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# federal register

Wednesday
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# Contents

Federal Register

Vol. 57, No. 190

Wednesday, September 30, 1992

**Agricultural Marketing Service**
*See* Packers and Stockyards Administration

**Agriculture Department**
*See* Animal and Plant Health Inspection Service
*See* Federal Crop Insurance Corporation
*See* Federal Grain Inspection Service
*See* Forest Service
*See* Packers and Stockyards Administration
*See* Rural Electrification Administration

**Air Force Department**
NOTICES
Meetings:
Scientific Advisory Board, 45039

**Alcohol, Tobacco and Firearms Bureau**
PROPOSED RULES
Alcohol; viticultural area designations:
Texas High Plains Area, TX, 45009

**Animal and Plant Health Inspection Service**
NOTICES
Environmental statements; availability, etc.:
Genetically engineered organisms; field test permits—
Corn, etc., 45030
Genetically engineered organisms for release into environment; permit applications, 45030
Veterinary biological products; production and establishment licenses, 45031

**Army Department**
NOTICES
Meetings:
Science Board, 45039

**Centers for Disease Control**
NOTICES
Meetings:
Clinical Laboratory Improvement Advisory Committee, 45061

**Commerce Department**
*See* Export Administration Bureau
*See* Foreign-Trade Zones Board
*See* International Trade Administration
*See* National Oceanic and Atmospheric Administration

**Commodity Futures Trading Commission**
NOTICES
Meetings:
Agricultural Advisory Committee, 45039

**Defense Department**
*See* Air Force Department
*See* Army Department
NOTICES
Meetings:
Science Board task forces, 45039

**Education Department**
NOTICES
Grants and cooperative agreements; availability, etc.:
Business and education standards program, 45040, 45146

**Energy Department**
*See* Federal Energy Regulatory Commission
*See* Southeastern Power Administration
NOTICES
Environmental restoration and waste management program:
Low-Level Radioactive Waste Policy Amendments Act; surcharge rebates; eligibility criteria, procedures, and deadline, 45248
Low-Level Radioactive Waste Policy Amendments Act; surcharge rebates; mixed waste deadline, 45249
Grants and cooperative agreements; availability, etc.:
University research instrumentation program, 45041

**Environmental Protection Agency**
RULES
Hazardous waste:
Boilers and industrial furnaces; burning of hazardous wastes
Correction, 44999
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Louisiana, 45012
Hazardous waste:
Identification and listing—
Exclusions; correction, 45112
Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
Glyceryl behenate, 45017
Oryzalin, 45018
NOTICES
Air quality; prevention of significant deterioration (PSD):
Permit determinations, etc.—
Region IX, 45053
Drinking water:
Public water supply supervision program—
Delaware, 45053
West Virginia, 45054
Pesticide registration, cancellation, etc.:
Ciba-Geigy Corp., 45054
U.S. Borax & Chemical Corp., 45055
Pesticides; experimental use permits, etc.:
Hoechst Celanese Corp. et al., 45055
Toxic and hazardous substances control:
Chemical testing—
Data receipt, 45056
Ethyl Corp.; waiver, 45056
Water pollution control:
National pollutant discharge elimination system—
Storm water; construction sites; correction, 45112

**Executive Office of the President**
*See* Presidential Commission on Assignment of Women in the Armed Forces

**Export Administration Bureau**
RULES
Export licensing:
Chemicals and chemical and biological equipment; special license procedure, 44969

**Federal Communications Commission**
RULES
Radio stations; table of assignments:
Arkansas, 45002
Louisiana, 45002
PROPOSED RULES
Radio stations; table of assignments:
Kansas, 45020
NOTICES
Agency information collection activities under OMB review, 45057
Rulemaking proceedings; petitions filed, granted, denied, etc., 45058

**Federal Crop Insurance Corporation**
RULES
Crop insurance; various commodities:
Potato, 44969
Crop insurance endorsements, etc.:
Rye and sugarcane, 44968
Wheat, barley, and oats, 44967
Crop insurance regulations:
Nursery crop, 44968

**Federal Election Commission**
PROPOSED RULES
Contribution and expenditure limitations and prohibitions:
Corporate and labor organizations, 45009

**Federal Energy Regulatory Commission**
NOTICES
Electric rate, small power production, and interlocking directorate filings, etc.:
Kamine/Besicorp Syracuse, L.P., 45049
United Illuminating Co. et al., 45043
Environmental statements; availability, etc.:
CPS Products, Inc., 45046
Natural gas certificate filings:
Trunkline Gas Co. et al., 45047
Natural Gas Policy Act:
State jurisdictional agencies tight formation recommendations; preliminary findings—
Texas Railroad Commission, 45046
*Applications, hearings, determinations, etc.:*
Arkla Energy Resources, 45048
El Paso Natural Gas Co., 45049
Gateway Pipeline Co., 45049
Kern River Gas Transmission Co., 45049
KN Energy, Inc., 45050
Louisiana-Nevada Transit Co., 45050
Midwestern Gas Transmission Co., 45050
National Fuel Gas Supply Corp., 45050
Northern Natural Gas Co., 45050
OkTex Pipeline, 45051
South Georgia Natural Gas Co., 45051
United Gas Pipe Line Co., 45051
Viking Gas Transmission Co., 45051

**Federal Grain Inspection Service**
NOTICES
Agency designation actions:
Illinois, 45032 45033
Texas, 45032

**Federal Highway Administration**
RULES
Motor carrier safety standards:
Driver qualifications—
Vision requirements; waiver applications, 45002

**Federal Housing Finance Board**
NOTICES
Meetings; Sunshine Act, 45111

**Federal Labor Relations Authority**
NOTICES
Impasse proceedings, agency cooperation obligation; policy statement, 45058

**Federal Maritime Commission**
NOTICES
Freight forwarder licenses:
Lasha Enterprises, Inc., et al., 45058
Senior Executive Service:
Performance Review Board; membership, 45059

**Federal Mine Safety and Health Review Commission**
NOTICES
Meetings; Sunshine Act, 45111

**Federal Procurement Policy Office**
NOTICES
Inherently governmental functions; policy letter, 45096

**Federal Railroad Administration**
NOTICES
Exemption petitions, etc.:
Southern Pacific Lines, 45109

**Federal Reserve System**
NOTICES
Meetings; Sunshine Act, 45111
*Applications, hearings, determinations, etc.:*
Compagnie de Suez et al., 45059
First Western Corp., 45059
Guillory, Allen Bruce, et al., 45060
Meridian Bancorp, Inc., et al., 45060
Southern National Corp., 45060

**Financial Management Service**
*See* Fiscal Service

**Fiscal Service**
RULES
Delivery of checks and warrants to addresses outside United States, territories, and possessions:
Albania, 44998
PROPOSED RULES
Marketable book-entry Treasury bills, notes, and bonds; sale and issue, 45116

**Fish and Wildlife Service**
PROPOSED RULES
Endangered and threatened species:
Florida perforate cladonia, etc. (seven Central Florida plants), 45020

**Foreign-Trade Zones Board**
NOTICES
*Applications, hearings, determinations, etc.:*
Hawaii, 45035

**Forest Service**
NOTICES
Appeal exemptions; timber sales:
Boise National Forest, ID, 45033

**General Services Administration**
RULES
Federal travel:
Maximum reimbursement limitations increase for real estate sale and purchase expenses, 45001

**Health and Human Services Department**
*See* Centers for Disease Control
*See* Health Care Financing Administration
*See* Social Security Administration

**Health Care Financing Administration**
RULES
Medicaid:
Management information system; changes in requirements, performance standards, and reapproval conditions; notification procedures
Correction, 45112
Medicare program:
Self-implementing coverage and payments provisions
Correction, 45112

**Housing and Urban Development Department**
RULES
Mortgage and loan insurance programs:
Property improvement loans; maximum loan amounts and terms increase, 45244
NOTICES
Grant and cooperative agreement awards:
Community development block grant program—
Small cities program, 45063
Grants and cooperative agreements; availability, etc.:
Supportive housing for persons with disabilities—
Persons disabled by infection with human acquired immunodeficiency virus (HIV); set-aside, 45065
Organization, functions, and authority delegations:
Assistant Secretary for Fair Housing and Equal Opportunity; fair housing complaints, 45066
General Counsel; fair housing complaints, 45066

**Indian Affairs Bureau**
PROPOSED RULES
Columbia River in-lieu fishing sites use; permanent dwellings and structures construction, 45258
Tribal government:
Preparation of rolls of Indians—
Independent Seminole Indians of Florida, 45252

**Interior Department**
*See* Fish and Wildlife Service
*See* Indian Affairs Bureau
*See* Land Management Bureau
*See* Minerals Management Service
*See* National Park Service

**Internal Revenue Service**
RULES
Income taxes:
Partners and partnerships; treatment of transactions, 44974
Tax-exempt bonds; arbitrage restrictions
Correction, 44989

**International Trade Administration**
NOTICES
Antidumping:
Steel wire rope from—
Korea, 45035
Cheese quota; foreign government subsidies:
Quarterly update, 45037

**International Trade Commission**
NOTICES
Import investigations:
Uranium from Kazakhstan et al., 45069

**Interstate Commerce Commission**
NOTICES
Privacy Act:
Systems of records; correction, 45069
Railroad operation, acquisition, construction, etc.:
Three Rivers Railway Co., 45070
Railroad services abandonment:
CSX Transportation, Inc., 45071

**Labor Department**
*See* Mine Safety and Health Administration
NOTICES
Agency information collection activities under OMB review, 45071

**Land Management Bureau**
NOTICES
Closure of public lands:
California; correction, 45068
Nevada, 45068
Motor vehicle use restrictions:
Idaho, 45068

**Management and Budget Office**
*See* Federal Procurement Policy Office

**Minerals Management Service**
RULES
Royalty management:
Decisions and orders suspension pending appeal, 44991

**Mine Safety and Health Administration**
NOTICES
Safety standard petitions:
Hecla Mining Co., 45072

**Mine Safety and Health Federal Review Commission**
*See* Federal Mine Safety and Health Review Commission

**National Highway Traffic Safety Administration**
NOTICES
Long range strategic planning initiative; recommendations, 45110

**National Oceanic and Atmospheric Administration**
NOTICES
Meetings:
Oceanic and Atmospheric Management Advisory Committee, 45038
Permits:
Endangered and threatened species; correction, 45038

**National Park Service**
NOTICES
Boundary establishment, descriptions, etc.:
Alaska, National park system units, 45166

**National Science Foundation**
NOTICES
Antarctic Conservation Act of 1978; permit applications, etc., 45072
Meetings:
Chemical and Thermal Systems Special Emphasis Panel, 45073

**National Transportation Safety Board**
NOTICES
Highway accidents; hearings, etc.:
Vernon, NJ; charter bus control loss, overturn, and fire, 45073

**Nuclear Regulatory Commission**
NOTICES
Meetings:
Nuclear Safety Research Review Committee, 45073
Operating licenses, amendments; no significant hazards considerations; biweekly notices, 45074
*Applications, hearings, determinations, etc.:*
Catholic University of America, 45094
UMETCO Minerals Corp., 45095

**Nuclear Waste Technical Review Board**
NOTICES
Exploratory studies facility design and construction alternatives; workshop, 45095

**Packers and Stockyards Administration**
PROPOSED RULES
Packers and Stockyards Act:
Trade practices, scale test instructions, and advertising allowance guidelines, 45005

**Personnel Management Office**
RULES
Prevailing rate systems, 44967
PROPOSED RULES
Prevailing rate systems, 45004, 45005

**Presidential Commission on Assignment of Women in the Armed Forces**
NOTICES
Meetings, 45108

**Public Health Service**
*See* Centers for Disease Control

**Resolution Trust Corporation**
NOTICES
Coastal Barrier Improvement Act; property availability:
Kachina Village, AZ, 45103
Woodlands Village, AZ, 45104

**Rural Electrification Administration**
NOTICES
Environmental statements; availability, etc.:
Owen Electric Cooperative, 45034

**Securities and Exchange Commission**
NOTICES
Self-regulatory organizations; proposed rule changes:
Pacific Stock Exchange, Inc., 45105
Self-regulatory organizations; unlisted trading privileges:
Midwest Stock Exchange, Inc., 45104

**Social Security Administration**
NOTICES
Social security acquiescence rulings:
Gonzalez v. Sullivan; initial determination effect on administrative finality application, 45061

**Southeastern Power Administration**
NOTICES
Wolf Creek Hydropower Project; financial sponsor for upgrade, 45052

**State Department**
NOTICES
Meetings:
Private International Law Advisory Committee, 45108

**Thrift Supervision Office**
NOTICES
General valuation allowances, 45110

**Transportation Department**
*See* Federal Highway Administration
*See* Federal Railroad Administration
*See* National Highway Traffic Safety Administration

**Treasury Department**
*See* Alcohol, Tobacco and Firearms Bureau
*See* Fiscal Service
*See* Internal Revenue Service
*See* Thrift Supervision Office

---

**Separate Parts In This Issue**

**Part II**
Department of the Treasury, Fiscal Service, 45116

**Part III**
Department of Education, 45146

**Part IV**
Department of the Interior, National Park Service, 45166

**Part V**
Department of Housing and Urban Development, 45244

**Part VI**
Department of Energy, 45248

**Part VII**
Department of the Interior, Bureau of Indian Affairs, 45252

**Part VIII**
Department of the Interior, Bureau of Indian Affairs, 45257

---

**Reader Aids**
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue

## CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue

**5 CFR**
532 ..... 44967
**Proposed Rules:**
532 (2 documents) ..... 45004, 45005

**7 CFR**
401 (2 documents) ..... 44967, 44968
406 ..... 44968
422 ..... 44969

**9 CFR**
**Proposed Rules:**
201 ..... 45005
203 ..... 45005

**11 CFR**
**Proposed Rules:**
109 ..... 45009
110 ..... 45009
114 ..... 45009

**15 CFR**
772 ..... 44969
773 ..... 44969

**24 CFR**
201 ..... 45244

**25 CFR**
**Proposed Rules:**
67 ..... 45258
248 ..... 45258

**26 CFR**
1 (2 documents) ..... 44974–44989
602 (2 documents) ..... 44974–44989

**27 CFR**
**Proposed Rules:**
9 ..... 45009

**30 CFR**
243 ..... 44991

**31 CFR**
211 ..... 44998
**Proposed Rules:**
349 ..... 45116
356 ..... 45116

**40 CFR**
266 ..... 44999
**Proposed Rules:**
52 ..... 45012
180 (2 documents) ..... 45017, 45018
261 (2 documents) ..... 45112

**41 CFR**
302–6 ..... 45001

**42 CFR**
405 ..... 45112
411 ..... 45112
413 ..... 45112
433 ..... 45112

**47 CFR**
73 (2 documents) ..... 45002
**Proposed Rules:**
73 ..... 45020

**49 CFR**
391 ..... 45002

**50 CFR**
**Proposed Rules:**
17 ..... 45020

# Rules and Regulations

Federal Register
Vol. 57, No. 190
Wednesday, September 30, 1992

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

**RIN 3206-AE86**

### Prevailing Rate Systems

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing a final rule to redefine the survey area of the Puerto Rico appropriated fund wage area. The final regulations improve the capability of the Department of Defense, the lead agency for the Puerto Rico survey, to conduct the survey and will result in Federal Wage System (FWS) pay rates that are more representative of prevailing rates in the work locations of FWS employees in Puerto Rico.

**EFFECTIVE DATE:** October 30, 1992.

**FOR FURTHER INFORMATION CONTACT:** Allan Summers, (202) 606-2848.

**SUPPLEMENTARY INFORMATION:** On May 8, 1992, OPM published a proposed rule to redefine the survey area for the Puerto Rico appropriated fund wage area (57 FR 19820). Under the proposal, the four municipios in the Ponce area—Juana Diaz, Penuelas, Ponce, and Villalba Municipios—would be deleted from the survey area, and Humacao Municipio, which is located near the host activity at the Roosevelt Roads Naval Complex, would be added. No comments were received during the 60-day comment period. The proposed rule, therefore, is being adopted as a final rule.

**Executive Order 12291, Federal Regulation**

I have determined that this is not a major rule as defined under section 1(b) of Executive Order 12291, Federal Regulation.

**Regulatory Flexibility Act**

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal employees and agencies.

**List of Subjects in 5 CFR Part 532**

Administrative practice and procedure, Government employees, Wages.

U.S. Office of Personnel Management.

**Douglas A. Brook,**
*Acting Director.*

Accordingly, OPM is amending 5 CFR part 532 as follows:

## PART 532—PREVAILING RATE SYSTEMS

1. The authority for part 532 continues to read as follows:

**Authority:** 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552, Freedom of Information Act, Pub. L. 92-502.

2. Appendix C to subpart B is amended by revising the wage area listing for Puerto Rico to read as follows:

**Appendix C to Subpart B of Part 532—Appropriated Fund Wage and Survey Areas**

* * * * *

**Puerto Rico**

*Survey Area*

Puerto Rico (Municipios):
San Juan
Bayamon
Canovanas
Carolina
Catano
Guaynabo
Humacao
Loiza
Toa Baja
Trujillo Alto

*Area of Application: Puerto Rico*

* * * * *

[FR Doc. 92-23657 Filed 9-29-92; 8:45 am]
BILLING CODE 6325-01-M

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

### 7 CFR Part 401

### General Crop Insurance Regulations; Wheat, Barley, and Oat Endorsements

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Notice of extension of sales closing date (acceptance of applications).

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) herewith gives notice of its determination with respect to the acceptance of applications for wheat, barley, and oat crop insurance for all counties with a September 30, sales closing date, effective for the 1993 crop year only. This action is necessary in order to treat all producers equitably who are required to carry crop insurance protection in order to obtain certain benefits under the provisions of the Food, Agriculture, Conservation, and Trade Act of 1990 and the Dire Emergency Supplemental Appropriation Act for Fiscal Year 1992. The intended effect of this notice is to advise all interested parties with respect to the acceptance of applications, and to comply with the provisions of the General Crop Insurance Regulations (7 CFR part 401), with respect to the Manager's authority to extend the date for accepting applications for crop insurance.

**EFFECTIVE DATE:** September 30, 1992.

**FOR FURTHER INFORMATION CONTACT:** Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 254-8314.

**SUPPLEMENTARY INFORMATION:** The provisions of the Food, Agriculture, Conservation, and Trade Act of 1990 (1990 Act) and Dire Emergency Supplemental Appropriation Act for Fiscal Year 1992, requires that, subject to certain limitations in the 1990 Act, in order to be eligible to receive certain benefits, a producer must agree to obtain multi-peril crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 *et seq.*), and to furnish evidence of such insurance coverage to the county office of the Agricultural Stabilization and Conservation Service (ASCS).

Under its regulations for insuring crops, FCIC requires that applications for crop insurance protection must be filed on or before the sales closing date. The Wheat Endorsement (7 CFR 401.101), the Barley Endorsement (7 CFR 401.103), and the Oat Endorsement (7 CFR 401.105), have sales closing dates established on a geographic basis; September 30, and October 31, for fall seeded crops.

ASCS recently advised that the sign-up period for disaster payments under the 1990 Act would be open through October 31, 1992. It would be inequitable to require that all producers who sign up for disaster payments on or before September 30 obtain crop insurance but not make the same requirement for those producers who submit their disaster application on October 1 or 2. FCIC has determined that no adverse selection will result from extending the sales closing date to October 31, 1992.

Under the provisions of the General Crop Insurance Regulations (7 CFR 401.8), the sales closing date for accepting applications may be extended by notice in the **Federal Register** upon determination that no adverse selectivity will result from such extension.

### Notice

Accordingly, pursuant to the authority contained in 7 CFR 401.8, the Federal Crop Insurance Corporation herewith gives notice that applications will be accepted up to the close of business on October 31, 1992, effective for the 1993 crop year only.

**Authority:** 7 U.S.C. 1506, 1516.

Done in Washington, DC on September 22, 1992.

**David Bracht,**

*Associate Manager, Federal Crop Insurance Corporation.*

[FR Doc. 92-23656 Filed 9-29-92; 8:45 am]

BILLING CODE 3410-08-M

## 7 CFR Part 401

## General Crop Insurance Regulations; Rye Endorsement and Sugarcane Endorsement

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Notice of extension of sales closing date (Acceptance of Applications).

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) herewith gives notice of its determination with respect to the acceptance of applications and crop reports for rye and sugarcane crop insurance for all counties with a September 30, sales closing date, effective for the 1993 crop year only. This action is necessary in order to treat all producers equitable who are required to carry crop insurance protection in order to obtain certain benefits under the provisions of the Food, Agriculture, Conservation, and Trade Act of 1990 and the Dire Emergency Supplemental Appropriation Act for Fiscal Year 1992. The intended effect of this notice is to extend the date for accepting applications for multi-peril crop insurance for Rye and Sugarcane and to comply with the provisions of the General Crop Insurance Regulations.

**EFFECTIVE DATE:** September 30, 1992.

**FOR FURTHER INFORMATION CONTACT:** Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 254-8314.

**SUPPLEMENTARY INFORMATION:** The provisions of the Food, Agriculture, Conservation, and Trade Act of 1990 (1990 Act) and Dire Emergency Supplemental Appropriation Act for Fiscal Year 1992, requires that, subject to certain limitations in the 1990 Act, in order to be eligible to receive certain benefits, a producer must agree to obtain multi-peril crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 *et seq.*).

Under its regulations for insuring crops, FCIC requires that applications for crop insurance protection must be filed on or before the sales closing date. The Rye Endorsement (7 CFR 401.106) and the Sugarcane Endorsement (7 CFR 401.133) have a sales closing date of September 30.

ASCS recently advised that the sign-up period for disaster payments under the 1990 Act would be open through October 2, 1992, for Phase II sign up and from October 13, 1992 through February 12, 1993, for Phase III sign up. It would be inequitable to require that certain producers who sign up for disaster payments on or before September 30 obtain crop insurance but not make the same requirement for those producers who submit their disaster application in later disaster sign-up periods. FCIC has determined that no adverse selection will result from extending the sales closing date to October 31, 1992.

Under the provisions of the General Crop Insurance Regulations (7 CFR 401.8), the sales closing date for accepting applications may be extended by notice in the **Federal Register** upon determination that no adverse selectivity will result from such extension.

Accordingly, pursuant to the authority contained in 7 CFR 401.8, the Federal Crop Insurance Corporation herewith gives notice that crop insurance applications for crop insurance for Rye and Sugarcane crops will be accepted up to the close of business on October 31, 1992, effective for the 1993 crop year only.

**Authority:** 7 U.S.C. 1506, 1516.

Done in Washington, DC on September 25, 1992.

**David Bracht,**

*Associate Manager, Federal Crop Insurance Corporation.*

[FR Doc. 92-23748 Filed 9-29-92; 8:45 am]

BILLING CODE 3410-08-M

## 7 CFR Part 406

## Nursery Crop Insurance Regulations

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Notice of extension of sales closing date (acceptance of applications).

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) herewith gives notice of its determination with respect to the acceptance of applications and crop reports for nursery crop insurance for all counties with a September 30, sales closing date, effective for the 1993 crop year only. This action is necessary in order to treat all producers equitable who are required to carry crop insurance protection in order to obtain certain benefits under the provisions of the Food, Agriculture, Conservation, and Trade Act of 1990 and the Dire Emergency Supplemental Appropriation Act for Fiscal Year 1992. The intended effect of this notice is to extend the date for accepting applications for multi-peril crop insurance for Nursery and to comply with the provisions of the General Crop Insurance Regulations.

**EFFECTIVE DATE:** September 30, 1992.

**FOR FURTHER INFORMATION CONTACT:** Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 254-8314.

**SUPPLEMENTARY INFORMATION:** The provisions of the Food, Agriculture, Conservation, and Trade Act of 1990 (1990 Act) and Dire Emergency Supplemental Appropriation Act for Fiscal Year 1992, requires that, subject to certain limitations in the 1990 Act, in order to be eligible to receive certain benefits, a producer must agree to obtain multi-peril crop insurance under the Federal Crop Insurance Act (7 U.S.C 1501 *et seq.*).

Under its regulations for insuring crops, FCIC requires that applications for crop insurance protection must be filed on or before the sales closing date. The Nursery Crop Insurance Policy (7 CFR part 406) has a September 30, sales closing date.

ASCS recently advised that the sign-up period for disaster payments under the 1990 Act would be open through October 2, 1993, for Phase II sign up and from October 13, 1992 through February 12, 1993, for Phase III sign up. It would be inequitable to require that certain producers who sign up for disaster payments on or before September 30 obtain crop insurance but not make the same requirement for those producers who submit their disaster application in later disaster sign-up periods. FCIC has determined that no adverse selection will result from extending the sales closing date to October 31, 1992.

Under the provisions of the General Crop Insurance Regulations (7 CFR 401.8), the sales closing date for accepting applications may be extended by notice in the **Federal Register** upon determination that no adverse selectivity will result from such extension.

Accordingly, pursuant to the authority contained in 7 CFR 401.8, the Federal Crop Insurance Corporation herewith gives notice that nursery crop insurance applications for crop insurance for Nursery will be accepted up to the close of business on October 31, 1992, effective for the 1993 crop year only.

**Authority:** 7 U.S.C. 1506, 1516.

Done in Washington, DC on September 25, 1992.

**David Bracht,**

*Associate Manager, Federal Crop Insurance Corporation.*

[FR Doc. 92–23749 Filed 9–29–92; 8:45 am]

**BILLING CODE 3410–08–M**

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## 7 CFR Part 422

## Potato Crop Insurance Regulations

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Notice of extension of sales closing date (acceptance of applications).

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) herewith gives notice of its determination with respect to the acceptance of applications for potato crop insurance for all counties with a September 30, sales closing date, effective for the 1993 crop year only. This action is necessary in order to treat all producers equitably who are required to carry crop insurance protection in order to obtain certain benefits under the provisions of the Food, Agriculture, Conservation and Trade Act of 1990 and the Dire Emergency Supplemental Appropriation Act for Fiscal Year 1992. The intended effect of this notice is to extend the date for accepting applications for multi-peril crop insurance potatoes and to comply with the provisions of the General Crop Insurance Regulations.

**EFFECTIVE DATE:** September 30, 1992.

**FOR FURTHER INFORMATION CONTACT:** Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 254–8314.

**SUPPLEMENTARY INFORMATION:** The provisions of the Food, Agriculture, Conservation, and Trade Act of 1990 (1990 Act) and Dire Emergency Supplemental Appropriation Act for Fiscal Year 1992, requires that, subject to certain limitations in the 1990 Act, in order to be eligible to receive certain benefits, a producer must agree to obtain multi-peril crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 *et seq.*).

Under its regulations for insuring crops, FCIC requires that applications for crop insurance protection must be filed on or before the sales closing date. The Potato Crop Insurance Policy (7 CFR part 422) has sales closing dates established on a geographic basis: September 30, November 30, December 31, February 28, and April 15.

ASCS recently advised that the sign-up period for disaster payments under the 1990 Act would be open through October 2, 1992, for Phase II sign up and from October 13, 1992 through February 12, 1993, Phase III sign up. It would be inequitable to require that all producers who sign up for disaster payments on or before September 30 obtain crop insurance but not make the same requirement for those producers who submit their disaster application in later disaster sign-up periods. FCIC has determined that no adverse selection will result from extending the sales closing date to October 31, 1992.

Under the provisions of the Potato Crop Insurance Regulations (7 CFR 422.7), the sales closing date for accepting applications may be extended by notice in the **Federal Register** upon determination that no adverse selectivity will result from such extension.

Accordingly, pursuant to the authority contained in 7 CFR 422.7, the Federal Crop Insurance Corporation herewith gives notice that potato crop insurance applications for all counties with a September 30, 1992, sales closing date, will be accepted up to the close of business on October 31, 1992, effective for the 1993 crop year only.

**Authority:** 7 U.S.C. 1506, 1516.

Done in Washington, DC on September 24, 1992.

**David Bracht,**

*Associate Manager, Federal Crop Insurance Corporation.*

[FR Doc. 92–23750 Filed 9–29–92; 8:45 am]

**BILLING CODE 3410–08–M**

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## DEPARTMENT OF COMMERCE

## Bureau of Export Administration

## 15 CFR Parts 772 and 773

**[Docket No. 920824–2224]**

## Special Chemical License Procedure; Revisions

**AGENCY:** Bureau of Export Administration, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Export Administration (BXA) is amending the Export Administration Regulations (EAR) by revising the Special Chemical License procedure. This procedure authorizes exports of certain chemicals and chemical and biological equipment described in the provisions in the EAR on proliferation controls (§ 778.8) to approved consignees in Country Groups Q, T, V, W, and Y (except Iran, Iraq, and Syria). Prior to the publication of this rule, the Special Chemical License procedure was restricted to consignees that were subsidiaries or affiliates under the effective control of the U.S. exporter.

This rule amends the EAR by allowing commodities to be exported under the Special Chemical License procedure directly to unaffiliated consignees for their own use or consumption, as well as to consignees that are controlled subsidiaries or affiliates of the U.S. exporter. The result will be substantially increased flexibility for exporters, without detriment to the non-proliferation objectives of the control program.

**EFFECTIVE DATE:** This rule is effective October 30, 1992.

**FOR FURTHER INFORMATION CONTACT:** Debbie Kappler, Office of Export Licensing, Bureau of Export Administration, Telephone: (202) 377–5400.

**SUPPLEMENTARY INFORMATION:**

### Background

On October 24, 1991 (56 FR 55068) the Bureau of Export Administration

published an interim rule that added a new Special Chemical License that authorized exports of certain chemicals and chemical and biological equipment described in § 778.8 to approved consignees in Country Groups Q, T, V, W, and Y (except Iran, Iraq, and Syria). That interim rule provided that only consignees that were subsidiaries or affiliates under the effective control of the U.S. exporter were eligible to be approved for this procedure. In addition, consignees who imported commodities under this procedure were prohibited from reselling, transferring, or reexporting the commodities to any destination that requires a validated license, without prior written authorization from the Office of Export Licensing (OEL). The approved consignees could resell only to end-users that had been approved in advance by OEL.

BXA received comments on that rule from seven companies. A few commenters stated that the Special Chemical License procedure would be of some help in reducing the paperwork burden because individual validated licenses were no longer needed for many of their exports of chemicals and chemical and biological equipment, and that it could be a benefit to exporters shipping large, predictable quantities of chemicals and equipment to foreign subsidiaries. One commenter also added that the U.S. chemical industry has a significant number of investments abroad in an increasing number of countries outside the Australia Group, and this procedure permits these companies greater flexibility in servicing their foreign investments.

A few commenters specifically requested that distributors be eligible to receive commodities under the Special Chemical License procedure because much of their business is with distributors who are not directly affiliated with the U.S. company. BXA is not making this change, because there would be no effective way to monitor actual end-use. The majority of the commenters expressed concern that this rule posed a competitive disadvantage for many smaller U.S. exporters who may not have subsidiaries or affiliates abroad, and suggested that this procedure be expanded to allow direct shipments of commodities for use or consumption by consignees not affiliated with the U.S. exporter. In addition, they noted that they could not service customers in industries that pose no proliferation risk, such as household chemicals and semiconductor manufacture.

The intent of the Special Chemical License procedure is to eliminate the burden of obtaining an individual validated license for each shipment of chemicals and equipment for those companies exporting large quantities of these kinds of commodities to benign end-uses. BXA is sympathetic to the fact that not all companies that have large volumes of exports of chemicals or chemical and biological equipment sell only to subsidiaries or affiliates aboard. Many sell directly to end-users that are not affiliates. BXA also believes that the safeguards described in the Special Chemical License procedure are adequate to protect against diversion when all recipients have been preapproved. Therefore, the Bureau of Export Administration is amending the Export Administration Regulations to authorize shipments made under the Special Chemical License procedure directly to approved unaffiliated consignees for their own use or consumption, as well as to consignees that are controlled subsidiaries or affiliates of the U.S. exporter.

**Rulemaking Requirements**

1. This rule is consistent with Executive Orders 12291 and 12661.

2. This rule revises collections of information requirements subject to the Paperwork Reduction Act (PRA) of 1980 (44 U.S.C. 3501 *et seq.*), that have been approved by the Office of Management and Budget (OMB) under control numbers 0694–0005, 0694–0007, 0694–0050, and 0694–0067. This rule amending these information collection requirements and a request for approval for the new requirements are being submitted to OMB for review under the PRA. As revised, these collections are estimated to average 15 hours per respondent. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the data requirements, including suggestions for reducing the burden, to the Office of Security and Management Support, Bureau of Export Administration, U.S. Department of Commerce, Washington, DC 20230; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503—ATTN: Paperwork Reduction Project (0694–0067).

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under sections 603(a) and 604(a) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

5. The provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a foreign and military affairs function of the United States. No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Nancy Crowe, Office of Technology and Policy Analysis, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

**List of Subjects in 15 CFR Parts 772 and 773**

Exports, Reporting and recordkeeping requirements.

Accordingly, parts 772 and 773 of the Export Administration Regulations (15 CFR parts 730–799) are amended as follows:

1. The authority citation for 15 CFR part 772 continues to read as follows:

**Authority:** Public Law 90–351, 82 Stat. 197 (18 U.S.C. 2510 *et seq.*), as amended; sec. 101, Public Law 93–153, 87 Stat. 576 (30 U.S.C. 185), as amended; sec. 103, Public Law 94–163, 89 Stat. 877 (42 U.S.C. 6212), as amended; secs. 201 and 201(11)(e), Public Law 94–258, 90 Stat. 309 (10 U.S.C. 7420 and 7430(e)), as amended; Public Law 95–223, 91 Stat. 1626 (50 U.S.C. 1701 *et seq.*); Public Law 95–242, 92 Stat. 120 (22 U.S.C. 3201 *et seq.* and 42 U.S.C. 2139a); sec. 208, Public Law 95–372, 92 Stat. 668 (43 U.S.C. 1354); Public Law 96–72, 93 Stat. 503 (50 U.S.C. App. 2401 *et seq.*), as amended; sec. 125, Public Law 99–64, 99 Stat. 156 (46 U.S.C. 466c); E.O. 11912 of April 13, 1976 (41 FR 15825, April 15, 1976); E.O. 12002 of July 7, 1977 (42 FR 35623, July 7, 1977), as amended; E.O. 12058 of May 11, 1978 (43 FR 20947, May 16, 1978); E.O. 12214 of May 2, 1980 (45 FR 29783, May 6, 1980); E.O. 12730 of September 30, 1990 (55 FR 40373, October 2, 1990), as continued by Notice of September 26, 1991 (56 FR 49385, September 27, 1991); and E.O. 12735 of November 16, 1990 (55 FR 48587, November 20, 1990), as continued by Notice of November 14, 1991 (56 FR 58171, November 15, 1991).

2. The authority citation for 15 CFR part 773 continues to read as follows:

**Authority:** Public Law 90–351, 82 Stat. 197 (18 U.S.C. 2510 *et seq.*), as amended; Public Law 95–223, 91 Stat. 1626 (50 U.S.C. 1701 *et seq.*); Public Law 95–242, 92 Stat. 120 (22 U.S.C. 3201 *et seq.* and 42 U.S.C. 2139a); Public Law 96–72, 93 Stat. 503 (50 U.S.C. App. 2401 *et seq.*), as amended; E.O. 12002 of July 7, 1977 (42 FR 35623, July 7, 1977), as amended; E.O. 12058 of May 11, 1978 (43 FR 20947, May 16, 1978); E.O. 12214 of May 2, 1980 (45 FR 29783, May 6, 1980); E.O. 12730 of September 30, 1990 (55 FR 40373, October 2, 1990), as continued by Notice of September 26, 1991 (56 FR 49385, September 27, 1991); and E.O. 12735 of November 16, 1990 (55 FR 48587), November 20, 1990), as continued by Notice of November 14, 1991 (56 FR 58171, November 15, 1991).

## PART 772—[AMENDED]

3. Section 772.2 is amended:

a. By revising paragraph (b)(4); and

b. By removing paragraph (b)(7), to read as follows:

**§ 772.2 Types of validated licenses.**

* * * * *

(b) * * *

(4) A "Special Chemical License" (§ 773.9 of this subchapter) authorizes the shipment by approved exporters of certain chemicals and chemical and biological equipment to approved consignees in Country Groups Q, T, V, W, and Y (except Iran, Iraq, and Syria) during a two-year period. Licenses may be extended once by amendment for a second two-year period.

* * * * *

## PART 773—[AMENDED]

4. Section 773. 9 is revised to read as follows:

**§ 773.9 Special Chemical License.**

A Special Chemical License procedure is established that authorizes exports of certain chemicals and chemical and biological equipment. This procedure is intended to provide parties who ship significant amounts of these commodities with an alternative to filing applications for individual validated licenses, when exporting to their controlled subsidiaries or affiliates abroad that have been approved by OEL or to unaffiliated foreign consignees, approved by OEL, that are the actual end-users of the commodities.

(a) *Eligible commodities.* The following commodities may be authorized for export or reexport under this § 773.9:

(1) Precursor and intermediate chemicals controlled under ECCNs 1C60C and 1C64E; and

(2) Chemical and biological equipment controlled under ECCNs 1B70E, 1B71E, and 1C65E.

(b) *Eligible destinations.* Exports and reexports may be authorized under this § 773.9 to any destination except Country Groups S and Z, Iran, Iraq, and Syria.

(c) *Eligible consignees.* The Office of Export Licensing (OEL) may authorize shipments to two kinds of consignees under the Special Chemical License procedure:

(1) A consignee that is a subsidiary or other affiliate under the effective control of the U.S. exporter. "Effective control" consists of the authority, ability, and intent of the U.S. exporter to establish the general policies or to control the day-to-day operations of the consignee in a manner that will ensure compliance with the requirements of the license; or

(2) A consignee not affiliated with the U.S. exporter that will import the commodities for its own use or consumption.

(d) *Qualification of applicants.* There is not an automatic privilege to participate in this procedure. Only those firms that demonstrate the ability to adhere to the requirements of this procedure may participate. Among the factors that OEL will consider in evaluating the qualifications of applicants are the following:

(1) Whether there is adverse information on the applicant's compliance with U.S. export controls;

(2) Whether the applicant demonstrates sufficient knowledge and expertise in applying the provisions of this subchapter (the Export Administration Regulations);

(3) Whether the applicant demonstrates that there is a sufficient volume of business with the consignees identified on the application to justify the use of this Special Chemical License procedure.

(e) *Consignees must be approved by OEL*—(1) *Exports.* Exports under this § 773.9 may be made only to consignees specifically authorized by the Office of Export Licensing (OEL) to import commodities under this special licensing procedure. Paragraph (f)(1)(iii) of this section requires license applications to submit to OEL a list of consignees designated to import commodities under this procedure. Commodities exported under this procedure must be solely for use or consumption by the authorized consignee, except that OEL may specifically authorize consignees that are controlled subsidiaries or affiliates of the U.S. exporter to resell, transfer, or reexport such commodities to approved end-users.

(2) *Resales, transfers, or reexports.* Consignees that import commodities under this special licensing procedure are prohibited from transferring or reselling the commodities, or reexporting them to a destination that requires a validated license, unless prior written authorization is obtained from OEL. OEL may authorize consignees that are controlled subsidiaries or affiliates of the U.S. exporter to transfer, resell, or reexport commodities imported under this procedure to end-users approved on the license. Applicants who wish to obtain such authorization for their controlled subsidiaries or affiliates are required by paragraph (f)(1)(iv) of this section to submit a separate list of end-users for each subsidiary or affiliate that intends to resell, transfer, or reexport commodities that have been imported under this procedure. Only actual end-users may be identified; this Special Chemical License does not authorize transfers from a consignee to a party that will resell, transfer, or reexport the commodities.

(f) *Application procedures*—(1) *Documents required.* Each application to export or reexport commodities under this § 773.9 must include the following document:

(i) Form BXA–622P, Application for Export License.

(ii) Form BXA–6052P, Statement by Foreign Consignee in Support of Special License Application in triplicate. This form must be submitted for each foreign consignee—this form is not required for customers of foreign consignees that are controlled subsidiaries or affiliates of the U.S. exporter. Insert "Special Chemical License" in Item 2 of the form.

(iii) List of foreign consignees designated to import commodities under this procedure (indicate the extent of control by the applicant for foreign consignees that are controlled subsidiaries or affiliates of the applicant).

(iv) List of end-users (and their complete addresses) to whom the commodities exported under this procedure will be resold, transferred, or reexported by the foreign consignees that are controlled subsidiaries or affiliates of the U.S. exporter. A separate list of end-users is required for each subsidiary or affiliate that intends to resell, transfer, or reexport commodities that were imported under this procedure. The list should be in triplicate, on letterhead, attached to the consignee's Form BXA–6052P, and should indicate the estimated annual quantity of each chemical included in ECCN 1C60B or 1C64E.

(2) *Preparation of documents*—(i) *Form BXA–622P, Application for Export License.* The applicant shall prepare and submit the application in accordance with the provisions of § 772.4 of this subchapter, except that the applicant shall follow the instructions furnished in Supplement No. 5 to this part 773. The instructions for certain items in Supplement No. 5 to this part 773, are not appropriate for this Special Chemical License procedure. Applicants should use the following instructions, instead:

(A) Item 4: Enter, "Special Chemical License".

(B) Item 6: Enter "See Attached List" and label the attached list as "Attachment Item 6: Consignees". The list must include each consignee alphabetically by country. Complete addresses (city, street, etc.) must be furnished for each consignee. Post Office boxes are not acceptable. This list must be submitted in duplicate. The extent of control by the applicant must be indicated for each consignee that is a controlled subsidiary or affiliate of the applicant. For each end-user consignee, indicate the estimated annual quantity of each chemical included in ECCN 1C60B or 1C64E.

(C) Item 9(b): (*1*) Enter "See Attached List" and label the attached list as "Attachment Item 9(b): Product Description". List the commodities proposed for export under the license in estimated descending order based on the anticipated export volume by value and indicate the appropriate Export Control Classification Number (ECCN) from the Commerce Control List (CCL) for each commodity. This list should be provided in duplicate or on Form BXA–622P–A.

(*2*) Enter the following statement at the bottom of the attachment to Item 9(b):

Except as authorized by OEL, commodities excluded from the Special Chemical License procedure set forth in § 773.9, or excluded under this license, will not be exported to any consignee in any destination under this license.

