

flexibility analysis has not been prepared. Comments from interested small businesses are invited.

D. Paperwork Reduction Act

The rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Parts 215 and 252

Government procurement.
Charles W. Lloyd,

Executive Secretary, Defense Acquisition Regulatory Council.

Therefore, 48 CFR Parts 215 and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 215 and 252 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

PART 215—CONTRACTING BY NEGOTIATION

2. Section 215.873 is added to read as follows:

§ 215.873 Availability of contractor records.

In accordance with 10 U.S.C. 2406, the contracting officer shall include the clause at 252.215-7001, "Availability of Contractor Records" in solicitations and contracts which—

- (a) Require the submission and certification of cost or pricing data; and
- (b) Are for the manufacture of end items for a major defense acquisition program, as defined in 10 U.S.C. 2432a.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 252.215-7001 is added to read as follows:

§ 252.215-7001 Availability of contractor records.

As prescribed in 215.873, insert the following clause:

Availability of Contractor Records (APR 87)

(a) Upon request by the Contracting Officer, the Contractor shall make available, in a timely manner, to the Contracting Officer or to an authorized representative of the Contracting Officer (who is an employee of the United States or a member of the Armed Forces), records of the contract and of end items under the contract for:

- (1) The proposed, negotiated and incurred costs and related profit or fee;
- (2) Bills of materials; and
- (3) Work measurement system data (and any revision to such data), including standard hours of work content. These work measurement system data are those

generated from time standard setting, time monitoring and variance analysis, produced for such purposes as planning, cost estimating, and productivity improvement. This availability includes access to proposed and negotiated work measurement system data (and any revision to such data).

(b) Nothing in this clause shall require the Contractor to collect or maintain additional data not otherwise collected or maintained nor to maintain data in a form or manner different from that in which the Contractor maintains such data.

(c) Any data covered by this clause shall be available for review until three (3) years after final payment under this contract.

(End of clause)

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INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1003, 1043, and 1084

[Ex Parte No. MC-178 (Sub-No. 4)]

Implementation of Liability Risk Retention Act of 1986

AGENCY: Interstate Commerce Commission.

ACTION: Adoption of Policy Statement.

SUMMARY: The Commission adopts this Policy Statement and gives notice that Risk Retention Groups established under the Liability Risk Retention Act of 1986, and licensed as Liability Insurance Companies under the laws of a state, qualify as insurance or surety companies defined at 49 CFR 1043.8. Accordingly, the Commission will accept Risk Retention Groups' filings of evidence of insurance or surety bonds and notices of cancellation. Risk Retention Groups, as with other insurance and surety companies, must comply with and must certify coverage on the Commission's prescribed forms as specified in 49 CFR 1043.7 and Part 1003, and comply with all other applicable regulations published at 49 CFR Part 1043 and Part 1084.

The Commission has determined that its existing rules and regulations allow the acceptance of filings by Risk Retention Groups; therefore, new or revised rules are unnecessary and no comments are required.

DATE: The Policy Statement is effective on April 8, 1987

FOR FURTHER INFORMATION CONTACT: Alice K. Ramsay (202) 275-0854
Heber P. Hardy (202) 275-7148

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission decision. To purchase a copy of the full decision, write to T.S.

Infosystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan Area) or toll-free (800) 424-5403.

Energy and Environmental Consideration

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

Regulatory Flexibility Analysis

The Commission is issuing a Policy Statement to implement the provisions of the liability Risk Retention Act of 1986, rather than promulgate new or revised regulations in 49 CFR 1043 and 1084. This action is fully in accordance with the objectives of the Regulatory Flexibility Act.

A substantial number of small entities will be affected by this action. However, we expect the economic impact to be beneficial. Motor carriers, brokers, and freight forwarders will now be able to meet their financial responsibility obligations to the Commission by participating in Risk Retention Groups and by having these groups file evidence of security on their behalf. We believe that this alternative will ameliorate some of the problems small entities are presently encountering because of their inability to obtain available and affordable insurance coverage from insurance and surety companies.

This action is taken under the authority of 49 U.S.C. 10101, 10321, 11701, 10927-5 U.S.C. 553.

Decided: March 31, 1987

By the Commission, Chairman Gradison
Vice Chairman Lamboley, Commissioners
Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 87-7725 Filed 4-7-87; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Threatened Status and Critical Habitat for the Waccamaw Silverside

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines the Waccamaw silverside (*Menidia*