowstone ecosystem of Montana, Wyoming, and Idaho; and the Northern Continental Divide ecosystem of Montana. We received a second petition dated January 16, 1991, from Mr. D.C. Carlton on January 28, 1991, that requested us to reclassify the grizzly bear from threatened to endangered in the Selkirk ecosystem of Idaho and Washington; the Cabinet-Yaak ecosystem of Montana and Idaho; and the North Cascades ecosystem of Washington. We issued a finding of not warranted for reclassification in the Yellowstone and Northern Continental Divide ecosystems on April 20, 1992 (57 FR 14372–14374). We made a positive 90-day finding for the Selkirk and Cabinet-Yaak ecosystems and initiated a status review in the same notice. We issued a 12-month finding of warranted but precluded for the Cabinet-Yaak ecosystem on February 12, 1993 (58 FR 8250), and again on June 4, 1998 (63 FR 30453). We issued a not warranted finding for the Selkirk ecosystem on February 12, 1993 (58 FR 8250). A lawsuit was subsequently filed challenging our not warranted finding for the Selkirk ecosystem. In 1995, the court remanded the case so that we could provide additional information and analysis regarding the finding (*Carlton* v. *Babbitt*, 900 F. Supp. 526, 531–34, 537–38 (District Court of Washington, DC 1995)).

The court found that we had adequately addressed issues relating to any ''present or threatened destruction, modification, or curtailment of habitat or range.'' However, additional information was requested on overutilization, particularly trends of human-caused mortality. The court requested more information on the relationship between regulatory mechanisms and human-caused mortality, and additional analysis of survivorship and reproductive rates. The court also expressed concerns about the discussion of population connectivity between bears in Canada and the United States. We responded to the court with Supplementary Information for the Court regarding the Not Warranted Petition Finding for the Selkirk Grizzly Bear Population (March 15, 1996).

On October 28, 1998, the court remanded the matter back to us because we had not established that the Selkirk population could sustain the current rate of human-caused mortality, that present regulatory mechanisms were adequate, that the Selkirk population was not endangered simply by virtue of size, and that Canadian habitat would continue to be available to the Selkirk population. On January 21, 1999, we requested additional time to respond to the remand in order to evaluate the Selkirk population in light of our recent policy defining distinct population segments.

We have reviewed our previous findings on the Selkirk population in light of the court's ruling. Based on this reevaluation of the Selkirk population's status, and consideration of our policy on distinct vertebrate population segments, which was adopted after the 1993 petition findings, we believe that it may be appropriate to pursue a change in the listing of the grizzly bear which would recognize the Selkirk recovery zone and the Cabinet-Yaak recovery zone as one distinct population segment. In this finding, we will review the information that has led us to consider such a change because much of this information has direct relevance to the court's concerns about issues not adequately addressed in our previous finding on the Selkirk population. We will consider formally recognizing a distinct population segment that would encompass both the Selkirk and Cabinet-Yaak recovery zones in the near future.

Distinct Population Segments

In conjunction with the National Marine Fisheries Service, we adopted a new policy regarding Recognition of Distinct Vertebrate Population Segments under the Endangered Species Act on February 7, 1996 (61 FR 4722–4725). This policy clarifies interpretation of the phrase ''distinct population segment of any species of vertebrate fish or wildlife'' for the purposes of listing,