(ii) *Form BXA–6052P, Statement by Foreign Consignee in Support of Special License Application.* Form BXA–6052P should be completed in accordance with the instructions contained in Supplement No. 6 to this part 773, except that the phrase "Special Chemical License" should be inserted in Item 2 and, when the consignee is a controlled subsidiary or affiliate of the U.S. exporter, a list of actual end-users and their addresses must be provided where Item 5 calls for a list of countries. Each consignee must sign a Form BXA–6052P. Three originals (or single sheet copies printed back-to-back) of Form BXA–6052P shall be manually signed by the consignee or by a responsible official of the consignee who is authorized to bind the consignee to all of the items, undertakings, and commitments set forth on the Form. All copies shall be co-signed by the applicant and submitted with the application to OEL. Each Form BXA–6052P shall contain the following information or certifications on the form or on an attachment to the form, as appropriate:

(A) Notice restricting transfer, resale, or reexport. Each Form BXA–6052P shall include a certification that no commodities received under the license will be transferred or resold, or reexported to a destination that requires a validated license, unless the new party (end-user) has been approved by OEL, and that in no case will the commodities be transferred, resold, or reexported to a party who is not, in fact, the end-user.

(B) Each consignee must describe the scope of activities under the license in sufficient detail for OEL to determine whether the commodities imported under the license are intended for use or consumption by the consignee only, for transfer or resale, or both. Only controlled subsidiaries or affiliates of the applicant are eligible to import commodities that are intended for transfer or resale. If any of the commodities are intended for transfer or resale, the controlled subsidiary or affiliate must attach the list of end-users required by § 773.9(f)(1)(iv).

(g) *Action on applications.*—(1) *Approved of applications.* When an application or a portion of an application is approved under this procedure, the Office of Export Licensing will issue an export license authorizing the export of commodities covered during the validity period, subject to the provisions of this subchapter (the Export Administration Regulations) and to the terms and provisions of the license.

(i) *Validity period.* Licenses authorizing exports under this § 773.9 will be valid for two years from the last day of the month in which they are issued and may be extended once by amendment for a two-year period. Thereafter, a new application must be submitted.

(ii) *License number.* The license number will be indicated immediately below the validation stamp. The license number will consist of the letters "SC" followed by four digits. Each consignee is then given a three-digit designation number. The "SC" license number and the three-digit consignee designation number are noted on the validated BXA–6052P forms. The license authorization number for exports to consignees is the combination of the four-digit "SC" number and the three-digit consignee designation number. Exporters are required to use the complete license number when preparing Shipper's Export Declarations or other export documents or when communicating (after issuance) with the Office of Export Licensing.

(2) *Appliations returned without action.* When an application is returned without action, the application, together with related documents, will be returned to the applicant with Form BXA–651, Advice on Application Returned Without Action (RWA). This document will state the reason for return of the license application and will explain the deficiencies or additional information required for OEL to reconsider the application. Resubmissions must be made within 120 days of the RWA to be considered. Thereafter, a new application will be required.

(3) *Rejected applications.* When the Office of Export Licensing intends to reject an application, it will notify the applicant in writing and give the reasons for the intended rejection in accordance with the provisions of § 770.13(j) of this subchapter. The applicant may apply for an individual or other appropriate type of validated license for transactions that would have been covered by the rejected license application.

(h) *Action on Form BXA–6052P.*—(1) *Approval.* Concurrently with the approval of a license application under this § 773.9 or the approval of an amendment adding a consignee, two validated copies will be sent to the license holder. One copy is to be retained by the license holder and one copy is to be sent by the license holder to the approved consignee.

(2) *Rejection.* If a consignee is not approved, the Form will be returned to the applicant/license holder with a rider stating the reason for this action.

(3) *Notice to approved consignee.* A letter of transmittal for each approved Form BXA–6052P must be sent by the exporter to each approved consignee and must include (or have attached) the following:

(i) A description of recordkeeping requirements applicable to the activities of the consignee;

(ii) Information to each consignee that is a controlled subsidiary or affiliate of the U.S. exporter, and is authorized to transfer, resell, or reexport on the approved Form BXA–6052P, of the restrictions on any commodities imported under the license, including the

approved list of end-users eligible to receive such commodities; and

(iii) A description of any special conditions or restrictions on the license applicable to the consignee.

(i) *Amendments*—(1) *Forms.* All requests for amendment of licenses issued under this § 773.9 must be submitted on Form BXA–685P, Request for Amendment Action, in accordance with the requirements of § 772.11 of this subchapter.

(2) *Changes that require an amendment*—(i) *Extension of validity period.* A license issued under this § 773.9 is valid for two years. The validity period may be extended for an additional two years by submitting Form BXA–685P, and the following certification:

I (we) certify that all the facts and intentions set forth in our previously submitted application remain the same except (enter the word "none" or specify the changes).

(ii) *Addition of consignees.* If the license holder wishes to add a new consignee, a Form BXA–6052P must be submitted with the Form BXA–685P, in accordance with § 772.11 of this subchapter.

(iii) *Deletion of consignees.* The license holder may amend a license issued under this section to remove one or more consignees.

(iv) *Change of name*—(A) *License holder.* If the license holder changes the firm name, the change must be submitted on Form BXA–685P. The license holder must send a copy of the newly validated Form BXA–685P to all consignees and inform them to attach the copy to their validated Form BXA–6052P.

(B) *Consignee.* If a consignee changes its name, the license holder must submit the change on Form BXA–685P to be accompanied by a new Form BXA–6052P from the consignee.

(v) *Change of address.* If a consignee moves from one country to another, the license holder must submit Form BXA–685P, indicating the new address, and a new Form BXA–6052P showing the new address.

(vi) *Adding new commodities.* A license holder must submit Form BXA–685P to request the addition of commodities not covered by the license application or previous amendments thereto.

(vii) *Addition of new end-users.* When a consignee that is a controlled subsidiary or affiliate of the U.S. exporter wishes to add new end-users, the license holder must submit Form BXA–685P identifying the new end-users and for each new end-user, the estimated annual quantity of each chemical included in ECCN 1C60B or 1C64E.

(j) *Export clearance*—(1) *Value of shipments.* There is no value limitation on shipments under the Special Chemical License procedure. However, the value of each shipment must be shown on the Shipper's Export Declaration.

(2) *Shipper's Export Declaration.* The Shipper's Export Declaration covering an export made under a Special Chemical License shall be prepared in accordance with standard instructions. Although the Special Chemical License may describe the commodities in broad terms, commodity descriptions on the Declaration shall be specific.

(i) The description shall: (A) Conform to the applicable Commerce Control List description, and cite the Export Control Classification Number in parentheses beneath the Schedule B number;

(B) Incorporate any additional information where required by Schedule B (e.g., the type, size, or name of the specific commodity).

(ii) Firms authorized to file summary SED reports to the U.S. Census Bureau may, at the request of the Office of Export Licensing (OEL), be required to submit for OEL inspection copies of such reports applicable to exports under a Special Chemical License.

(3) *Mail shipments.* Shipments by mail shall be made in accordance with the instructions contained in § 786.1(b) of this subchapter.

(4) *Destination control statement.* The U.S. exporter shall enter one of the destination control statements contained in § 786.6 (d)(1) or (d)(2) of this subchapter on the commercial invoice and bill of lading or airway-bill covering exports under the Special Chemical License procedure.

(k) *Notification of consignee by exporter.* The U.S. exporter shall notify each consignee that no commodities imported under the Special Chemical License procedure may be transferred or resold, or reexported to a destination that requires a validated license, without prior written authorization from OEL. OEL may authorize consignees that are controlled subsidiaries or affiliates of the U.S. exporter to transfer, resell, or reexport commodities imported under this procedure to end-users approved on the license.

(l) *Reexport notification requirements.* Unless specifically exempted on the license or subsequently in writing by OEL, all approved consignees (controlled subsidiaries or affiliates of the U.S. exporter) not located in a country listed in Supplement No. 2 or 8 to this part 773, when reselling commodities received under this procedure to pre-approved end-users in countries listed in Supplement No. 5 to part 778, of this subchapter, must notify these end-users on the commercial invoice (or by such other means specifically approved by OEL) of the restrictions on unauthorized reexports. The notice shall read as follows:

These commodities were authorized for export from the United States under a Special Chemical License procedure on the condition that they may not be reexported without prior approval from the United States authorities. This prior approval is not required for reexports to NATO member countries, Australia, Austria, Ireland, Japan, New Zealand, and Switzerland.

(m) *Reporting requirement for changed facts.* Consistent with the provisions of § 772.6(e) of this subchapter, the licensee shall report to BXA within 30 days of any material or substantive change in type or increase in quantity of any chemical controlled by ECCN 1C60B or 1C64E that is supplied to any end-user under this license. Minor, routine changes need not be reported. Compliance with this requirement to report does not relieve the licensee of any other obligation under this subchapter (the Export Administration Regulations).

(n) *Recordkeeping requirements.* The license holder and consignees must maintain records of all transactions under the license in accordance with the recordkeeping requirements of § 787.13 of this subchapter. The license holder, any approved consignees, or any approved end-user of a controlled subsidiary or affiliate of the license holder may be requested to produce records of transactions conducted under the Special Chemical License procedure for inspection and copying by an authorized agent, official, or employee of the Bureau of Export Administration, the U.S. Customs Service, or the U.S. Government in accordance with the provisions of § 787.13(f) of this subchapter.

(o) *Exceptions.* In the event that the license holder or an approved consignee is unable to meet any of the requirements of the Special Chemical License procedure, but believes that unusual circumstances warrant a waiver or an exception of one or more of these requirements, the license holder, and only the license holder, may consult with or write to OEL, explaining the circumstances in full, and submit a written request for a waiver or exception.

Dated: September 24, 1992.

**James M. LeMunyon,**

*Acting Assistant Secretary for Export Administration.*

[FR Doc. 92-23678 Filed 9-29-92; 8:45 am]

BILLING CODE 3510-DT-M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### 26 CFR Parts 1 and 602

[TD 8439]

RIN 1545-AH22

## Treatment of Transactions Between Partners and Partnerships

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Final regulations.

**SUMMARY:** This document contains final regulations relating to the treatment of transactions between partners and partnerships and, in some instances, between partners themselves, under section 707 of the Internal Revenue Code. Changes to the applicable law were made by the Tax Reform Act of 1984. The final regulations affect partnerships and their partners, and are necessary to provide them with guidance needed to comply with the applicable tax law.

**DATES:** These regulations are effective April 24, 1991, and apply to transactions with respect to which all transfers considered part of a sale occur after April 24, 1991.

**FOR FURTHER INFORMATION CONTACT:** Susan T. Edlavitch or J. Scott Hargis at (202) 622-3050 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

### Paperwork Reduction Act

The collection of information requirement contained in these final regulations has been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)) under control number 1545-1243. The estimated annual burden per respondent varies from 15 minutes to 25 minutes, depending on individual circumstances, with an estimated average of 20 minutes.

These estimates are an approximation of the average time expected to be necessary for a collection of information. They are based on such information as is available to the Internal Revenue Service. Individual respondents may require greater or less time, depending on their particular circumstances.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, T:FP, Washington, DC 20224 and to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

### Introduction

This document adds new regulations § 1.707-0 and §§ 1.707-2 through 1.707-9 to the Income Tax Regulations (26 CFR part 1) under section 707(a)(2) of the Internal Revenue Code (the Code). No change is made to existing § 1.707-1.

### Background

On April 25, 1991, a notice of proposed rulemaking relating to the treatment of transactions between partners and partnerships was published in the **Federal Register** (56 FR 19055). Written comments were received and a public hearing was held on September 23, 1991. After full consideration of the comments and the statements made at the public hearing, the proposed regulations are adopted as revised by this Treasury decision.

### Explanation of Provisions

*I. Enactment of Section 707(a)(2)*

Section 707(a)(2)(B) of the Code grants the Secretary broad regulatory authority to identify those transactions that, though structured as contributions and distributions under sections 721 and 731, are more properly treated under section 707(a) as sales or exchanges between a partnership and a partner acting in a capacity other than as a member of the partnership. Section 707(a)(2)(A), in relevant part, grants broad regulatory authority to treat a transfer of property by a partner to a partnership and a related direct or indirect allocation and distribution to the partner as a sale or exchange if the transfers are properly viewed together as occurring between a partnership and a partner acting in a capacity other than as a partner. The final regulations apply to contributions and distributions described in section 707(a)(2)(A) and transfers described in section 707(a)(2)(B) of the Code.

*II. General Rules Regarding Disguised Sales to Partnership*

A. Tax Consequences

The final and proposed regulations provide that if a contribution and related distribution are treated as a disguised sale, the contribution and distribution will be treated as a sale or exchange between the partnership and a person acting in a capacity other than as a member of the partnership for all purposes of the Code. Moreover, if the consideration treated as transferred to a partner pursuant to a sale is less than the fair market value of the property transferred to the partnership, the transfer will be treated as a sale in part and a contribution in part.

In the case of non-simultaneous transfers, comments proposed that, absent a contractual or legal obligation to make the subsequent transfer, the disguised sale recharacterization should be deemed to occur at the time of the subsequent transfer. Careful consideration was given to various alternatives for implementing a later sale approach. The theoretical basis of the approach of the proposed regulations, however, is more consistent with disguised sale principles and the legislative directive to prevent taxpayers from inappropriately deferring or avoiding tax on the sale of property. For example, any later sale approach would most likely generate a different amount of gain than that inherent in the property at the date of the original transfer. See H.R. Rep. No. 432 (Pt. 2), 98th Cong., 2d Sess. 1218, 1220 (1984) (H.R. Rep.); S. Prt. No. 169 (Vol. I), 98th Cong., 2d Sess. 224-25, 230 (1984) (S. Prt.).

In addition, any later sale approach would require complex rules and operate in a complex manner. The complexity of any later sale approach stems from the difficulty of determining the value of the transferred property and the basis attributable to that property on the later date. Each of the suggested later sale approaches addressed this difficulty by adopting some recharacterization of the subsequent transfer. The recharacterizations considered were to treat the subsequent transfer as (1) a partial redemption of the partner's interest in the partnership on the later date, (2) a deemed distribution of property on the later date, or (3) a sale of some or all of the partnership interest to the other partners on the later date. If any of these approaches were adopted, rules would have to be provided to coordinate with the other provisions of subchapter K, including the distribution provisions of section 731 and section 733, the basis adjustment provisions of section 734, and the provisions relating to disproportionate distributions of section 751 assets.

For these reasons, the final regulations retain the rules of the proposed regulations relating to non-simultaneous transfers. Accordingly, if a

transfer to a partner that is part of a disguised sale occurs subsequent to the partner's transfer of property to the partnership, the partner will be treated as if he or she received an obligation of the partnership as consideration for the property on the date the partnership acquired ownership of the property.

Comments requested that the regulations detail the collateral tax consequences of disguised sale recharacterization. These regulations are intended to provide rules that determine when a disguised sale has taken place rather than to resolve in detail the varying tax issues arising from sale recharacterization. Since the tax principles and rules that generally apply to sales apply to transactions characterized as sales under these regulations, the Service and the Treasury believe that it is unnecessary to address the various collateral consequences in the final regulations. Collateral consequences will be addressed in subsequent guidance to the extent the Service deems appropriate.

Comments also questioned the absence of anti-abuse rules directed at specific situations, such as related party transactions. The Service and the Treasury believe that general tax principles adequately address these issues. Other comments questioned whether transfers caused by a termination of a partnership under section 708(b)(1)(B) could result in disguised sale treatment under these regulations. The final regulations clarify that such transfers are disregarded for purposes of the disguised sale rules.

B. Facts and Circumstances Test

The final regulations retain the facts and circumstances approach of the proposed regulations. In addition, the final regulations retain the list of factors that, among others, tend to indicate the existence of a disguised sale.

C. Presumptions Related to the Timing of Transfers

The final regulations follow the proposed regulations by providing that transfers between a partnership and a partner that are made within two years of each other are presumed to be a sale (unless one of the exceptions applicable to guaranteed payments for capital, reasonable preferred returns or operating cash flow distributions applies), and transfers made more than two years apart are presumed not to be a sale. Each of these presumptions may be rebutted only by facts and circumstances that clearly establish the contrary. The presumptions are intended to establish which party has the burden of going forward in litigation. In addition, the regulations require that the party against whom the presumption runs must clearly establish that the transaction is or is not a disguised sale as the case may be. Thus, a mere preponderance of evidence (the standard of persuasion that would apply in the absence of the clearly establish requirement) will not suffice.

D. Multiple Property Transfers

In response to comments, the rule contained in the proposed regulations requiring a partner contributing multiple properties to a partnership to allocate the amount realized among the properties based on their values has been deleted. Thus, the final regulations do not provide special rules for the allocation of amounts realized in these transactions.

E. Mixing Bowl Example

The proposed regulations contain an example showing that the Service can rebut the presumption for transfers more than two years apart where, among other facts, more than one partner contributes property to a partnership, the partnership agreement provides for cross-allocations with respect to the contributed properties, and one partner receives a liquidating distribution of the property contributed by the other partner. See Prop. Reg. § 1.707–3(g) *Example 8.* The final regulations retain the mixing bowl example without change, notwithstanding the submission of numerous comments requesting more specific guidance. See § 1.707–3(f) *Example 8.* The example was written to illustrate the facts and circumstances test. The Service and the Treasury emphasize that the example relies on a confluence of factors and is not intended to provide bright-line guidance or to indicate whether the result might change if one or more of the enumerated factors were changed or eliminated.

*F. Other Examples*

The final regulations provide minor clarification to some of the other examples in § 1.707–3(f), but without adding new facts that would alter the results stated in the proposed regulations.

*III. Special Rules Applicable to Certain Distributions*

The final regulations adopt, with certain modifications, the special rules applicable to guaranteed payments and preferred returns contained in the proposed regulations. In addition, the final regulations provide greater flexibility with respect to the rules applicable to operating cash flow distributions and reimbursements of preformation expenditures.

A. Guaranteed Payments for Capital

In many cases, a legitimate guaranteed payment for capital is not subject to the entrepreneurial risks of partnership operations and would be treated as part of a sale if the payment were tested under the general rules of § 1.707–3. Accordingly, the final regulations retain the rule of the proposed regulations that a legitimate guaranteed payment for capital is excepted from the general rule and is not treated as part of a sale of property.

Further, the proposed and final regulations provide that a transfer that is characterized by the parties as a guaranteed payment for capital and that is reasonable within the meaning of § 1.707–4(a)(3) will be presumed to be, in fact, a guaranteed payment for capital. A transfer that is characterized by the parties as a guaranteed payment for capital and that is not reasonable will be presumed not to be a guaranteed payment for capital. Each presumption can be rebutted only by facts and circumstances that clearly establish the contrary. If a transfer characterized by the parties as a guaranteed payment for capital is not respected as such, the transfer is subject to the general rules of the final regulations, including the presumptions for transfers made less than or more than two years apart. The final regulations do not provide explicitly that a distribution properly characterized as a guaranteed payment for services is not treated as part of a sale. Although distributions of this type are not specifically excepted from the regulations and are subject to any applicable presumption, guaranteed payments for services should not be considered part of a sale of property under the facts and circumstances test, because they are not related to a transfer of property by a partner. Similarly, a transfer of money that represents a bona fide loan or a transfer of money in repayment of a bona fide loan should not be considered part of a sale of property under the facts and circumstances test.

B. Reasonable Preferred Returns

The final regulations retain the rule of the proposed regulations that a transfer of money that is characterized by the parties as a preferred return and that is reasonable within the meaning of § 1.707–4(a)(3) is presumed not to be part of a sale unless the facts and circumstances clearly establish that the transfer is part of a sale.

C. Operating Cash Flow Distributions

The final regulations retain the rule that provides that transfers of money to a partner during a taxable year that do not exceed the partner's interest in net operating cash flow are presumed not to be part of a sale unless the facts and circumstances clearly establish that the transfers are part of a sale. For this purpose, a partner's interest in a net operating cash flow distribution is determined based on the lesser of the partner's percentage interest in overall partnership profits for the year or the partner's percentage interest in overall partnership profits for the life of the partnership. The final regulations also retain the safe harbor allowing a partner, in any taxable year of the partnership, to use the partner's smallest percentage interest in any material item of partnership income or gain that may be realized in the three-year period beginning with such taxable year.

D. Modifications Made by the Final Regulations to the Special Rules Applicable to Guaranteed Payments, Preferred Returns, and Operating Cash Flow Distributions.

In response to comments, the final regulations have modified the special rules for guaranteed payments, preferred returns, and operating cash flow distributions to provide greater flexibility in their application. Under the proposed and final regulations, a distribution that is characterized as a guaranteed payment for capital or a preferred return is reasonable if the distribution is made pursuant to a written provision of the partnership agreement and is reasonable in amount. The proposed regulations provide, generally, that a distribution is reasonable in amount if the sum of the guaranteed payment for capital and preferred return does not exceed the amount determined by multiplying the partner's unreturned capital balance at the beginning of the taxable year by a specified percentage. The final regulations modify the determination of whether a distribution is reasonable in amount by permitting the partner to choose to replace, in that calculation, its beginning-of-the-year unreturned capital balance with a weighted average capital balance for the year and by clarifying the rule's application where a guaranteed payment or preferred return is compounded more frequently than annually.

Comments also criticize *Example 2* of § 1.707–4(a)(4) of the proposed regulations which describes a distribution determined not to be a guaranteed payment for capital. The final regulations retain the example, but clarify that the non-contributing partner, D, funds entirely the guaranteed payment to C (i.e., is obligated to contribute any shortfall to the partnership necessary to make payment to the contributing partner, C, even in the event of a partnership liquidation). The example also clarifies that had the partnership (or D) purchased the property from C in an installment sale, a market rate of interest would have resulted in payments approximately equal to the guaranteed payments.

In further response to comments, the final regulations clarify the presumption regarding operating cash flow distributions. In determining the net cash flow of a partnership, the final regulations provide that the starting taxable income or loss figure is increased by tax exempt interest and is decreased by capital expenditures only when made other than from reserves or from borrowings the proceeds of which are not included in operating cash flow. If a transfer of operating cash flow exceeds the amount allowed under the operating cash flow presumption, the transfer will qualify for the presumption up to the amount allowed under the presumption. The excess or portion of the transfer that does not qualify as an operating cash flow distribution is tested under the facts and circumstances test, subject to any presumptions that may apply.

The final regulations also modify the proposed regulations to provide that accumulated guaranteed payments for capital, preferred returns, and operating cash flow distributions that meet the requirements for a favorable presumption remain subject to that favorable presumption if paid in subsequent years. As a result of this change, the rule of the proposed regulations regarding distributions within 75 days of year end is no longer necessary and has been deleted.

E. Reimbursement of Preformation Expenditures

The proposed regulations provide that transfers made to reimburse partners for certain capital expenditures incurred within one year prior to contributing property to a partnership are excepted from the rules of § 1.707–3(a) of the proposed regulations. The final regulations extend this exception to expenditures incurred within two years of the transfer by the partner to the partnership. The final regulations retain the proposed rule that reimbursements of capital expenditures are excepted from disguised sale treatment if they do not exceed 20 percent of the fair market value of the property. In the case of a reimbursement that exceeds 20 percent of the value, the final regulations allow the reimbursement to qualify for this exception to the extent of 20 percent of value. Under an alternative rule included in the final regulations, 100 percent of the reimbursements of capital expenditures are excepted from disguised sale treatment if the value of the property contributed by the partner does not exceed 120 percent of the partner's basis in the contributed property.

F. Discretion To Provide Other Exceptions

The final regulations provide that the Commissioner may by revenue ruling or other published guidance except other types of transfers or payments to a partner from treatment as part of a sale. This provision is intended to increase the Commissioner's ability to provide guidance that accommodates reasonable and customary business practices.

*IV. Special Rules Relating to Liabilities*

A. In General

The final regulations retain the proposed regulation's concept of debt incurred in anticipation of a transfer. Thus, the final regulations continue to distinguish between qualified and nonqualified liabilities. Under the proposed and final regulations, a partnership's assumption of (or taking subject to) a nonqualified liability is treated as part of a sale. In contrast, the assumption of (or taking subject to) a qualified liability is treated as part of a sale only to the extent the partner is otherwise treated as having sold a portion of the property.

The proposed regulations include in the definition of qualified liabilities certain liabilities incurred in the ordinary course of a trade or business in which the property transferred was used, but only if substantially all of the assets of the business are transferred. Comments questioned the necessity for, and application of, the requirement that substantially all of the assets of the business be contributed. The final regulations replace the substantially all requirement with a requirement that the partner must transfer to the partnership all the assets related to that trade or business other than assets that are not material to a continuation of the trade or business. See § 1.705–5(f) *Example 4.*

In response to comments, the final regulations clarify the definition of a qualified liability in two other respects. The final regulations clarify that a qualified liability need only encumber the transferred property throughout the

two-year period prior to the transfer. The final regulations also provide that, consistent with section 7701(g), the fair market value limitation contained in § 1.707–5(a)(6)(ii) of the proposed regulations applies only with respect to recourse liabilities.

New examples have been added to § 1.707–5(f) to illustrate further the substantive rules.

B. Partner's Share of Liability

The final regulations adopt the proposed rule providing that a partner's share of a recourse liability equals the partner's share of the liability under section 752 and the corresponding regulations. The final regulations, however, depart from the proposed rule for determining a partner's share of a nonrecourse liability. The final regulations provide that a partner's share of a nonrecourse liability is determined by applying the same percentage used to determine the partner's share of the excess nonrecourse liability under section 1.752–3(a)(3) (the so-called third-tier allocation rule).

The final regulations change the proposed rule regarding a partner's share of a nonrecourse liability in response to comments and in an effort to achieve greater simplicity. The Service and the Treasury did not adopt the nonrecoruse debt allocation rules provided in section 752 and the regulations thereunder in their entirety, because this approach would tend to produce an inverse relationship between the gain inherent in the contributed property and the extent to which a disguised sale of the property results from the encumbrance.

C. Multiple Liabilities Assumed in Connection With a Plan

The proposed regulations allow the netting of nonqualified liabilities in connection with an integrated plan, but do not allow the netting of nonqualified liabilities with qualified liabilities. The comments criticized this limited netting rule as treating a transferor of appreciated property subject to a nonqualified liability less favorably if the co-transferor's property were encumbered with a qualified liability than if the co-transferor's property were encumbered with a nonqualified liability. In response, the final regulations expand the precontribution netting rule to allow the netting of nonqualified liabilities with qualified as well as nonqualified liabilities assumed or taken subject to in connection with an integrated transaction.

D. Refinancing

The proposed regulations provide that certain partnership debt incurred to refinance other partnership debt will be treated as that other debt. Comments suggested that a similar refinancing rule is needed in situations in which a partner refinances debt prior to a transfer to the partnership. In response to these comments, the final regulations provide that the same refinancing rule applies both to a refinancing by a partner prior to transfer of property to a partnership and to a refinancing of partnership debt.

E. Tiered Partnerships and Other Related Persons

The final regulations include a liability tacking rule for tiered partnerships. The final regulations clarify that if a lower-tier partnership succeeds to a liability of an upper-tier partnership, the liability in the lower-tier partnership retains the same characterization as qualified or nonqualified that it had in the upper-tier partnership. Under the final regulations, the Commissioner may by guidance published in the Internal Revenue Bulletin provide that a similar rule applies in the case of transactions between other related parties.

*V. Outbound Transactions Involving a Disguised Sale of Property by a Partnership to a Partner*

Section 1.707–6 of the proposed and final regulations provide rules relating to disguised sales by a partnership to a partner. The rules are similar to the rules provided in §§ 1.707–3 and 1.707–5 for disguised sales by a partner to a partnership. However, the final regulations expand the definition of qualified liability in the context of outbound transactions, so that a partnership liability is qualified if it has been in existence for more than two years regardless of whether it has encumbered partnership property during that period.

*VI. Disclosure*

The proposed and final regulations provide that certain transactions are to be reported by partners and partnerships on Internal Revenue Service Form 8275 or on a statement attached to the partner's return. (Meeting the disclosure requirements of these final regulations does not necessarily satisfy the disclosure requirements of section 6662 of the Code and the regulations proposed thereunder (regarding the penalty for underpayment of tax), if that section is otherwise applicable.) The proposed regulations require disclosure in three situations. Because the final regulations modify the rules for allocation of nonrecourse liabilities, disclosure is no longer required in this situation. The final regulations thus require disclosure in only two situations: (1) When certain transfers to a partner are made within two years of a transfer of property by the partner to the partnership; and (2) when debt is incurred within two years of the earlier of a written agreement to transfer or of a transfer of the property that secures the debt, if the debt, nevertheless, is treated as a qualified liability. Similar disclosure rules are provided in the case of outbound transactions under § 1.707–6 of the final regulations. A further modification of the disclosure rules is contained in § 1.707–8(c) of the final regulations. The final regulations now permit disclosure by the partnership rather than by each transferor separately if more than one partner transfers property to a partnership pursuant to a plan.

*VII. Effective Dates*

The final regulations apply to transactions with respect to which all transfers considered part of a sale occur after April 24, 1991. However, pursuant to Notice 92–46 published in the Internal Revenue Bulletin, a partnership and its partners may apply the proposed regulations instead of the final regulations to any transaction with respect to which all transfers considered part of a sale occur after April 24, 1991, if at least one of the transfers considered part of a sale occurs before November 30, 1992. The final regulations state that a determination of disguised sale treatment for the period between the effective date of section 707(a)(2) of the Code and April 24, 1991, is to be made based on the statutory language and the guidance provided in the legislative history of section 707(a)(2).

**Special Analyses**

It has been determined that these regulations are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a final Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking for these regulations was submitted to the Chief Counsel for Advocacy of the Small

Business Administration for comment on its impact on small business.

**Drafting Information**

The principal authors of these final regulations are David R. Haglund and Susan T. Edlavitch of the Office of Assistant Chief Counsel (Passthroughs and Special Industries). However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in their development.

**List of Subjects**

*26 CFR 1.701–1 through 1.771–1*

Income taxes, Reporting and recordkeeping requirements.

*26 CFR Part 602*

Reporting and recordkeeping requirements.

**Adoption of Amendments to the Regulations**

Accordingly, 26 CFR parts 1 and 602 are amended as follows:

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

**Paragraph 1.** The authority citation for part 1 is amended by adding the following citation:

**Authority:** 26 U.S.C. 7805 * * * Sections 1.707–2 through 1.707–9 also issued under 26 U.S.C. 707(a)(2). * * *

**Par. 2.** Section 1.707–0 and §§ 1.707–2 through 1.707–9 are added to read as follows:

**§ 1.707–0 Table of contents.**

This section lists the captions that appear in §§ 1.707–1 through 1.707–9.

*Section 1.707–1 Transactions Between Partner and Partnership*

(a) Partner not acting in capacity as partner.
(b) Certain sales or exchanges of property with respect to controlled partnerships.
(1) Losses disallowed.
(2) Gains treated as ordinary income.
(3) Ownership of a capital or profits interest.
(c) Guaranteed payments.

*Section 1.707–2 Disguised Payments for Services. [Reserved]*

*Section 1.707–3 Disguised Sales of Property to Partnership; General Rules*

(a) Treatment of transfers as a sale.
(1) In general.
(2) Definition and timing of sale.
(3) Application of disguised sale rules.
(4) Deemed terminations under section 708.
(b) Transfers treated as a sale.
(1) In general.
(2) Facts and circumstances.
(c) Transfers made within two years presumed to be a sale.
(1) In general.
(2) Disclosure of transfers made within two years.
(d) Transfers made more than two years apart presumed not to be a sale.
(e) Scope.
(f) Examples.

*Section 1.707–4 Disguised Sales of Property to Partnership; Special Rules Applicable to Guaranteed Payments, Preferred Returns, Operating Cash Flow Distributions, and Reimbursements of Preformation Expenditures*

(a) Guaranteed payments and preferred returns.
(1) Guaranteed payment not treated as part of a sale.
(i) In general.
(ii) Reasonable guaranteed payments.
(iii) Unreasonable guaranteed payments.
(2) Presumption regarding reasonable preferred returns.
(3) Definition of reasonable preferred returns and guaranteed payments.
(i) In general.
(ii) Reasonable amount.
(4) Examples.
(b) Presumption regarding operating cash flow distributions.
(1) In general.
(2) Operating cash flow distributions.
(i) In general.
(ii) Operating cash flow safe harbor.
(iii) Tiered partnerships.
(c) Accumulation of guaranteed payments, preferred returns, and operating cash flow distributions.
(d) Exception for reimbursements of preformation expenditures.
(e) Other exceptions.

*Section 1.707–5 Disguised Sales of Property to Partnership; Special Rules Relating to Liabilities*

(a) Liability assumed or taken subject to by partnership.
(1) In general.
(2) Partner's share of liability.
(i) Recourse liability.
(ii) Nonrecourse liability.
(3) Reduction of partner's share of liability.
(4) Special rule applicable to transfers of encumbered property to a partnership by more than one partner pursuant to a plan.
(5) Special rule applicable to qualified liabilities.
(6) Qualified liability of a partner defined.
(7) Liability incurred within two years of transfer presumed to be in anticipation of the transfer.
(i) In general.
(ii) Disclosure of transfers of property subject to liabilities incurred within two years of the transfer.
(b) Treatment of debt-financed transfers of consideration by partnerships.
(1) In general.
(2) Partner's allocable share of liability.
(i) In general.
(ii) Debt-financed transfers made pursuant to a plan.
(A) In general.
(B) Special rule.
(iii) Reduction of partner's share of liability.
(c) Refinancings.
(d) Share of liability where assumption accompanied by transfer of money.
(e) Tiered partnerships and other related persons.
(f) Examples.

*Section 1.707–6 Disguised Sales of Property by Partnership to Partner; General Rules*

(a) In general.
(b) Special rules relating to liabilities.
(1) In general.
(2) Qualified liabilities.
(c) Disclosure rules.
(d) Examples.

*Section 1.707–7 Disguised Sales of Partnership Interests. [Reserved]*

*Section 1.707–8 Disclosure of Certain Information*

(a) In general.
(b) Method of providing disclosure.
(c) Disclosure by certain partnerships.

*Section 1.707–9 Effective Dates and Transitional Rules*

(a) Sections 1.707–3 through 1.707–6.
(1) In general.
(2) Transfers occurring on or before April 24, 1991.
(3) Effective date of section 73 of the Tax Reform Act of 1984.
(b) Section 1.707–8 disclosure of certain information.

**§ 1.707–2 Disguised payments for services. [Reserved]**

**§ 1.707–3 Disguised sales of property to partnership; general rules.**

(a) *Treatment of transfers as a sale*—(1) *In general.* Except as otherwise provided in this section, if a transfer of property by a partner to a partnership and one or more transfers of money or other consideration by the partnership to that partner are described in paragraph (b)(1) of this section, the transfers are treated as a sale of property, in whole or in part, to the partnership.

(2) *Definition and timing of sale.* For purposes of §§ 1.707–3 through 1.707–5, the use of the term sale (or any variation of that word) to refer to a transfer of property by a partner to a partnership and a transfer of consideration by a partnership to a partner means a sale or exchange of that property, in whole or in part, to the partnership by the partner acting in a capacity other than as a member of the partnership, rather than a contribution and distribution to which sections 721 and 731, respectively, apply. A transfer that is treated as a sale under paragraph (a)(1) this section is treated as a sale for all purposes of the Internal Revenue Code (*e.g.*, sections 453, 483, 1001, 1012, 1031 and 1274). The sale is considered to take place on the date that, under general principles of Federal tax law, the partnership is considered the owner of the property. If

the transfer of money or other consideration from the partnership to the partner occurs after the transfer of property to the partnership; the partner and the partnership are treated as if, on the date of the sale, the partnership transferred to the partner an obligation to transfer to the partner money or other consideration.

(3) *Application of disguised sale rules.* If a person purports to transfer property to a partnership in a capacity as a partner, the rules of this section apply for purposes of determining whether the property was transferred in a disguised sale, even if it is determined after the application of the rules of this section that such person is not a partner. If after the application of the rules of this section to a purported transfer of property to a partnership, it is determined that no partnership exists because the property was actually sold, or it is otherwise determined that the contributed property is not owned by the partnership for tax purposes, the transferor of the property is treated as having sold the property to the person (or persons) that acquired ownership of the property for tax purposes.

(4) *Deemed terminations under section 708.* In applying the rules of this section, transfers resulting from a termination of a partnership under section 708(b)(1)(B) are disregarded.

(b) *Transfers treated as a sale*—(1) *In general.* A transfer of property (excluding money or an obligation to contribute money) by a partner to a partnership and a transfer of money or other consideration (including the assumption of or the taking subject to a liability) by the partnership to the partner constitute a sale of property, in whole or in part, by the partner to the partnership only if based on all the facts and circumstances—

(i) The transfer of money or other consideration would not have been made but for the transfer of property; and

(ii) In cases in which the transfers are not made simultaneously, the subsequent transfer is not dependent on the entrepreneurial risks of partnership operations.

(2) *Facts and circumstances.* The determination of whether a transfer of property by a partner to the partnership and a transfer of money or other consideration by the partnership to the partner constitute a sale, in whole or in part, under paragraph (b)(1) of this section is made based on all the facts and circumstances in each case. The weight to be given each of the facts and circumstances will depend on the particular case. Generally, the facts and circumstances existing on the date of the earliest of such transfers are the ones considered in determining whether a sale exists under paragraph (b)(1) of this section. Among the facts and circumstances that may tend to prove the existence of a sale under paragraph (b)(1) of this section are the following:

(i) That the timing and amount of a subsequent transfer are determinable with reasonable certainty at the time of an earlier transfer;

(ii) That the transferor has a legally enforceable right to the subsequent transfer;

(iii) That the partner's right to receive the transfer of money or other consideration is secured in any manner, taking into account the period during which it is secured;

(iv) That any person has made or is legally obligated to make contributions to the partnership in order to permit the partnership to make the transfer of money or other consideration;

(v) That any person has loaned or has agreed to loan the partnership the money or other consideration required to enable the partnership to make the transfer, taking into account whether any such lending obligation is subject to contingencies related to the results of partnership operations;

(vi) That a partnership has incurred or is obligated to incur debt to acquire the money or other consideration necessary to permit it to make the transfer, taking into account the likelihood that the partnership will be able to incur that debt (considering such factors as whether any person has agreed to guarantee or otherwise assume personal liability for that debt);

(vii) That the partnership holds money or other liquid assets, beyond the reasonable needs of the business, that are expected to be available to make the transfer (taking into account the income that will be earned from those assets);

(viii) That partnership distributions, allocation or control of partnership operations is designed to effect an exchange of the burdens and benefits of ownership of property;

(ix) That the transfer of money or other consideration by the partnership to the partner is disproportionately large in relationship to the partner's general and continuing interest in partnership profits; and

(x) That the partner has no obligation to return or repay the money or other consideration to the partnership, or has such an obligation but it is likely to become due at such a distant point in the future that the present value of that obligation is small in relation to the amount of money or other consideration transferred by the partnership to the partner.

(c) *Transfers made within two years presumed to be a sale*—(1) *In general.* For purposes of this section, if within a two-year period a partner transfers property to a partnership and the partnership transfers money or other consideration to the partner (without regard to the order of the transfers), the transfers are presumed to be a sale of the property to the partnership unless the facts and circumstances clearly establish that the transfers do not constitute a sale.

(2) *Disclosure of transfers made within two years.* Disclosure to the Internal Revenue Service in accordance with § 1.707–8 is required if—

(i) A partner transfers property to a partnership and the partnership transfers money or other consideration to the partner with a two-year period (without regard to the order of the transfers);

(ii) The partner treats the transfers other than as a sale for tax purposes; and

(iii) The transfer of money or other consideration to the partner is not presumed to be a guaranteed payment for capital under § 1.707–4(a)(1)(ii), is not a reasonable preferred return within the meaning of § 1.707–4(a)(3), and is not an operating cash flow distribution within the meaning of § 1.707–4(b)(2).

(d) *Transfers made more than two years apart presumed not to be a sale.* For purposes of this section, if a transfer of money or other consideration to a partner by a partnership and the transfer of property to the partnership by that partner are more than two years apart, the transfers are presumed not to be a sale of the property to the partnership unless the facts and circumstances clearly establish that the transfers constitute a sale.

(e) *Scope.* This section and § § 1.707–4 through 1.707–9 apply to contributions and distributions of property described in section 707(a)(2)(A) and transfers described in section 707(a)(2)(B) of the Internal Revenue Code.

(f) *Examples.* The following examples illustrate the application of this section.

*Example 1. Treatment of simultaneous transfers as a sale.* A transfers property X to partnership AB on April 9, 1992, in exchange for an interest in the partnership. At the time of the transfer, property X has a fair market value of $4,000,000 and an adjusted tax basis of $1,200,000. Immediately after the transfer, the partnership transfers $3,000,000 in cash to A. Assume that, under this section, the partnership's transfer of cash to A is treated as part of a sale of property X to the partnership. Because the amount of cash A receives on April 9, 1992, does not equal the fair market value of the property, A is considered to have sold a portion of property

X with a value of $3,000,000 to the partnership in exchange for the cash. Accordingly, A must recognize $2,100,000 of gain ($3,000,000 amount realized less $900,000 adjusted tax basis ($1,200,000 multiplied by $3,000,000/$4,000,000)). Assuming A receives no other transfers that are treated as consideration for the sale of the property under this section, A is considered to have contributed to the partnership, in A's capacity as a partner, $1,000,000 of the fair market value of the property with an adjusted tax basis of $300,000.

*Example 2. Treatment of transfers at different times as a sale.* (i) The facts are the same as in *Example 1*, except that the $3,000,000 is transferred to A one year after A's transfer of property X to the partnership. Assume that under this section the partnership's transfer of cash to A is treated as part of a sale of property X to the partnership. Assume also that the applicable Federal short-term rate for April, 1992, is 10 percent, compounded semiannually.

(ii) Under paragraph (a)(2) of this section, A and the partnership are treated as if, on April 9, 1992, A sold a portion of property X to the partnership in exchange for an obligation to transfer $3,000,000 to A one year later. Section 1274 applies to this obligation because it does not bear interest and is payable more than six months after the date of the sale. As a result, A's amount realized from the receipt of the partnership's obligation will be the imputed principal amount of the partnership's obligation to transfer $3,000,000 to A, which equals $2,721,088 (the present value on April 9, 1992, of a $3,000,000 payment due one year later, determined using a discount rate of 10 percent, compounded semiannually). Therefore, A's amount realized from the receipt of the partnership's obligation is $2,721,088 (without regard to whether the sale is reported under the installment method). A is therefore considered to have sold only $2,721,088 of the fair market value of property X. The remainder of the $3,000,000 payment ($278,912) is characterized in accordance with the provisions of section 1272. Accordingly, A must recognize $1,904,761 of gain ($2,721,088 amount realized less $816,327 adjusted tax basis ($1,200,000 multiplied by $2,721,088/$4,000,000)) on the sale of property X to the partnership. The gain is reportable under the installment method of section 453 if the sale is otherwise eligible. Assuming A receives no other transfers that are treated as consideration for the sale of property under this section, A is considered to have contributed to the partnership, in A's capacity as a partner, $1,278,912 of the fair market value of property X with an adjusted tax basis of $383,673.

*Example 3. Operation of presumption for transfers within two years.* (i) C transfers undeveloped land to the CD partnership in exchange for an interest in the partnership. The partnership intends to construct a building on the land. At the time the land is transferred to the partnership, it is unencumbered and has an adjusted tax basis of $500,000 and a fair market value of $1,000,000. The partnership agreement provides that upon completing construction of the building the partnership will distribute $900,000 to C.

(ii) If, within two years of C's transfer of land to the partnership, a transfer is made to C pursuant to the provision requiring a distribution upon completion of the building, the transfer is presumed to be, under paragraph (c) of this section, part of a sale of the land to the partnership. C may rebut the presumption that the transfer is part of a sale if the facts and circumstances clearly establish that—

(A) The transfer to C would have been made without regard to C's transfer of land to the partnership; or

(B) The partnership's obligation or ability to make this transfer to C depends, at the time of the transfer to the partnership, on the entrepreneurial risks of partnership operations.

(iii) For example, if the partnership will be able to fund the transfer of cash to C only to the extent that permanent loan proceeds exceed the cost of constructing the building, the fact that excess permanent loan proceeds will be available only if the cost to complete the building is significantly less than the amount projected by a reasonable budget would be evidence that the transfer to C is not part of a sale. Similarly, a condition that limits the amount of the permanent loan to the cost of constructing the building (and thereby limits the partnership's ability to make a transfer to C) unless all or a substantial portion of the building is leased would be evidence that the transfer to C is not part of a sale, if a significant risk exists that the partnership may not be able to lease the building to that extent. Another factor that may prove that the transfer of cash to C is not part of a sale would be that, at the time the land is transferred to the partnership, no lender has committed to make a permanent loan to fund the transfer of cash to C.

(iv) Facts indicating that the transfer of cash to C is not part of a sale, however, may be offset by other factors. An offsetting factor to restrictions on the permanent loan proceeds may be that the permanent loan is to be a recourse loan and certain conditions to the loan are likely to be waived by the lender because of the creditworthiness of the partners or the value of the partnership's other assets. Similarly, the factor that no lender has committed to fund the transfer of cash to C may be offset by facts establishing that the partnership is obligated to attempt to obtain such a loan and that its ability to obtain such a loan is not significantly dependent on the value that will be added by successful completion of the building, or that the partnership reasonably anticipates that it will have (and will utilize) an alternative source to fund the transfer of cash to C if the permanent loan proceeds are inadequate.

*Example 4. Operation of presumption for transfers within two years.* E is a partner in the equal EF partnership. The partnership owns two parcels of unimproved real property (*parcels 1 and 2*). Parcels 1 and 2 are unencumbered. Parcel 1 has a fair market value of $500,000, and parcel 2 has a fair market value of $1,500,000. E transfers additional unencumbered, unimproved real property (*parcel 3*) with a fair market value of $1,000,000 to the partnership in exchange for an increased interest in partnership profits of 66⅔ percent. Immediately after this transfer, the partnership sells parcel 1 for $500,000 in a transaction not in the ordinary course of business. The partnership transfers the proceeds of the sale $333,333 to E and $166,667 to F in accordance with their respective partnership interests. The transfer of $333,333 to E is presumed to be, in accordance with paragraph (c) of this section, a sale, in part, of parcel 3 to the partnership. However, the facts of this example clearly establish that $250,000 of the transfer to E is not part of a sale of parcel 3 to the partnership because E would have been distributed $250,000 from the sale of parcel 1 whether or not E had transferred parcel 3 to the partnership. The transfer to E exceeds by $83,333 ($333,333 minus $250,000) the amount of the distribution that would have been made to E if E had not transferred parcel 3 to the partnership. Therefore, $83,333 of the transfer is presumed to be part of a sale of a portion of parcel 3 to the partnership by E.

*Example 5. Operation of presumption for transfers more than two years apart.* (i) G transfers undeveloped land to the GH partnership in exchange for an interest in the partnership. At the time the land is transferred to the partnership, it is unencumbered and has an adjusted tax basis of $500,000 and a fair market value of $1,000,000. H contributes $1,000,000 in cash in exchange for an interest in the partnership. Under the partnership agreement, the partnership is obligated to construct a building on the land. The projected construction cost is $5,000,000, which the partnership plans to fund with its $1,000,000 in cash and the proceeds of a construction loan secured by the land and improvements.

(ii) Shortly before G's transfer of the land to the partnership, the partnership secures commitments from lending institutions for construction and permanent financing. To obtain the construction loan, H guarantees completion of the building for a cost of $5,000,000. The partnership is not obligated to reimburse or indemnify H if H must make payment on the completion guarantee. The permanent loan will be funded upon completion of the building, which is expected to occur two years after G's transfer of the land. The amount of the permanent loan is to equal the lesser of $5,000,000 or 80 percent of the appraised value of the improved property at the time the permanent loan is closed. Under the partnership agreement, the partnership is obligated to apply the proceeds of the permanent loan to retire the construction loan and to hold any excess proceeds for transfer to G 25 months after G's transfer of the land to the partnership. The appraised value of the improved property at the time the permanent loan is closed is expected to exceed $5,000,000 only if the partnership is able to lease a substantial portion of the improvements by that time, and there is a significant risk that the partnership will not be able to achieve a satisfactory occupancy level. The partnership completes construction of the building for the projected cost of $5,000,000 approximately two years after G's transfer of the land. Shortly thereafter, the permanent loan is funded in the amount of $5,000,000. At the time of funding the land and building have an

appraised value of $7,000,000. The partnership transfers the $1,000,000 excess permanent loan proceeds to G 25 months after G's transfer of the land to the partnership.

(iii) G's transfer of the land to the partnership and the partnership's transfer of $1,000,000 to G occurred more than two years apart. In accordance with paragraph (d) of this section, those transfers are presumed not to be a sale unless the facts and circumstances clearly establish that the transfers constitute a sale of the property, in whole or part, to the partnership. The transfer of $1,000,000 to G would not have been made but for G's transfer of the land to the partnership. In addition, at the time G transferred the land to the partnership, G had a legally enforceable right to receive a transfer from the partnership at a specified time an amount that equals the excess of the permanent loan proceeds over $4,000,000. In this case, however, there was a significant risk that the appraised value of the property would be insufficient to support a permanent loan in excess of $4,000,000 because of the risk that the partnership would not be able to achieve a sufficient occupancy level. Therefore, the facts of this example indicate that at the time G transferred the land to the partnership the subsequent transfer of $1,000,000 to G depended on the entrepreneurial risks of partnership operations. Accordingly, G's transfer of the land to the partnership is not treated as part of a sale.

*Example 6. Rebuttal of presumption for transfers more than two years apart.* The facts are the same as in *Example 5*, except that the partnership is able to secure a commitment for a permanent loan in the amount of $5,000,000 without regard to the appraised value of the improved property at the time the permanent loan is funded. Under these facts, at the time that G transferred the land to the partnership the subsequent transfer of $1,000,000 to G was not dependent on the entrepreneurial risks of partnership operations, because during the period before the permanent loan is funded, the permanent lender's obligation to make a loan in the amount necessary to fund the transfer is not subject to the contingencies related to the risks of partnership operations, and after the permanent loan is funded, the partnership holds liquid assets sufficient to make the transfer. Therefore, the facts and circumstances clearly establish that G's transfer of the land to the partnership is part of a sale.

*Example 7. Operation of presumption for transfers more than two years apart.* The facts are the same as in *Example 6*, except that H does not guarantee either that the improvements will be completed or that the cost to the partnership of completing the improvements will not exceed $5,000,000. Under these facts, if there is a significant risk that the improvements will not be completed, G's transfer of the land to the partnership will not be treated as part of a sale because the lender is required to make the permanent loan if the improvements are not completed. Similarly, the transfers will not be treated as a sale to the extent that there is a significant risk that the cost of constructing the improvements will exceed $5,000,000, because, in the absence of a guarantee of the cost of the improvements by H, the $5,000,000 proceeds of the permanent loan might not be sufficient to retire the construction loan and fund the transfer to G. In either case, the transfer of cash to G would be dependent on the entrepreneurial risks of partnership operations.

*Example 8. Rebuttal of presumption for transfers more than two years apart.* (i) On February 1, 1992, I, J, and K form partnership IJK. On formation of the partnership, I transfers an unencumbered office building with a fair market value of $50,000,000 and an adjusted tax basis of $20,000,000 to the partnership, and J and K each transfer United States government securities with a fair market value and an adjusted tax basis of $25,000,000 to the partnership. Substantially all of the rentable space in the office building is leased on a long-term basis. The partnership agreement provides that all items of income, gain, loss, and deduction from the office building are to be allocated 45 percent to J, 45 percent to K, and 10 percent to I. The partnership agreement also provides that all items of income, gain, loss, and deduction from the government securities are to be allocated 90 percent to I, 5 percent to J, and 5 percent to K. The partnership agreement requires that cash flow from the office building and government securities be allocated between partners in the same manner as the items of income, gain, loss, and deduction from those properties are allocated between them. The partnership agreement complies with the requirements of § 1.704–1(b)(2)(ii)(*b*). It is not expected that the partnership will need to resort to the government securities or the cash flow therefrom to operate the office building. At the time the partnership is formed, I, J, and K contemplated that I's interest in the partnership would be liquidated sometime after January 31, 1994, in exchange for a transfer of the government securities and cash (if necessary). On March 1, 1995, the partnership transfers cash and the government securities to I in liquidation of I's interest in the partnership. The cash transferred to I represents the excess of I's share of the appreciation in the office building since the formation of the partnership over J's and K's share of the appreciation in the government securities since they are acquired by the partnership.

(ii) I's transfer of the office building to the partnership and the partnership's transfer of the government securities and cash to I occurred more than two years apart. Therefore, those transfers are presumed not to be a sale unless the facts and circumstances clearly establish that the transfers constitute a sale. Absent I's transfer of the office building to the partnership, I would not have received the government securities from the partnership. The facts including the amount and nature of partnership assets) indicate that, at the time that I transferred the office building to the partnership, the timing of the transfer of the government securities to I was anticipated and was not dependent on the entrepreneurial risks of partnership operations. Moreover, the facts indicate that the partnership allocations were designed to effect an exchange of the burdens and benefits of ownership of the government securities in anticipation of the transfer of those securities to I and those burdens and benefits were effectively shifted to I on formation of the partnership. Accordingly, the facts and circumstances clearly establish that I sold the office building to the partnership on February 1, 1992, in exchange for the partnership's obligation to transfer the government securities to I and to make certain other cash transfers to I.

**§ 1.707–4 Disguised sales of property to partnership; special rules applicable to guaranteed payments, preferred returns, operating cash flow distributions, and reimbursements of preformation expenditures.**

(a) *Guaranteed payments and preferred returns*—(1) *Guaranteed payment not treated as part of a sale*—(i) *In general.* A guaranteed payment for capital made to a partner is not treated as part of a sale of property under § 1.707–3(a) (relating to treatment of transfers as a sale). A party's characterization of a payment as a guaranteed payment for capital will not control in determining whether a payment is, in fact, a guaranteed payment for capital. The term *guaranteed payment for capital* means any payment to a partner by a partnership that is determined without regard to partnership income and is for the use of that partner's capital. See section 707(c). For this purpose, one or more payments are not made for the use of a partner's capital if the payments are designed to liquidate all or part of the partner's interest in property contributed to the partnership rather than to provide the partner with a return on an investment in the partnership.

(ii) *Reasonable guaranteed payments.* Notwithstanding the presumption set forth in § 1.707–3(c) (relating to transfers made within two years of each other), for purposes of section 707(a)(2) and the regulations thereunder a transfer of money to a partner that is characterized by the parties as a guaranteed payment for capital, is determined without regard to the income of the partnership and is reasonable (within the meaning of paragraph (a)(3) of this section) is presumed to be a guaranteed payment for capital unless the facts and circumstances clearly establish that the transfer is not a guaranteed payment for capital and is part of a sale.

(iii) *Unreasonable guaranteed payments.* A transfer of money to a partner that is characterized by the parties as a guaranteed payment for capital but that is not reasonable (within the meaning of paragraph (a)(3) of this section) is presumed not to be a

guaranteed payment for capital unless the facts and circumstances clearly establish that the transfer is a guaranteed payment for capital. A transfer that is not a guaranteed payment for capital is subject to the rules of § 1.707–3.

(2) *Presumption regarding reasonable preferred returns.* Notwithstanding the presumption set forth in § 1.707–3(c) (relating to transfers made within two years of each other), a transfer of money to a partner that is characterized by the parties as a preferred return and that is reasonable (within the meaning of paragraph (a)(3) of this section) is presumed not to be part of a sale of property to the partnership unless the facts and circumstances (including the likelihood and expected timing of the subsequent allocation of income or gain to support the preferred return) clearly establish that the transfer is part of a sale. The term *preferred return* means a preferential distribution of partnership cash flow to a partner with respect to capital contributed to the partnership by the partner that will be matched, to the extent available, by an allocation of income or gain.

(3) *Definition of reasonable preferred returns and guaranteed payments*—(i) *In general.* A transfer of money to a partner that is characterized as a preferred return or guaranteed payment for capital is reasonable only to the extent that the transfer is made to the partner pursuant to a written provision of a partnership agreement that provides for payment for the use of capital in a reasonable amount, and only to the extent that the payment is made for the use of capital after the date on which that provision is added to the partnership agreement.

(ii) *Reasonable amount.* A transfer of money that is made to a partner during any partnership taxable year and is characterized as a preferred return or guaranteed payment for capital is reasonable in amount if the sum of any preferred return and any guaranteed payment for capital that is payable for that year does not exceed the amount determined by multiplying either the partner's unreturned capital at the beginning of the year or, at the partner's option, the partner's weighted average capital balance for the year (with either amount appropriately adjusted, taking into account the relevant compounding periods, to reflect any unpaid preferred return or guaranteed payment for capital that is payable to the partner) by the safe harbor interest rate for that year. The safe harbor interest rate for a partnership's taxable year equals 150 percent of the highest applicable federal rate, at the appropriate compounding period or periods, in effect at any time from the time that the right to the preferred return or guaranteed payment for capital is first established pursuant to a binding, written agreement among the partners through the end of the taxable year. A partner's unreturned capital equals the excess of the aggregate amount of money and the fair market value of other consideration (net of liabilities) contributed by the partner to the partnership over the aggregate amount of money and the fair market value of other consideration (net of liabilities) distributed by the partnership to the partner other than transfers of money that are presumed to be guaranteed payments for capital under paragraph (a)(1)(ii) of this section, transfers of money that are reasonable preferred returns within the meaning of this paragraph (a)(3), and operating cash flow distributions within the meaning of paragraph (b)(2) of this section.

(4) *Examples.* The following examples illustrate the application of paragraph (a) of this section:

*Example 1. Transfer presumed to be a guaranteed payment.* (i) A transfers property with a fair market value of $100,000 to partnership AB. At the time of A's transfer, the partnership agreement is amended to provide that A is to receive a guaranteed payment for the use of A's capital of 10 percent (compounded annually) of the fair market value of the transferred property in each of the three years following the transfer. The partnership agreement provides that partnership net taxable income and loss will be allocated equally between partners A and B, and that partnership cash flow will be distributed in accordance with the allocation of partnership net taxable income and loss. The partnership would be allowed a deduction in the year paid if the transfers made to A are treated as guaranteed payments under section 707(c). Under the partnership agreement, that deduction would be allocated in the same manner as any other item of partnership deduction. The partnership agreement complies with the requirements of § 1.704–1(b)(2)(ii)(*b*). The partnership agreement does not provide for the payment of a preferred return and, other than the guaranteed payment to be paid to A, no transfer is expected to be made during the three year period following A's transfer that is not an operating cash flow distribution (within the meaning of paragraph (b)(2) of this section). Assume that the highest applicable federal rate in effect at the time of A's transfer is eight percent compounded annually.

(ii) The transfer of money to be made to A under the partnership agreement is characterized by the parties as a guaranteed payment for capital and is determined without regard to the income of the partnership. The transfer is also reasonable within the meaning of § 1.707–4(a)(3). The transfer, therefore, is presumed to be a guaranteed payment for capital. The presumption set forth in § 1.707–3(c) (relating to transfers made within two years of each other) thus does not apply to this transfer. The transfer will not be treated as part of a sale of property to the partnership unless the facts and circumstances clearly establish that the transfer is not a guaranteed payment for capital but is part of a sale.

(iii) The presumption that the transfer is a guaranteed payment for capital is not rebutted, because there are no facts indicating that the transfer is not a guaranteed payment for the use of capital.

*Example 2. Transfers characterized as guaranteed payments treated as part of a sale.* (i) C and D form partnership CD. C transfers property with a fair market value of $100,000 and an adjusted tax basis of $20,000 in exchange for a partnership interest. D is responsible for managing the day-to-day operations of the partnership and makes no capital contribution to the partnership upon its formation. The partnership agreement provides that C is to receive payments characterized as guaranteed payments and determined without regard to partnership income of $8,333 per year for the first four years of partnership operations for the use of C's capital. In addition, the partnership agreement provides that—

(A) Partnership net taxable income and loss will be allocated 75 percent to C and 25 percent to D; and

(B) All partnership cash flow (determined prior to consideration of the guaranteed payment) will be distributed 75 percent to C and 25 percent to D except that guaranteed payments that the partnership is obligated to make to C are payable solely out of D's share of the partnership's cash flow.

(ii) If D's share of the partnership's cash flow is not sufficient to make the guaranteed payment to C, then D is obligated to contribute any shortfall to the partnership, even in the event the partnership is liquidated. Thus, the effect of the guaranteed payment arrangement is that the guaranteed payment to C is funded entirely by D. The partnership agreement complies with the requirements of § 1.704–1(b)(2)(ii)(*b*). Assume that, at the time the partnership is formed, the partnership or D could borrow $25,000 pursuant to a loan requiring equal payments of principal and interest over a four-year term at the current market interest rate of approximately 12 percent (compounded annually). Assume that the highest applicable federal rate in effect at the time the partnership is formed is 10 percent compounded annually.

(iii) The transfer of money to be made to C under the partnership agreement is characterized by the parties as a guaranteed payment for capital and is determined without regard to the income of the partnership. The transfer is also reasonable within the meaning of § 1.707–4(a)(3). The transfer, therefore, is presumed to be a guaranteed payment for capital. The presumption set forth in § 1.707–3(c) (relating to transfers made within two years of each other) thus does not apply to this transfer. The transfer will not be treated as part of a sale of property to the partnership unless the facts and circumstances clearly establish that

the transfer is not a guaranteed payment for capital and is part of a sale.

(iv) For the first four years of partnership operations, the total guaranteed payments made to C under the partnership agreement will equal $33,332. If the characterization of those payments as guaranteed payments for capital within the meaning of section 707(c) were respected, C would be allocated $24,999 of the deductions that would be claimed by the partnership for those payments, thereby leaving the balance in C's capital account approximately $25,000 less than it would have been if the guaranteed payments had not been made. The guaranteed payments thus have the effect of offsetting approximately $25,000 of the credit made to C's capital account for the property transferred to the partnership by C. C's resulting capital account is approximately equivalent to the capital account C would have had if C had only contributed 75 percent of the property to the partnership. Furthermore, the effect of D's funding the guaranteed payment to C (either through reduced distributions of cash flow to D or additional contributions) is that D's capital account is approximately equivalent to the capital account D would have had if D had contributed 25 percent of the property (or contributed cash so that the partnership could purchase the 25 percent). Moreover, a $25,000 loan requiring equal payments of principal and interest over a four-year term at the current market interest rate of 12 percent (compounded annually), would have resulted in annual payments of principal and interest of $8,230.86. Consequently, the guaranteed payments effectively place the partners in the same economic position that they would have been in had D purchased a one-quarter interest in the property from C financed at the current market rate of interest, and then C and D each contributed their share of the property to the partnership. In view of the burden the guaranteed payments place on D's right to transfers of partnership cash flow and D's legal obligation to make contributions to the partnership to the extent necessary to fund the guaranteed payments, D has effectively purchased through the partnership a one-quarter interest in the property from C.

(v) Under these facts, the presumption that the transfers to C are guaranteed payments for capital is rebutted, because the facts and circumstances clearly establish that the transfers are part of a sale and not guaranteed payments for capital. Under § 1.707–3(a), C and the partnership are treated as if C sold a one-quarter interest in the property to the partnership in exchange for a promissory note evidencing the partnership's obligation to make the guaranteed payments.

(b) *Presumption regarding operating cash flow distributions*—(1) *In general.* Notwithstanding the presumption set forth in § 1.707–3(c) (relating to transfers made within two years of each other), an operating cash flow distribution is presumed not to be part of a sale of property to the partnership unless the facts and circumstances clearly establish that the transfer is part of a sale.

(2) *Operating cash flow distributions*—(i) *In general.* One or more transfers of money by the partnership to a partner during a taxable year of the partnership are operating cash flow distributions for purposes of paragraph (b)(1) of this section to the extent that those transfers are not presumed to be guaranteed payments for capital under paragraph (a)(1)(ii) of this section, are not reasonable preferred returns within the meaning of paragraph (a)(3) of this section, are not characterized by the parties as distributions to the partner acting in a capacity other than as a partner, and to the extent they do not exceed the product of the net cash flow of the partnership from operations for the year multiplied by the lesser of the partner's percentage interest in overall partnership profits for that year or the partner's percentage interest in overall partnership profits for the life of the partnership. For purposes of the preceding sentence, the net cash flow of the partnership from operations for a taxable year is an amount equal to the taxable income or loss of the partnership arising in the ordinary course of the partnership's business and investment activities, increased by tax exempt interest, depreciation, amortization, cost recovery allowances and other noncash charges deducted in determining such taxable income and decreased by—

(A) Principal payments made on any partnership indebtedness;

(B) Property replacement or contingency reserves actually established by the partnership;

(C) Capital expenditures when made other than from reserves or from borrowings the proceeds of which are not included in operating cash flow; and

(D) Any other cash expenditures (including preferred returns) not deducted in determining such taxable income or loss.

(ii) *Operating cash flow safe harbor.* For any taxable year, in determining a partner's operating cash flow distributions for the year, the partner may use the partner's smallest percentage interest under the terms of the partnership agreement in any material item of partnership income or gain that may be realized by the partnership in the three-year period beginning with such taxable year. This provision is merely intended to provide taxpayers with a safe harbor and is not intended to preclude a taxpayer from using a different percentage under the rules of paragraph (b)(2)(i) of this section.

(iii) *Tiered partnerships.* In the case of tiered partnerships, the upper-tier partnership must take into account its share of the net cash flow from operations of the lower-tier partnership applying principles similar to those described in paragraph (b)(2)(i) of this section, so that the amount of the upper-tier partnership's operating cash flow distributions is neither overstated nor understated.

(c) *Accumulation of guaranteed payments, preferred returns, and operating cash flow distributions.* Guaranteed payments for capital, preferred returns, and operating cash flow distributions presumed not to be part of a sale under the rules of paragraphs (a) and (b) of this section do not lose the benefit of the presumption by reason of being retained for distribution in a later year.

(d) *Exception for reimbursements of preformation expenditures.* A transfer of money or other consideration by the partnership to a partner is not treated as part of a sale of property by the partner to the partnership under § 1.707–3(a) (relating to treatment of transfers as a sale) to the extent that the transfer to the partner by the partnership is made to reimburse the partner for, and does not exceed the amount of, capital expenditures that—

(1) Are incurred during the two-year period preceding the transfer by the partner to the partnership; and

(2) Are incurred by the partner with respect to—

(i) Partnership organization and syndication costs described in section 709; or

(ii) Property contributed to the partnership by the partner, but only to the extent the reimbursed capital expenditures do not exceed 20 percent of the fair market value of such property at the time of the contribution. However, the 20 percent of fair market value limitation of this paragraph (d)(2)(ii) does not apply if the fair market value of the contributed property does not exceed 120 percent of the partner's adjusted basis in the contributed property at the time of contribution.

(e) *Other exceptions.* The Commissioner may provide by guidance published in the Internal Revenue Bulletin that other payments or transfers to a partner are not treated as part of a sale for purposes of section 707(a)(2) and the regulations thereunder.

**§ 1.707–5 Disguised sales of property to partnership; special rules relating to liabilities.**

(a) *Liability assumed or taken subject to by partnership*—(1) *In general.* For

purposes of this section and §§ 1.707–3 and 1.707–4, if a partnership assumes or takes property subject to a qualified liability (as defined in paragraph (a)(6) of this section) of a partner, the partnership is treated as transferring consideration to the partner only to the extent provided in paragraph (a)(5) of this section. By contrast, if the partnership assumes or takes property subject to a liability of the partner other than a qualified liability, the partnership is treated as transferring consideration to the partner to the extent that the amount of the liability exceeds the partner's share of that liability immediately after the partnership assumes or takes subject to the liability as provided in paragraphs (a) (2), (3) and (4) of this section.

(2) *Partner's share of liability.* A partner's share of any liability of the partnership is determined under the following rules:

(i) *Recourse liability.* A partner's share of a recourse liability of the partnership equals the partner's share of the liability under the rules of section 752 and the regulations thereunder. A partnership liability is a recourse liability to the extent that the obligation is a recourse liability under § 1.752–1(a)(1) or would be treated as a recourse liability under that section if it were treated as a partnership liability for purposes of that section.

(ii) *Nonrecourse liability.* A partner's share of a nonrecourse liability of the partnership is determined by applying the same percentage used to determine the partner's share of the excess nonrecourse liability under § 1.752–3(a)(3). A partnership liability is a nonrecourse liability of the partnership to the extent that the obligation is a nonrecourse liability under § 1.752–1(a)(2) or would be a nonrecourse liability of the partnership under § 1.752–1(a)(2) if it were treated as a partnership liability for purposes of that section.

(3) *Reduction of partner's share of liability.* For purposes of this section, a partner's share of a liability, immediately after a partnership assumes or takes subject to the liability, is determined by taking into account a subsequent reduction in the partner's share if—

(i) At the time that the partnership assumes or takes subject to a liability, it is anticipated that the transferring partner's share of the liability will be subsequently reduced; and

(ii) The reduction of the partner's share of the liability is part of a plan that has as one of its principal purposes minimizing the extent to which the assumption of or taking subject to the liability is treated as part of a sale under § 1.707–3.

(4) *Special rule applicable to transfers of encumbered property to a partnership by more than one partner pursuant to a plan.* For purposes of paragraph (a)(1) of this section, if the partnership assumes or takes property or properties subject to the liabilities of more than one partner pursuant to a plan, a partner's share of the liabilities assumed or taken subject to by the partnership pursuant to that plan immediately after the transfers equals the sum of that partner's shares of the liabilities (other than that partner's qualified liabilities, as defined in paragraph (a)(6) of this section) assumed or taken subject to by the partnership pursuant to the plan. This paragraph (a)(4) does not apply to any liability assumed or taken subject to by the partnership with a principal purpose of reducing the extent to which any other liability assumed or taken subject to by the partnership is treated as a transfer of consideration under paragraph (a)(1) of this section.

(5) *Special rule applicable to qualified liabilities.* (i) If a transfer of property by a partner to a partnership is not otherwise treated as part of a sale, the partnership's assumption of or taking subject to a qualified liability in connection with a transfer of property is not treated as part of a sale. If a transfer of property by a partner to the partnership is treated as part of a sale without regard to the partnership's assumption of or taking subject to a qualified liability (as defined in paragraph (a)(6) of this section) in connection with the transfer of property, the partnership's assumption of or taking subject to that liability is treated as a transfer of consideration made pursuant to a sale of such property to the partnership only to the extent of the lesser of—

(A) The amount of consideration that the partnership would be treated as transferring to the partner under paragraph (a)(1) of this section if the liability were not a qualified liability; or

(B) The amount obtained by multiplying the amount of the qualified liability by the partner's net equity percentage with respect to that property.

(ii) A partner's net equity percentage with respect to an item of property equals the percentage determined by dividing—

(A) The aggregate transfers of money or other consideration to the partner by the partnership (other than any transfer described in this paragraph (a)(5)) that are treated as proceeds realized from the sale of the transferred property; by

(B) The excess of the fair market value of the property at the time it is transferred to the partnership over any qualified liability encumbering the property or, in the case of any qualified liability described in paragraph (a)(6)(i) (C) or (D) of this section, that is properly allocable to the property.

(6) *Qualified liability of a partner defined.* A liability assumed or taken subject to by a partnership in connection with a transfer of property to the partnership by a partner is qualified liability of the partner only to the extend—

(i) The liability is—

(A) A liability that was incurred by the partner more than two years prior to the earlier of the date the partner agrees in writing to transfers the property or the date the partner transfers the property to the partnership and that has encumbered the transferred property throughout that two-year period;

(B) A liability that was not incurred in anticipation of the transfer of the property to a partnership, buy that was incurred by the partner within the two-year period prior to the earlier of the date the partner agrees in writing to transfer the property or the date the partner transfers the property to the partnership and that has encumbered the transferred property since it was incurred (see paragraph (a)(7) of this section for further rules regarding a liability incurred within two years of a property transfer or of a written agreement to transfer);

(C) A liability that is allocable under the rules of § 1.163–8T to capital expenditures with respect to the property; or

(D) A liability that was incurred in the ordinary course of the trade or business in which property transferred to the partnership was used or held but only if all the assets related to that trade or business are transferred other than assets that are not material to a continuation of the trade or business; and

(ii) If the liability is a recourse liability, the amount of the liability does not exceed the fair market value of the transferred property (less the amount of any other liabilities that are senior in priority and that either encumber such property or are liabilities described in paragraph (a)(6)(i) (C) or (D) of this section) at the time of the transfer.

(7) *Liability incurred within two years of transfer presumed to be in anticipation of the transfer*—(i) *In general.* For purposes of this section, if within a two-year period a partner incurs a liability (other than a liability described in paragraph (a)(6)(i) (C) or (D) of this section) and transfers property to a partnership or agrees in

writing to transfer the property, and in connection with the transfer the partnership assumes or takes the property subject to the liability, the liability is presumed to be incurred in anticipation of the transfer unless the facts and circumstances clearly establish that the liability was not incurred in anticipation of the transfer.

(ii) *Disclosure of transfers of property subject to liabilities incurred within two years of the transfer.* If a partner treats a liability assumed or taken subject to by a partnership as a qualified liability under paragraph (a)(6)(i)(B) of this section, such treatment is to be disclosed to the Internal Revenue Service in accordance with § 1.707–8.

(b) *Treatment of debt-financed transfers of consideration by partnerships*—(1) *In general.* For purposes of § 1.707–3, if a partner transfers property to a partnership, and the partnership incurs a liability and all or a portion of the proceeds of that liability are allocable under § 1.163–8T to a transfer of money or other consideration to the partner made within 90 days of incurring the liability, the transfer of money or other consideration to the partner is taken into account only to the extent that the amount of money or the fair market value of the other consideration transferred exceeds that partner's allocable share of the partnership liability.

(2) *Partner's allocable share of liability*—(i) *In general.* A partner's allocable share of a partnership liability for purposes of paragraph (b)(1) of this section equals the amount obtained by multiplying the partner's share of the liability as described in paragraph (a)(2) of this section by the fraction determined by dividing—

(A) The portion of the liability that is allocable under § 1.163–8T to the money or other property transferred to the partner; by

(B) The total amount of the liability.

(ii) *Debt-financed transfers made pursuant to a plan.*—(A) *In general.* Except as provided in paragraph (b)(2)(iii) of this section, if a partnership transfers to more than one partner pursuant to a plan all or a portion of the proceeds of one or more partnership liabilities, paragraph (b)(1) of this section is applied by treating all of the liabilities incurred pursuant to the plan as one liability, and each partner's allocable share of those liabilities equals the amount obtained by multiplying the sum of the partner's shares of each of the respective liabilities (as defined in paragraph (a)(2) of this section) by the fraction obtained by dividing—

(*1*) The portion of those liabilities that is allocable under § 1.163–8T to the money or other consideration transferred to the partners pursuant to the plan; by

(*2*) The total amount of those liabilities.

(B) *Special rule.* Paragraph (b)(2)(ii)(A) of this section does not apply to any transfer of money or other property to a partner that is made with a principal purpose of reducing the extent to which any transfer is taken into account under paragraph (b)(1) of this section.

(iii) *Reduction of partner's share of liability.* For purposes of paragraph (b)(2) of this section, a partner's share of a liability, immediately after the partnership assumes or takes subject to the liability, is determined by taking into account a subsequent reduction in the partner's share if—

(A) It is anticipated that the partner's share of the liability that is allocable to a transfer of money or other consideration to the partner will be reduced subsequent to the transfer; and

(B) The reduction of the partner's share of the liability is part of a plan that has as one of its principal purposes minimizing the extent to which the partnership's distribution of the proceeds of the borrowing is treated as part of a sale.

(c) *Refinancings.* To the extent that the proceeds of a partner or partnership liability (the *refinancing debt*) are allocable under the rules of § 1.163–8T to payments discharging all or part of any other liability of that partner or of the partnership, as the case may be, the refinancing debt is treated as the other liability for purposes of applying the rules of this section.

(d) *Share of liability where assumption accompanied by transfer of money.* For purposes of § § 1.707–3 through 1.707–5, if pursuant to a plan a partner pays or contributes money to the partnership and the partnership assumes or takes subject to one or more liabilities (other than qualified liabilities) of the partner, the amount of those liabilities that the partnership is treated as assuming or taking subject to is reduced (but not below zero) by the money transferred.

(e) *Tiered partnerships and other related persons.* If a lower-tier partnership succeeds to a liability of an upper-tier partnership, the liability in the lower-tier partnership retains the characterization as qualified or nonqualified that it had under these rules in the upper-tier partnership. A similar rule applies to other related party transactions involving liabilities to the extent provided by guidance published in the Internal Revenue Bulletin.

(f) *Examples.* The following examples illustrate the application of this section.

*Example 1. Partnership's assumption of nonrecourse liability encumbering transferred property.* (i) A and B form partnership AB, which will engage in renting office space. A transfers $500,000 in cash to the partnership, and B transfers an office building to the partnership. At the time it is transferred to the partnership, the office building has a fair market value of $1,000,000, an adjusted basis of $400,000, and is encumbered by a $500,000 liability, which B incurred 12 months earlier to finance the acquisition of other property. No facts rebut the presumption that the liability was incurred in anticipation of the transfer of the property to the partnership. Assume that this liability is a nonrecourse liability of the partnership within the meaning of section 752 and the regulations thereunder. The partnership agreement provides that partnership items will be allocated equally between A and B, including excess nonrecourse deductions under § 1.752–3(a)(3). The partnership agreement complies with the requirements of § 1.704–1(b)(2)(ii)(*b*).

(ii) The nonrecourse liability secured by the office building is not a qualified liability within the meaning of paragraph (a)(6) of this section. B would be allocated 50 percent of the excess nonrecourse liability under the partnership agreement. Accordingly, immediately after the partnership's assumption of that liability, B's share of the liability equals $250,000, which is equal to B's 50 percent share of the excess nonrecourse liability of the partnership as determined in accordance with B's share of partnership profits under § 1.752–3(a)(3).

(iii) The partnership's taking subject to the liability encumbering the office building is treated as a transfer of $250,000 of consideration to B (the amount by which the liability ($500,000) exceeds B's share of that liability immediately after taking subject to $250,000)). B is treated as having sold $250,000 of the fair market value of the office building to the partnership in exchange for the partnership's taking subject to a $250,000 liability. This results in a gain of $150,000 ($250,000 minus ($250,000/$1,000,000 multiplied by $400,000)).

*Example 2. Partnership's assumption of recourse liability encumbering transferred property.* (i) C transfers property Y to a partnership. At the time of its transfer to the partnership, property Y has a fair market value of $10,000,000 and is subject to an $8,000,000 liability that C incurred, immediately before transferring property Y to the partnership, in order to finance other expenditures. Upon the transfer of property Y to the partnership, the partnership assumed the liability encumbering that property. The partnership assumed this liability solely to acquire property Y. Under section 752 and the regulations thereunder, immediately after the partnership's assumption of the liability encumbering property Y, the liability is a recourse liability of the partnership and C's share of that liability is $7,000,000.

(ii) Under the facts of this example, the liability encumbering property Y is not a qualified liability.

Accordingly, the partnership's assumption of the liability results in a transfer of consideration to C in connection with C's transfer of property Y to the partnership in the amount of $1,000,000 (the excess of the liability assumed by the partnership ($8,000,000) over C's share of the liability immediately after the assumption ($7,000,000)). See paragraphs (a) (1) and (2) of this section.

*Example 3. Subsequent reduction of transferring partner's share of liability.* (i) The facts are the same as in Example 2. In addition, property Y is a fully leased office building, the rental income from property Y is sufficient to meet debt service, and the remaining term of the liability is ten years. It is anticipated that, three years after the partnership's assumption of the liability, C's share of the liability under section 752 will be reduced to zero because of a shift in the allocation of partnership losses pursuant to the terms of the partnership agreement. Under the partnership agreement, this shift in the allocation of partnership losses is dependent solely on the passage of time.

(ii) Under paragraph (a)(3) of this section, if the reduction in C's share of the liability was anticipated at the time of C's transfer, and the reduction was part of a plan that has as one of its principal purposes minimizing the extent of sale treatment under § 1.707–3 (*i.e.*, a principal purpose of allocating a large percentage of losses to C in the first three years when losses were not likely to be realized was to minimize the extent to which C's transfer would be treated as part of a sale), C's share of the liability immediately after the assumption is treated as equal to C's reduced share.

*Example 4. Trade payables as qualified liabilities.* (i) D and E form partnership DE which will engage in a consulting business that requires no overhead and minimal cash on hand for daily operating expenses. Previously, D and E, as individual sole proprietors, operated separate consulting businesses. D and E each transfer to the partnership sufficient cash to cover daily operating expenses together with the goodwill and trade payables related to each sole proprietorship. Due to uncertainty over the collection rate on the trade receivables related to their sole proprietorships, D and E agree that none of the trade receivables will be transferred to the partnership.

(ii) Under the facts of this example, all the assets related to the consulting business (other than the trade receivables) together with the trade payables were transferred to partnership DE. The trade receivables retained by D and E are not material to a continuation of the trade or business by the partnership because D and E contributed sufficient cash to cover daily operating expenses. Accordingly, the trade payables transferred to the partnership constitute qualified liability under paragraph (a)(6) of this section.

*Example 5. Partnership's assumption of a qualified liability as sole consideration.* (i) F transfers property Z to a partnership. At the time of its transfer to the partnership, property Z has a fair market value of $165,000 and an adjusted tax basis of $75,000. Also, at the time of the transfer, property Z is subject to a $75,000 liability that F incurred more than two years before transferring property Z to the partnership. The liability has been secured by property Z since it was incurred by F. Upon the transfer of property Z to the partnership, the partnership assumed the liability encumbering that property. The partnership made no other transfers to F in consideration for the transfer of property Z to the partnership. Assume that, under section 752 and the regulations thereunder, immediately after the partnership's assumption of the liability encumbering property Z, the liability is a recourse liability of the partnership and F's share of that liability is $25,000.

(ii) The $75,000 liability secured by property Z is a qualified liability of F because F incurred the liability more than two years prior to the assumption of the liability by the partnership and the liability has encumbered property Z for more than two years prior to that assumption. *See* paragraph (a)(6) of this section. Therefore, since no other transfer to F was made as consideration for the transfer of property Z, under paragraph (a)(5) of this section, the partnership's assumption of the qualified liability of F encumbering property Z is not treated as part of a sale.

*Example 6. Partnership's assumption of a qualified liability in addition to other consideration.* (i) The facts are the same as in *Example 5*, except that the partnership makes a transfer to D of $30,000 in money that is consideration for F's transfer of property Z to the partnership under § 1.707–3.

(ii) As in *Example 5*, the $75,000 liability secured by property Z is a qualified liability of F. Since the partnership transferred $30,000 to F in addition to assuming the qualified liability under paragraph (a)(5) of this section, the partnership's assumption of this qualified liability is treated as a transfer of additional consideration to F to the extent of the lesser of—

(A) The amount that the partnership would be treated as transferring to F if the liability were not a qualified liability ($50,000 (*i.e.*, the excess of the $75,000 qualified liability over F's $25,000 share of that liability)); or

(B) The amount obtained by multiplying the qualified liability ($75,000) by F's net equity percentage with respect to property Z (one-third).

(iii) F's net equity percentage with respect to property Z equals the fraction determined by dividing—

(A) The aggregate amount of money or other consideration (other than the qualified liability) transferred to F and treated as part of a sale of property Z under § 1.707–3(a) ($30,000 transfer of money); by

(B) F's net equity in property Z ($90,000 (*i.e.*, the excess of the $165,000 fair market value over the $75,000 qualified liability)).

(iv) Accordingly, the partnership's assumption of the qualified liability of F encumbering property Z is treated as a transfer of $25,000 (one-third of $75,000) of consideration to F pursuant to a sale. Therefore, F is treated as having sold $55,000 of the fair market value of property Z to the partnership in exchange for $30,000 in money and the partnership's assumption of $25,000 of the qualified liability. Accordingly, F must recognize $30,000 of gain on the sale (the excess of the $55,000 amount realized over $25,000 of F's adjusted basis for property Z (*i.e.*, one-third of F's adjusted basis for the property, because F is treated as having sold one-third of the property to the partnership)).

*Example 7. Partnership's assumptions of liabilities encumbering properties transferred pursuant to a plan.* (i) Pursuant to a plan, G and H transfer property 1 and property 2, respectively, to an existing partnership in exchange for interests in the partnership. At the time the properties are transferred to the partnership, property 1 has a fair market value of $10,000 and an adjusted tax basis of $6,000, and property 2 has a fair market value of $10,000 and an adjusted tax basis of $4,000. At the time properties 1 and 2 are transferred to the partnership, a $6,000 nonrecourse liability (*liability 1*) is secured by property 1 and a $7,000 recourse liability of F (*liability 2*) is secured by property 2. Properties 1 and 2 are transferred to the partnership, and the partnership takes subject to liability 1 and assumes liability 2. G and H incurred liabilities 1 and 2 immediately prior to transferring properties 1 and 2 to the partnership and used the proceeds for personal expenditures. The liabilities are not qualified liabilities. Assume that G and H are each allocated $2,000 of liability 1 in accordance with § 1.707–5(a)(2)(ii) (which determines a partner's share of a nonrecourse liability). Assume further that G's share of liability 2 is $3,500 and H's share is $0 in accordance with § 1.707–5(a)(2)(i) (which determines a partner's share of a recourse liability).

(ii) G and H transferred properties 1 and 2 to the partnership pursuant to a plan. Accordingly, the partnership's taking subject to liability 1 is treated as a transfer of only $500 of consideration to G, (the amount by which liability 1 ($6,000) exceeds G's share of liabilities 1 and 2 ($5,500)), and the partnership's assumption of liability 2 is treated as a transfer of only $5,000 of consideration to H (the amount by which liability 2 ($7,000) exceeds H's share of liabilities 1 and 2 ($2,000)). G is treated under the rule in § 1.707–3 as having sold $500 of the fair market value of property 1 in exchange for the partnership's taking subject to liability 1 and H is treated as having sold $5,000 of the fair market value of property 2 in exchange for the assumption of liability 2.

*Example 8. Partnership's assumption of liability pursuant to a plan to avoid sale treatment of partnership assumption of another liability.* (i) The facts are the same as in *Example 7*, except that—

(A) H transferred the proceeds of liability 2 to the partnership; and

(B) H incurred liability 2 in an attempt to reduce the extent to which the partnership's taking subject to liability 1 would be treated as a transfer of consideration to G (and thereby reduce the portion of G's transfer of property 1 to the partnership that would be treated as part of a sale).

(ii) Because the partnership assumed liability 2 with a principal purpose of reducing the extent to which the partnership s

taking subject to liability 1 would be treated as a transfer of consideration to G, liability 2 is ignored in applying paragraph (a)(3) of this section. Accordingly, the partnership's taking subject to liability 1 is treated as a transfer of $4,000 of consideration to G (the amount by which liability 1 ($6,000) exceeds G's share of liability 1 ($2,000)). On the other hand, the partnership's assumption of liability 2 is not treated as a transfer of any consideration to H because H's share of that liability equals $7,000 as a result of H's transfer of $7,000 in money to the partnership.

*Example 9. Partnership's assumptions of qualified liabilities encumbering properties transferred pursuant to a plan in addition to other consideration.* (i) Pursuant to a plan, I transfers property 1 and J transfers property 2 plus $10,000 in cash to partnership IJ in exchange for equal interests in the partnership. At the time the properties are transferred to the partnership, property 1 has a fair market value of $100,000, an adjusted tax basis of $5,000, and is encumbered by a qualified liability of $50,000 (*liability 1*). Property 2 has a fair market value of $100,000, an adjusted tax basis of $5,000, and is encumbered by a qualified liability of $70,000 (*liability 2*). Pursuant to the plan, the partnership transferred to I $10,000 in cash. That amount is consideration for I's transfer of property 1 to the partnership under § 1.707–3. In accordance with § 1.707–5(a)(2), I and J are each allocated $25,000 of liability 1 and $35,000 of liability 2.

(ii) Because the partnership transferred $10,000 to I as consideration for the transfer of property, under § 1.707–5(a)(5), the partnership's assumption of liability 1 is treated as a transfer of additional consideration to I, even though liability 1 is a qualified liability, to the extent of the lesser of—

(A) The amount that the partnership would be treated as transferring to I if the liability were not a qualified liability; or

(B) The amount obtained by multiplying the qualified liability by I's net equity percentage with respect to property 1.

(iii) Because I and J transferred properties 1 and 2 to the partnership pursuant to a plan, treating I's qualified liability as a nonqualified liability under § 1.707–5(a)(5)(i)(A) enables I to apply the special rule applicable to transfers of encumbered property to a partnership by more than one partner pursuant to a plan under § 1.707–5(a)(4). Under this alternative test, the partnership's assumption of liability 1 encumbering property 1 is treated as a transfer of zero ($0) additional consideration to I pursuant to a sale. This is because the amount of liability 1 ($50,000) does not exceed the sum of I's share of liability 1 treated as a nonqualified liability ($25,000) and I's share of liability 2 ($35,000)).

(iv) The alternative under § 1.707–5(a)(5)(i)(B) is the amount obtained by multiplying the qualified liability ($50,000) by I's net equity percentage with respect to property 1. I's net equity percentage with respect to property 1 equals one-fifth, the fraction determined by dividing—

(A) The aggregate amount of money or other consideration (other than the qualified liability) transferred to I and treated as part of a sale of property 1 under § 1.707–3(a) (the $10,000 transfer of money; by

(B) I's net equity in property 1 ($50,000 *i.e.*, the excess of the $100,000 fair market value over the $50,000 qualified liability).

(v) Under this alternative test, the partnership's assumption of the qualified liability encumbering property 1 is treated as a transfer of $10,000 (one-fifth of the $50,000 qualified liability) of additional consideration to I pursuant to a sale.

(vi) Applying § 1.707–5(a)(5) to these facts, the partnership's assumption of liability 1 is treated as a transfer of additional consideration to I to the extent of the lesser of—

(A) zero; or

(B) $10,000.

(vii) Therefore, the partnership's assumption of I's qualified liability encumbering property 1 is not treated as a transfer of any additional consideration to I pursuant to a sale, and I is treated as having only received $10,000 of the fair market value of property 1 to the partnership in exchange for $10,000 in cash. Accordingly, I must recognize $9,500 of gain on the sale, that is, the excess of the $10,000 amount realized over $500 of I's adjusted tax basis for property 1 (one-tenth of I's adjusted tax basis for the property, because I is treated as having sold one-tenth of the property to the partnership). Since no other transfer to J was made as consideration for the transfer of property 2, the partnership's assumption of the qualified liability of J encumbering property 2 is not treated as part of a sale.

*Example 10. Treatment of debt-financed transfers of consideration by partnership.* (i) K transfers property Z to partnership KL in exchange for an interest therein on April 9, 1992. On September 13, 1992, the partnership incurs a liability of $20,000. On November 17, 1992, the partnership transfers $20,000 to K, and $10,000 of this transfer is allocable under the rules of § 1.163–8T to proceeds of the partnership liability incurred on September 13, 1992. The remaining $10,000 is paid from other partnership funds. Assume that, under section 752 and the corresponding regulations, the $20,000 liability incurred on September 13, 1992, is a recourse liability of the partnership and K's share of that liability is $10,000 on November 17, 1992.

(ii) Because a portion of the transfer made to K on November 17, 1992, is allocable under § 1.163–8T to proceeds of a partnership liability that was incurred by the partnership within 90 days of that transfer, K is required to take the transfer into account in applying the rules of this section and § 1.707–3 only to the extent that the amount of the transfer exceeds K's allocable share of the liability used to fund the transfer. K's allocable share of the $20,000 liability used to fund $10,000 of the transfer to K is $5,000 (K's share of the liability ($10,000) multiplied by the fraction obtained by dividing—

(A) The amount of the liability that is allocable to the distribution to K ($10,000); by

(B) The total amount of such liability ($20,000)).

(iii) Therefore, K is required to take into account only $15,000 of the $20,000 partnership transfer to K for purposes of this section and § 1.707–3. Under these facts, assuming the within-two-year presumption is not rebutted, this $15,000 transfer will be treated under the rule in § 1.707–3 as part of a sale by K of property Z to the partnership.

*Example 11. Borrowing against pool of receivables.* (i) M generates receivables which have an adjusted basis of zero in the ordinary course of its business. For M to use receivables as security for a loan, a commercial lender requires M to transfer the receivables to a partnership in which M has a 90 percent interest. In January, 1992, M transfers to the partnership receivables with a face value of $100,000. N (who is not related to M) transfers $10,000 cash to the partnership in exchange for a 10 percent interest. The partnership borrows $80,000, secured by the receivables, and makes a distribution of $72,000 of the proceeds to M and $8,000 of the proceeds to N within 90 days of incurring the liability. M's share of the liability under § 1.707–5(a)(2) is $72,000 (90 percent × $80,000).

(ii) Because the transfer of the loan proceeds to M is allocable under § 1.163–8T to proceeds of a partnership loan that was incurred by the partnership within 90 days of that transfer, M is required to take the transfer into account in applying the rules of this section and § 1.707–3 only to the extent that the amount of the transfer ($72,000) exceeds M's allocable share of the liability used to fund the transfer. Because the distribution was a debt-financed transfer pursuant to a plan, M's allocable share of the liability is $72,000 ($72,000 × $80,000/80,000) under § 1.707–5(b)(2)(ii). Therefore, M is not required to take into account any of the loan proceeds for purposes of this section and § 1.707–3.

(iii) When the receivables are collected, M must be allocated the gain on the contributed receivables under section 704(c). However, the lender permits the partnership to distribute cash to the partners only to the extent of the value of new receivables contributed to the partnership. In 1993, M contributes additional receivables and receives a distribution of cash. The taxable income recognized by the partnership on the receivables is taxable income of the partnership arising in the ordinary course of the partnership's activities. To the extent the distribution does not exceed 90 percent (M's percentage interest in overall partnership profits) of the partnership's operating cash flow under § 1.707–4(b), the distribution to M is presumed not to be a part of a sale of receivables by M to the partnership, and the presumption is not rebutted under these facts.

**§ 1.707–6 Disguised sales of property by partnership to partner; general rules.**

(a) *In general.* Rules similar to those provided in § 1.707–3 apply in determining whether a transfer of property by a partnership to a partner and one or more transfers of money or other consideration by that partner to the partnership are treated as a sale of property, in whole or in part, to the partner.

(b) *Special rules relating to liabilities*—(1) *In general.* Rules similar

to those provided in § 1.707–5 apply to determine the extent to which an assumption of or taking subject to a liability by a partner, in connection with a transfer of property by a partnership, is considered part of a sale. Accordingly, if a partner assumes or takes property subject to a qualified liability (as defined in paragraph (b)(2) of this section) of a partnership, the partner is treated as transferring consideration to the partnership only to the extent provided in paragraph (b). If the partner assumes or takes subject to a liability that is not a qualified liability, the amount treated as consideration transferred to the partnership is the amount that the liability assumed or taken subject to by the partner exceeds the partner's share of that liability (determined under the rules of § 1.707–5(a)(2)) immediately before the transfer. Similar to the rules provided in § 1.707–5(a)(4), if more than one partner assumes or takes subject to a liability pursuant to a plan, the amount that is treated as a transfer of consideration by each partner is the amount by which all of the liabilities (other than qualified liabilities) assumed or taken subject to by the partner pursuant to the plan exceed the partner's share of all of those liabilities immediately before the assumption or taking subject to. This paragraph (b)(1) does not apply to any liability assumed or taken subject to by a partner with a principal purpose of reducing the extent to which any other liability assumed or taken subject to by a partner is treated as a transfer of consideration under this paragraph (b).

(2) *Qualified liabilities.* (i) If a transfer of property by a partnership to a partner is not otherwise treated as part of a sale, the partner's assumption of or taking subject to a qualified liability is not treated as part of a sale. If a transfer of property by a partnership to the partner is treated as part of a sale without regard to the partner's assumption of or taking subject to a qualified liability, the partner's assumption of or taking subject to that liability is treated as a transfer of consideration made pursuant to a sale of such property to the partner only to the extent of the lesser of—

(A) The amount of consideration that the partner would be treated as transferring to the partnership under paragraph (b) of this section if the liability were not a qualified liability; or

(B) The amount obtained by multiplying the amount of the liability at the time of its assumption or taking subject to by the partnership's net equity percentage with respect to that property.

(ii) A partnership's net equity percentage with respect to an item of property encumbered by a qualified liability equals the percentage determined by dividing—

(A) The aggregate transfers to the partnership from the partner (other than any transfer described in this paragraph (b)(2)) that are treated as the proceeds realized from the sale of the transferred property to the partner; by

(B) The excess of the fair market value of the property at the time it is transferred to the partner over any qualified liabilities of the partnership that are assumed or taken subject to by the partner at that time.

(iii) For purposes of this section, the definition of a qualified liability is that provided in § 1.707–5(a)(6) with the following exceptions—

(A) In applying the definition, the qualified liability is one that is originally an obligation of the partnership and is assumed or taken subject to by the partner in connection with a transfer of property to the partner; and

(B) If the liability was incurred by the partnership more than two years prior to the earlier of the date the partnership agrees in writing to transfer the property or the date the partnership transfers the property to the partner, that liability is a qualified liability whether or not it has encumbered the transferred property throughout the two-year period.

(c) *Disclosure rules.* Similar to the rules provided in §§ 1.707–3(c)(2) and 1.707–5(a)(7)(ii), a partnership is to disclose to the Internal Revenue Service, in accordance with § 1.707–8, the facts in the following circumstances:

(1) When a partnership transfers property to a partner and the partner transfers money or other consideration to the partnership within a two-year period (without regard to the order of the transfers) and the partnership treats the transfers as other than a sale for tax purposes; and

(2) When a partner assumes or takes subject to a liability of a partnership in connection with a transfer of property by the partnership to the partner, and the partnership incurred the liability within the two-year period prior to the earlier of the date the partnership agrees in writing to the transfer of property or the date the partnership transfers the property, and the partnership treats the liability as a qualified liability under rules similar to § 1.707–5(a)(6)(i)(B).

(d) *Examples.* The following examples illustrate the rules of this section.

*Example 1. Sale of property by partnership to partner.* (i) A is a member of a partnership. The partnership transfers property X to A. At the time of the transfer, property X has a fair market value of $1,000,000. One year after the transfer, A transfers $1,100,000 to the partnership. Assume that under the rules of section 1274 the imputed principal amount of an obligation to transfer $1,100,000 one year after the transfer of property X is $1,000,000 on the date of the transfer.

(ii) Since the transfer of $1,100,000 to the partnership by A is made within two years of the transfer of property X to A, under rules similar to those provided in § 1.707–3(c), the transfers are presumed to be a sale unless the facts and circumstances clearly establish otherwise. If no facts exist that would rebut this presumption, on the date that the partnership transfers property X to A, the partnership is treated as having sold property X to A in exchange for A's obligation to transfer $1,100,000 to the partnership one year later.

*Example 2. Assumption of liability by partner.* (i) B is a member of an existing partnership. The partnership transfers property Y to B. On the date of the transfer, property Y has a fair market value of $1,000,000 and is encumbered by a nonrecourse liability of $600,000. B takes the property subject to the liability. The partnership incurred the nonrecourse liability six months prior to the transfer of property Y to B and used the proceeds to purchase an unrelated asset. Assume that, under rule of § 1.707–5(a)(2)(ii) (which determines a partner's share of a nonrecourse liability), B's share of the nonrecourse liability immediately before the transfer of property Y was $100,000.

(ii) The liability is not allocable under the rules of § 1.163–8T to capital expenditures with respect to the property transferred to B and was not incurred in the ordinary course of the trade or business in which the property transferred to the partner was used or held. Since the partnership incurred the nonrecourse liability within two years of the transfer to B, under rules similar to those provided in § 1.707–5(a)(5), the liability is presumed to be incurred in anticipation of the transfer unless the facts and circumstances clearly establish the contrary. Assuming no facts exist to rebut this presumption, the liability taken subject to by B is not a qualified liability. The partnership is treated as having received, on the date of the transfer of property Y to B, $500,000 ($600,000 liability assumed by B less B's share of the $100,000 liability immediately prior to the transfer) as consideration for the sale of one-half ($500,000/$1,000,000) of property Y to B. The partnership is also treated as having distributed to B, in B's capacity as a partner, the other one-half of property Y.

**§ 1.707–7 Disguised sales of partnership interests. [Reserved]**

**§ 1.707–8 Disclosure of certain information.**

(a) *In general.* The disclosure referred to in § 1.707–3(c)(2) (regarding certain transfers made within two years of each other), § 1.707–5(a)(7)(ii) (regarding a liability incurred within two years prior to a transfer of property), and § 1.707–6(c) (relating to transfers of property from a partnership to a partner in situations analogous to those listed

above) is to be made in accordance with paragraph (b) of this section.

(b) *Method of providing disclosure.* Disclosure is to be made on a completed Form 8275 or on a statement attached to the return of the transferor of property for the taxable year of the transfer that includes the following:

(1) A caption identifying the statement as disclosure under section 707;

(2) An identification of the item (or group of items) with respect to which disclosure is made;

(3) The amount of each item; and

(4) The facts affecting the potential tax treatment of the item (or items) under section 707.

(c) *Disclosure by certain partnerships.* If more than one partner transfers property to a partnership pursuant to a plan, the disclosure required by this section may be made by the partnership on behalf of all the transferors rather than by each transferor separately.

**§ 1.707-9 Effective dates and transitional rules.**

(a) *Sections 1.707-3 through 1.707-6*—(1) *In general.* Except as provided in paragraph (a)(3) of this section, §§ 1.707-3 through 1.707-6 apply to any transaction with respect to which all transfers that are part of a sale of an item of property occur after April 24, 1991.

(2) *Transfers occurring on or before April 24, 1991.* Except as otherwise provided in paragraph (a)(3) of this section, in the case of any transaction with respect to which one or more of the transfers occurs on or before April 24, 1991, the determination of whether the transaction is a disguised sale of property (including a partnership interest) under section 707(a)(2) is to be made on the basis of the statute and the guidance provided regarding that provision in the legislative history of section 73 of the Tax Reform Act of 1984 (Pub. L. 98-369, 98 Stat. 494). See H.R. Rep. No. 861, 98th Cong., 2d Sess. 859-62 (1984); S. Prt. No. 169 (Vol. I), 98th Cong., 2d Sess. 223-32 (1984); H.R. Rep. No. 432 (Pt. 2), 98th Cong., 2d Sess. 1216-21 (1984).

(3) *Effective date of section 73 of the Tax Reform Act of 1984.* Sections 1.707-3 through 1.707-6 do not apply to any transfer of money or other consideration to which section 73(a) of the Tax Reform Act of 1984 (Pub. L. 98-369, 98 Stat. 494) does not apply pursuant to section 73(b) of that Act.

(b) *Section 1.707-8 disclosure of certain information.* The disclosure provisions described in § 1.707-8 apply to transactions with respect to which all transfers that are part of a sale of property occur after September 30, 1992.

## PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

**Par. 3.** The authority citation for part 602 continues to read as follows:

**Authority:** 26 U.S.C. 7805.

**Par. 4.** Section 602.101(c) is amended by adding the following entries in the table:

**§ 602.101 OMB Control Numbers.**

* * * * *

(c) * * *

| CFR part or section where identified and described | Current OMB control number |
|---|---|
| * * * * * | |
| 1.707-3(c)(2) | 1545-1243 |
| 1.707-5(a)(7)(ii) | 1545-1243 |
| 1.707-6(c) | 1545-1243 |
| 1.707-8 | 1545-1243 |
| * * * * * | |

**Shirley D. Peterson,**

*Commissioner of Internal Revenue.*

Approved: August 4, 1992.

**Fred T. Goldberg, Jr.,**

*Assistant Secretary of the Treasury.*

[FR Doc. 92-23728 Filed 9-25-92; 4:46 pm]

**BILLING CODE 4830-01-M**

## 26 CFR Parts 1 and 602

**[T.D. 8418]**

**RIN 1545-AJ67; 1545-AO14; 1545-AO33; 1545-AQ19; 1545-AO19; 1545-AO15**

## Arbitrage Restrictions on Tax-Exempt Bonds; Correction

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Correction to final and temporary regulations.

**SUMMARY:** This document contains corrections to Treasury Decision 8418, which was published in the **Federal Register** for Monday, May 18, 1992 (57 FR 20971). The final and temporary regulations relate to the arbitrage rebate requirements applicable to tax-exempt bonds issued by States and local governments under section 103 of the Internal Revenue Code.

**EFFECTIVE DATE:** May 18, 1992.

**FOR FURTHER INFORMATION CONTACT:** William P. Cejudo (202) 622-7750 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

### Background

The final and temporary regulations that are the subject of these corrections provide rules under section 148 concerning the use of proceeds of state and local bonds to acquire higher yielding investments.

### Need for Correction

As published, T.D. 8418 contains errors which may prove to be misleading and are in need of clarification.

### Correction of Publication

Accordingly, the publication of final and temporary regulations (T.D. 8418), which was the subject of FR Doc. 92-11321, is corrected as follows:

1. On page 20971, column 1, in the preamble under the heading "*Paperwork Reduction Act*", last line of that column, the language "1545-1303." is corrected to read "1545-1301. All of these paperwork requirements will be consolidated under control number 1545-1098.".

2. On page 20973, column 2, in the preamble under the heading "2. *Special Allocation Rules for Working Capital Expenditures*" paragraph 2, lines 10 through 13, the language "a refunded issue, amounts from a bona fide debt service fund, and extraordinary non-periodic legal judgments. In addition, the special" is corrected to read "a refunded issue and amounts from a bona fide debt service fund. In addition, the special".

3. On page 20977, column 2, under the authority citation, lines 8 and 9, remove the language, "Section 1.149(d)-1T also issued under 26 U.S.C. 148(f) and (i).".

**§ 1.148-0 [Corrected]**

4. On page 20978, column 3, § 1.148-0(b)(3), last line of that paragraph, the language "1989, or issued after June 14, 1989." is corrected to read "1989, or issued after June 14, 1989; provided that the provisions of 26 CFR 1.148-9T (c) and (h) (as contained in the CFR edition revised as of April 1, 1991) generally apply to any bond that is issued on or before June 17, 1992.".

5. On page 20981, column 3, § 1.148-0(d), the table of contents for § 1.148-9 is corrected by removing the entries for paragraphs (h) and (h)(1) through (h)(3).

**§ 1.148-1 [Corrected]**

6. On page 20982, column 2, § 1.148-1(a), lines 11 through 13, the language "OT for scope and effective date. See § 1.148-6 for 6 month temporary investment exception. See § 1.148-7 for" is corrected to read "0 for scope and effective date. See § 1.148-6 for expenditure exceptions. See § 1.148-7 for".

**§ 1148–2 [Corrected]**

7. On page 20984, column 3, § 1.148–2(c)(1), the formula "FV=PV(1+i)" is corrected to read "FV=PV(1+i)n".

8. On page 20985, column 2, § 1.148–2(c)(2), paragraph (i) of *Example 2,* second line from the bottom of that paragraph, the language "the first installment computation is the same" is corrected to read "the first installment computation date is the same".

9. On page 20986, column 2, § 1.148–2(d)(2), ninth line from the bottom of the column, the language "there are bid and asked prices). The bid" is corrected to read "there are bid and asked prices). If the price paid to purchase an obligation of the type described in the proviso clause of the preceding sentence is higher than the mean of the bid and asked prices, that higher price may be treated as the fair market value of the obligation if that obligation is purchased in a bona fide arm's length transaction without regard to any amount paid to reduce the yield on the obligation. The bid".

10. On page 20986, column 3, § 1.148–2(d)(4), beginning in line 4, the last sentence "See paragraph (e)(2)(iii)(B) of this section for special rule determining this present value." is removed.

**§ 1.148–3 [Corrected]**

11. On page 20989, column 3, § 1.148–3(b)(7)(iv)(B), lines 4 through 8, the language "value is an amount equal to the sum of the issue price for the bond, determined under § 1.148–8(c), and the amount of accrued original issue discount, determined under section 1288(a)." is corrected to read "value is an amount equal to the present value of the bond."

12. On page 20995, column 1, § 1.148–3(c)(7), under *Example 2,* lines 7 through 11, the language "September 15, 1991, is the issue price of the bonds, plus any accrued original issue discount. See paragraph (b)(7)(iv)(A) of this section. The aggregate early retirement value of the bonds is par plus accrued interest" is corrected to read "September 15, 1991, is par plus accrued interest".

13. On page 21003, column 2, § 1.148–3(d)(4), paragraph (ii)(A) of *Example 9,* lines 3 and 4, the language "All the proceeds of the bonds are expended by that date." is removed.

14. On page 21005, column 3, § 1.148–3(d)(4), paragraph (ii)(G) of *Example 11,* the first line in the table is corrected to read as follows:

| Date | Debt service | Guarantee | PV (7.1485008956 percent) |
|---|---|---|---|
| 9/01/88 | | $144,497.67 | $144,497.67 |

* * * * *

**§ 1.148–4 [Corrected]**

15. On page 21008, column 2, § 1.148–4(c)(5), line 1, the language "(5) *Safe harbors for purchases of*" is corrected to read "(5) *Safe harbor for purchases of*".

16. On page 21009, column 2, § 1.148–4(d)(3)(ii), lines 3 and 4, the language "in paragraphs (d) (3) (ii) (A) and (d) (3) (ii) (B) of this section may be" is corrected to read "in paragraphs (d) (3) (ii) (B) and (d) (3) (ii) (C) of this section may be".

17. On page 21011, column 1, § 1.148–4(e)(6)(i)(A), third line from the bottom of that paragraph, the language "issue, the present value of that bond" is corrected to read "the issue, the present value of that bond".

**§ 1.148–5 [Corrected]**

18. On page 21012, column 1, § 1.148–5(c)(1)(iii), seventh and eighth lines from the bottom of paragraph, the language "described in paragraph (c) (1) (ii) (A) or (c) (1) (ii) (C) of this section that is" is corrected to read "described in paragraph (c)(1)(ii)(A) of the section that is".

**§ 1.148–6 [Corrected]**

19. On page 21017, column 1, § 1.148–6(i)(2), seventh line from the bottom of that paragraph, the language "148(f)(4)(c) (viii) or (viii) for any period" is corrected to read "148(f)(4)(C) (vii) or (viii) for any period".

**§ 1.148–8 [Corrected]**

20. On page 21021, column 3, § 1.148–8(c)(3), lines 3 and 4, the language "determined under this paragraph (c) exceed the fair market value of the bond" is corrected to read "determined under this paragraph (c) be less than the fair market value of the bond".

21. On page 21021, column 3, § 1.148–8(d)(3), fifth line from the bottom of that column, the language "§ 1.103–13(b)(5)(viii), or section 143(g)(2)." is corrected to read "§ 1.103–13(b)(5)(viii), section 143(g)(2) or § 1.148–10(b).".

22. On page 21023, column 2, § 1.148–8(e)(13), line 4, the language "and is not purchased pursuant an" is corrected to read "and is not purchased pursuant to an".

23. On page 21023, column 2, § 1.148–8(e)(14), line 3, the language "an issue, a contract entered into for the" is corrected to read "to an issue, a contract entered into for the".

24. On page 21023, column 2, § 1.148–8(e)(14), line 5; the language "the issue (and elated amounts) from" is corrected to read "the issue (and related amounts) from".

25. On page 21024, column 1, § 1.148–8(h)(4), line 3, the language "§§ 1.148–0T(b)(2)(ii)(C) and 1.148–3" is corrected to read "§§ 1.148–0(b)(2)(ii)(C) and 1.148–3".

**§ 1.148–9 [Corrected]**

26. On page 21024, bottom of column 1 and top of column 2, § 1.148–9, remove paragraph (h).

27. On page 21025, column 2, in instructional "**Par. 7.**", line 1, the language "**Par. 7.** A new 1.148–11 is added to" is corrected read "**Par. 7.** A new § 1.148–11 is added to".

**§ 1.148–11 [Corrected]**

28. On page 21026, column 1, § 1.148–11(b)(2)(i), lines 2 and 3, the language "issue is not refunding issue if the proceeds of the issue are used to pay" is corrected to read "issue is not a refunding issue as a result of the use of the proceeds of the issue to pay".

29. On page 21026, column 1, § 1.148–11(b)(2)(i)(C), lines 2 and 3, the language "expenditure (as defined in § 1.148–4(d)(3)(ii))." is corrected to read "expenditure under § 1.148–4(d)(3)(ii)(C).".

30. On page 21026, column 3, § 1.148–11(c)(1)(i)(A) is corrected to read as follows:

* * * * *

"(A) The amounts are reasonably expected by the issuer to become available to be used either for investment for a period of more than 6 months from their date of receipt or for payment of debt service on the prior issue or any other issue (whether or not so used); and"

* * * * *

31. On page 21028, column 1, § 1.148–11(e)(2)(i), seventh line from the top of the column, the language "complies with § 1.148–4(e); provided that" is corrected to read "complies with § 1.148–4 provided that".

32. On page 21028, column 1, § 1.148–11(e)(2)(ii), line 14, the language "with § 1.148–4(e); provided that the" is corrected to read "with § 1.148–4; provided that the".

33. On page 21028, column 3, § 1.148–11(f)(2)(vii), last line of that paragraph, the language "defined in § 1.103–13(b)(12) is 13 months." is corrected to read "defined in § 1.103–13(b)(12)) is 13 months.".

34. On page 21028, column 3, § 1.148–11(f)(3), line 3, the language "may elect

to waive any temporary" is corrected to read "may waive any temporary".

35. On page 21029, column 1, § 1.148 11(g), second and fourth lines from the bottom of that paragraph, the reference "149(d)(3)(v)" is corrected to read "149(d)(3)(A)(v)(II)" in both locations.

36. On page 21030, column 2, § 1.148–11(j)(5), line 2, the language "*allocations*. This paragraph (j) does not" is corrected to read "*allocations*. Except for purposes of section 149(d(3)(A)(i), this paragraph (j) does not".

37. On page 21030, column 2, § 1.148–11(j)(5), last line, the language "permit re-allocations of the 1980 issue." is corrected to read "permit allocations of the 1980 issue under section 148.".

**§ 1.148–13T [Corrected]**

38. On page 21031, column 1, § 1.148–13T(b)(1), last line of that paragraph, the language "date and" is corrected to read "date; and".

39. On page 21031, column 1, immediately before instructional paragraph 10, a new instructional "**Par. 9A.**" is added to read as follows:

"**Par. 9A.** Section 1.149(d)–1T is removed."

**§ 1.149(d)–1 [Corrected]**

40. On page 21031, column 2, § 1.149(d)–1(d)(2), second line from the bottom of that paragraph, the language "§ 1.148–0T(b)(2)(ii) for bonds to which" is corrected to read "§ 1.148–0(b)(2)(ii) for bonds to which".

41. On page 21031, column 2, immediately before instructional paragraph 11, instructional "**Par. 10A.**" is added to read as follows:

"**Par. 10A.** Sections 1.150–0T and 1.150–1T are removed."

**§ 602.101 [Corrected]**

42. On pages 21632 and 21633, bottom of column 3 and continue on the top of column 1 of the next page, § 602.101(c), the entries in the table are corrected to read as follows:

* * * * *

| CFR part or section where identified and described | Current OMB control number |
|---|---|
| * * * * * | |
| 1 148–1 | 1545–1098 |
| 1 148–2 | 1545–1098 |
| 1 148–3 | 1545–1098 |
| 1.148–4 | 1545–1098 |
| 1 148–5 | 1545–1098 |
| 1 148–6 | 1545–1098 |
| 1 148–7 | 1545–1098 |
| 1 148–8 | 1545–1098 |
| * * * * * | |
| 1-148–11 | 1545–1098 |

| CFR part or section where identified and described | Current OMB control number |
|---|---|
| * * * * * | |

Dale D. Goode,

*Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).*

[FR Doc. 92–23733 Filed 9–29–92; 8:45 am]

BILLING CODE 4830–01–M

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

### 30 CFR Part 243

**RIN 1010–AB13**

## Revision of Regulation Governing Suspension of Decisions and Orders Pending Appeal

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Final rule.

**SUMMARY:** The Minerals Management Service (MMS) of the Department of the Interior is amending its regulations governing administrative appeals from decisions and orders issued by its Royalty Management Program (RMP). The changes eliminate unnecessary steps in the process appellants must undertake to obtain a stay of an appealed MMS decision or order; clarify the administrative appeals process; clarify the requirements for securing unpaid amounts owed the Government pending appeal; and establish a wider range of acceptable surety instruments. The intent and effects of the rule are to reduce administrative burden and costs for both industry and the Federal Government while protecting the interests of Federal and Indian mineral lessors during the pendency of an appeal.

**EFFECTIVE DATE:** September 30, 1992.

**ADDRESSES:** Information on the types of surety instruments and the format for surety instruments may be obtained from the Chief, Accounts Receivable and Followup Section (ARFUS). The address for courier delivery is Chief, ARFUS, Minerals Management Service, Royalty Management Program, Denver Federal Center, Building 85, room A–212, Denver, Colorado 80225, or for U.S. Postal Service delivery is Chief, ARFUS, Minerals Management Service, Royalty Management Program, P.O. Box 5810, Denver, Colorado 80217. The telephone number is (303) 231–3401, (FTS) 326–3401, or FAX (303) 231–3711.

**FOR FURTHER INFORMATION CONTACT:** Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Minerals Management Service, Royalty Management Program, Denver Federal Center, Building 85, P.O. Box 25165, Mail Stop 3910, Denver, Colorado 80225, at (303) 231–3432 or (FTS) 326–3432.

**SUPPLEMENTARY INFORMATION:** The principal author of this rulemaking is Connie G. Bartram of the Royalty Management Program, Fiscal Accounting Division, Lakewood, Colorado.

### I. Background

In the Notice of Proposed Rulemaking (55 FR 6401, February 23, 1990), MMS explained how RMP issues decisions and orders that are subject to administrative appeal to the Director, MMS, pursuant to 30 CFR part 290 (1990). These decisions and orders relate to royalties and other payments due on oil and gas, geothermal, coal, and other solid mineral leases on Federal and Indian lands. These decisions and orders include orders for payments of royalty deficiencies, rentals, interest, penalties (other than penalties assessed under the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA)), royalty-in-kind contract payments, or other assessments. Some of these decisions or orders are issued by RMP's Royalty Valuation and Standards Division regarding transportation and processing allowances which may be deducted in determining the royalty value of oil, gas, and other minerals produced under Federal and Indian leases. Other decisions and orders are issued by: Fiscal Accounting Division to collect interest and liquidated damages, and to follow-up on delinquent balances; Production Accounting Division to enforce the reporting of production and royalty amounts; and Royalty Compliance Division to collect royalty and other underpayments and enforce access to records required for audit. All of the decisions and orders are necessary to enforce the regulations. In cases where the Director issues or concurs in RMP decisions or orders, an appeal to the Director is precluded (30 CFR 290.2).

The MMS currently has regulations at 30 CFR 243.2 addressing the effectiveness of RMP decisions or orders pending administrative appeal. These regulations provide:

> Compliance with any orders or decisions issued by the Royalty Management Program after August 12, 1983, including payments of additional royalty, rentals, bonuses, penalties or other assessments, shall not be suspended by reason of an appeal having been taken

unless such suspension is authorized in writing by the Director, MMS (or by the Deputy Assistant Secretary for Indian Affairs when Indian lands are involved), and then only upon a determination, at the discretion of the Director, MMS, or Deputy Associate [sic] Secretary for Indian Affairs, that such suspension will not be detrimental to the lessor and upon submission and acceptance of a bond deemed adequate to indemnify the lessor from loss or damage.

At the time the rule was issued in 1984, it was MMS's interpretation that most decisions and orders would not be suspended pending the administrative appeal requested by the appellant. The term "appellant" covers the lessee, payor, reporter, operator, or other party adversely affected by an order or decision issued by MMS. In other words, lessees, payors, reporters, and operators generally were required to pay disputed amounts pending the administrative appeal process, subject to refund if the appellant prevailed. However, in 1986, the Interior Board of Land Appeals (IBLA) construed 30 CFR 243.2 to mean that unless there were special circumstances resulting in detriment to the lessor, the Director was required to stay effectiveness of decisions and orders pending appeal, provided the appellant posted an adequate surety instrument (*Marathon Oil Company*, 90 IBLA 236 (1986)). The MMS has followed IBLA's interpretation since 1986 and, upon request from appellants, has stayed orders that otherwise would have required payment of hundreds of millions of dollars in royalty and other payments during the appeal process. For fluids (oil, gas, and geothermal) leases, the surety instrument is filed with MMS. When coal or other solid mineral leases are involved, the surety instrument held by the Bureau of Land Management (BLM) is increased to cover unpaid royalties, rents, interest, and other mineral-related revenues. Exceptions to this procedure are when BLM has no surety instrument on the lease, the appellant requests to file a separate surety instrument with MMS, or the appellant is not the lessee of record. In these cases, a surety instrument must be provided to MMS pending the appeal. The purpose of this rulemaking is to clarify the regulations regarding suspension of RMP decisions and orders pending appeal.

## II. Comments Received on Proposed Rule

As stated above, MMS published a Notice of Proposed Rulemaking in the **Federal Register** on February 23, 1990 (55 FR 6401). The proposed rule provided for a 60-day public comment period ending on April 24, 1990, which was extended to May 24, 1990, by notice in the **Federal Register** on April 3, 1990 (55 FR 12386). During the comment period, 16 commenters submitted written responses which are addressed in this section. The MMS did not receive comments from State or Indian representatives.

(a) Several commenters declared that the administrative appeals process required by MMS is too long. In this regard, some commenters have suggested that appeals to the Director typically take 6 to 8 months for routine cases and often take 2 to 3 years on complex cases. Also, appeals to IBLA typically take 12 to 18 months for routine cases and as long as 5 years to review some appeals. The commenter concluded that the MMS administrative appeals process is not efficient and is very costly to the appellant because the party is required either to pay the disputed amount and seek a refund without interest if it prevails in the appeal or to pay the cost of a surety instrument that is posted during the appeal process. Consequently, the commenter recommended that MMS amend the existing regulations to provide that if an administrative appeal is brought and not completed in 1 year from the time the lessee's briefing is completed or the parties have jointly agreed to an extension of that time, the appellant can abandon the administrative appeals process without prejudice and seek judicial review.

*Response:* The administrative appeals process is being evaluated to expedite the appeal through the Department. Any changes to the appeals process would need to be made through separate rulemaking and are not a part of this action. Moreover, MMS cannot dictate the IBLA process in these rules; IBLA would need to issue its own regulations establishing time limits. As a result, MMS cannot establish a time period for the total administrative review and the final Department decision.

(b) Several commenters objected to the proposed provision under 30 CFR 243.2(a) (1990) that states:

> Suspension of an order or decision requiring the payment of a specified amount of money shall be contingent upon the appellant's submission within a time period to be prescribed by MMS of an MMS-specified surety deemed adequate to indemnify the lessor from loss or damage * * *.

One of these commenters argued that the preamble to the proposed rulemaking suggests that the suspension pending appeal aspect of the proposal follows the decision in *Marathon Oil Company*, 90 IBLA 236 (1986), yet the total proposal stops well short of the changes in Agency procedures needed.

The commenter further stated that 5 U.S.C. 704 (the Administrative Procedure Act) permits MMS to require administrative appeals, but with the proviso that the action under review be inoperative while the appeal is pending. The commenter maintains that there is no authority that allows MMS to condition administrative appeals by requiring a surety instrument to be posted before an appeal will be considered. The commenter states MMS requires an appellant to take all available administrative appeals but without having the action in dispute stayed, unless an MMS-specified surety instrument is posted, and argues that this procedure is not authorized by the Administrative Procedure Act.

In conclusion, the commenter stated the Secretary of the Interior has the authority, subject to certain well-recognized court-imposed limitations, to require that a party exhaust administrative remedies before seeking judicial review of MMS action. However, if the Secretary elects to exercise that authority, the commenter argues that the Secretary lacks any authority to limit the circumstances under which the effectiveness of an action is suspended pending appeal.

*Response:* The requirement for the appellant to furnish a surety instrument deemed adequate to indemnify the lessor from loss or damage is critical to stay an order or decision requiring payment. The MMS is required to file a quarterly report with the U.S. Department of the Treasury (Treasury) on unpaid accounts receivable amounts and the length of time the amounts have been outstanding. The Treasury reviews the MMS report to determine if MMS' suspended receivables are fully secured, and thereby will indemnify the lessor from loss. The MMS believes the surety instrument procedure does not constitute a final agency action under the Administrative Procedure Act, 5 U.S.C. 704. The commenters provided no legal support for their argument that a requirement to post a surety instrument as a condition to pursuing an administrative appeal makes an intermediate agency action final.

(c) Many commenters objected to the proposed requirements under 30 CFR 243.2(a) that stated:

> If a decision or order does not require payment of a specific amount of money, but requires recalculation of an obligation followed by payment, suspension of the decision or order is contingent upon the appellant's submission, within the time period prescribed by MMS, of an MMS-

specified surety in an amount MMS determines to reasonably approximate the amount deemed to be owed * * *.

The commenters suggested that in situations where MMS believes some systemic problem exists and does not require payment of a specific amount of money, but requires lessee recalculation of its royalty obligation followed by payment, the regulation should be amended to delete the requirement of a surety instrument altogether. Furthermore, the commenter suggests that because restructured accounting requirements are inherently speculative, the imposition of any surety instrument requirements should be postponed until MMS quantifies the amount in dispute.

*Response:* The MMS has reconsidered this provision and amended the final regulations to require a surety instrument only when an order or decision requires the payment of a specified amount of money, including an estimated bill which specifies an amount required to be paid.

(d) Several commenters contended that suspension of an order should be automatic at the time an appeal is filed. In this regard, one commenter stated that MMS should take necessary action to determine whether or not it will allow a stay prior to issuing an order and should include such notice in the order to ensure certainty for the appellant. Also, the commenter claims that such a procedure would prevent wasted effort by the appellant in obtaining a surety instrument for an appeal that is denied. Where a stay is denied, the commenter argues that the appellant should be allowed to bypass the administrative appeals process and seek judicial review, without prejudice, in order to expedite resolution and limit the loss of interest, should the appellant ultimately prevail.

*Response:* The MMS agrees with the comments and has clarified the regulations at 30 CFR 243.2(a), accordingly. The final regulations provide that an order automatically is suspended upon filing the notice of appeal in 30 CFR 290 unless MMS notifies the party at the time of the decision or order that any order will not be suspended. The suspension is conditioned on the provision of an adequate surety instrument, where applicable.

(e) Most of the commenters requested that MMS establish alternate forms of surety instruments under 30 CFR 243.2(b) in addition to those specified in the regulations. The proposed regulations provided:

For purposes of this section, an "MMS-specified surety" means either an MMS-specified "administrative appeal bond" or an MMS-specified "irrevocable letter of credit" * * * The MMS will not accept any other type of surety.

Several commenters believed that MMS should recognize any type of surety instrument that meets the MMS objective of lessor indemnification. Commenters argued that lessees should be given the flexibility to choose a surety instrument type most suitable for their situation. One commenter stated other types of surety instruments are accepted as financial warranties by Government Agencies. For example, the Colorado Board of Reclamation requires for a mining permit any one or more of the following: (1) A surety bond issued by a corporate surety; (2) a letter of credit issued by a bank; (3) a certificate of deposit; (4) a deed of trust as security agreement encumbering real or personal property and creating a lien in favor of the lessor; (5) assurance that a sufficient fund will be created; and (6) a financial statement for the lessee's most recent fiscal year certified by an independent accountant showing evidence of financial stability.

The commenter went on to suggest that other methods could be used where MMS permits an appellant to meet its surety obligation by posting a surety instrument on a case-by-case basis or by posting a single national bond. Also, the commenter believed that the existing lease bonds established by lessees should already be sufficient to cover royalty obligations and no additional surety instrument should be required. As a final recommendation, the commenter urged MMS to extend appellants the flexibility to select from a wider range of surety instrument options.

*Response:* In the preamble to the proposed regulations, MMS stated that it was studying the use of alternative surety instruments and would like comments on the feasibility of establishing interest-bearing escrow accounts at financial institutions, submitting Treasury bonds or notes to be held by MMS, or any other alternatives. The MMS studied various forms of surety instruments including the alternatives suggested in the public comments. Consideration was given to the relative cost to the appellant in obtaining different forms of surety coverage, the importance of the appellant providing a surety instrument timely, the protection afforded to the lessor, and the burden on MMS in administering various types of surety instruments. For example, one surety form MMS studied was interest-bearing Treasury book-entry bonds and notes deposited with the Federal Reserve Bank. After conferring with Federal Reserve Bank officials, MMS is adding Treasury book-entry bonds and notes to 30 CFR 243.2(b).

A surety instrument type that was recommended in the public comments and found to be a workable alternative to the administrative appeal bond and the irrevocable letter of credit was the certificate of deposit. The MMS will accept the certificate of deposit as a surety instrument on the appeal if it is in book-entry form. This type of surety instrument must be issued by an acceptable financial institution, must be interest-bearing, readily available to the appellant, and must afford acceptable protection to the lessor. Accordingly, MMS is adding this form of surety instrument to 30 CFR 243.2(b). However, if either the letter of credit or the certificate of deposit is not issued by a bank with an acceptable bank rating or confirmed by a bank with an acceptable rating, the appellant must submit another surety instrument.

In response to the comment that MMS should allow the appellant to meet its surety obligation on a case-by-case basis or post a single nationwide bond, MMS believes a separate surety instrument is required for each appeal unless the amount under appeal is properly secured by another posted surety instrument. The appellant may post a single administrative bond or letter of credit that covers multiple bills for collection that are under appeal. The single surety instrument must list in detail all bills with the amount. The single surety instrument will be amended annually to either add new bills under appeal or remove bills that have been adjudicated. The single surety instrument will only be updated once a year to minimize the administrative burden to the appellant and MMS. New bills under appeal during the year would require a separate surety instrument until they could be covered by the single surety instrument.

Finally, in response to the comment that existing lease bonds posted by lessees should already be sufficient to cover royalty obligations and no additional surety instrument should be required, the MMS disagrees with the statement for appeal amounts greater than $1,000. The lease bonds for onshore Federal and Indian leases may be insufficient to cover disputed amounts under appeal and may also be used to cover lease reclamation expenses. The Offshore Federal lease bonds are focused on recovery of minimal lease abandonment costs and only nominal amounts of unpaid royalties. Accordingly, the bonds would not be adequate to cover amounts under an

appeal. As a result, MMS has rejected the recommendations to allow existing lease bonds to cover the surety requirement necessary for the appeal, except for minor amounts under appeal of $1,000 or less on fluids (oil, gas, and geothermal) leases. In those cases, MMS, will allow existing lease bonds to cover the surety requirement. For coal and other solid mineral leases, MMS will require that BLM lease surety instruments be increased to cover royalty obligations in accordance with established procedures. In cases where there is no lease surety instrument, or the appellant chooses to provide a separate surety instrument to MMS, or the appellant is not the lessee of record, then an "MMS-specified surety instrument" is required.

(f) One commenter stated that 30 CFR 243.2(c) should be revised to ensure that MMS is required to furnish the amended or updated surety instrument amount to the appellant within a timeframe that would allow the appellant to update the surety instrument. The commenter recommended that MMS should furnish the amended amount to the appellant within 30 days of the expiration date of the surety instrument. This would allow the appellant to complete the administrative processing necessary to meet MMS requirements.

*Response:* The procedure currently used by MMS to update surety instrument amounts is to notify the appellant 45 days prior to the expiration date of the current surety instrument. MMS' notice is not required by the regulations, and its failure to provide the notice will not relieve the appellant of the duty to update its surety instrument. Also, appellants have suggested that an automatic renewal clause in the posted surety instrument would eliminate the burden on the appellant and MMS to meet deadlines to update surety instruments due to expire. The MMS agrees with this initiative and § 243.2(b)(1) requires an automatic renewal clause in new letters of credit and certificates of deposit.

(g) One commenter objected to the proposed requirement under 30 CFR 243.2(d) that stated:

> An appeal from an order or decision requiring payment of money shall be dismissed by the Director, MMS, or the Assistant Secretary for Indian Affairs, if the appellant fails to make the required payment of fails to submit adequate surety * * *. If an appeal is dismissed pursuant to this paragraph, the decision or order shall be deemed final and any monies owed will be due and payable with no further right of administrative review pursuant to 30 CFR part 290 or 43 CFR part 4.

The commenter believed that there would be factual disputes as to whether a particular party failed to make the required payment or failed what constitutes the required payment or adequate surety instrument under the regulation. To be fair to the appellant, the commenter stated that MMS's dismissal of an appeal for failure to prepay should not be foreclosed and the appellant should have the right to appeal the dismissal. It was recommended that the appeal be limited to the question of whether the appellant had failed to make the required payment or to submit an adequate surety instrument.

*Response:* The MMS has reconsidered this issue and determined that the Director generally should continue to consider an administrative appeal even if the appellant fails to provide an adequate surety instrument. However, in such an event, for oil and gas leases MMS may pursue a civil in penalty in accordance with section 109 of FOGRMA, 30 U.S.C. 1719, and MMS regulations at 30 CFR 241.20 and 241.51, for failure to either pay or comply with the regulatory requirement to post an adequate surety instrument in order to obtain suspension of an order. The MMS also will take appropriate enforcement action for coal and other leases not covered by FOGRMA.

(h) Concern was expressed with the proposal under 30 CFR 243.2(e) when Indian lands are involved. In particular, many commenters objected to the discussion in the preamble of the proposed rule that stated:

> A situation where MMS might not stay an order to pay is where an Indian lessor would suffer substantial hardship if payments were not made for an extended period of time. The MMS anticipates that these situations would be unusual.

The commenters concluded that even though the preamble to the proposal states that MMS anticipates that the suspension denial situation would be unusual, the proposed rule itself states no grounds for such a denial. As such, the commenters urged MMS to adopt specific language stating that where an appellant has filed a timely appeal, the MMS will deny suspension only to avoid irreparable harm to the lessor.

*Response:* The MMS agrees with the commenter's recommendation. The final rule in paragraph (d) has been changed to state that MMS or the Deputy Commissioner of Indian Affairs may deny a stay of an order only when an Indian lessor would suffer irreparable harm. The MMS will consult with the BIA, through a mutually agreed-upon process to determine when an Indian lessor would suffer irreparable harm.

(i) Most of the commenters objected to the proposed requirement under 30 CFR 243.2 that stated:

> An MMS order which may be appealed pursuant to 30 CFR part 290 either to the Director, MMS, the Assistant Secretary for Indian Affairs, or the Interior Board of Land Appeals must be appealed in order to exhaust administrative remedies unless the order has been made effective. * * *

One commenter believed that the proposed rule requiring an appellant to exhaust administrative remedies in all circumstances should be eliminated. They argued that it is not the law and has never been the law, and that in *McKart* v. *U.S.* (395 U.S. 194, 89 S. Ct. 1657, 1665 (1969)), the Supreme Court noted that the central purpose of the exhaustion of remedies doctrine is to avoid hindering the judicial review process by failure of the litigant to allow the Agency to make a factual record, or to exercise its discretion or apply its expertise. Furthermore, it argued that courts have refused to require exhaustion of remedies in certain well-established situations, for example: (1) Where the question on appeal is solely one of statutory interpretation; (2) where the administrative process would be futile; (3) where the administrative remedies are inadequate; and (4) where the Agency has had an opportunity to exercise its expertise and has done so.

The commenter recommended that MMS abandon the mandatory exhaustion of remedies portion of the rulemaking and leave administrative appeals a choice wholly up to the appellant. On the other hand, if MMS elects to require the appellant to follow the administrative process before seeking judicial review, MMS should allow certain well-established, court-imposed exceptions

*Response:* The MMS oelieves that the requirement for exhaustion of administrative remedies has resulted in well-considered administrative decision making and has saved substantial time and costs to both Federal courts and litigants in matters which otherwise would have been the subject of extended judicial proceedings. Reversing the longstanding policy on exhaustion of administrative remedies would only burden the courts with many cases which are now resolved at the administrative level. The majority of administrative decisions do not result in actions for judicial review. Therefore, the requirement for exhaustion of administrative remedies will be continued.

The requirement to exhaust administrative remedies has been eliminated already with respect to one royalty-related issue. The Bureau of Land Management (BLM) regulations at 43 CFR 3451.2(e) provide that when BLM gives notice to a coal lessee that its lease terms are being readjusted from a cents-per-ton basis to an ad valorem basis, the readjusted lease terms are effective on the readjustment date even if the lessee appeals the propriety of BLM's readjustment determination through BLM's procedures. Consequently, as of the readjustment date, the lessee is required to pay royalty in accordance with the MMS regulations in 30 CFR part 206 on the value of coal production. If the lessee continues to pay royalty at the cents-per-ton rate and fails to pay royalty in accordance with its readjusted lease terms, and MMS issues an order requiring the lessee to pay the additional royalties, because 43 CFR 3451.2(e) makes the readjustment final, the lessee will not be permitted to appeal or post a surety instrument for the difference in royalties between the cents-per-ton rate and the minimum value required under 30 CFR part 206. However, if the lessee disputes how MMS is calculating value under 30 CFR part 206, it will be permitted to appeal and post a surety instrument with respect to that component of the additional royalty. By way of illustration, assume the cents-per-ton rate was $.50. After readjustment, the lessee fails to pay its additional royalties and MMS orders it to pay its percentage royalty on a value of $16 per ton. The lessee believes the value should only be $15 per ton under 30 CFR part 206. The lessee may appeal to the MMS Director and post a surety instrument only with respect to the dispute between the $15 and $16 value. It must pay the difference between $.50 per ton and the percentage royalty based on a $15 per ton value pending its appeal to the MMS Director. This limitation on what is subject to appeal to the MMS Director is stated in § 243.2(a).

(j) One commenter recommended under 30 CFR 243.3 that the title of Assistant Secretary for Land and Minerals Management be added as an authority that can issue a decision or order which would be a final action for judicial review.

*Response:* The MMS agrees with the comment and the final rule is amended accordingly.

### III. Conclusion

The MMS is amending 30 CFR 243.2 to reflect clearly how RMP decisions and orders will be suspended pending administrative appeal, provided the appeal is timely filed and the appellant submits a surety instrument. Also, in those cases where a surety instrument is not filed, the appellant may be subject to civil penalties for failure to either pay or post the required surety instrument to suspend the decision and order pending administrative appeal. The rule provides that decisions and orders issued by RMP, including, but not limited to, orders for payments of additional royalty, rentals, interest, penalties, royalty-in-kind contract payments, or other assessments, will be suspended by reason of an appeal having been taken pursuant to 30 CFR part 290. Unless the Director, or the Director's delegate, notifies the appellant in writing that the decision or order will not be suspended pending appeal at the time RMP issues the decision or order, it is suspended by reason of an appeal having been taken. Under the final rule, MMS would continue its current practice and stay RMP decisions and orders pending appeal unless there are unusual circumstances. A situation where MMS might not stay an order to pay is where an Indian lessor would suffer irreparable harm if payments were not made for an extended period of time. The MMS anticipates that these situations would be unusual.

The final regulation provides further that suspension of a decision or order requiring the payment of a specified amount of money in excess of $1,000 is contingent upon the appellant's submission, within the time period MMS prescribes, of an MMS-specified surety instrument. For example, an order to a lessee to pay a specified amount of underpaid royalties could not be suspended unless the lessee posted an adequate surety instrument. Of course, an appellant also could pay the disputed amount pending appeal, subject to refund without interest in accordance with MMS refund procedures.

The type of surety instrument that is acceptable depends on what type of lease is involved. In paragraph (b) of § 243.2, MMS defines an "MMS-specified surety instrument" for fluids (oil, gas, and geothermal) leases as including an MMS-specified "administrative appeal bond," an MMS-specified irrevocable letter of credit, Treasury book-entry bonds or notes, and bank book-entry certificates of deposit. An "MMS-specified surety instrument" for coal and other solid mineral leases will continue to be the BLM lease surety instrument which must be increased to cover disputed royalty obligations which are the subject of the appeal, as necessary. The MMS practice of using the BLM surety instrument to suspend MMS decisions and orders pending appeal for other than fluids leases was effective with the December 19, 1988, Memorandum of Understanding between MMS, BLM, and the Bureau of Indian Affairs. The MMS is continuing this practice in the final rule. However, if BLM has no lease surety coverage, or the appellant chooses to provide a separate surety instrument to MMS, or the appellant is not the lessee of record, then an "MMS-specified surety instrument" is required.

The new rule continues the practice of using Form MMS–4326, "administrative appeal bond," as an acceptable surety instrument. The bond must be issued by a qualified surety company approved by the Treasury. Letters of credit are also acceptable. The form used for the letter of credit which is acceptable to MMS may be obtained from the person named in the **FOR FURTHER INFORMATION CONTACT** section of this final rule.

Treasury bonds or notes must be book-entry only. The bank book-entry certificate of deposit must be issued by a financial institution acceptable to MMS.

The MMS has millions of dollars of existing surety instruments. These surety instruments will be accepted until their expiration date at which time they must be updated to comply with the new requirements.

Under the new rules, MMS will accept a single surety instrument that covers multiple amounts under appeal. The surety instrument must be amended annually to either add new amounts or remove amounts that have been adjudicated. New amounts under appeal during each year would require a separate surety instrument until covered by the single surety instrument at the annual amendment.

The "MMS-specified surety instrument" for RMP is subject to approval by the bond-approving officer. The designated bond-approving officer for RMP is the Associate Director for Royalty Management or delegated officials. The MMS will provide the appellants in writing with information and standard forms on "MMS-specified surety instrument" requirements.

To evaluate the adequacy of bank instruments and the financial security provided, MMS has established a procedure to use a bankrating service. The RMP currently uses the Keefe Bankwatch rating service. Acceptable minimum ratings are: "C" for any bank used for surety instruments under $1 million, a "B/C" rating for surety instruments between $1 million and $10

million, and a "B" rating for surety instruments over $10 million. If the bank issuing the surety instrument either does not meet the bankrating level or falls below the rating for the amount of the required coverage, the bank may have an acceptable bank confirm the surety instrument. The appellant may also choose to submit another surety type that is acceptable to MMS. A satisfactory replacement surety instrument must be submitted to MMS after written notice to avoid collection on the existing surety instrument. The MMS will publish a notice in the **Federal Register** when there is a change in the bankrating service used by RMP.

Paragraph § 243.2(c) provides that the bond, letter of credit, Treasury book-entry bond or note, or bank book-entry certificate of deposit must be adequate to cover the amount owed plus interest accrued to date, as well as the estimated interest that will accrue for 1 additional year. The Treasury book-entry bond or note must be for an amount equal to 120 percent of the required surety amount to allow for market fluctuations. If the administrative appeal process continues more than 1 year, then the appellant would be required to increase the amount of the existing surety instrument, extend the surety period, or submit a new surety instrument, as necessary to cover estimated interest that will accrue for 1 additional year. This procedure continues existing MMS practice for appeals applicable to fluids (oil, gas, and geothermal) leases. As explained above, MMS will use existing BLM lease surety instruments for appeals applicable to coal and other solid mineral leases increased to cover royalty obligations, as necessary. These surety instruments must also be increased annually to cover additional interest.

These regulations reaffirm the Department's intent that, in the usual case, a lessee, payor, reporter, operator, or other party receiving an RMP decision or order is required to pursue an administrative appeal before seeking judicial review. Under the Department's rules in 43 CFR 4.21 (1990), RMP decisions or orders on appeal to IBLA are suspended pending review of the matter by IBLA unless other regulations provide otherwise. Paragraph § 243.2(e) provides that generally RMP decisions and orders continue to be suspended pending IBLA review provided the appellant maintains adequate surety coverage. This paragraph applies the surety coverage requirements of § 243.2 to appeals to IBLA. In some situations, as discussed above, the Director could deny a stay pending IBLA administrative review provided that the Director so notifies the appellant in writing. Under paragraph § 243.2(d), if the Director makes a decision or order immediately effective, then the appellant's rights to such further administrative review or judicial review are provided in 43 CFR part 4.

The final rule also adds two new §§ 243.2(e) and 243.2(f) for purposes of clarification and procedural efficiency. The new § 243.2(e) provides that final actions of the Department of the Interior with respect to MMS orders will be suspended pending judicial review under 5 U.S.C. 705 if the plaintiff seeking review submits or maintains a surety instrument in accordance with § 243.2. Thus, the same surety instruments submitted as security pending administrative appeal may be continued in effect for purposes of a suspension pending judicial review. Final actions of the Department within the meaning of this subsection include decisions of the IBLA, decisions of the Assistant Secretary for Land and Minerals Management or the Assistant Secretary for Indian Affairs (which are not appealable to the IBLA), decisions of the Director of the Office of Hearings and Appeals or the Secretary, or MMS decisions or orders which have been made effective pending further administrative appeal under § 243.2(a) where the appellant chooses to seek immediate judicial review rather than to pursue further administrative appeal.

An exception exists for any particular case where the Department may, in view of unusual circumstances, seek to make particular action effective pending judicial review, in which case the Government will notify the court that it will not agree to suspension of the effectiveness of the decision pending judicial review. In that event, the court will determine whether the particular decision will be effective pending review, or be suspended on such conditions as the court may find appropriate.

The new § 243.2(f) sets forth the circumstances under which MMS will seek to collect against the surety instrument. This largely reflects and clarifies existing law. If the MMS Director decides an administrative appeal adversely to the appellant, and the appellant neither pays the amount due nor pursues an appeal to the IBLA (and maintains an adequate surety instrument pending that appeal), the agency will collect against the surety instrument. Similarly, if the IBLA, the Director of the Office of Hearings and Appeals, an Assistant Secretary, or the Secretary decides a case in MMS' favor, and the appellant neither pays the amount due nor seeks judicial review and maintains an adequate surety instrument in effect, the MMS will collect against the surety instrument. Likewise, if a court on judicial review rules in the Department's favor (in a final nonappealable decision) and the appellant/plaintiff fails to pay the amount due, MMS will collect against the surety instrument. Finally, if an appellant fails to increase the amount of the surety instrument as required under § 243.2(c), or otherwise fails to maintain an adequate surety instrument in effect as required by this rule, the agency will collect against the surety instrument.

The MMS is also adding a new 30 CFR 243.3 to restate that recipients of orders generally must exhaust their administrative remedies before seeking judicial review of MMS orders. If the Director pursuant to § 243.2, or if IBLA pursuant to 43 CFR 4.21, denies a suspension of an order pending appeal, then the recipient may seek either further administrative review or immediate judicial review of that order. No further exhaustion of administrative remedies is required. Because orders approved by Secretarial officers also are final actions for the Department, as discussed above, they too are subject to immediate judicial review. However, § 243.3 clarifies that if an MMS order is not a final action, then that order must be appealed administratively before seeking judicial review. This is in accordance with well-established case law and corresponds with IBLA's rules at 43 CFR 4.21(b) (see *McKart* v. *United States*, 395 U.S. 185 (1969)).

## IV. Other Issues

### *(a) Decisions by the Director or Secretarial Officers*

While most RMP decisions and orders are subject to review by the Director and then IBLA, there are exceptions. The regulations at 30 CFR part 290 provide that if the Director issues or expressly approves an RMP decision or order, then the matter is not subject to appeal to the Director and must go to IBLA for administrative review. In those situations, paragraph § 243.2(d)(1) establishes the applicable criteria for suspension of the decision or order pending IBLA review. In those instances where the Director of the Office of Hearings and Appeals or the Secretary takes jurisdiction of an appeal pursuant to 43 CFR 4.5, and grants a further suspension of the effectiveness of the decision or order under review, paragraph (d)(2) establishes the criteria for surety coverage.

Some RMP decisions or orders may be issued or approved by a Secretarial officer such as an Assistant Secretary. In those situations, the decision or order is final for the Department and not subject to administrative review within the Department *(Blue Star, Inc.*, 41 IBLA 333 (1979); *Marathon Oil Co.*, 108 IBLA 177 (1989)). If a lessee or other payor seeks judicial review of such a decision or order, then the stay issue is governed by the Administrative Procedure Act, 5 U.S.C. 704 and 705.

*(b) Indian Leases*

Under the existing rules in § 243.2, suspensions of decisions and orders involving Indian leases are issued by the Deputy Commissioner of Indian Affairs. Because suspensions are now routinely issued, the final rule provides for MMS to suspend decisions or orders involving Indian leases. As noted above, MMS may deny suspension in appropriate circumstances for Indian leases and will continue to consult with the Deputy Commissioner of Indian Affairs on matters involving Indian leases.

**V. Effective Date**

Pursuant to the provisions of 5 U.S.C. 553(d), the Department finds that there is good cause to make this final rule effective on the date of publication. The MMS expects to issue many orders before September 30, 1992, and it will benefit persons who appeal such orders if they can take advantage of the expanded surety instrument provisions of these rules. Also, the new rules will reduce the burdens on appellants by eliminating the requirement to provide surety instruments for appeals of small amounts and eliminating the requirement to provide surety instruments for appeals of certain orders to perform restructured accountings.

**VI. Procedural Matters**

*Executive Order No. 12291 and Regulatory Flexibility Act*

The Department has determined that this document is not a major rule under Executive Order 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The changes included in this rulemaking are clarifying amendments only and not substantive changes. There would be no additional reporting or other requirements from industry because the requirement currently exists in MMS regulations

*Executive Order No. 12630*

The Department certifies that the rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus, a Takings Implication Assessment need not be prepared pursuant to Executive Order 12630, "Government Action and Interference with Constitutionally Protected Property Rights."

*Executive Order 12778*

The Department has certified to the Office of Management and Budget that these final regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order 12778.

*Paperwork Reduction Act of 1980*

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

*National Environmental Policy Act of 1969*

The Department has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required under the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

**List of Subjects in 30 CFR Part 243**

Coal, Continental shelf, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas, Petroleum, Public lands—mineral resources.

Dated: November 8, 1991.

**Richard Roldan,**

*Deputy Assistant Secretary, Land and Minerals Management.*

For the reasons set out in the preamble, 30 CFR part 243 is amended as set forth below:

## PART 243—APPEALS, ROYALTY MANAGEMENT PROGRAM

### Subpart A—General Provisions

1. The authority citation for part 243 is revised to read as follows:

**Authority:** 5 U.S.C. 301 et seq.; 25 U.S.C. 396 et seq.; 25 U.S.C. 396a et seq.; 25 U.S.C. 2101 et seq.; 30 U.S.C. 181 et seq.; 30 U.S.C. 351 et seq.; 30 U.S.C. 1001 et seq.; 30 U.S.C. 1701 et seq.; 31 U.S.C. 9701; 43 U.S.C. 1301 et seq.; 43 U.S.C. 1331 et seq.; and 43 U.S.C. 1801 et seq.

2. Section 243.2 is revised to read as follows:

**§ 243.2 Suspension of orders or decisions pending appeal.**

(a) Compliance with any orders or decisions issued by the Royalty Management Program (RMP) of the Minerals Management Service (MMS), including orders for payments of royalty deficiencies (other than orders to pay additional royalties for the difference between a cents-per-ton royalty clause and an ad volorem royalty clause pursuant to the terms of coal leases following readjustment by the Bureau of Land Management (BLM)), rentals, interest, penalties (other than civil penalties provided for under section 109 of the Federal Oil and Gas Royalty Management Act of 1982, 30 U.S.C. 1719, and implemented in 30 CFR 241.51), royalty-in-kind contract payments, or other assessments, shall be suspended by reason of an appeal having been taken pursuant to 30 CFR part 290 unless the Director, MMS, notifies the appellant in writing that the decision or order shall not be suspended pending appeal. Unless the amount under appeal is $1,000 or less, suspension of an order or decision requiring the payment of a specified amount of money shall be contingent upon the appellant's submission within a time period prescribed by MMS of an MMS-specified surety instrument deemed adequate to indemnify the lessor from loss or damage. Nothing in this paragraph shall be construed to prohibit an appellant from paying any demanded amount pending appeal. If the appeal is granted in whole or in part, the appellant will be entitled to a refund of the amount paid, without interest, in accordance with MMS refund procedures.

(b)(1) For purposes of this section, an "MMS-specified surety instrument" for fluids (oil, gas, and geothermal) leases means either: An MMS-specified administrative appeal bond; an MMS-specified irrevocable letter of credit; Treasury book-entry bond or note; or financial institution book-entry certificate of deposit. The "MMS-specified surety instrument" shall be in a form specified by MMS instructions or approved by MMS. A bond must be issued by a qualified surety company which has been approved by the Department of the Treasury. An irrevocable letter of credit or a certificate of deposit must be from a financial institution acceptable to MMS with a minimum 1-year period of coverage subject to automatic renewal up to 5 years. The MMS will use a bankrating service to determine whether a financial institution has an acceptable rating to provide a surety instrument

deemed adequate to indemnify the lessor from loss or damage. The MMS will accept only an "MMS-specified surety instrument" as qualified in this paragraph and in paragraph (c) of this section. The MMS will accept a single surety instrument that covers multiple amounts under appeal. The single surety instrument must be amended annually to either add new amounts or remove amounts that have been adjudicated. New amounts under appeal each year require a separate surety instrument until covered by the single surety instrument during the annual amendment.

(2) For purposes of this section, an "MMS-specified surety instrument" for other than fluids (oil, gas, and geothermal) leases, is the BLM lease surety instrument which must be increased at the request of MMS to cover royalty and interest obligations. However, if BLM has no lease surety instrument coverage, or the appellant chooses to provide a separate surety instrument to MMS, or the appellant is not the lessee of record, then an "MMS-specified surety instrument" in accordance with paragraph (b)(1) of this section is required.

(3) The "MMS-specified surety instrument" for RMP is subject to approval by a bond-approving officer. The designated bond-approving officer for RMP is the Associate Director for Royalty Management or delegated officials. The MMS will provide in writing to the appellant information and standard forms on "MMS-specified surety instrument" requirements.

(c)(1) The amount of the bond, letter of credit, Treasury book-entry bond or note, or financial institution book-entry certificate of deposit will be determined by MMS and will include the principal amount owed plus any accrued interest owed and projected interest for a 1-year period. In the case of Treasury book-entry bonds or notes, the amount must be equal to 120 percent of the required surety amount.

(2) If a decision on the appeal is not made within 1 year from the date the appeal is filed, appellants who submitted a bond shall amend the bond amount to cover additional estimated interest for another 1-year period. Appellants who submitted a letter of credit, a Treasury book-entry bond or note, or a financial institution book-entry certificate of deposit shall submit, at least 10 calendar days prior to the expiration date, a new surety instrument or an amendment to the existing surety instrument for an additional 1-year period of time with an increase in the amount to cover estimated interest for a 1-year period. In all cases, MMS will determine the additional estimated interest and amended surety instrument amount. If a surety instrument is not amended to include the additional interest coverage at least 10 calendar days prior to the expiration date of the surety instrument, MMS may make a demand against and collect from the surety. The collection against the surety will include the principal amount owed plus accrued interest.

(d)(1) An MMS decision or order that is appealed to the Interior Board of Land Appeals pursuant to 30 CFR part 290 and 43 CFR part 4, shall be suspended pending appeal if the appellant submits or maintains a surety instrument in accordance with the provisions of this section, unless the Director or the Deputy Commissioner of Indian Affairs (when Indian lands are involved) notifies the appellant in writing at the time the decision or order is issued that it will not be suspended pending appeal. The Director or the Deputy Commissioner of Indian Affairs may deny suspension of an appeal to avoid irreparable harm to the lessor.

(2) In any case where the Director of the Office of Hearings and Appeals or the Secretary takes jurisdiction of an administrative appeal involving a Royalty Management Program decision or order pursuant to 43 CFR part 4.5 and grants a suspension of effectiveness of the decision or order subject to the submission of an adequate surety instrument, the appellant must maintain that surety instrument in accordance with the requirements of this section.

(e) An Interior Board of Land Appeals decision, other final action of the Department of the Interior regarding a Royalty Management Program decision or order, or a Royalty Management Program decision or order which is made effective pending appeal under paragraph (a), which is the subject of an action for judicial review in a United States District Court of competent jurisdiction will be suspended pending judicial review pursuant to 5 U.S.C. 705 if the plaintiff seeking review submits or maintains a surety instrument in accordance with the provisions of this section, unless the Government notifies the court that it will not agree to a suspension of the effectiveness of the decision or order pending judicial review.

(f) The MMS may initiate collection against a surety instrument if: (1) The MMS Director decides an administrative appeal adversely to the appellant, and the appellant fails either to pay the disputed amount or pursue a further administrative appeal and maintain an adequate surety instrument pending such appeal;

(2) The Interior Board of Land Appeals, the Director of the Office of Hearings and Appeals, an Assistant Secretary, or the Secretary decides an administrative appeal adversely to the appellant, and the appellant fails either to pay the disputed amount or pursue judicial review and maintain an adequate surety instrument pending such judicial review, in accordance with paragraph (e);

(3) A court of competent jurisdiction issues a final nonappealable decision adverse to the appellant/plaintiff and the appellant/plaintiff fails to pay the disputed amount; or

(4) The appellant fails to increase the amount of the surety instrument as required under paragraph (c) or otherwise fails to maintain an adequate surety instrument in effect.

3. A new § 243.3 is added under subpart A to read as follows:

**§ 243.3 Exhaustion of administrative remedies.**

In order to exhaust administrative remedies, a decision or order of MMS' Royalty Management Program must be appealed pursuant to 30 CFR part 290 to the Director (or the Deputy Commissioner of Indian Affairs when Indian lands are involved), and subsequently to the Interior Board of Land Appeals under 30 CFR part 290.7 and 43 CFR part 4 unless the order has been made effective by the Director, or by the Assistant Secretary for Land and Minerals Management, or by the Assistant Secretary for Indian Affairs, or by the Interior Board of Land Appeals pursuant to 43 CFR part 4, as applicable.

[FR Doc. 92-23635 Filed 9-29-92; 8:45 am]
BILLING CODE 4310-MR-M

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## DEPARTMENT OF THE TREASURY

### Fiscal Service

### 31 CFR Part 211

RIN 1510-AA33

## Delivery of Checks and Warrants to Addresses Outside the United States, Its Territories and Possessions

**AGENCY:** Financial Management Service, Fiscal Service, Treasury.

**ACTION:** Final rule; revision.

**SUMMARY:** This final rule revises the regulations governing the delivery of checks outside the United States by removing the reference to the former People's Republic of Albania. With the resumption of diplomatic relations, there is reasonable assurance that payees

residing in Albania will receive and be able to negotiate checks for full value.

**EFFECTIVE DATE:** September 30, 1992.

**FOR FURTHER INFORMATION CONTACT:** William S. Mehr, Chief, Support Service Section, Product Integrity Division, Financial Management Service, Department of the Treasury, Washington, DC 20227, (202) 874–6932.

**SUPPLEMENTARY INFORMATION:** The United States resumed diplomatic relations with the Republic of Albania on March 15, 1991. There is reasonable assurance that payees living in Albania will receive checks or warrants drawn against funds of the United States, its agencies or instrumentalities thereof, and will be able to negotiate the same for full value. For this reason, 31 CFR 211.1(a) is being revised to delete the reference to the People's Republic of Albania.

Because this rule removes a restriction on the delivery of checks and warrants to a foreign country, the Department of the Treasury has determined that nqtice of proposed rulemaking, public procedure and a delayed effective date are not required pursuant to 5 U.S.C. 553(a)(1), 5 U.S.C. 553(b)(B), and 5 U.S.C. 553(d)(1). This rule is not subject to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because no notice of proposed rulemaking is required under 5 U.S.C. 553 or any other law.

Because this rule involves a foreign affairs function of the United States, it is not subject to Executive Order 12291. Accordingly, a regulatory impact analysis is not required.

**List of Subjects in 31 CFR Part 211**

Checks, Foreign banking.

For the reasons set out in the preamble, 31 CFR part 211 is amended as set forth below.

## PART 211—DELIVERY OF CHECKS AND WARRANTS TO ADDRESSES OUTSIDE THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS

1. The authority citation for part 211 continues to read as follows:

**Authority:** 31 U.S.C. 127 and 5 U.S.C. 301.

2. Section 211.1(a) is revised to read as follows:

**§ 211.1 Withholding delivery of checks.**

(a) It is hereby determined that postal, transportation or banking facilities in general or local conditions in the Republic of Cuba, Democratic Kampuchea, the Democratic People's Republic of Korea (North Korea), and the Socialist Republic of Vietnam are such that there is not a reasonable assurance that a payee in those areas will actually receive checks or warrants drawn against funds of the United States, or agencies or instrumentalities thereof, and be able to negotiate the same for full value.

* * * * *

**Russell D. Morris,**

*Commissioner.*

[FR Doc. 92–23559 Filed 9–29–92; 8:45 am]

**BILLING CODE 4810–35–M**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 266

**[EPA/OSW–FR–92; SWH–FRL–4513–9]**

### Burning of Hazardous Waste in Boilers and Industrial Furnaces

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; technical amendments and corrections.

**SUMMARY:** On August 27, 1991 (56 FR 42504) and August 25, 1992 (57 FR 38558), the Environmental Protection Agency (EPA) published several technical amendments, clarifications, and corrections to the final rule for boilers and industrial furnaces burning hazardous waste. Today's notice provides clarifications to the final rule by reinstating language deleted due to an administrative error and corrects two errors appearing in the August 25, 1992 amendments.

**DATES:** The effective dates of the regulations, August 21, 1991 for the regulations published at (56 FR 42504), and August 11, 1992 for the regulations published at (57 FR 38558), remain unchanged. The reinstatement of § 266.103(c) (1) and (3) is effective August 21, 1991. The technical corrections to (57 FR 38558) are effective August 11, 1992.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA Hotline at (800) 424–9346 (toll-free) or (703) 920–9810. For more specific aspects of the rule, contact Shiva Garg, Office of Solid Waste (OS–322W), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, phone (703) 308–8459.

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 27, 1991 at 56 FR 42504, EPA published a final rule that amended 40 CFR part 266 and other regulations. In § 266.103, paragraphs (c)(1) and (c)(3), EPA set out the text only of paragraph (c)(3)(i) and the introductory text of paragraph (c)(1). Due to an administrative error, the amendatory instructions resulted in paragraphs (c)(1) (i) through (xiii) and (c)(3) (ii) and (iii) of § 266.103 being deleted from the 1992 edition of title 40 of the Code of Federal Regulations (40 CFR). This document clarifies that paragraphs (c)(1) (i) through (xiii) and (c)(3) (ii) and (iii) of § 266.103 remain in effect, and are regarded by EPA to have been in effect continuously in the form published in 1991 edition of 40 CFR part 266. The Agency published another final rule at 57 FR 38558 (August 25, 1992) which amended § 266.103(c)(1) again, effective August 11, 1992. These amendments still remain in effect. For the sake of clarity, this document republishes § 266.103(c)(1) in its entirety as it became effective on August 11, 1992 after the last amendments, and § 266.103(c)(3) as it continues to remain in effect from August 21, 1991.

Today's document also corrects two errors in the August 25, 1992 final rule, effective August 11, 1992.

**List of Subjects in 40 CFR Part 266**

Energy, Hazardous waste, Petroleum, Recycling, Reporting and recordkeeping requirements.

Dated: September 21, 1992.

**Don R. Clay,**

*Assistant Administrator for Solid Waste and Emergency Response.*

**A. Technical Corrections**

On August 25, 1992, EPA published several technical clarification amendments and corrections to the final BIF rule. Today's notice corrects two errors published in that notice.

I. In rule document number 92–20202, beginning on page 38558 in the **Federal Register** published on Tuesday, August 25, 1992, the following corrections are made:

**PART 266—[AMENDED]**

1. On page 38566, third column, in line 7 of amendment 11 to Appendix IX of Part 266, change "g/m $^3$" to "$\mu$g/m $^3$".

2. On page 38566, third column, in line 7 of amendment 12 to Appendix IX of Part 266, change "g/m $^3$" to "$\mu$g/m $^3$".

**B. Technical Clarifications**

For the reasons set out in the preamble, 40 CFR part 266 is amended as follows:

## PART 266—STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

I. In part 266:

1. The authority citation for part 266 continues to read as follows:

**Authority:** Sections 1006, 2002(a), 3004, and 3014 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6924, and 6934).

2. As discussed in the preamble, § 266.103, paragraphs (c)(1) and (c)(3) are revised to read as follows:

**§ 266.103 Interim status standards for burners.**

* * * * *

(c) * * *

(1) *Limits on operating conditions.* The owner or operator shall establish limits on the following parameters based on operations during the compliance test (under procedures prescribed in paragraph (c)(4)(iv) of this section) or as otherwise specified and include these limits with the certification of compliance. The boiler or industrial furnace must be operated in accordance with these operating limits and the applicable emissions standards of §§ 266.104(b) through (e), 266.105, 266.106, 266.107, and 266.103(a)(5)(i)(D) at all times when there is hazardous waste in the unit.

(i) Feed rate of total hazardous waste and (unless complying with the Tier I or adjusted Tier I metals feed rate screening limits under § 266.106(b) or (e)), pumpable hazardous waste;

(ii) Feed rate of each metal in the following feedstreams:

(A) Total feedstreams, except that:

(*1*) Facilities that comply with Tier I or Adjusted Tier I metals feed rate screening limits may set their operating limits at the metals feed rate screening limits determined under § 266.106(b) or (e); and

(*2*) Industrial furnaces that must comply with the alternative metals implementation approach under paragraph (c)(3)(ii) of this section must specify limits on the concentration of each metal in the collected particulate matter in lieu of feed rate limits for total feedsteams;

(B) Total hazardous waste feed (unless complying with the Tier I or Adjusted Tier I metals feed rate screening limits under § 266.106(b) or (e)); and

(C) Total pumpable hazardous waste feed (unless complying with the Tier I or Adjusted Tier I metals feed rate screening limits under § 266.106(b) or (e));

(iii) Total feed rate of chlorine and chloride in total feed streams, except that facilities that comply with Tier I or Adjusted Tier I feed rate screening limits may set their operating limits at the total chlorine and chloride feed rate screening limits determined under § 266.107(b)(1) or (e);

(iv) Total feed rate of ash in total feed streams, except that the ash feed rate for cement kilns and light-weight aggregate kilns is not limited;

(v) Carbon monoxide concentration, and where required, hydrocarbon concentration in stack gas. When complying with the CO controls of § 266.104(b), the CO limit is 100 ppmv, and when complying with the HC controls of § 266.104(c), the HC limit is 20 ppmv. When complying with the CO controls of § 266.104(c), the CO limit is established based on the compliance test;

(vi) Maximum production rate of the device in appropriate units when producing normal product, unless complying with the Tier I or Adjusted Tier I feed rate screening limits for chlorine under § 266.107(b)(1) or (e) and for all metals under § 266.106(b) or (e), and the uncontrolled particulate emissions do not exceed the standard under § 266.105;

(vii) Maximum combustion chamber temperature where the temperature measurement is as close to the combustion zone as possible and is upstream of any quench water injection (unless complying with the Tier I or Adjusted Tier I metals feed rate screening limits under § 266.106(b) or (e));

(viii) Maximum flue gas temperature entering a particulate matter control device (unless complying with Tier I or Adjusted Tier I metals feed rate screening limits under § 266.106(b) or (e) and the total chlorine and chloride feed rate screening limits under § 266.107(b) or (e));

(ix) For systems using wet scrubbers, including wet ionizing scrubbers (unless complying with Tier I or Adjusted Tier I metals feed rate screening limits under § 266.106 (b) or (e) and the total chlorine and chloride feed rate screening limits under § 266.107(b)(1) or (e)):

(A) Minimum liquid to flue gas ration;

(B) Minimum scrubber blowdown from the system or maximum suspended solids content of scrubber water; and

(C) Minimum pH level of the scrubber water;

(x) For systems using venturi scrubbers, the minimum differential gas pressure across the venturi (unless complying with the Tier I or Adjusted Tier I metals feed rate screening limits under § 266.106(b) or (e) and the total chlorine and chloride feed rate screening limits under § 266.107(b)(1) or (e));

(xi) For systems using dry scrubbers (unless complying with the Tier I or Adjusted Tier I metals feed rate screening limits under § 266.106(b) or (e) and the total chlorine and chloride feed rate screening limits under § 266.107(b)(1) or (e)):

(A) Minimum caustic feed rate; and

(B) Maximum flue gas flow rate;

(xii) For systems using wet ionizing scrubbers or electrostatic precipitators (unless complying with the Tier I or Adjusted Tier I metals feed rate screening limits under § 266.106(b) or (e) and the total chlorine and chloride feed rate screening limits under § 266.107(b)(1) or (e)):

(A) Minimum electrical power in kilovolt amperes (kVA) to the precipitator plates; and

(B) Maximum flue gas flow rate;

(xiii) For systems using fabric filters (baghouses), the minimum pressure drop (unless complying with the Tier I or Adjusted Tier I metal feed rate screening limits under § 266.106(b) or (e) and the total chlorine and chloride feed rate screening limits under § 266.107(b)(1) or (e)).

* * * * *

(3) *Compliance testing.*—(i) *General.* Compliance testing must be conducted under conditions for which the owner or operator has submitted a certification of precompliance under paragraph (b) of this section and under conditions established in the notification of compliance testing required by paragraph (c)(2) of this section. The owner or operator may seek approval on a case-by-case basis to use compliance test data from one unit in lieu of testing a similar onsite unit. To support the request, the owner or operator must provide a comparison of the hazardous waste burned and other feedstreams, and the design, operation, and maintenance of both the tested unit and the similar unit. The Director shall provide a written approval to use compliance test data in lieu of testing a similar unit if he finds that the hazardous wastes, the devices, and the operating conditions are sufficiently similar, and the data from the other compliance test is adequate to meet the requirements of § 266.103(c).

(ii) *Special requirements for industrial furnaces that recycle collected PM.* Owners and operators of industrial furnaces that recycle back into the furnace particulate matter (PM) from the air pollution control system must comply with one of the following procedures for testing to determine compliance with the metals standards of § 266.106(c) or (d):

(A) The special testing requirements prescribed in "Alternative Method for Implementing Metals Controls" in appendix IX of this part; or

(B) Stack emissions testing for a minimum of 6 hours each day while hazardous waste is burned during

interim status. The testing must be conducted when burning normal hazardous waste for that day at normal feed rates for that day and when the air pollution control system is operated under normal conditions. During interim status, hazardous waste analysis for metals content must be sufficient for the owner or operator to determine if changes in metals content may affect the ability of the facility to meet the metals emissions standards established under § 266.106(c) or (d). Under this option, operating limits (under paragraph (c)(1) of this section) must be established during compliance testing under paragraph (c)(3) of this section only on the following parameters:

(*1*) Feed rate of total hazardous waste;

(*2*) Total feed rate of chlorine and chloride in total feed streams;

(*3*) Total feed rate of ash in total feed streams, except that the ash feed rate for cement kilns and light-weight aggregate kilns is not limited;

(*4*) Carbon monoxide concentration, and where required, hydrocarbon concentration in stack gas;

(*5*) Maximum production rate of the device in appropriate units when producing normal product; or

(C) Conduct compliance testing to determine compliance with the metals standards to establish limits on the operating parameters of paragraph (c)(1) of this section only after the kiln system has been conditioned to enable it to reach equilibrium with respect to metals fed into the system and metals emissions. During conditioning, hazardous waste and raw materials having the same metals content as will be fed during the compliance test must be fed at the feed rates that will be fed during the compliance test.

(iii) *Conduct of compliance testing.* (A) If compliance with all applicable emissions standards of §§ 266.104 through 266.107 is not demonstrated simultaneously during a set of test runs, the operating conditions of additional test runs required to demonstrate compliance with remaining emissions standards must be as close as possible to the original operating conditions.

(B) Prior to obtaining test data for purposes of demonstrating compliance with the applicable emissions standards of §§ 266.104 through 266.107 or establishing limits on operating parameters under this section, the facility must operate under compliance test conditions for a sufficient period to reach steady-state operations. Industrial furnaces that recycle collected particulate matter back into the furnace and that comply with paragraphs (c)(3)(ii)(A) or (B) of this section, however, need not reach steady state conditions with respect to the flow of metals in the system prior to beginning compliance testing for metals.

(C) Compliance test data on the level of an operating parameter for which a limit must be established in the certification of compliance must be obtained during emissions sampling for the pollutant(s) (i.e., metals, PM, HCl/$Cl_2$, organic compounds) for which the parameter must be established as specified by paragraph (c)(1) of this section.

* * * * *

[FR Doc. 92-23601 Filed 9-29-92; 8:45 am]

BILLING CODE 6560-50-M

## GENERAL SERVICES ADMINISTRATION

### 41 CFR Part 302-6

[FTR Amendment 27]

RIN 3090-AE69

### Federal Travel Regulation; Increase in Maximum Reimbursement Limitations for Real Estate Sale and Purchase Expenses

**AGENCY:** Federal Supply Service, GSA.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Federal Travel Regulation (FTR) to increase the maximum dollar limitations on reimbursement for allowable real estate sale and purchase expenses incident to a change of official station. Section 5724a(a)(4)(B) of title 5, United States Code requires that the dollar limitations be updated effective October 1 of each year based on the percent change, if any, in the Consumer Price Index for All Urban Consumers, United States City Average, Housing Component, for December of the preceding year over December of the second preceding year. This final rule will have a favorable impact on Federal employees authorized to relocate in the interest of the Government since it increases relocation allowance maximums.

**EFFECTIVE DATE:** This final rule is effective October 1, 1992, and applies to employees whose effective date of transfer is on or after October 1, 1992. For purposes of this regulation, the effective date of transfer is the date on which the employee reports for duty at the new official station.

**FOR FURTHER INFORMATION CONTACT:** Robert A. Clauson,Transportation Management Division (FBX), Washington, DC 20406,telephone FTS or commercial (703) 305-5253.

**SUPPLEMENTARY INFORMATION:** This final rule makes the annual adjustment to the maximum reimbursement limitations for the sale and purchase of an employee's residence when the employee transfers in the interest of the Government. The total amount of expenses that may be reimbursed in connection with the sale of a residence shall not exceed 10 percent of the actual sale price or $20,799, whichever is the lesser amount. The total amount of expenses that may be reimbursed in connection with the purchase of a residence shall not exceed 5 percent of the purchase price or $10,399, whichever is the lesser amount.

The General Services Administration (GSA) has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

**List of Subjects in 41 CFR Part 302-6**

Government employees, Relocation allowances and entitlements, Transfers.

For the reasons set out in the preamble, 41 CFR part 302-6 is amended to read as follows:

## PART 302-6—ALLOWANCE FOR EXPENSES INCURRED IN CONNECTION WITH RESIDENCE TRANSACTIONS

1. The authority citation for part 302-6 continues to read as follows:

Authority: 5 U.S.C. 5721-5734; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13747, 3 CFR, 1971-1975 Comp., p. 586.

**§ 302-6.2 [Amended]**

2. Section 302-6.2 is amended by removing the amount "$20,115" in paragraph (g)(1), and adding in its place the amount "$20,799"; and by removing the amount "$10,057" in paragraph (g)(2) and adding in its place the amount "$10,399".

Dated: August 26, 1992.

**Richard G. Austin,**

*Administrator of General Services.*

[FR Doc. 92-23552 Filed 9-29-92; 8:45 am]

BILLING CODE 6820-24-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[MM Docket No. 90-651; RM-7544]**

### Radio Broadcasting Services; Bald Knob and Clarendon, AR

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** On reconsideration, the Commission grants the request of John Paul Capps and Elizabeth Capps, d/b/a Capps Radio Company, to substitute Channel 296C3 for Channel 296A at Bald Knob, Arkansas, and modify the license for Station KKSY(FM), as requested. Additionally, in order to accommodate the modification at Bald Knob, Channel 281A is substituted for Channel 297A at Clarendon Arkansas, and the construction permit issued to B & H Broadcasting Co. for Station KXRC(FM) is modified accordingly. The proposal was previously denied based upon the Commission's determination that the proposal would not fully comply with the requirements of Section 73.315 of its Rules. See 56 FR 66827, December 26, 1991. Coordinates for Channel 296C3 at Bald Knob are 35-11-10 and 91-46-13. Coordinates for Channel 281A at Clarendon are 34-37-19 and 91-22-46. With this action, the proceeding is terminated.

**EFFECTIVE DATE:** November 9, 1992.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Memorandum Opinion and Order, MM Docket No. 90-651, adopted August 31, 1992, and released September 24, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1990 M Street, NW., suite 640, Washington, DC 20036.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

**PART 73—[AMENDED]**

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by removing Channel 297A and adding Channel 296C3 at Bald Knob; and by removing Channel 297A and adding Channel 281A at Clarendon.

Federal Communications Commission.

**Douglas W. Webbink,**

*Chief, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 92-23633 Filed 9-29-92; 8:45 am]

BILLING CODE 6712-01-M

### 47 CFR Part 73

**[MM Docket No. 90-550; RM 7345]**

### Radio Broadcasting Services; Lafayette, LA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Lafayette Joint Venture, substitutes Channel 238C2 for 238A at Lafayette, Louisiana, and modifies its construction permit for Station KRRQ(FM) to specify operation on the higher class channel. See 55 FR 48870, November 23, 1990. Channel 238C2 can be allotted at petitioner's site 24.1 kilometers (15.0 miles) northwest of the community at the following coordinates: 30-21-44 and 92-12-53. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** November 9, 1992.

**FOR FURTHER INFORMATION CONTACT:** Victoria M. McCauley, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 90-550, adopted August 25, 1992, and released September 23, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1990 M Street, N.W., suite 640, Washington, DC 20036.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

**PART 73—[AMENDED]**

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by removing Channel 238A and adding Channel 238C2 at Lafayette.

Federal Communications Commission.

**Michael C. Ruger,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 92-23631 Filed 9-29-92 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### 49 CFR Part 391

### Qualification of Drivers; Vision Waivers

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Extension of waiver application period.

**SUMMARY:** The FHWA announces its decision to extend the time it will accept vision waiver applications from September 21, 1992 to December 31, 1992. This action will allow the agency to enroll a larger number of waived drivers in its research program while affording those drivers an opportunity for continued or enhanced employment. A larger sample size of vision deficient drivers will ensure a desirable level of confidence in the subsequent statistical analysis.

**DATES:** Vision waiver applications must be received on or before December 31, 1992.

**ADDRESSES:** Applications must be submitted to the Vision Waiver Program, 400 Seventh Street, SW., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Mr. Neill L. Thomas or Ms. Sandra L. Zywokarte, (202) 366-2981, Office of Motor Carrier Standards, or Mr. Paul L. Brennan, Office of Chief Counsel, (202) 366-0834, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

**SUPPLEMENTARY INFORMATION:** On March 25, 1992, the FHWA published its notice of intent to accept applications from drivers of commercial motor vehicles (CMV) for waivers of certain vision requirements contained in the Federal Motor Carrier Safety Regulations (FMCSRS). See 57 FR 10295. The public was notified that the FHWA

would accept such applications until September 21, 1992.

The FHWA did not obtain a sufficient number of applications by September 21 to ensure an adequate sample size for the vision waiver research program. The validity of this research effort is directly related to its sample size. The FHWA, therefore, is extending the time it will accept vision waiver applications to December 31, 1992. We believe that this additional time will enable the FHWA to issue a sufficient number of vision waivers necessary to generate statistical data that will produce a desirable level of confidence.

**Authority:** 49 U.S.C. app. 2505; 49 U.S.C. 504 and 3102; 49 CFR 1.48.

Issued on: September 23, 1992.

**T.D. Larson,**

*Administrator.*

[FR Doc. 92–23563 Filed 9–29–92; 8:45 am]

BILLING CODE 4910–22–M

# Proposed Rules

Federal Register
Vol. 57, No. 190
Wednesday, September 30, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 532

**RIN 3206-AF16**

### Prevailing Rate Systems

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Personnel Management is issuing a proposed rule to authorize a special schedule practice for U.S. civil service prevailing rate (wage) employees in the Commonwealth of the Northern Mariana Islands (CNMI)—a practice consistent with the special schedules authorized in the other U.S. insular areas of Guam, Midway, American Samoa, and the U.S. Virgin Islands. No change in pay rates is involved, since the proposed special schedule practice would authorize rates identical to those on the foreign area schedule from which the employees are currently paid. The Department of the Interior, which has four authorized wage positions at the American Memorial Park on Saipan, CNMI, would be assigned lead agency responsibility for establishing and issuing this schedule. This change is necessary because the pay of wage employees in CNMI is now based on the foreign area wage schedule—a schedule no longer applicable since the change in status of CNMI from territory to commonwealth (part of the United States).

**DATES:** Comments must be submitted on or before November 30, 1992.

**ADDRESSES:** Send or deliver comments to Barbara L. Fiss, Assistant Director for Compensation Policy, Personnel Systems and Oversight Group, U.S. Office of Personnel Management, room 6H31, 1900 E Street, NW., Washington, DC 20415.

**FOR FURTHER INFORMATION CONTACT:** Paul Shields, (202) 606-2848.

**SUPPLEMENTARY INFORMATION:** The use of the foreign area schedule to set the wages for these employees dates back to the period when the Northern Mariana Islands were part of the Trust Territory of the Pacific Islands (TTPI), a United Nations Trusteeship administered by the United States. With implementation of the "Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States," the trusteeship agreement was terminated, and in December 1990, the United Nations terminated the TTPI. Under the Covenant, U.S. Federal law applies to CNMI.

This amendment also would put in regulation the entitlement to post differentials for wage employees recruited from outside of the insular area where employed—an entitlement previously described in Federal Personnel Manual Supplement 532-1.

A number of administrative changes in the regulatory descriptions of foreign and insular area special schedules are also included. Specifically, the amended regulations would: (1) Split treatment of the foreign area schedule and the related special schedules into separate sections, (2) adopt the term "insular areas" to cover U.S. territories, possessions, and associated commonwealths (not otherwise surveyed—e.g., Puerto Rico), (3) change "will" to "shall" in § 532.255, (4) delete the production facilitating chart in § 532.255 because that chart is now shown in § 532.263 (production facilitating special schedules), and (5) remove the reference in § 532.259 to the U.S. Virgin Islands transition that ended in fiscal year 1990.

The Federal Prevailing Rate Advisory Committee has reviewed and concurred in these changes.

### Executive Order 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) or Executive Order 12291, Federal Regulation.

### Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would affect only Federal agencies and employees.

### List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Government employees, Wages.

U.S. Office of Personnel Management.

**Douglas A. Brook,**

*Acting Director.*

Accordingly, OPM proposes to amend 5 CFR part 532 as follows:

## PART 532—PREVAILING RATE SYSTEMS

1. The authority for part 532 continues to read as follows:

**Authority:** 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552, Freedom of Information Act, Pub. L. 92-502.

2. Section 532.255 is amended by revising the heading and paragraph (a), removing the word "will" where it appears in the introductory text to paragraph (b) and in paragraphs (c) and (d) and inserting in its place the word "shall", and by revising paragraph (e) to read as follows:

**§ 532.255 Regular appropriated fund wage schedules in foreign areas.**

(a) The Department of Defense shall establish and issue regular appropriated fund wage schedules for U.S. citizens who are employees in foreign areas. These wage schedules shall provide rates of pay for nonsupervisory, leader, supervisory, and production facilitating employees.

* * * * *

(e) Pay schedules for production facilitating positions shall be established in accordance with the table in § 532.263(c) of this subpart.

3. Section 532.259 is revised to read as follows:

**§ 532.259 Special appropriated fund wage schedules for U.S. insular areas.**

(a) Lead agencies shall establish and issue special wage schedules for U.S. civil service wage employees in certain U.S. insular areas. The Department of Defense is the lead agency for Guam, Midway, and the U.S. Virgin Islands. The Department of Transportation is the lead agency for American Samoa. The Department of the Interior is the lead agency for the Commonwealth of the Northern Mariana Islands. These schedules shall provide rates of pay for nonsupervisory, leader, supervisory, and production facilitating employees.

(b) Special schedules shall be established at the same time and with rates identical to the foreign area appropriated fund wage schedules established under § 532.255 of this subpart.

(c) Wage employees recruited from outside the insular area where employed, who meet the same eligibility requirements as those specified for General Schedule employees in § 591.209 of subpart B of part 591, are also paid as a part of basic pay a differential for recruitment and retention purposes. The differential rate shall be that established for General Schedule employees in appendix B of subpart B of part 591 and shall be adjusted effective concurrently with the special schedules.

[FR Doc. 92–23655 Filed 9–29–92; 8:45 am]
BILLING CODE 6325–01–M

## 5 CFR Part 532

**RIN 3620–AF11**

## Prevailing Rate Systems

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing a proposed rule to add San Patricio County, Texas, as an area of application to the Nueces, Texas, Federal Wage System (FWS) Nonappropriated Fund (NAF) wage area for pay-setting purposes. The Department of Navy recently commissioned a Naval Base in Ingelside, Texas. Ingelside Naval Base is located in San Patricio County, which is not currently defined for NAF pay-setting purposes. The intent of this action is to assign San Patricio County to the proper NAF wage area for pay-setting purposes.

**DATES:** Comments must be received on or before October 30, 1992.

**ADDRESSES:** Send or deliver written comments to Barbara L. Fiss, Assistant Director for Compensation Policy, Personnel Systems and Oversight Group, U.S. Office of Personnel Management, room 6H31, 1900 E Street NW., Washington, DC 20415.

**FOR FURTHER INFORMATION CONTACT:** Brenda Roberts (202) 606–2848.

**SUPPLEMENTARY INFORMATION:** The Department of Defense notified OPM that the Department of Navy recently commissioned a Naval Base in Ingelside, Texas, and anticipates hiring FWS NAF employees. The Ingelside Naval Base is located in San Patricio County, which is not currently defined for NAF pay-setting purposes. Navy does not anticipate that the Ingelside Naval Base will employ the minimum of 26 employees required to establish an FWS NAF wage area. Thus, San Patricio County must be defined as an area of application to an existing wage area in accordance with the criteria in § 532.219 of title 5, Code of Federal Regulations.

Geographically, the Ingelside Naval Base in San Patricio County is closest (approximately 10 miles) to the Corpus Christi Naval Air Station in Nueces County, the survey area for the Nueces, Texas, wage area. San Patricio County is also contiguous to Nueces County. The next closest survey area is approximately 140 miles distant in Bexar County, Texas. Transportation facilities and commuting patterns for workers also favor definition to Nueces County rather than to Bexar County. In addition, the Office of Management and Budget has defined San Patricio and Nueces Counties as jointly forming the Corpus Christi, Texas, Metropolitan Statistical Area.

The Federal Prevailing Rate Advisory Committee reviewed this issue and recommended, by consensus, the addition of San Patricio County to the Nueces, Texas, area of application.

### Executive Order 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of Executive Order 12291, Federal Regulation.

### Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would affect only Federal agencies and employees.

### List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Government employees, Wages.

U.S. Office of Personnel Management.

**Douglas A. Brook,**

*Acting Director.*

Accordingly, OPM proposes to amend 5 CFR part 532 as follows:

## PART 532—PREVAILING RATE SYSTEMS

1. The authority citation for part 532 continues to read as follows:

**Authority:** 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552, Freedom of Information Act, Pub. L. 92–502.

2. Appendix D to subpart B is amended by revising the area of application listing for the Nueces, Texas, wage area to read as follows:

**Appendix D to Subpart B of Part 532—Nonappropriated Fund Wage and Survey Areas**

* * * * *

**Texas**

* * *

NUECES

* * *

*Area of Application. Survey area plus:*

Texas:
Bee
Calhoun
Kleberg
San Patricio
Webb

* * * * *

[FR Doc. 92–23658 Filed 9–29–92; 8:45 am]
BILLING CODE 6325–01–M

## DEPARTMENT OF AGRICULTURE

## Packers and Stockyards Administration

## 9 CFR Parts 201 and 203

## Regulations and Policy Statements under the Packers and Stockyards Act: Trade Practices, Scale Test Instructions, Advertising Allowance Guidelines

**AGENCY:** Packers and Stockyards Administration, USDA.

**ACTION:** Proposed rule; review of existing regulations.

**SUMMARY:** The Agency is currently reviewing all regulations and policy statements issued under the provisions of the Packers and Stockyards (P&S) Act. A review of 16 priority regulations and policy statements has been completed. As a result of the priority review, this document proposes to remove six regulations, amend one regulation and one policy statement, and retain seven regulations and one policy statement in their present form.

**DATES:** Comments must be submitted on or before November 30, 1992.

**ADDRESSES:** Comments may be mailed to the Administrator, Packers and Stockyards Administration, room 3039, South Building, U.S. Department of Agriculture, Washington, DC 20250. Comments received may be inspected during normal business hours in the Office of the Administrator.

**FOR FURTHER INFORMATION CONTACT:** Harold W. Davis, Director, Livestock Marketing Division, (202) 720–6951, or Kenneth Stricklin, Packer and Poultry Division, (202) 720–7363.

**SUPPLEMENTARY INFORMATION:** The Agency proposes to remove § 201.64

which prohibits market agencies selling on commission from guaranteeing a price to the livestock consignor. Such guarantees have been considered an unfair and deceptive practice because they cause selling agencies to compete for consignments on the basis of price guarantees instead of usual and customary stockyard services. However, the prohibition against price guarantees restricts the ability of selling agencies to compete with other types of marketing businesses which are not affected by this regulation.

Structural changes in the livestock marketing industry have altered the importance of this regulation. Market agencies selling on commission are only one of several marketing alternatives available to most livestock sellers today. Other alternatives include packer and dealer buying stations and direct purchases by packers, dealers and producers. Removal of § 201.64 will permit selling agencies to compete more effectively in the overall market structure.

Market agencies selling on commission are prohibited from employing packers or persons employed to purchase livestock for a packer by § 201.66. This regulation was intended to prohibit less than arm's length transactions between a packer and selling agency, thereby avoiding any conflict of interest. While this regulation eliminates a potential conflict of interest, it also restricts potential buying power in some instances. Since dealers and order buyers are permitted to be employed by a selling agency, except in key positions, we can see no viable reason to continue to exclude packer employees from employment by a selling agency under similar circumstances. Concerns regarding potential conflicts of interest are addressed under § 201.56 by restricting employment in specific key positions. Further, provisions of the P&S Act which prohibit unfair and deceptive practices would make any unfair advantage gained from such employment unlawful. The Agency proposes to remove § 201.66.

The Agency proposes to remove §§ 201.72–1, 201.78–1, 201.106–1, 201.106–2 of the regulations issued under the P&S Act. These regulations provide detailed procedures and instructions for testing scales subject to the provisions of the P&S Act. They are outdated since National Bureau of Standards (now National Institute of Standards and Technology) Handbook 44, "Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices", has been incorporated in § 201.71. In some instances, these regulations are in conflict with the current requirements. While such instructions, as contained in the regulations, are helpful in assisting subject scale owners to obtain proper and adequate tests of their scales, it is not necessary that such instructions be in the form of regulations.

Under the provisions of § 201.56, market agencies selling on commission are prohibited from purchasing livestock out of consignments for speculative resale. This regulation also specifies conditions under which livestock can be purchased out of consignment to fill orders and requires disclosure to the consignor in such transactions. As proposed herein, § 201.56 would be amended to permit selling agencies, their owners, officers, agents and employees (except specified key employees) to purchase livestock out of consignment for any purpose provided the livestock is first offered for sale in an open, competitive manner to other available buyers. This proposal limits the definition of key employees to the auctioneer, weighmaster and commission salesman. Such key employees will be prohibited from purchasing livestock out of consignment for any purpose for their own account.

The proposed change in § 201.56 will permit selling agencies to market livestock in a manner that best represents the interest of the livestock seller without unnecessarily restricting purchases from consignments. These proposed changes will provide greater flexibility and allow market mechanisms an opportunity to work with less regulatory intervention.

It is also proposed that policy statement § 203.14 be amended. This policy statement serves as a guideline for meat packers with respect to the use of advertising allowances and other promotional services in connection with product marketing. It is recommended that several of the examples used in the guidelines be eliminated to provide clarity and user friendliness. By doing so, the Agency will be consistent with the FTC who amended their guidelines in August 1990 by eliminating several examples of how to implement promotional programs. The guidelines use examples as to how meat packers can either promote products or notify customers of promotions. They do not state the exact manner as to how a packer implements a particular promotional plan. A review of the examples has revealed that, although they have not resulted in needless litigation, they are too complex, too detailed, and too many.

A review of the following regulations and statements of general policy has been completed and it was determined that each should be retained in its present form:

§ 201.11 Suspended registrant, officer, agents, and employees.
§ 201.42 Custodial accounts for trust funds.
§ 201.43 Payment and accounting for livestock and live poultry.
§ 201.67 Packers not to own or finance selling agencies.
§ 201.72 Scales; testing of.
§ 201.97 Annual reports.
§ 201.99 Purchase of livestock by packers on a carcass grade, carcass weight, or grade and weight basis.
§ 203.10 Statement with respect to insolvency; definition of current assets and current liabilities.

In the process of reviewing these regulations, it was determined that they were necessary to the efficient and effective enforcement of the P&S Act and to the orderly conduct of the marketing system. In each instance the regulations were deemed to be fashioned to maximize the benefits to society, and in each instance, the benefits outweigh the enforcement and compliance costs. The absence of any of the regulations would be detrimental to industry and could result in increased litigation. None of the regulations have a significant economic impact or pose a hinderance to economic growth.

The changes proposed in §§ 201.56 and 203.14 do not impose or change any recordkeeping or information collection requirements. Existing requirements in these regulations have been previously approved by OMB under Control No. 0590–0001.

As provided by the Regulatory Flexibility Act, it is hereby certified that these rules will not have a significant economic impact on a substantial number of small entities and a statement explaining the reasons for the certification is set forth in the following paragraph and is being provided to the Chief Counsel for Advocacy of the Small Business Administration.

While these proposed amended rules impact small entities, they will not have a significant economic impact on any entity, large or small. The primary effect of these proposed rules is to remove restrictions which will provide greater flexibility for market mechanisms to work and provide clarity and consistency with other regulations and guidelines. Although the primary effect is to remove restrictions, the proposed changes further restrict purchases by auctioneers, salesmen, and weighmasters to eliminate conflicts of interest in fulfilling their fiduciary

responsibilities in consignment transactions.

These proposed amendments to rules are not major rules for the purposes of E.O. 12291. The proposed amendments do not impose any new paperwork requirements; do not have implications of Federalism under the Criteria of E.O. 12612; and do not impact on family formation under the Criteria of E.O. 12606.

These proposed amendments to rules have been reviewed under Executive Order 12778, Civil Justice Reform. These amendments to rules are not intended to have retroactive effect. These amendments to rules would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with these amendments to rules. Prior to judicial challenge of these amendments to rules, a party must be first found by the Secretary to be in violation of the P&S Act and in violation of the accompanying regulations. Second, the party must appeal that finding and the validity of the regulation to the Secretary in the course of the administrative proceeding. Only after taking these steps, the party may challenge the regulation in a court of competent jurisdiction.

**List of Subjects in 9 CFR Parts 201 and 203**

Advertising allowances, Market Agency employees, Price guarantees, Purchases from consignment, Scale test instructions.

Done at Washington, DC, this 24th day of September 1992.

**Virgil M. Rosendale,**

*Administrator, Packers and Stockyards Administration.*

For reasons set forth in the preamble, the Packers and Stockyards Administration proposes to amend 9 CFR parts 201 and 203 as follows:

1. The authority citation for parts 201 and 203 continues to read as follows:

**Authority:** 7 U.S.C. 204, 228; 7 C.F.R. 2.17(e), 2.56.

## PART 201—[AMENDED]

2. Remove § 201.64.
3. Remove § 201.66.
4. Remove § 201.72–1.
5. Remove § 201.78–1.
6. Remove § 201.106–1.
7. Remove § 201.106–2.
8. Revise § § 201.56 and 203.14 to read as follows:

**§ 201.56 Market agencies selling on commission; purchases from consignment.**

(a) *Livestock to be sold openly at highest available bid.* Every market agency engaged in the business of selling livestock on a commission or agency basis shall sell the livestock consigned to it openly, at the highest available bid, and in such a manner as to best promote the interest of each consignor.

(b) *Purchases from consignment.* No market agency engaged in the business of selling livestock on a commission basis shall purchase livestock from consignments, and no such market agency shall permit its owners, officers, agents, employees or any firm in which such market agency or its owners, officers, agents, or employees have an ownership or financial interest to purchase livestock consigned to such market agency, without first offering the livestock for sale in an open and competitive manner to other available buyers, and then only at a price higher than the highest available bid on such livestock.

(c) *Key employees not to purchase livestock out of consignments.* No market agency engaged in selling livestock on commission shall permit its auctioneers, weighmasters, or salesmen to purchase livestock out of consignment for any purpose for their own account, either directly or indirectly.

(d) *Purchase from consignments: disclosure required.* When a market agency purchases consigned livestock or sells consigned livestock to any owner, officer, agent, employee, or any business in which such market agency, owner, officer, agent, or employee has an ownership or financial interest, the market agency shall disclose on the account of sale the name of the buyer and the nature of the relationship existing between the market agency and the buyer.

(Approved by the Office of Management and Budget under control number 0590–0001)

## PART 203—[AMENDED]

**§ 203.14 Statement with respect to advertising allowances and other merchandising payments and services.**

**The Guidelines**

1. *Who is a customer?* (a) A "customer" is a person who buys for resale directly from the packer, or through the packer's agent or broker; and in addition, a customer is any buyer of the packer's product for resale who purchases from or through a wholesaler or other intermediate reseller.

(Note.—In determining whether a packer has fulfilled its obligations toward its customers, the Packers and Stockyards Administration will recognize that there may be some exceptions to this general definition of "customer." For example, the purchaser of distress merchandise would not be considered a "customer" simply on the basis of such purchase. Similarly, a retailer who purchases solely from other retailers or one who makes only sporadic purchases, or one who does not regularly sell the packer's product or who is a type of retail outlet not usually selling such products will not be considered a "customer" of the packer unless the packer has been put on notice that such retailer is selling its product.)

(b) "Competing customers" are all businesses that compete in the resale of the packer's products of like grade and quality at the same functional level of distribution, regardless of whether they purchase direct from the packer or through some intermediary.

**Example:** A packer sells directly to some independent retailers, sells to the headquarters of chains and of retailer-owned cooperatives, and also sells to wholesalers. The direct-buying independent retailers, the headquarters of chains and of retailer-owned cooperatives, and the wholesalers' independent retailer customers are customers of the packer. Individual retail outlets which are part of the chains or members of the retailer-owned cooperatives are not customers of the packer.

2. *Definition of services.* "Services" are any kind of advertising or promotion of a packer's product, including but not limited to, cooperative advertising, handbills, window and floor displays, demonstrators and demonstrations, customer coupons, and point of purchase activity.

3. *Need for a plan.* If a packer makes payments or furnishes services, it should do so under a plan that meets several requirements. If there are many competing customers to be considered, or if the plan is at all complex, the packer would be well advised to put its plan in writing. The requirements are:

(a) Proportionally equal terms—The payments or services under the plan should be made available to all competing customers on proportionally equal terms. This means that payments or services should be made proportionately on some basis that is fair to all customers who compete in the resale of the packer's products. No single way to achieve the proper proportion is prescribed, and any method that treats competing customers on proportionally equal terms may be used. Generally, this can best be done by basing the payments made or the services furnished on the dollar volume or on the quantity of goods purchased during a specified period. Other methods which are fair to all competing customers are also acceptable.

**Example 1:** A packer may properly offer to pay a specified part (say 50 percent) of the cost of local advertising up to an amount equal to a set percentage (such as 5 percent) of the dollar volume of such purchases during a specified time.

**Example 2:** A packer may properly place in reserve for each customer a specified amount of money for each unit purchased and use it to reimburse those customers for the cost of advertising and promoting the packer's product during a specified time.

**Example 3:** A packer's plan should not provide an allowance on a basis that has rates graduated with the amount of goods

purchased, as for instance, 1 percent of the first $1,000 purchases per month, 2 percent on second $1,000 per month, and 3 percent on all over that.

(b) Packer's duty to inform—The packer should take reasonable action, in good faith, to inform all its competing customers of the availability of its promotional program. Such notification should include all the relevant details of the offer in time to enable customers to make an informed judgment whether to participate. Where such one-step notification is impracticable, the packer may, in lieu thereof, maintain a continuing program of first notifying all competing customers of the types of promotions offered by the packer and a specific source for the customer to contact in order to receive full and timely notice of all relevant details of the packer's promotions. Such notice should also inform all competing customers that the packer offers advertising allowances and/or other promotional assistance that are usable in a practical business sense by all retailers regardless of size. When a customer indicates its desire to be put on the notification list, the packer should keep that customer advised of all promotions available in its area as long as the customer so desires. The packer may make the required notification by any means it chooses; but in order to show later that it gave notice to a certain customer, it is in a better position to do so if it was given in writing or a record was prepared at the time of notification showing date, person notified, and contents of notification.

If more direct methods of notification are impracticable, a packer may employ one or more of the following methods, the sufficiency of which will depend upon the complexity of its own distribution system. Different packers may find that different notification methods are most effective for them:

(1) The packer may enter into contracts with its wholesaler, distributors or other third parties which conform to the requirements of item 5, infra.

(2) The packer may place appropriate announcements on product containers or inside thereof with conspicuous notice of such enclosure on the outside.

(3) The packer may publish notice of the availability and essential features of a promotional plan in a publication of general distribution in the trade.

**Example 1:** A packer has a wholesaler-oriented plan directed to wholesalers distributing its products to retailing customers. It should notify all the competing wholesalers distributing its products of the availability of this plan, but the packer is not required to notify retailing customers.

**Example 2:** A packer who sells on a direct basis to some retailers in an area, and to other retailers in the area through wholesalers, has a plan for the promotion of its products at the retail level. If the packer directly notifies not only all competing direct purchasing retailers but also all competing retailers purchasing through the wholesalers as to the availability, terms and conditions of the plan, the packer is not required to notify its wholesalers.

**Example 3:** A packer regularly engages in promotional programs and the competing customers include large direct purchasing retailers and smaller customers who purchase through wholesalers. The packer may encourage, but not coerce, the retailer purchasing through a wholesaler to designate a wholesaler as its agent for receiving notice of, collecting, and using promotional allowances for the customer. If a wholesaler or other intermediary by written agreement with a retailer is actually authorized to collect promotional payments from suppliers, the packer may assume that notice of and payment under a promotional plan to such wholesaler or intermediary constitutes notice and payment to the retailer.

(A packer should not rely on a written agreement authorizing an intermediary to receive notice of and/or payment under a promotional plan for a retailer if the packer knows, or should know, that the retailer was coerced into signing the agreement. In addition, a packer should assume that an intermediary is not authorized to receive notice of and/or payment under a promotional plan for a retailer unless there is a written authorization signed by such retailer.)

(c) Availability to all competing customers—The plan should be such that all types of competing customers may participate. It should not be tailored to favor or discriminate against a particular customer or class of customers but should, in its terms, be usable in a practical business sense by all competing customers. This may require offering all such customers more than one way to participate in the plan or offering alternative terms and conditions to customers for whom the basic plan is not usable and suitable. The packer should not, either expressly or by the way the plan operates, eliminate some competing customers, although it may offer alternative plans designed for different customer classes. If it offers alternative plans, all of the plans offered should provide the same proportionate equality and the packer should inform competing customers of the various alternative plans.

When a packer, in good faith, offers a basic plan, including alternatives, which is reasonably fair and nondiscriminatory and refrains from taking any steps which would prevent any customer, or class of customers, from participating in its program, it shall be deemed to have satisfied its obligation to make its plan functionally available to all customers, and the failure of any customer or customers to participate in the program shall not be deemed to place the packer in violation of the provisions of the Packers and Stockyards Act.

**Example 1:** A packer offers a plan of short-term store displays of varying sizes, including some which are suitable for each of its competing customers and at the same time are small enough so that each customer may make use of the promotion in a practical business sense. The plan also calls for uniform, reasonable certification of performance by the retailer. Because they are reluctant to process a reasonable amount of paperwork, some small retailers do not participate. This fact is not deemed to place a packer in violation of Item 3(c) and it is under no obligation to provide additional alternatives.

**Example 2:** A packer offers a plan for cooperative advertising on radio, television, or in newspapers of general circulation.[1] Because the purchases of some of its customers are too small, this offer is not "functionally available" to them. The packer should offer them alterative(s) on proportionally equal terms that are usable by them and suitable for their business.

(d) Need to understand terms—In informing customers of the details of a plan, the packer should provide them sufficient information to give a clear understanding of the exact terms of the offer, including all alternatives, and the conditions upon which payment will be made or services furnished.

(e) Checking customer's use of payments—The packer should take reasonable precautions to see that services it is paying for are furnished and also that it is not overpaying for them. Moreover, the customer should expend the allowance solely for the purpose for which it was given. If the packer knows or should know that what it pays or furnishes is not being properly used by some customers, the improper payments or services should be discontinued.[2]

A packer who, in good faith, takes reasonable and prudent measures to verify the performance of its competing customers will be deemed to have satisfied its obligations under the Act. Also, a packer who, in good faith, concludes a promotional agreement with wholesalers or other intermediaries and who otherwise conforms to the standards of Item 5 shall be deemed to have satisfied this obligation. If a packer has taken such steps, the fact that a particular customer has retained an allowance in excess of the cost, or approximate cost if the actual cost is not known, of services performed by the customer shall not alone be deemed to place a packer in violation of the Act.

(When customers may have different but closely related costs in furnishing services that are difficult to determine such as the cost for distributing coupons from a bulletin board or using a window banner, the packer may furnish to each customer the same payment if it has a reasonable relationship to the cost of providing the service or is not grossly in excess thereof.)

4. *Competing customers.* The packer is required to provide in its plan only for those customers who compete with each other in the resale of the packer's products of like grade and quality. Therefore a packer should make available to all competing wholesalers any plan providing promotional payments or services to wholesalers, and similarly should

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[1] In order to avoid the tailoring of promotional programs that discriminate against particular customers or class of customers, the packer in offering to pay allowances for newspaper advertising should offer to pay the same percentage of the cost of newspaper advertising for all competing customers in a newspaper of the customer's choice, or at least in those newspapers that meet the requirements for second-class mail privileges.

[2] The granting of allowances or payments that have little or no relationship to cost or approximate cost of the service provided by the retailer may be considered a violation of section 202 of the Act.

make available to all competing retailers any plan providing promotional payments or services to retailers. With these requirements met, a packer can limit the area of its promotion. However, this section is not intended to deal with the question of a packer's liability for use of an area promotion where the effect may be to injure the packer's competition.

5. *Wholesaler or third party performance of packer's obligations.* A packer may, in good faith, enter into written agreements with intermediaries, such as wholesalers, distributors or other third parties, including promoters of tripartite promotional plans, which provide that such intermediaries will perform all or part of the packer's obligations under this part. However, the interposition of intermediaries between the packer and its customers does not relieve the packer of its ultimate responsibility of compliance with the provisions of the Packers and Stockyards Act. The packer, in order to demonstrate its good faith effort to discharge its obligations under this part, should include in any such agreement provisions that the intermediary will:

(1) Give notice to the packer's customers in conformity with the standards set forth in items 3(b) and (d), supra;

(2) Check customer performance in conformity with the standards set forth in item 3(e), supra;

(3) Implement the plan in a manner which will insure its functional availability to the packer's customers in conformity with the standards set forth in item 3(c), supra (This must be done whether the plan is one devised by the packer itself or by the intermediary for use by the packer's customers.); and

(4) Provide certification in writing and at reasonable intervals that the packer's customers have been and are being treated in conformity with the agreement.

A packer who negotiates such agreements with its wholesalers, distributors or third party promoters will be considered by the Administration to have justified its "good faith" obligations under this section only if it accompanies such agreements with the following supplementary measures: At regular intervals the packer takes affirmative steps to verify that its customers are receiving the proportionally equal treatment to which they are entitled by making spot checks designed to reach a representative cross section of its customers. Whenever such spot checks indicate that the agreements are not being implemented in such a way that its customers are receiving such proportionally equal treatment, the packer takes immediate steps to expand or to supplement such agreements in a manner reasonably designed to eliminate the repetition or continuation of any such discriminations in the future.

Intermediaries, subject to the Packers and Stockyards Act, administering promotional assistance programs on behalf of a packer may be in violation of the provisions of the Packers and Stockyards Act, if they have agreed to perform the packer's obligations under the Act with respect to a program which they have represented to be usable and suitable for all the packer's competing customers if it should later develop that the program was not offered to all or, if offered, was not usable or suitable, or was otherwise administered in a discriminatory manner.

6. *Customer's liability.* A customer, subject to the Packers and Stockyards Act, who knows, or should know, that it is receiving payments or services which are not available on proportionally equal terms to its competitors engaged in the resale of the same packer's products may be in violation of the provisions of the Act. Also, customers (subject to the Packers and Stockyards Act) that make unauthorized deductions from purchase invoices for alleged advertising or other promotional allowances may be proceeded against under the provisions of the Act.

*Example:* A customer subject to the Act should not induce or receive an allowance in excess of that offered in the packer's advertising plan by billing the packer at "vendor rates" or for any other amount in excess of that authorized in the packer's promotion program.

7. *Meeting competition.* A packer charged with discrimination under the provisions of the Packers and Stockyards Act may defend its actions by showing that the payments were made or the services were furnished in good faith to meet equally high payments made by a competing packer to the particular customer, or to meet equivalent services furnished by a competing packer to the particular customer. This defense, however, is subject to important limitations. For instance, it is insufficient to defend solely on the basis that competition in a particular market is very keen, requiring that special allowances be given to some customers if a packer is "to be competitive."

8. *Cost justification.* If is no defense to a charge of unlawful discrimination in the payment of an allowance or the furnishing of a service for a packer to show that such payment or service could be justified through savings in the cost of manufacture, sale, or delivery. (Approved by the Office of Management and Budget under control number 0590–0001)

[FR Doc. 92–23575 Filed 9–29–92; 8:45 am]

BILLING CODE 3410–KD–M

## FEDERAL ELECTION COMMISSION

### 11 CFR Parts 109, 110 and 114

[Notice 1992–16]

### Independent Expenditures; Corporate and Labor Organization Expenditures

**AGENCY:** Federal Election Commission.

**ACTION:** Change in MCFL public hearing time.

**SUMMARY:** On July 29, 1992, the Commission published proposed regulations that would implement the Supreme Court's opinion in *Federal Election Commission* v. *Massachusetts Citizens for Life, Inc.*, 479 U.S. 238 (1986). See 57 FR 33548. The Notice of Proposed Rulemaking announced that a public hearing would be held on October 14 and 15, 1992 at 10 a.m. The Commission has decided to change the starting time for the public hearing to 9:30 a.m. on both days. The additional time is necessary to accommodate all the witnesses who wish to testify.

**DATES:** The Commission will hold the hearing on October 14, 1992 at 9:30 a.m. and on October 15, 1992 at 9:30 a.m.

**ADDRESSES:** The hearing will be held at the Federal Election Commission, Ninth Floor Hearing Room, 999 E Street, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463, (202) 219–3690 or toll free (800) 424–9530.

Dated: September 24, 1992.

**Scott E. Thomas,**

*Vice Chairman, Federal Election Commission.*

[FR Doc. 92–23643 Filed 9–29–92; 8:45 am]

BILLING CODE 6715–01–M

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

### 27 CFR Part 9

[Notice No. 757; 92F–014P]

### Texas High Plains Viticultural Area

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area located in Northwest Texas to be known as "Texas High Plains." This proposal is the result of a petition filed by Clinton M. McPherson of Lubbock, Texas.

ATF believes that the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising allows wineries to designate the specific areas where the grapes used to make the wine were grown and enables consumers to better identify the wines they purchase.

**DATES:** Written comments must be received by November 16, 1992.

**ADDRESSES:** Send written comments to: Chief, Wine and Beer Branch; Bureau of Alcohol, Tobacco and Firearms; P.O. Box 50221; Washington, DC 20091–0221; Attn: Notice No. 757.

**FOR FURTHER INFORMATION CONTACT:** Marjorie D. Ruhf, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226 (202–927–8230).

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in 27 CFR part 4. These regulations allow the establishment of definite American viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin in the labeling and advertising of wine.

On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added a new part 9 to 27 CFR, providing for the listing of approved American viticultural areas. Section 4.25a(e)(1), title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in subpart C of part 9. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

**Petition**

ATF has received a petition from Clinton M. McPherson proposing to establish a viticultural area in the Texas panhandle to be known as "Texas High Plains." The proposed viticultural area contains approximately 8 million acres of flat, intensively cultivated land with cotton, sorghum and wheat the predominant crops, irrigated from the Ogallala aquifer. The elevation is from 3,000 to 4,000 feet above sea level. Vineyards presently occupy approximately 2,000 acres, but the petitioner maintains that there is growing interest in viticulture in the area. There are presently 4 wineries active within the proposed area. Nearly half of all commercial wine grapes grown in Texas are grown in the proposed area. The petitioner states many wines from Texas High Plains grapes are achieving high acclaims in national and international competitions. He attributes the excellent quality to the Texas High Plains' high elevation, cool nights, rich soils, dry, disease free conditions, and constant breezes.

**Evidence of Name**

The petitioner submitted evidence that the name "Texas High Plains" is used to refer to a large portion of the Texas panhandle and that the area specified in the petition is within the larger area locally or nationally known by that name. The evidence includes:

A Texas Highway Department poster which shows a map of the State of Texas, with a shaded area in the northwest portion of the state designated as the Texas High Plains. The east and west boundaries of the shaded area agree with the proposed boundaries, though the shaded area extends further to the north and south than the proposed area.

The Wine Spectator, February 29, 1992, edition contains an article entitled "Dawn of New Texas Wine" which refers to the "High Plains around Lubbock, where many of the best wine grapes grow".

The Texas Monthly, September, 1991, edition describes a vast area in northwest Texas known as the High Plains region.

The Los Angeles Times, June 1, 1987, edition carried an article titled "Texas Wine: Taste it and Believe It" which described several wineries on the "Texas high plains"—Pheasant Ridge and Llano Estacado, both within the proposed area.

Spirit magazine, September, 1986, edition carried an article titled "The Wine Industry—Coming of Age in Texas?" which referred to the High Plains as an area in which the soil would be compatible with European vines.

**Evidence of Boundaries**

Evidence that the boundaries of the proposed area are as specified in the petition includes the following:

The Fall, 1991, Market Report, a publication of the Texas Wine Marketing Research Institute, Texas Tech University, contains a map of the grape growing regions in Texas as broken down by counties. The western boundary agrees with that proposed, but the area shown on the map extends further to the north and slightly further to the east and south.

The 1986–87 Texas Almanac and State Industrial Guide published a map of the "vegetational areas" of Texas, showing the High Plains as a somewhat larger area than the one proposed, interrupted by a strip of "rolling plains" along the northern boundary of the proposed area.

The Texas Water Plan, published by the Texas Water Development Board in November, 1968, contains a map showing Texas climatological divisions, including the High Plains. The eastern boundary agrees with that proposed, but the area shown on the map extends further to the west, north and south.

According to the petitioner, the proposed boundaries omit portions of the larger area known as the "Texas High Plains" because they have been found to be unsuitable for commercial viticulture. The petitioner reports that, over the last 20 years, observers have found that risk of freeze damage became intolerable along the New Mexico border (the western boundary of the proposed area) and to the north of the proposed boundaries. This change in the minimum temperature during winter coincides roughly with the 4,000 foot elevation of these areas, higher than most of the proposed area.

In many of the narrative descriptions and maps submitted with the petition, an escarpment called the "Caprock" is used as the eastern boundary of the Texas High Plains. Since this escarpment is not represented on the U.S.G.S. maps as a single line, the petitioner has selected the 3,000 foot contour line as the eastern boundary for the proposed area. This contour line runs to the west of the escarpment; in some places it appears to be as much as 15 miles to the west.

The southern boundary of the proposed area was chosen by the petitioner because, he states, it corresponds to changes in temperature, soil type and wind which alter the growing conditions significantly. His evidence will be discussed further in the sections on soil and climate.

**Viticultural History**

Records of the Texas Agricultural Experiment Station in Lubbock show studies were done between 1909 and 1937 on the adaptability of many grape cultivars, including *vitis vinifera,* at the station. In the 1950s and '60s, French-American hybrids, American and

vinifera cultivars were planted in research plots at Texas Tech University, also in Lubbock. As a result of this work, commercial viticulture began in the area in 1945, and was expanded in the 1960s and again in 1973. Llano Estacado, the first winery in the area, had its first crush in 1976. Three more wineries have been developed in the Texas High Plains since then: Pheasant Ridge, Teysha and La Escarbada XIT.

In a report on the 1985 Lone Star State Wine Competition, Greater Lubbock, in its November, 1985, issue, noted that wineries within the proposed area won the only gold medal awarded, 60% of the silver medals, and nearly 40% of the bronze medals in the statewide competition. The Los Angeles Times, Monday, June 1, 1987, article, "Texas Wine: Taste It and Believe It" mentioned awards won by Llano Estacado and Pheasant Ridge at the 1986 San Francisco Fair and Wine Competition, competing against nearly 2,000 other wines, "including a bunch from California."

**Geographical Features**

The petitioner provided the following evidence relating to features which he contends distinguish the proposed viticultural area from the surrounding areas:

**Topography**

The petition states that the proposed area is distinguished from the surrounding area in part by its elevation. According to the petitioner, the most pronounced change in terrain occurs at the proposed eastern boundary of the area where an escarpment "provides an east facing wall 200–1,000 feet high along the entire east boundary of the proposed appellation, separating the Texas High Plains from the Rolling Plains to the east." The proposed area is described in the Texas Almanac as the "largest level plain of its kind in the United States." The high plains rise gradually from 3,000 feet in the east to more than 400 feet in spots along the New Mexico border.

Underlying the Texas High Plains is the Ogallala Aquifer. The Texas Almanac notes that this is an important source of irrigation water for crops grown in the area. The area has no major rivers, but there are numerous "playas" (small intermittent lakes) scattered through the area which catch water after rains and allow it to percolate back to the aquifer.

**Soil**

The authors of Our Texas, Ralph W. Steen and Frances Donecker, state that the High Plains were considered a "great American desert," suitable only for grazing, until late in the nineteenth century, when the land was found to be fertile. According to a report on Conservation Tillage issued by the Texas Agricultural Experiment Station (TAES) in July, 1987, soils in the proposed area vary from predominantly brown clay loams with clay textured subsoils in the north to fine sandy loams in the central and southern regions. The Ogallala aquifer, which supports irrigation within the proposed area, ends near the proposed southern boundary. The lack of available groundwater results in soils which are sandy, shallow and highly eroded to the south and east of the proposed area. The petitioner told of one vineyard south of the proposed boundary which was abandoned due to drifting sand.

**Climate**

According to the petitioner, the proposed area is characterized by low annual rainfall, moderate temperature, and variable, but gentle, wind.

According to a report on Irrigation Water Management by the Texas Water Resources Institute in August, 1987, average annual rainfall within the proposed area varies from 14 inches near the western boundary to 20 inches in the east. The report notes that the greatest monthly rainfall in the area occurs between May and September, a fact the petitioner attributes to warm moist air carried into the area from the Gulf of Mexico. This tropical air sometimes brings moderate to heavy thunderstorms with hail and intense winds. According to a chart from TAES, annual precipitation gradually increases to the east of the proposed area, and decreases to the west.

Other charts from TAES compare the annual temperatures in various parts of Texas. Mean annual temperature varies from 58° on the north to 61° on the south of the proposed area, a range which the petitioner claims is important to the quality potential of wine grapes. The proposed viticultural area's coldest temperatures range just above and below 0°, with colder temperatures to the north, and warmer temperatures to the south. According to the petitioner, growers to the north of the proposed boundary have abandoned plantings due to frequent freeze loss.

The petitioner also notes that, due to the low relative humidity on the High Plains, there is a very low incidence of such disease and pest problems as downy mildew, Pierces disease, phylloxera, and black rot, which are found in other parts of Texas.

**Proposed Boundary**

The boundary of the proposed Texas High Plains viticultural area may be found on six United States Geological Survey (U.S.G.S.) maps with a scale of 1:250,000. The boundary is described in § 9.144.

**Executive Order 12291**

It has been determined that this proposed regulation is not a major regulation as defined in Executive Order 12291 and a regulatory impact analysis is not required because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

**Regulatory Flexibility Act**

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required because the proposal, if promulgated as a final rule, is not expected (1) to have secondary, or incidental effects on a substantial number of small entities; or (2) to impose, or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

**Paperwork Reduction Act**

The provisions of the Paperwork Reduction Act of 1980, Public Law 96–511, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this notice of proposed rulemaking because no requirement to collect information is proposed.

**Public Participation**

ATF requests comments from all interested parties. We particularly request comments concerning the name and boundaries of the proposed area. The area described in the petition is very large, but the evidence shows that the name "High Plains" applies to a much larger area which extends beyond the borders of the State of Texas to the west and north, and further south within the State. The use of the name "Texas High Plains" to describe the proposed area is only warranted if there is a

difference in growing conditions which coincides with the political boundaries. We are also concerned that use of the name "Texas High Plains" for a viticultural area which is smaller than the area commonly called by that name may tend to confuse consumers. We request comments as to whether there are areas suitable for viticulture within the larger area known as "Texas High Plains" which would be excluded from the proposed viticultural area. Commenters who believe a potential for confusion exists should suggest alternate names for the proposed area.

Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any comment as confidential. Comments may be disclosed to the public. Any material which a commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure. During the comment period, any person may request an opportunity to present oral testimony at a public hearing. However, the Director reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

**Drafting Information**

The principal author of this document is Marjorie D. Ruhf, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

**List of Subjects in 27 CFR Part 9**

Administrative practices and procedures, Consumer protection, Viticultural areas, and Wine.

**Authority and Issuance**

Title 27, Code of Federal Regulations, part 9, American Viticultural Areas, is amended as follows:

## PART 9—AMERICAN VITICULTURAL AREAS

**Paragraph 1.** The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

**Par. 2.** Subpart C is amended by adding § 9.144 to read as follows:

### Subpart C—Approved American Viticultural Areas

**§ 9.144 Texas High Plains.**

(a) *Name.* The name of the viticultural area described in this section is "Texas High Plains."

(b) *Approved maps.* The appropriate maps for determining the boundary of the Texas High Plains viticultural area are six U.S.G.S. topographical maps of the 1:250,000 scale. They are titled:

(1) "Clovis, New Mexico; Texas" 1954, revised 1973.

(2) "Brownfield, Texas; New Mexico" 1954, revised 1973.

(3) "Hobbs, New Mexico; Texas" 1954, revised 1973.

(4) "Plainview, Texas" 1954, revised 1974.

(5) "Lubbock, Texas" 1954, revised 1975.

(6) "Big Spring, Texas" 1954, revised 1975.

(c) *Boundary.* The Texas High Plains viticultural area is located in Armstrong, Bailey, Borden, Briscoe, Castro, Cochran, Crosby, Dawson, Deaf Smith, Dickens, Floyd, Gaines, Garza, Hale, Hockley, Lamb, Lubbock, Lynn, Motley, Parmer, Randall, Swisher, Terry and Yoakum Counties, Texas. The boundary is as follows:

(1) Beginning on the Hobbs, New Mexico; Texas, map at the intersection of the Texas-New Mexico border and U.S. Route 180 east of Hobbs, New Mexico,

(2) The boundary follows U.S. Route 180 east through Seminole, Texas and onto the Big Spring, Texas, U.S.G.S. map where it intersects with the 3000 foot contour line in the town of Lamesa;

(3) The boundary then follows the 3000 foot contour line in a generally northeasterly direction across the U.S.G.S. maps of Big Spring and Lubbock, Texas

(4) The boundary continues along the 3000 foot contour line onto the map of Plainview, Texas, where it follows a generally northwesterly direction until it intersects with State Highway 217 approximately 12 miles east of Canyon, Texas;

(5) The boundary then follows State Highway 217 west to Canyon, Texas, leaves State Highway 217 and proceeds in a straight line in a northwesterly direction until it intersects with U.S. Route 60, still within Canyon, Texas;

(6) The boundary then follows U.S. Route 60 in a southwesterly direction onto the U.S.G.S. map of Clovis, New Mexico; Texas, where it intersects the Texas-New Mexico border;

(7) The boundary then follows the Texas-New Mexico border south, across the U.S.G.S. map of Brownfield, Texas; New Mexico, to the beginning point on the Hobbs, New Mexico; Texas, U.S.G.S. map.

Approved: September 23, 1992.

**Stephen E. Higgins,**

*Director.*

[FR Doc. 92-23700 Filed 9-29-92; 8:45 am]

BILLING CODE 4810-31-M

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[LA-4-1-5207; FRL-4515-4]**

## Approval and Promulgation of Air Quality Implementation Plans Louisiana; Correction of Deficiencies in VOC RACT Rules

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rulemaking.

**SUMMARY:** This notice proposes to approve the revisions to the State of Louisiana's air quality regulations concerning reasonably available control technology (RACT) for sources emitting volatile organic compounds and recodify the federally-approved State Implementation Plan (SIP) to match the State's regulatory code. This action is necessary for several reasons. First, on May 26, 1988, EPA notified the State of Louisiana that its SIP for attaining the national ambient air quality standard (NAAQS) for ozone was substantially inadequate as it applied to the seven parishes comprising the Baton Rouge ozone nonattainment area: Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee, St. James, and West Baton Rouge. This notice called for the State to correct deficiencies in its Volatile Organic Compound (VOC) RACT rules as they applied to those parishes. Second, on November 8, 1989, EPA notified Louisiana that its ozone SIP was substantially inadequate as it applied to Calcasieu Parish, which comprises the Lake Charles ozone nonattainment area, and also called for the State to correct existing deficiencies in its VOC RACT rules as these applied to Calcasieu Parish. Third, the Clean Air Act, as amended on November 15, 1990, required the State to revise its SIP to correct VOC RACT deficiencies within six months of enactment. Finally, the VOC RACT rules must be recodified to provide consistency between the State's code and the SIP. The effect of today's proposed action will be to correct existing deficiencies in the VOC RACT rules of the Louisiana SIP as required by

EPA notices of deficiency and the Clean Air Act, as amended, and to recodify the VOC RACT rules to conform with the State's code. This action is being taken under section 110 and Part D of the Clean Air Act, as amended by the Clean Air Act Amendments of 1990.

**DATES:** Comments on today's proposed action must be received on or before October 30, 1992.

**ADDRESSES:** Comments should be mailed to Thomas H. Diggs, Chief, Air Planning Section (6T–AP), USEPA Region 6, 1445 Ross Avenue, Dallas, Texas, 75202–2733. Copies of the documents relevant to today's action are available for public inspection during normal business hours at the above location and at the Louisiana Department of Environmental Quality, Air Quality Division, 7290 Bluebonnet Boulevard, Baton Rouge, Louisiana, 70810. Anyone wishing to review these documents at the USEPA office is asked to contact the person named below to schedule an appointment 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** Guy Donaldson at (214) 655–7214.

**SUPPLEMENTARY INFORMATION:** In the Federal Register on November 24, 1987, EPA's Proposed Post-1987 Policy for Ozone and Carbon Monoxide stated that air quality monitors revealed exceedances of the ozone standard in the Baton Rouge area of Louisiana and that a "SIP call" would be issued (See 52 FR 45044). A SIP call is a finding by EPA that the SIP does not provide for attainment by the required date.[1] In a letter dated May 26, 1988 to Governor Buddy Roemer, EPA notified the State of Louisiana that because the Baton Rouge area had failed to attain the NAAQS for ozone by December 31, 1987, as required under section 172 of the Clean Air Act, its SIP was substantially inadequate and would need to be revised. Later on November 8, 1989, EPA notified the State that its SIP as it applied to Calcasieu Parish was substantially inadequate to achieve the ozone NAAQS in that area (i.e., Lake Charles).[2] EPA requested that the State respond to the SIP calls in two phases. Pursuant to the first phase, the State was to: (1) Correct identified deficiencies in the exisiting SIP's VOC regulations; (2) adopt VOC regulations previously required or committed to but never adopted; and (3) update the area's base year emissions inventory. Just as the Post '87 SIP calls were being anticipated, the Louisiana Department of Environmental Quality (LDEQ) recodified its air quality regulations. The bulk of this effort was conditionally approved March 8, 1989, at 54 FR 9783.[3] The VOC RACT rules were not approved as part of the recodification at that time because the majority of the VOC RACT rules as recodified were substantially changed from the rules previously approved as part of the SIP. This is because the State had revised its VOC RACT rules for various reasons, but the revisions had not been incorporated into the federally-approved SIP. Given the discrepancies between the State code and the SIP, EPA decided not to approve the recodification of the VOC RACT rules to avoid confusing the public about which version was part of the federally-approved SIP. Now that the revised language is considered acceptable, EPA is simultaneously approving the substantive revisions and the recodification and will refer to the VOC RACT rules by the recodified designations.

To understand the corrections to the VOC RACT rules, some background on RACT is necessary. The Clean Air Act, as amended in 1977, required that States promulgate rules that require RACT for existing industrial sources that are located in ozone nonattainment areas. EPA has defined RACT as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53761). To help the States develop RACT rules, EPA issued Control Technology Guideline (CTG) documents. The Agency prepared three sets of CTG's covering 24 industrial source categories. These categories included coating operations, stage I vapor control from gasoline service stations, leaks from petroleum refinery equipment, storage of petroleum liquids in tanks, and other activities associated with VOC emissions.

States used the CTG's to develop RACT for VOC sources located in either urban or rural nonattainment areas, "urban" and "rural" being defined by population. Since urban areas were believed to need more controls than rural areas and CTGs were not meant to be all-encompassing, States also had to develop RACT for non-CTG major sources [4] in urban nonattainment areas. For the purposes of the Post '87 SIP calls, East and West Baton Rouge Parishes were urban nonattainment and Ascension, Iberville, Pointe Coupee, St. James and Calcasieu Parishes were rural nonattainment. The distinction between urban and rural does not affect most of these revisions because, generally, Louisiana adopts rules on a statewide basis. But it should be noted that some of the rules do not apply to the same degree in all of the parishes covered by the Post '87 SIP calls.

On May 25, 1988, EPA published a guidance document entitled, "Issues Relating to VOC Regulation Cutpoints, Deficiencies and Deviations" (the Blue Book). This document did not expand or modify existing Federal requirements but provided information to clarify past EPA guidance. The CTGs and the Blue Book were used to identify the deficiencies to be corrected in response to the Post '87 SIP calls. Correction of these deficiencies would provide better enforceability of the VOC RACT rules and a greater degree of equity.

Since the Post '87 SIP calls, Congress amended the Clean Air Act on November 15, 1990. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. Under the amended Act, those areas that were designated nonattainment before enactment of the Amendments, and which retained that designation and were classified as marginal or above as of enactment,[5] were required to meet the section 182(a)(2)(A) RACT fix-up requirement by May 15, 1991. The Baton Rouge and Lake Charles nonattainment areas are classified as serious and marginal, respectively, and therefore, are subject to the RACT fix-up requirement. Under section 182(a)(2)(A), those areas were required to correct RACT as it was required under preamendment

[1] Under the pre-amended Act, section 110(a)(2)(H) provided for a finding by the Administrator that a "plan is substantially inadequate to achieve the [NAAQS]." This provision was carried forth under the amended Act. In addition, section 110(k)(5) of the amended Act reinforces the Agency's authority to make such a finding.

[2] To avoid repetition, hereinafter the Baton Rouge and Lake Charles SIP calls will be referred to as the Post '87 SIP calls.

[3] The conditional approval of the rules has not been changed to final approval because the State still has not submitted changes to correct certain errors in the recodified rules. Also, since the publication of that conditional approval, EPA has found that one rule, previously thought to be unchanged, was changed substantially. The Agency issued a correction to the conditional approval (57 FR 8075, March 6, 1992) to note that the language of the recodified rule in question is not being approved.

[4] Sources that are not the subject of a CTG.

[5] Air monitoring data since the post-87 SIP call indicates that St. James Parish may have attained the NAAQS for ozone. It has retained its nonattainment designation but is classified as incomplete data. Therefore, St. James Parish is not subject to section 182(a)(2)(A) of the amended act. Louisiana will, however, have to correct any deficiencies regarding enforceability of existing rules in order to be redesignated to attainment. See the General Preamble 57 FR 13498, at 13525 (April 16, 1992)

guidance.[6] The Post '87 SIP call letters interpreted that guidance and indicated corrections necessary for specific nonattainment areas.

The Louisiana Department of Environmental Quality (LDEQ) adopted revisions to the VOC RACT rules in a series of actions making revisions to various sections of LAC:33:III: Chapter 1 (pertaining to General Provisions) and Chapter 21 (pertaining to Control of Emissions of Organic Compounds). The first submittal in response to the Post '87 SIP calls, sent to EPA in a letter dated June 13, 1990 [7], contained revisions to Chapter 21 as adopted on January 20 and February 20, 1990. The second submittal from the Governor, dated October 26, 1990, contained further corrections to Chapter 21 as adopted July 20, 1990. A third submittal dated May 9, 1991, contained revisions as adopted by emergency rulemaking procedures on May 1, 1991. A fourth submittal, received May 24, 1991, contained revisions to the VOC regulations adopted by LDEQ on November 20, 1990 and April 20, 1991.

Because LDEQ could not meet the statutory deadline using its regular rulemaking procedures, it resorted to emergency procedures allowed under the State's Administrative Procedures Act (LSA R.S. 49:953(B), 30:2011, and 30:2054) to make final corrections to the VOC RACT rules. These procedures allow rules to be revised without public hearing but limit their effectiveness to 120 days. However, since the rules are only effective for 120 days, LDEQ also used its regular rulemaking process and adopted rules again on July 20, 1991. These regulations were submitted to EPA on March 26, 1992.

The Louisiana emergency measure submitted on May 9, 1991, was not subject to notice and public hearing at the State level. Pursuant to section 110(a)(1) of the Clean Air Act, EPA requires States to submit SIPs and SIP revisions that the State has adopted "after reasonable notice and public hearing." The State cured this defect through its submittal of March 26, 1992. At that time, the State resubmitted the same rule, after it fulfilled the public notice and hearing requirements. Therefore, EPA is proposing to approve these submittals in this action.

At the same time that Louisiana submitted the rules that went through the public participation process, Louisiana resubmitted the recodification of the VOC RACT rules and submitted rules adopting capture efficiency test methods. It was necessary to resubmit the remodified version of the VOC RACT rules (previously submitted on January 6, 1988 but later recalled), to include changes to the State rules that were not included in the SIP and adopted prior to the June 13, 1990 submittal. The recodified VOC RACT rules, first submitted in 1988, serve as the baseline superseding all previous regulation submittals concerning VOC RACT rules.

Louisiana's revised regulations, submitted in response to the Post '87 SIP call letters, also respond to the RACT fix-up requirements of the Clean Air Act, as amended in 1990. Taken together, these submittals meet the requirements of section 182(a)(2)(A) of the amended Act.

The Post '87 SIP calls identified many deficiencies in the Louisiana VOC rules. Certain deficiencies were common to several rules. For example, many rules allowed "State Director's Discretion" to approve alternate methods of compliance. To correct those rules, the State needed to expressly provide that alternate means of compliance require both State and EPA approval. Another correction that was incorporated into many of the rules was the concept of "Once in, Always In." In other words, if a facility's throughput makes it subject to a control requirement at any time, then it is always subject to the control requirement. Finally, provisions for recordkeeping, test methods and monitoring requirements had to be added to improve the enforceability of many of the rules.

This notice contains a capsule description of each rule as it has been revised in its final form. A detailed explanation of the revisions is found in the Technical Support Document (TSD) prepared for this proposed action. A copy of this TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this notice.

LAC:33:III:111. Definitions. This section has been revised to add a definition for Administration Authority*. The asterisk denotes that, both EPA and LDEQ must approve any alternative or equivalent test methods, waivers, monitoring methods, testing and monitoring procedures or other alternative methods of compliance not specified in the rule. Administrative Authority without an asterisk is only used in those rules where the State can retain approval authority. This is the mechanism by which Louisiana has removed the deficiency which had existed with regard to State director's discretion. The definition of VOC was also revised to remove a lower vapor pressure cutoff so that the definition now is consistent with the CAA as interpreted in EPA policy. Definitions were also added for the following terms to improve the enforceability of the rules; coating, miscellaneous metal parts, non-attainment area, and ozone exceedance.

LAC:33:III 2101. Compliance Schedules. This rule was changed to require all facilities to achieve compliance 1 year after becoming affected by a regulation. This is consistent with the CAA as interpreted in EPA's policy to require expeditious compliance.

LAC:33:III 2103. Storage of Volatile Organic Compounds. This rule covers control requirements for VOC storage tanks. Several changes were made to improve enforceability of the rule. First, State director's discretion for the approval of alternate seals was removed. Second, test methods were added for measuring secondary seal gaps and for determining the performance of add-on control devices. Third, the exemption was removed for tanks larger than 420,000 gallons storing crude oil or condensate in nonattainment parishes. Finally, recordkeeping requirements were added for demonstrating continuous compliance for vapor loss control systems.

LAC:33:III 2105. Storage Volatile Organic Compounds (Small Tanks). This section was combined into Section 2103.

LAC:33:III 2107. Volatile Organic Compounds—Loading. This Section deals with the control of VOC emissions during loading tanks, trucks or trailers. The rule was revised to include "once in, always in" requirements. The rule was also clarified to state that the control efficiency of any vapor control device must be at least 90%. A provision was added requiring visual monitoring to detect liquid and vapor leaks and recordkeeping requirements to demonstrate continuous compliance. Test methods were added for determining control device efficiency.

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[6] Among other things, the pre-amendment guidance consists of those portions of the Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); the Bluebook, "Issues Relating to VOC Regulation Cut-points, Deficiencies and Deviations, Clarification to appendix D of November 24, 1987 **Federal Register** Notice" (for which notice of availability was published in the **Federal Register** on May 25, 1988); and the existing CTGs.

[7] EPA has already taken action on a portion of Louisiana's June 13, 1990, submittal. Those portions, Subchapter B, Organic Solvents, Section 2123, paragraphs C.6 and D.3, were approved on September 7, 1990 (55 FR 36811). Louisiana revised these sections pursuant to an Order of the United States District Court for the Western District of Louisiana in the case of *United States* v. *General Motors Corporation*, Civil Action No. CV87-1890S.

LAC:33:III 2109. Oil/Water—Separation. This regulation outlines requirements for single and multiple compartment volatile organic compound water separators. In the Parishes subject to the Post '87 SIP calls, the exemption level was changed so that now VOC/water separators that are minor sources (emit less than 100 tons/yr) are required to have controls. The new exemption level is for separators that process less than 200 gallons/day or materials with a vapor pressure less than 0.5 psia. To improve the enforceability of the regulation, appropriate test methods and recordkeeping requirements were added. Also, director's discretion was removed for the approval of alternate control methods.

LAC:33:III 2111. Pumps and Compressors. This regulations was changed to effect only pumps and compressors handling volatile organic compounds having a true vapor pressure of 1.5 psia. This change was necessary because the definition of VOC was changed to remove the 1.5 psia cutoff.

LAC:33:III 2113. Housekeeping. This is a general provision in the Louisiana regulations to encourage measures to reduce the quantity of VOC emissions through good work practices. It does not arise from any Clean Air Act requirement, but is being approved as part of the SIP for its strengthening effect. The changes added specific requirements for housekeeping and maintenance plans.

LAC:33:III 2115. Waste Gas Disposal. This rule covers the Group III CTG categories of Manufacture of High-density Polyethylene, Polypropylene and Polystyrene Resins, and Air Oxidation Reactors. In addition, the rule covers non-CTG major sources that have waste gas streams. The main changes to this rule were made to improve the enforceability of the rule. They include removal of director's discretion for approval of exemption from the rule or for alternate means of control. Test methods were added for the determination of control device efficiency. Control device monitoring requirements were added so that the continued compliance of the control device will be demonstrated. Recordkeeping provisions were added so that past compliance will be recorded. In addition, recordkeeping requirements for facilities demonstrating exemption from the rule were added. Also, the rule now clearly states that the control requirement for non-halogented waste streams is 95 percent reduction or 50 ppm exhaust concentration, whichever is more stringent.

LAC:33:III 2117. Exemptions. This rule lists compounds that are exempt from the VOC control requirements due to low photochemical reactivity. It was revised to add four compounds to the list; dichlorotriflouroethane (HCFC-123), tetraflouroethane (HFC-134a), dichloroflouroethane (HCFC-141b) and chlorodiflouroethane HCFC-142b). This change was made in response to revisions to the EPA policy on exempt compounds made January 18, 1989 (54 FR 1987) and is in keeping with the EPA definition of VOC promulgated February 3, 1992 (57 FR 3941).

LAC:33:III 2119. Variances. This regulation has provisions to allow variances from the requirements of the regulations. It was revised to show that any variances must be approved by both EPA and LDEQ.

LAC:33:III 2121. Fugitive Emission Control. This regulation sets requirements to control emissions from leaking components in Petroleum Refineries, Synthetic Organic Chemical Manufacturing Industry (SOCMI) plants, and Natural Gas Processing Plants. The emissions are controlled through requiring leak detection and repair (LDAR) programs. Several requirements were added that increased the stringency of these regulations to follow EPA guidelines. The changes included adding quarterly monitoring requirements for valves and pumps in light liquid service and valves in gas service in SOCMI and polymer manufacturing plants. Also, the revisions added a requirement that fugitive leaks detected by sight, sound or smell be repaired immediately regardless of concentration. The applicability of the rule was also expanded to cover the methyl tertiary butyl ether (MTBE) manufacturing industry.

Other changes were made to clarify previously vague areas in the rule for better enforceability. These changes included adding definitions for Inaccessible Valves, Heavy Liquid Service, Light Liquid Service and Light Liquid. Other changes were made to require both EPA and State approval for alternate monitoring plans.

LAC:33:III:2123. Organic Solvents. This regulation contains requirements designed to reduce emissions from solvent-using industries. Extensive changes were made to this regulation to lower exemption limits and improve enforceability. Sources in East and West Baton Rouge Parishes (pre-amendment urban nonattainment areas) that have potential emissions greater than 10 tons/year are now affected by this regulation. In other nonattainment parishes the exemption limit was lowered to 100 lbs/day.

To improve enforceability, "once in, always in" provisions were added. As a result, once a source is subject to the regulations, it is always subject, thereby simplifying applicability determinations. The rule now also explicitly states that the limits on the VOC content of the coatings minus water and exempt solvents. Also, test methods and recordkeeping requirements were added. Control device monitoring requirements were included. The revised regulations now explicitly state that VOC limits are on an as applied basis. Also, exemptions were added for plastisol coatings and for coatings applied to the exterior of fully assembled aircraft.

LAC:33:III:2125. Vapor Degreasers. Extensive revisions were made to this rule which covers regulations for open top vapor degreasers, conveyorized vapor degreasers and cold cleaners. For open top vapor degreasers, the revised regulation now requires either a minimum freeboard ratio of .75, a refrigerated chiller capable of 85% reduction, an enclosed design or control by a carbon adsorber. Numerous requirements were added for safety switches to stop the vaporization of solvent if a malfunction occurs in the degreaser.

For conveyorized degreasers, provisions were added to require that emissions be controlled by either a refrigerated condenser or a carbon adsorber. Various operating practice requirements and shutdown provisions were added in order to limit emissions. Cold cleaners are required by the revisions to have either a freeboard ratio greater than 0.7 or a water cover. This will result in reduced emissions. The applicability of the regulation was revised to cover cold cleaners using solvents with vapor pressures greater than 0.6 psi.

LAC:33:III:2127. Cutback Paving Asphalt. This rule regulates the use of cutback asphalt. The changes that have been made are to require recordkeeping to demonstrate compliance with the rule. Requirements were also added to cover emulsified asphalt to limit the VOC content of these materials.

LAC:33:III:2129. Perchloroethylene Dry Cleaning Systems. This regulation has control requirements to reduce emissions from dry cleaners. The revisions require weekly visual inspections to locate any liquid leaks. Any leaks that are discovered are required to be repaired within 15 working days. Test method and recordkeeping provisions were also added to allow consistent determinations of compliance.

LAC:33:III:2131. Filling of Gasoline Storage Vessels. This rule requires that gasoline storage vessels at service stations be equipped with vapor return lines to return vapors displaced during filling to the delivery vessel. One change that was made to this rule concerned exempting tanks greater than 40,000 gallons in capacity because these tanks are covered under Section 2103 which requires other types of control for these larger tanks. The rule was also revised to lower the exemption level from 500,000 gallons/month to 120,000 gallons/month. The exemption limit for the size of receiving vessels was also lowered from 2000 gallons to 250 gallons. Vapor tightness testing requirements were added and a requirement that any control devices used must achieve 90% control. Appropriate test methods and recordkeeping requirements were also added to the rule.

LAC:33:III:2133. Gasoline Bulk Plants. This regulation was revised to add several provisions to reduce VOC emissions and improve enforceability. The revised regulation includes a requirement that only leak-tight vehicles be serviced. This regulation now requires that all loading and vapor lines be equipped with fittings that close automatically when disconnected. Finally, so that compliance is documented, visual monitoring and recordkeeping requirements were added.

LAC:33:III:2135. Bulk Gasoline Terminals. This regulation was changed for easier enforceability. It was clarified that the exemption level is 20,000 gallons/day averaged over any 30 day period. "Once in always in" requirements were added. An equation for recovery efficiency was added. In addition, the proper test methods were added to provide for consistent testing. Control device efficiency was specified to be 90 percent. The revisions also added a requirement for inspections for visible liquid leaks, visible fumes, or odors resulting from gasoline dispensing. If leaks are observed, loading must be discontinued until the leak is repaired. To document continuing compliance, the revisions require the maintenance of daily records of exhaust gas temperature of direct flame incinerators, and inlet and outlet temperatures of chillers and catalytic incinerators. Also, the breakthrough of volatile organic compounds in a carbon adsorption unit must be recorded.

LAC:33:III.2137. Gasoline Terminal Vapor-Tight Control Procedure. This regulation is designed to prevent vapor leaks from gasoline tank trucks during loading and transport. This is to ensure that vapors collected during unloading at service stations (See 2131) are returned to the gasoline terminal for disposal. The following corrections were made to the regulation. First, the correct test method is now referenced. Second, State director's discretion to allow less frequent than annual monitoring was removed.

LAC:33:III.2139. Refinery Vacuum Producing Systems. This regulation is designed to reduce emissions from steam jet ejectors and mechanical pumps. Emissions are required to be controlled by one of the methods specified in 2115. A, B, and F (Waste Gas Disposal Rule). The rule refers back to 2115 to incorporate the test methods and recordkeeping requirements to aid in enforcement of the regulation.

LAC:33:III.2141. Refinery Unit Turnarounds. This regulation is designed to prevent VOC emissions during refinery process unit turnarounds. One of the main requirements is that vapors released during the depressurization of vessels be collected and controlled by one of the methods in 2115. A, B and F (Waste Gas Disposal) and that records be kept in accordance with 2115.

LAC:33:III.2143. Graphic Arts (Printing) by Rotogravure and Flexographic Process. This regulation is designed to control emissions from the printing industry by reducing the VOC content of inks or the institution of add-on controls. Deficiencies in the regulation were corrected to aid enforcement. One change prohibits cross-line averaging without approval of EPA and the state. The applicability of the regulation was clarified by stating that facilities with the potential to emit more than 100 tons/yr on an uncontrolled basis at full production (8760 hours per year basis) are subject to the regulation. Also, "once in, always in" provisions were added to further clarify applicability. A provision was also added to require continuous monitoring of control device operational parameters. Finally, to ensure consistent enforcement, compliance test methods were added to the rule A recordkeeping section was added, requiring records of testing, control device operating parameters and the solvent content of inks used. Language was also added stating that VOC content must be measured less water and exempt solvents.

LAC:33:III.2145. Pharmaceutical Manufacturing Facilities. This regulation is designed to regulate emissions from the Pharmaceutical Manufacturing industry. The requirements of this regulation were made more stringent by removing the exemption for facilities that emit less than 550 lbs/day of VOC. Now all reactors, distillation operations, crystallizers, centrifuges and vacuum dryers that have a potential to emit, prior to control, more than 15 lbs/day are subject to the requirements. The regulation was also made more stringent to conform to EPA policy by requiring that visible liquid leaks be repaired within 15 days. To ensure continuing compliance, requirements were added for monitors to be maintained to measure and record operational parameters of all control devices. Finally, test methods were added requiring that the appropriate reference methods be used to demonstrate compliance.

Proposed Action: Today's notice proposes to approve revisions to the Louisiana SIP as submitted on June 13, 1990, October 26, 1990, May 24, 1991, and March 26, 1992. These revisions to the VOC RACT rules are proposed as satisfying the requirements of the May 26, 1988 SIP call for the Baton Rouge nonattainment area, the November 8, 1989 SIP call for the Lake Charles nonattainment area and the RACT fix-up requirements of section 182(a)(2)(A) of the amended Act. The proposed recodification meets the requirements of Section 110 and part D of the Clean Air Act, as amended.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S. Ct. 1976); 42 U.S.C. 7410(a)(2).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

**List of Subjects in 40 CFR Part 52**

Air pollution control, Hydrocarbons, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C 7401–7671q.

Dated: September 16, 1992.

**W.B. Hathaway,**

*Acting Regional Administrator.*

[FR Doc. 92–23707 Filed 9–29–92; 8:45 am]

BILLING CODE 6560–50–M

**40 CFR Part 180**

**[OPP–300264; FRL–4162–2]**

**RIN 2070–AC18**

## Glyceryl Behenate; Tolerance Exemption

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes that an exemption from the requirement of a tolerance be established for residues of glyceryl behenate (CAS Reg. No. 18641-57-1) when used as an inert ingredient (adjuvant; encapsulating agent) in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest. This proposed regulation was requested by the Parexel International Corp.

**DATES:** Comments, identified by the document control number [OPP-300264], must be received on or before October 30, 1992.

**ADDRESSES:** By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 1128, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part of all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by the EPA without prior notice. The public docket is available for public inspection in Rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Connie Welch, Registration Support Branch, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 711I, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703) 305-7252.

**SUPPLEMENTARY INFORMATION:** Parexel International Corp., One Alewife Place, Cambridge, MA 02140, submitted pesticide petition (PP) 1E03934 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(e), propose to amend 40 CFR 180.1001(c) by establishing an exemption from the requirement of a tolerance for residues of glyceryl behenate (CAS Reg. No. 18641-57-1) when used as an inert ingredient (adjuvant; encapsulating agent) in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest.

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125, and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

The data submitted in the petition and other relevant material have been evaluated. As part of the EPA policy statement on inert ingredients published in the **Federal Register** of April 22, 1987 (52 FR 13305), the Agency established data requirements which will be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. Exemptions from some or all of the requirements may be granted if it can be determined that the inert ingredient will present minimal or no risk.

The Agency has decided that the data normally required to support the proposed tolerance exemption for glycerol tribehenate will not need to be submitted. The rationale for this decision is described below.

1. Glyceryl behenate is affirmed by the Food and Drug Administration under 21 CFR 184.1328 as generally recognized as safe (GRAS) when added directly to human food.

2. Behenic acid is a minor constituent of most seed and milk fats, and marine animal oils and a major constituent of mustard seed and rape oil.

3. The U.S. Food and Drug Administration has established specifications for the ingredients contained in glyceryl behenate for use in food with no limitation other than current good manufacturing practice under 21 CFR 184.1328.

4. Glyceryl behenate is approved by the U.S. Food and Drug Administration for use as a formulation aid (lubricant for tablets and capsules) as defined in 21 CFR 170.3(o)(14).

Based upon the above information and review of its use, EPA has found that, when used in accordance with good agricultural practice, this ingredient is useful and a tolerance is not necessary to protect the public health. Therefore, EPA proposes that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [OPP-300264]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic on a substantial number of

small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

### List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Recording and recordkeeping requirements.

Dated: September 18, 1992.

**Anne E. Lindsay,**

*Director, Registration Division, Office of Pesticide Programs.*

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

## PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 346a and 371.

2. Section 180.1001(c) is amended by adding and alphabetically inserting the inert ingredient, to read as follows:

**§ 180.1001 Exemptions from the requirement of a tolerance.**

* * * * *

(c)

| Inert ingredients | Limits | Uses |
|---|---|---|
| * * * * * * * | | |
| Glyceryl behenate | | Adjuvant, encapsulating agent |
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[FR Doc. 92-23616 Filed 9-29-92; 8:45 am]

BILLING CODE 6560-50-F

### 40 CFR Part 180

**[PP 9E3768 and 0E3947/P551; FRL-4163-3]**

### Pesticide Tolerance for Oryzalin

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes that tolerances be established for residues of the herbicide oryzalin in or on the raw agricultural commodities guava and papaya. The proposed regulation to establish maximum permissible levels for residues of the herbicide in or on the commodities was requested in petitions submitted by the Interregional Research Project No. 4 (IR-4).

**DATES:** Comments, identified by the document control number [PP 9E3768 and 0E3947/P551], must be received on or before October 30, 1992.

**ADDRESSES:** By mail, submit written comments to: Public Response and Program Resource Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1128, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Hoyt L. Jamerson, Emergency Response and Minor Use Section (H7505C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 718C, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-5310.

**SUPPLEMENTARY INFORMATION:** The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petitions (PP) 9E3768 and 0E3947 to EPA on behalf of the Agricultural Experiment Station of Hawaii. These petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 386a(e), propose the establishment of tolerances for residues of the herbicide oryzalin (3,5-dinitro-$N^4$,$N^4$-dipropylsulfanilamide) in or on the raw agricultural commodities banana and guava (PP OE3947) and papaya (PP 9E3768) at 0.05 part per million (ppm). The petition proposing tolerances for banana and guava (PP 0E3947) was subsequently amended by IR-4 withdrawing, without prejudice to subsequent filing, the proposal for establishment of a tolerance for residues of oryzalin in or on banana.

The petitioner proposed that these uses of oryzalin be limited to Hawaii based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

The data submitted in the petitions and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances include:

1. A 1-year feeding study in rats fed diets containing 300, 900, and 2,700 ppm with a no-observed-effect level (NOEL) of 300 ppm (equivalent to 15 milligrams (mg)/kilogram (kg)/day) based on decreased hematocrit, hemoglobin, and red blood cells.

2. A 1-year feeding study in mice fed diets containing 500, 1,350, and 3,650 ppm with a NOEL of 500 ppm (equivalent to 75 mg/kg/day) based on alterations in hematology and blood chemistry and relative organ weights.

3. A three-generation reproduction study in rats with dosage levels of 250, 750, and 2,250 ppm with a NOEL for reproductive effects greater than 2,250 ppm (equivalent to 112.5 mg/kg/day).

4. A developmental toxicity study in rabbits given gavage doses of 0, 25, 75, and 125 mg/kg/day with maternal and fetotoxic NOEL's of 25 mg/kg/day, and no developmental toxicity observed at any dosage level tested.

5. A developmental toxicity study in rats given gavage doses of 0, 25, 75, and 225 mg/kg/day with no maternal, fetotoxic, or developmental effects observed under the conditions of the study.

6. A battery of mutagenicity tests were all negative under the conditions of the tests and include: an unscheduled DNA synthesis in rat hepatocytes; two dominant lethal assays in rat; and an Ames test (with and without S9 activation) at up to 300 micrograms per plate. A chromatid exchange assay in

Chinese hamster bone marrow was negative orally, and positive when administered by the intraperitoneal route.

7. A 2-year carcinogenicity study in mice fed diets containing 500, 1,350, and 3,650 ppm with a systemic NOEL of 500 ppm (equivalent to 75 mg/kg/day) based on a reduction in uterus and ovary weights. There were no carcinogenic effects observed under the conditions of the study at any dosage level tested.

8. A 2-year feeding/carcinogenicity study in rats fed diets containing 0, 300, 900, and 2,700 ppm with a systemic NOEL of 300 ppm (equivalent to 15 mg/kg/day) based on reduced survival, inhibition of growth, elevated organ weights, increased leukocyte counts, and reduced red blood cell, hemoglobin, and hematocrit levels.

The rat chronic/feeding oncogenicity study demonstrated a dose-related increase in tumors of the thyroid gland, skin, and mammary gland at the 2,700 ppm level, which exceeded the maximum tolerated dose (MTD). Some of the tumors (skin and mammary gland) occurred at the 900-ppm level which did not exceed the MTD. There were also mammary gland tumors at the 300-ppm level. The Agency concluded that there is limited evidence of carcinogenicity for oryzalin in male and female rats. Oryzalin is classified as a Category C carcinogen (a possible human carcinogen). This classification is based on the fact that oryzalin did not produce tumors in more than one species or strain, did not produce tumors in multiple experiments, and did produce tumors to an unusual degree with regard to incidence, tumor site or type, or age of animal at onset.

A carcinogenicity risk assessment for oryzalin has been completed by the Agency based on the available information. The potential carcinogenic risk to the general population from dietary exposure resulting from existing uses of oryzalin is calculated at $8.14 \times 10^{-7}$. The dietary risk assessment is based on a potency estimator ($Q^*$) of $0.13\ (mg/kg/day)^{-1}$ and dietary exposure estimated at 0.000006 mg/kg/day based on the anticipated residue contribution (ARC) from several existing uses. Tolerance level residues, anticipated residues, and percent of crop treated information were used to calculate the ARC for existing uses. The proposed uses would increase potential carcinogenic risk, as calculated by the theoretical maximum residue contribution for the named commodities, by $4.2 \times 10^{-8}$. The estimated carcinogenic risk is calculated at $8.56 \times 10^{-7}$ for existing uses and the proposed uses on guava and papaya.

The nature of the residue is adequately understood for purposes of the proposed tolerances. An adequate analytical method, gas chromatography with electron capture detector, is available for enforcement purposes. The analytical method for enforcing this tolerance has been published in the Pesticide Analytical Manual (PAM), Vol. II. No secondary residues are expected to occur in meat, milk, poultry, or eggs since guava and papaya are not considered livestock feed items.

There are currently no actions pending against the continued registration of this chemical.

EPA issued a proposed rule on oryzalin, amending 40 CFR 180.304 by designating the existing text as paragraph (a) and adding new paragraph (b) providing for regional registration for the commodities green coffee beans and papayas, published in the **Federal Register** of June 20, 1990 (55 FR 25141). This document proposing to revise 40 CFR 180.304 supersedes the proposed rule of June 20, 1990.

Based on the above information considered by the Agency the tolerances established by amending 40 CFR 180.304 would protect the public health. Therefore, it is proposed that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 9E3768 and 0E3947/P551]. All written comments filed in response to these petitions will be available in the Public Response and Program Resources Branch at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

### List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 8, 1992.

Anne E. Lindsay,

*Director, Registration Division, Office of Pesticide Programs.*

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

## PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. By revising § 180.304, to read as follows:

### § 180.304 Oryzalin; tolerances for residues.

(a) Tolerances are established for the combined residues of the herbicide oryzalin (3,4-dinitro-$N^4$,$N^4$-dipropylsulfanilamide) in or on the following raw agricultural commodities:

| Commodity | Parts per million |
|---|---|
| Almond, hulls | 0.05 |
| Avocados | 0.05 |
| Citrus fruits | 0.05 |
| Cottonseed | 0.05 |
| Figs | 0.05 |
| Grain, barley | 0.05 |
| Grain, wheat | 0.05 |
| Kiwifruits | 0.05 |
| Nuts | 0.05 |
| Olives | 0.05 |
| Peas (succulent) | 0.05 |
| Pistachios | 0.05 |
| Pome fruits | 0.05 |
| Pomegranates | 0.05 |
| Potatoes | 0.05 |
| Small fruits | 0.05 |
| Soybeans | 0.1 |
| Stone fruits | 0.05 |

(b) Tolerances with regional registration, as defined in § 180.1(n), are established for residues of oryzalin (3,5-dinitro-$N^4$,$N^4$-dipropylsulfanilamide) in or on the following raw agricultural commodities:

| Commodity | Parts per million |
|---|---|
| Guava | 0.05 |
| Papayas | 0.05 |

[FR Doc. 92-23617 Filed 9-29-92; 8:45 am]
BILLING CODE 6560-50-F

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[MM Docket No. 92-216, RM-8068]**

### Radio Broadcasting Services; Clearwater and Rozel, KS

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Gary Violet proposing the substitution of Channel 254C2 for Channel 254A at Clearwater, Kansas, and modification of the construction permit for Channel 254A to specify operation on the higher class channel. The coordinates for Channel 254C2 at Rozel are 37-23-31 and 97-35-55. To accommodate the upgrade at Clearwater, we shall propose to substitute Channel 235C1 for vacant Channel 254C1 at Rozel, Kansas. The coordinates for Channel 235C1 are 38-13-42 and 99-28-27. There is a site restriction 7 kilometers (4.3 miles) northwest of the community. If no interest is expressed in retaining a channel in the community, we propose to delete Channel 254C1 at Rozel without replacement. We shall propose to modify the construction permit for Channel 254A, Clearwater, in accordance with § 1.420(g) of the Commission's Rules and will not accept competing expressions of interest for the use of the channel or require petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

**DATES:** Comments must be filed on or before November 16, 1992, and reply comments on or before December 1, 1992.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Donald E. Johnson, Blair Joyce & Silva, 1825 K Street, NW., Washington, DC 20006.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 92-216, adopted August 31, 1992, and released September 24, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1990 M Street, NW., suite 640, Washington, DC 20036, (202) 452-1422.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**Michael C. Ruger,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 92-23632 Filed 9-29-92; 8:45 am]
BILLING CODE 6712-01-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### 50 CFR Part 17

**RIN 1018-AB83**

### Endangered and Threatened Wildlife and Plants; Proposed Endangered or Threatened Status for Seven Central Florida Plants

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Service proposes endangered status pursuant to the Endangered Species Act of 1973 as amended (Act) for the following five plants: *Cladonia perforata* (Florida perforate cladonia), *Crotalaria avonensis* (Avon Park harebells), *Nolina brittoniana* (Britton's beargrass), *Polygala lewtonii* (Lewton's polygala), and *Polygonella myriophylla* (sandlace). The Service proposes threatened status for two plants: *Clitoria fragrans* (pigeon wings) and *Eriogonum longifolium* var. *gnaphalifolium* (scrub buckwheat). All seven plants are found in Highlands and Polk Counties in central Florida; four of the species range farther to the north or east, into Hernando, Lake, Osceola, Orange, and Marion Counties. One plant (the lichen) occurs on a barrier island in Okaloosa County, in northwest Florida. Loss of habitat, mainly to citrus groves and residential development, is the primary threat to these species. This proposal, if made final, would extend the Act's protection and recovery provisions to these seven species. The Service seeks data and comments from the public on this proposal.

**DATES:** Comments from all interested parties must be received by November 30, 1992. Public hearing requests must be received by November 16, 1992.

**ADDRESSES:** Comments and materials concerning this proposal should be sent to the Field Supervisor, Jacksonville Field Office, U.S. Fish and Wildlife Service, 3100 University Boulevard South, suite 120, Jacksonville, Florida 32216. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Michael M. Bentzien, Assistant Field Supervisor, at the above address (telephone: 904-232-2580).

**SUPPLEMENTARY INFORMATION:**

#### Background

The seven plants proposed for listing inhabit dry upland vegetation (including scrub, high pine, or intermediate "turkey oak barrens") in central peninsular Florida; one, the lichen *Cladonia perforata*, also occurs in coastal scrub in northwestern Florida.

Scrub is "a xeromorphic shrub community dominated by a layer of evergreen, or nearly evergreen oaks * * * or Florida rosemary (*Ceratiola ericoides*), or both, with or without a pine overstory, occupying well drained, infertile, sandy soils" (Myers 1990, pp. 154-155). The usual pine species in scrub is sand pine (*Pinus clausa*). Scrub is the habitat of the Florida scrub jay (*Aphelocoma coerulescens coerulescens*), a federally threatened species. Scrub occurs on dune ridges along Florida's Gulf and Atlantic coasts and on older inland sand ridges. Endemic plant species (species with limited geographic distributions) occur in scrub in various parts of Florida, with the largest concentration of endemics on the southernmost high interior ridge, the Lake Wales Ridge, northwest of Lake

Okeechobee. Plants endemic to the Lake Wales Ridge are concentrated in scrub dominated by Florida rosemary on sites where the sand is apparently particularly devoid of nutrients; sites with slightly better nutrient status usually have dense stands of oaks, hickory, and sand pines (Myers 1990).

The scrub ecosystem is maintained by infrequent high intensity fires, with fires occurring as often as once a decade to less than once a century in sparsely-vegetated rosemary scrub (Myers 1990).

High pine (also called sandhills vegetation) is the other major type of natural vegetation on dry uplands in central Florida. It once was a very widespread forest type in the southeastern United States from Virginia to Texas (Myers 1990, citing several authors). High pine is longleaf pine forest with an open, grassy understory of wiregrass (*Aristida stricta*) and other grasses, numerous herbs, and deciduous turkey oaks (*Quercus laevis*) or bluejack oaks (*Q. incana*) that tolerate being burned to the ground. Frequent low-intensity fires maintained the grassy understory and prevented hardwoods from becoming canopy trees. In central Florida, high pine is intermingled with scrub; and "turkey oak barrens," intermediate between the two types of vegetation, exist in Polk and Highlands Counties (Christman 1988). Most of the "barrens" that are in evidence today may represent the results of logging of longleaf pine, followed by fire suppression, which allowed turkey oaks to reach tree size, and allowed evergreen oaks to invade, but Christman considers some of the barrens to be much older.

On central Florida's Lake Wales Ridge, the great majority of high pine was converted to citrus groves many years ago. Today, scrub is being converted to groves. Urban development is also destroying large areas of upland vegetation. Of approximately 546,800 acres of xeric upland vegetation originally in Highlands and Polk Counties, only approximately 15% remains intact (S. Friedman and J. Fitzpatrick 1992).

Because scrub and high pine in central Florida have many endemic (narrowly distributed) plant taxa (species, subspecies, and varieties) (Muller et al. 1989), the Service has responded by listing 13 plants from this region (50 FR 45616, Nov. 1, 1985; 52 FR 2227, Jan. 21, 1987; 52 FR 42068, Nov. 2, 1987). The Service has also listed scrub animals: two lizards (52 FR 42658, Nov. 6, 1987) and the Florida scrub jay (52 FR 20715, June 3, 1987). Other plant species are candidates for listing, including: *Schizachyrium niveum* (scrub bluestem), a species whose northern range limit is imperfectly known; it has been collected as far north as Alachua County, Florida; *Calamintha ashei* (Ashe's savory, a mint), has an unusual distribution, occurring in central Florida and southeast Georgia; and *Panicum abscissum* (cutthroat grass), which inhabits moist seeps near scrub and high pine.

Conservation measures that are underway to conserve the central Florida upland flora include:

(1) The State of Florida's Conservation and Recreation Lands program (CARL) is buying land in Highlands and Polk Counties. A completed acquisition, the Arbuckle State Forest and Park (13,700 acres), includes excellent examples of scrub vegetation. Acquisitions in progress in Polk County include Catfish Creek (1,100 acres acquired, 5,200 remaining) and Saddle Blanket Lakes (78 acres acquired, 800 remaining); and in Highlands County, Placid Lakes (negotiations underway). In these two counties, a massive Lake Wales Ecosystems proposal now under consideration incorporates most of the intact scrub and high pine in reasonably large tracts on the Lake Wales Ridge, totalling 32,000 acres (FL Dept. Natural Resources 1992).

(2) The Nature Conservancy has acquired preserves at Tiger Creek and Lake Apthorpe. This private organization has also purchased land at other locations, is assisting State and Federal land projects, and is working on fire management and other management issues for biological preserves.

(3) The Fish and Wildlife Service has proposed to create a Lake Wales Ridge National Wildlife Refuge, totalling about 10,000 acres, for endangered species that inhabit scrub vegetation. The 12 sites that might be acquired overlap with those in State projects. A large tract at Carter Creek (Sebring Highlands subdivision), Highlands County, is tentatively a high priority for acquisition, if funds become available.

Further information on conservation of these plants is provided below, under "Available Conservation Measures".

**Discussion of the Seven Species Proposed for Listing**

*Cladonia perforata* (Florida perforate cladonia) is a conspicuous lichen, "forming large dense clusters 20–60 mm [0.8–2.5 inches] tall" (Hilsenbeck and Muller 1991). *Cladonia* and similar lichens (family Cladoniaceae) are probably the most commonly collected lichens (Evans 1952). *Cladonia subtenuis* or *Cladonia evansii* are used as miniature shrubbery in architectural models and floral arrangements. The latter species is characteristic of scrub (T. Hendrickson, pers. comm., 1992).

The branches of *Cladonia* lichens differ from those of other branched (fruticose) lichens in that the *Cladonia* branches (podetia) are developmentally derived from spore-producing structures, rather than from the vegetative body (thallus) of the fungus that makes up the basic structure of a typical lichen. For *Cladonia perforata*, the vegetative body is not in evidence, and "the podetia, which grow in intricate tufts, are pale yellowish grey, and the surface appears more or less glossy. Individual podetia are mostly 40–60 mm. (1–1.5 inches) in height and their larger axes measure 3–6 mm. in diameter" (Evans 1952, p. 326). The podetia branch dichotomously (i.e., they fork), or they form whorls (splitting into three or more branches). "Wherever a branching takes place a circular opening is formed in the axil (just above the branch), and the larger of these openings measure 1–1.5 mm. (0.06 inches) in diameter" (Evans 1952). Toward the top of the plant, where the branches are smaller, the openings are smaller, too. The surfaces of the podetia are uniform. The podetial wall's interior surface, facing the central canal, consists of loosely woven hyphae (fungal strands). A very similar species (not in Florida according to Moore (1968) although reported from southwest Florida by Evans (1952)), *Cladonia uncialis*, has podetial surfaces with more or less distinct greenish areolae, rather than appearing uniform. *Cladonia uncialis* does not have a perforation in every axil, and its podetial walls have a solid layer of cartilaginous tissue on the interior (Evans 1952).

*Cladonia leporina*, which is common in Florida, is very similar to *Cladonia perforata* except that it has no holes in the podetia and the podetia have red tips consisting of spore-producing tissue (apothecia). *Cladonia perforata* has larger, more regularly branched podetia, with perforations. *Cladonia perforata* is illustrated in Hale (1983, p. 18) and in Buckley and Hendrickson (1988).

*Cladonia perforata* was first collected by George Llano in 1945 on Santa Rosa Island, and was named by Evans (1952). Llano and Evans both stated the site was in Escambia County, but Wilhelm and Burkhalter (1990) showed that the site was really in Okaloosa County and was paved over sometime between 1945 and the mid 1950's, when Llano revisited the area. The lichen was not collected again until Moore (1968) found it in Highlands County, central Florida, during her massive survey of Florida

lichens in which she examined nearly 6,000 specimens, most of them collected by herself from 1964 through 1967. Buckley and Hendrickson (1988) relocated the remnants of Moore's population, and searched the surrounding area, including Archbold Biological Station. The well-mapped vegetation of Archbold Biological Station contains 84 "rosemary balds", small hills of excessively drained sand (Archbold soil series) that are occupied by Florida rosemary, an array of smaller vascular plants (many of them endemic, including *Hypericum cumulicola* and *Eryngium cuneifolium*), and often a blanket of reindeer lichens. Buckley and Hendrickson (1988) found *Cladonia perforata* on six rosemary balds, and they report that ecologist Ann Johnson found the lichen on a seventh bald. They extended the search beyond Archbold Biological Station, but could find *Cladonia perforata* only in a six square mile area south and west of the station.

Wilhelm and Burkhalter (1990) relocated the lichen near its original locality on Santa Rosa Island (Eglin Air Force Base, Okaloosa County) but could not find it elsewhere on the barrier islands in an extensive search from Gulf Shores, Alabama, to Grayton Beach, Florida (Wilhelm and Burkhalter 1990).

By 1989, *Cladonia* and similar lichens had been collected throughout Florida; both Evans and Moore had conducted a great deal of field work. The Alexander W. Evans Herbarium is now at the Smithsonian Institution. It contains the type specimen of *Cladonia perforata* and more recent collections by Barbara Moore, Ann Buckley, Theodore Hendrickson, Gerould Wilhem, and James Burkhalter, and also a recent voucher specimen from Eglin Air Force Base made by Lt. Col. Douglas Ripley. The Smithsonian has no specimens from localities other than those reported above, and this indirect evidence suggested that "the range and occurrences of this lichen are truly limited" (Mason E. Hale, Jr. and Sherry K. Pittam, Botany, Smithsonian – Institution, *in litt.*, Dec. 1989).

Hilsenbeck and Muller (1991) with several collaborators conducted a survey for *Cladonia perforata*, searching rosemary scrub at 111 sites throughout Florida. They enlisted James Allison and Thomas Patrick (Georgia Freshwater Wetlands and Heritage Inventory) to search similar areas in southeast Georgia (15 sites in 8 counties). Separately, as part of coastal inventories for the Florida Natural Areas Inventory, Ann Johnson and collaborators searched coastal scrubs along the lower east coast of Florida (Martin, Palm Beach, and St. Lucie Counties).

Hilsenbeck and Muller assembled the existing data to show that the lichen had been found at only 12 sites (including 6 on Archbold Biological Station). Earlier estimates of up to 15 sites were mistaken. In Okaloosa County, they confirmed the two known sites on Santa Rosa Island. They found that one site had recently been destroyed in Highlands County, but failed to find any new sites. They concluded that the lichen is indeed rare, with an estimated total of at least 26,000 individuals: 17,000 on one private site, 3,000 on another private site, 4,400 on Archbold Biological Station, and only 1,300 individuals on Santa Rosa Island. The largest site with *Cladonia perforata* is protected by its private owner; neither State nor Federal acquisition of the two private sites is presently contemplated.

In addition to the sites reported by Hilsenbeck and Muller, the Lake Apthorpe Preserve in Highlands County, owned by The Nature Conservancy, has *Cladonia perforata* (G. Babb, The Nature Conservancy, pers. comm., 1991; voucher specimen by Eric Menges at Archbold Biological Station).

Both the central and panhandle Florida habitats of *Cladonia perforata* are rich in endemic vascular plant species that are associated with Florida rosemary. Several species or pairs of closely-related species have disjunct distributions between the two areas, much like *Cladonia perforata*. They include: *Lupinus aridorum* and *L. westianus*, *Paronychia chartacea*, and *Conradina brevifloia* and *C. canescens*.

*Clitoria fragrans* (pigeon wings) (Fanz 1979) is a member of the pea family (Fabaceae or Leguminosae). It is one of three species of the genus occurring in the southeastern states. The others are the butterfly pea, *Clitoria mariana*, and a species escaped from cultivation, *C. ternata*.

*Clitoria fragrans* is an erect perennial herb, 15–50 cm (6–20 inches) tall, with one or a few stems growing from a thick horizontal root that may be more than 2 m (6 feet) long. The stems are wiry (1–2 mm or 0.04–0.08 inch thick) and somewhat zigzag. The leaves have 3 rather leathery leaflets. Leaflets of the upper leaves are linear (lower leaves somewhat wider), obtuse (blunt) at the tip. The leaflets of *Clitoria mariana* are wider and are acute (pointed) at the tip.

*Clitoria fragrans* has two types of flowers: Chasmogamous (showy, insect pollinated) and cleistogamous (small, lacking petals, self-pollinating). They are usually borne in pairs. The flowers are inverted so that the anthers and stigma touch the backs of visiting insects (the only other legume genus with inverted flowers is *Centrosema*, with two species in central Florida). The corolla has one large petal, the standard petal, 3.5–4.5 cm (1.5–2 inches) long (Fanz 1977) or 4.5–5 cm long (Isely 1990), colored lilac. The keel is small and white. The common name, pigeon wings, refers to the appearance of the flower. It was suggested by McFarlin on a herbarium specimen and adopted by Fanz (1979). Flowers with petals appear from May to June, with a few petalless (cleistogamous) flowers borne as late as September. Small thought the flowers were fragrant. Fanz (1977) detected only a very faint fragrance, but noted a heavy scent of flowering saw palmettos at the locality where Small collected the plant. The seed pod is borne on a stipe (stalk) that project from the dried calyx (Isely 1990, p. 153; Fanz 1977, pp. 696–698; Mabberley 1987, p. 131).

*Clitoria fragrans* is easily distinguished from *C. mariana* by its purplish, glaucous stems, non-twining habit (it is an upright herb, not a vine), narrower leaflet, smaller flowers, and long-stipitate fruits (Fanz 1977, p. 702). The flowers of *Centrosema* differ from those of *Clitoria* by having shorter calyx tubes. *Centrosema arenicola* is restricted to much the same habitats as *Clitoria fragrans*, but has a somewhat larger range.

*Clitoria fragrans* was described by J.K. Small (1926) from specimens collected by him near Sebring, Highlands County. McFarlin applied the name *Clitoria pinetorum* to specimens he collected, but he never published the name (Fanz 1977). Small (1933, p. 722) transferred the North American species of *Clitoria* to new genus, *Martiusia*, but Fanz (1977) returned them to *Clitoria*.

*Clitoria fragrans* is distributed mainly on the Lake Wales Ridge in Highlands and Polk Counties (Fanz 1977, Wunderlin et al. 1980a, Christman 1988). On the Ridge, it is protected at Arbuckle State Forest and Park, Archbold Biological Station (private), Lake Apthorpe and Tiger Creek (The Nature Conservancy), and at Saddle Blanket Lakes (State acquisition project). It is also present at several sites that may be acquired by the State and/or Fish and Wildlife Service, including Carter Creek (Sebring Highlands) and a tract south of Lake Placid. It is reported to occur at the Avon Park Air Force Range (on the Bombing Range Ridge, a separate landform from the Lake Wales Ridge) (Florida Natural Areas Inventory). It can be considered protected there. Fanz (1977) notes a collection made in Leesburg, Lake County in 1910, and a

1964 collection from Osceola County, 12 miles south of Holopaw via US 441. This site is on one of a series of low ridges with scrub vegetation in ranching country.

*Clitoria fragrans* occurs in scrub vegetation, turkey oak barrens, and at least at the edges of high pine (Christman and Judd 1990); it appears to have habitat preferences similar to *Eriogonum longifolium* var. *gnaphalifolium* and *Polygala lewtonii*, although its range does not extend as far north as these species. Fanz (1979) considers it a species of white sand soils, while the other two species tend to occur on yellow sand. Christman (pers. comm., 1992) considers it a species of yellow sand.

*Crotalaria avonensis* (Avon Park harebells) is also a member of the pea family . It was first collected by Ray Garett of Avon Park in 1950; his specimen was assigned to *Crotalaria maritima* (=*C. rotundifolia*) by D.B. Ward in 1967. This specimen was not examined by Windler (1974) for his revision of the genus. Subsequently, K. DeLaney collected the plant in 1986 and, with R. Wunderlin, described it as a new species distinct from *Crotalaria rotundifolia*, a variable species that ranges from Virginia to Panama (DeLaney and Wunderlin 1989).

*Crotalaria avonensis* is a perennial herb. A vertical tap root produces flowering stems that originate as much as 10 cm (4 inches) below the surface, grow upright for only a few centimeters above the surface, and terminate in flowering recemes. The leaves are roughly 1-2 cm (0.5-1 inch) long, rounded, somewhat succulent and coated with white or yellowish-white hairs. The racemes are both terminal and on short secondary branches opposite leaves. The flower, shaped like a typical pea flower, has a yellow corolla about 8-9 mm (0.3-0.4 inch) long. The keel petal (at the bottom of the corolla) is shorter than the wing petals (in *C. rotundifolia*, the wing petals are shorter). The seed pods are inflated, tan to gray to maroon, hairless or nearly so, 14-25 mm (.56-1.0 inch) long, and contain up to 18 seeds per pod. The pods can be nearly as long as the upright flower stalks that hold them in place. Flowering begins in mid-March and continues profusely until June. After flowering, the plants enter a vegetative phase, forming clusters of stems that give a clumped or rosette appearance. The plants are dormant from late fall or nearly winter until March. *Crotalaria rotundifolia* does not have a pronounced reproductive cycle, flowering most of the year (DeLaney and Wunderlin 1989).

*Crotalaria avonensis* is one of the most narrowly distributed of the Lake Wales Ridge endemics, currently known only from three sites, includingi the Saddle Blanket Lake and Carter Creek tracts that might be protected through acquisition (K. DeLaney, *in litt.*, 1991). It typically grows in full sun on bare white sand or in association with clumps of reindeer lichens of the genus *Cladonia*, but many individuals occur in partial shade of other plants (DeLaney and Wunderlin 1989).

*Eriogonum*, a genus in the Polygonaceae (jointweek family), lacks the sheating stipules (ocreae) that are typical of the family. *Eriogonum* includes about 150 species, mostly in western North America. Florida has only two species, both native to high pine: *Eriogonum tomentosum* is common throughout the northern part of the state, as far south as Highlands County. The second species, named *Eriogonum floridanum* by J.K. Small (1903), is restricted to central Florida (Small 1933, p. 445). Subsequent publications on Florida's flora have consistently adopted Small's treatment of *E. floridanum* as a full species (Kral 1983, p. 445; Ward 1979, p. 86; Wunderlin 1982, p. 169). This is a reasonable approach because *E. floridanum* is separated by hundreds of miles from the most similar taxa. However, James Reveal (1968), the expert on the genus, prefers an alternative approach. He treats the Florida plants as a variety of *Eriogonum longifolium*, a widespread, variable species that is represented east of the Mississippi by var. *harperi* (a candidate for Federal listing) in northern Alabama, Tennessee, and Kentucky (Kral 1983 and Kentucky heritage program data), and by *Erigonum longifolium* var. *gnaphalifolium* Gandoger. Gandoger's (1906) name for the plant was based on a specimen collected near Eustic, Florida by "Hitchcock", evidently the eminent grass systematist A.S. Hitchcock. The Service accepts Reveal's taxonomic treatment in recognition of his expertise in this complex genus, while acknowledging that there are differences of opinion among botanists as to how to apply nomenclatural ranks to geographically isolated, morphologically distinguished plant populations.

Scrub buckwheat is a perennial herb with a single stem that grows from a stout, woody root. Most of the leaves are at the base of the stem. They are 15-20 cm (6-8 inches) long, narrowly oblanceolate, entire, and green or bronze-green above, densely white-wooly beneath. Leaves on the stem are smaller and arranged alternately. The stem is erect, up to 1 m (3 feet) tall, and terminates in an open panicle. Each branch of the panicles ends in a cup-shaped involucre, with 5-8 teeth about 5 mm (0.2 inch) long. Within each involucre, 15-20 flowers form a cluster, with the stalk of each flower starting out erect, then reflexing so the flower hangs down below the involucre. Each flower is 6-8 mm (0.2-0.3 inch) long, with 6 linear sepals. The involucre and flowers are slivery, silky-pubescent. The only other species of *Eriogonum* in Florida, *E. tomentosum*, has leafy bracts in the racemes and the flowering stem has opposite leaves (Ward 1979, Wunderlin 1982). Both plants are illustrated in Rickett 1967. Because scrub buckwheat is a large, conspicuous, distinctive plant that can not be mistaken for any other, its distribution is accurately known.

Scrub buckwheat "occurs in habitats intermediate between scrub and sandhills [high pine], and in turkey oak barrens from Marion County to Highlands County" (Christman 1988, p. 136). Other plants, including *Polygala lewtonii*, *Chionanthus pygmaeus*, and *Prunus geniculata*, occur in the same places. The northern range limit for scrub buckwheat is in Ocala National Forest and areas of mixed scrub and high pine south of Ocala in Marion County; suitable habitat and possibly the plant extend south into northern Sumter County. Scrub buckwheat historically occurred near Eustis in Lake County (there are no recent records), and it still occurs near Clermont in remnants of high pine with *Polygala lewtonii* and several endangered plant species. Scrub buckwheat occurs at other scattered localities, including southwest Orange county, the northwest corner of Osceola County, and on the Lake Wales Ridge in Polk and Highlands Counties, as far south as Archbold Biological Station, south of Lake Placid. Most of the recent records for the species are from Polk and Highlands Counties, partly because intensive biological surveys of scrub vegetation have been conducted in those counties (Christman 1988; pers. comm. by K. DeLaney and E. Menges, 1991). Scrub buckwheat may once have occurred in the Tampa area, if a specimen cited by Gandoger as the type specimen of "*E. longifolium* var. *floridana*" should be assigned to this variety. An upland in southern Marion County where this species occurs extends into Sumter County, and the plant's range may extend into Sumter, too.

Scrub buckwheat is protected in the Ocala National Forest, Lake Arbuckle State Forest and State Park, and Nature Conservancy preserves at Tiger Creek

and Lake Apthorpe. Scrub buckwheat is likely to be protected at Catfish Creek and several other tracts if State or Federal land acquisition occurs as planned.

*Nolina brittoniana* (scrub beargrass) was collected and described by G.V. Nash (1895). H.H. Bartlett (1909) reviewed the genus in the Southeast and described the only other species of *Nolina* in Florida, *Nolina atopocarpa*, a candidate for Federal listing that occurs in the panhandle and in the peninsula from St. Augustine south of Charlotte County. The genus *Nolina* belongs to the family Agavaceae (agave family), which includes century plants and yuccas. The genus is centered in southwestern North America (Mabberley 1987). The Agavaceae are often included in the Liliaceae (lily family), in the broad sense.

*Nolina brittoniana* is a perennial growing from a short, thick, fleshy, bulblike rootstock. The leaves are 1–2 meters long (3–6 feet) and 6–13 mm (0.2–0.5 inch) wide, forming a rosette with the youngest leaves upright and the oldest lying nearly flat on the ground. The flowering stem, usually solitary, grows at least 2 meters (6 feet) high from the rosette in April. The inflorescence is a panicle with about 6 branches; when in bloom, the branches are covered with small, white six-parted flowers, making the plant very conspicuous (Kral 1983, Wunderlin et al. 1980b). Individual plants appear to usually have all male or female flowers. The plants bear abundant seed, which is easily germinated, and the plant is not difficult to propagate (S. Wallace, Bok Tower Gardens, pers. comm., 1990). In nature, this species occurs as scattered specimens, and rarely if ever forms large colonies. *Nolina atopocarpa*, a species of dry flatwoods, may occur in the vicinity of *Nolina brittoniana;* this species has shorter leaves, greenish flowers, and asymmetric fruits (*N. brittoniana* has symmetrical fruits, triangular in cross section).

*Nolina brittoniana* occurs in scrub, high pine, and even occasionally in hammocks (Christman 1988). Its range is from the south end of the Lake Wales Ridge in Highlands County north to Orange County (Orlando) and northern Lake County. An apparently isolated locality was reported from Hernando County, north of Tampa.

On the Lake Wales Ridge, *Nolina brittoniana* occurs in both Highlands and Polk Counties, where it occurs in most of the tracts that are targeted for acquisition by the State or by the Fish and Wildlife Service. Northeast of Polk County, *Nolina brittoniana* occurred in the northwest corner of Osceola County and western Orange County (where it was collected in 1958). The plant probably still exists in Orange County, but remaining habitat is being destroyed very rapidly. In Lake County, *Nolina brittoniana* occurs in remnants of high pine on hills west of Lake Apopka, near Clermont. Also in Lake County, the type specimens of *Nolina brittoniana* were collected near Eustis in 1894, and the plant was collected near Tavares in 1941. Robert McCartney (pers. comm., 1990), a knowledgeable field worker, considers the northern range limit for *Nolina brittoniana* to be northern Lake County; however, to the north, a specimen was collected on "low ground" near Belleview, Marion County in 1928. Christman (1988) doubts this locality, but suitable habitat does exist in the vicinity. The plant was collected in a "much disturbed, old white sand scrub with hardwood intrusion" north of Tampa in Hernando County, in 1961. Larger scrubs in the same area have probably not been searched for rare plants.

*Polygala lewtonii* (Lewton's polygala) is a member of the Polygalaceae (milkwort family). It was first collected near Frostproof, Florida by F.L. Lewton in 1894, and was named by Small (1898). Further information on plants named by Small is provided in Austin 1987. The status of *Polygala lewtonii* as a distinct species was affirmed by Blake (1924) and James (1957). The genus has since been reviewed by Miller (1970) and Saulmon (1971).

*Polygala lewtonii* is a perennial with a taproot. Each plant produces one to several annual stems, which are spreading, upward-curving, or erect, and are often branched. The leaves are small, sessile, rather succulent, broader toward the tip, and are borne upright, tending to overlap along the stem, like shingles. The normally opening flowers are in erect, loosely flowered racemes up to 1.5 cm (0.6 inch) long. They are about 0.5 cm long and bright pink (Wunderlin et al. 1981) or "attractive purplish-red (Ward and Godfrey 1979). Each flower is about 3.5 mm (0.14 inch) long. Two of the five sepals are enlarged and wing-like, between which the largest of the three petals forms a keel that ends in a tuft of finger-like projections (Ward and Godfrey 1979). This species is closely related to *Polygala polygama*, a widespread species that tends to form larger clumps and has a longer root, narrower leaves, and differently shaped wing sepals. *Polygala polygama* has short branches that hug the ground, bearing inconspicuous self-pollinating (cleistogamous) flowers. *Polygala lewtonii* is inferred to have similar cleistogamous flowers (James 1957 cited in Ward and Godfrey 1979), but Wunderlin et al. (1981) are not clear that they have been observed.

*Polygala lewtonii* occurs most frequently in habitats intermediate between high pine and scrub (turkey oak barrens), as well as in both habitats (Christman 1988, Wunderlin et al. 1981). It has been collected in Highlands, Polk, Osceola, Lake, and Marion Counties. In Highlands County, it was collected at two sites near Sebring in 1945 and 1955, but was not seen again (Wunderlin et al. 1981) until recently, when it was found in turkey oak barrens northeast of Sebring (J. Fitzpatrick, Archbold Biological Station, pers. comm., 1992).

In Polk County, *Polygala lewtonii* is currently known to occur in Arbuckle State Forest and Park, the State's Catfish Creek land acquisition project (G. Babb, The Nature Conservancy, *in litt.*, 1991), The Nature Conservancy's Tiger Creek Preserve (Wunderlin et al. 1981), at a site near Davenport that was partly bulldozed in 1991, and in the Poinciana residential development (N. Bissett, *in litt.*, 1991). It also occurs at a site with the endangered Florida ziziphus (*Ziziphus celata*) (DeLaney et al. 1989).

In Osceola County, *Polygala lewtonii* was collected in 1974 at the northwest corner of the county, on a dry prairie above Lake Davenport. In Lake County, the plant has been collected in scrub four miles north of Astatula and from at least five sites in the hills between Lake Apopka and Clermont. These hills were once covered with high pine that had a significant number of scrub plant species, including the endangered *Prunus geniculata* (scrub plum), *Nolina brittoniana* (Wunderlin et al. 1981), and *Warea amplexifolia* (wide-leaf mustard) (Judd 1980). *Polygala lewtonii* was collected once near Eustis (James 1957, cited in Wunderlin et al. 1981). The plant was collected from Ocala National Forest (Marion County) in firebreaks near Juniper Springs, 1949, and apparently not again until 1991, when it was found in scrub (C. Greenberg, Univ. of FL, pers. comm., 1992).

*Polygonella myriophylla*, a member of the Polygonaceae (jointweed family), was first collected by J.K. Small and DeWinkler on a scrub ridge south of Frostproof, Polk County, Florida. Small (1924) described it as a new species, *Dentoceras myriophylla*. Horton (1963) combined two of Small's genera with the genus *Polygonella*, making this species *Polygonella myriophylla*. The common name of sandlace comes from Christman (1988); other possibilities are Small's jointweed (Florida Natural

Areas Inventory) or woody wireweed (Wunderlin 1982).

*Polygonella myriophylla* is a sprawling shrub that, as G.L. Webster noted on a herbarium specimen, has the habit of the popular landscaping plant creeping juniper, *Juniperus horizontalis* (cited in Wunderlin et al. 1980c). The shrub's many branches zigzag along the ground and root at the nodes, forming low mats. The lower parts of the creeping branches have reddish-brown bark that cracks and partly separates in long, flat, interlacing strips. The short lateral branches are upright, leafy, and end in flowering racemes. *Polygonella myriophylla* has the distinctive sheathing stipules (ocreae and ocreolae) typical of the jointweed family. The leaves are needle-like, fleshy, 3–10 mm (0.1–0.4 inch) long. The small flowers have white (or pink or yellow) petal-like sepals up to 3–4 mm (0.1 inch) long. Because this shrub's appearance is so unique, information on its distribution and abundance is particularly complete and accurate.

*Polygonella myriophylla* is curiously absent from the southern tip of the Lake Wales Ridge. Its range extends from Archbold Biological Station northward along the Lake Wales Ridge to the Davenport-Poinciana area in northern Polk County. Further northeast, it occurs at one site in Osceola County and three in western Orange County where it occurs with the endangered scrub lupine *Lupinus aridorum* (Wunderlin 1984). The Orange County sites are at Vineland, a rapidly developing portion of the Orlando metropolitan area. A report of *Polygonella myriophylla* from Lake County was based on a misidentification (Wunderlin et al. 1980c, Christman 1988). Kral's (1983) distribution map places this plant in DeSoto County, based on a specimen collected by J.K. Small and J.B. DeWinkler in 1919, before Highlands County was created in 1921 (specimen cited in Wunderlin et al. 1980c).

*Polygonella myriophylla* occurs within scrubs that cover about 25,000 acres (Christman 1988). It is currently protected at Archbold Biological Station (where it is rare), Saddle Blanket Lakes and Catfish Creek (State acquisition projects), and Lake Apthorpe (The Nature Conservancy). It is abundant in several tracts that are proposed for acquisition by the State or the Service.

**Previous Federal Action**

Federal government actions on four of the seven plants began as a result of section 12 of the Endangered Species Act of 1973, which directed the Secretary of the Smithsonian Institution to prepare a report on plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to the Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27823) of its acceptance of the report as a petition in the context of section 4(c)(2) (now section 4(b)(3)) of the Act, as amended, and of its intention to review the status of the plant taxa contained within. *Nolina brittoniana, Polygala lewtonii,* and *Polygonella myriophylla* were included in these documents as endangered species, and *Clitoria fragrans* as a threatened species.

On June 16, 1976, the Service published a proposal in the **Federal Register** (42 FR 24523) to determine approximately 1,700 vascular plant species to be endangered species pursuant to section 4 of the Act. This proposal included *Nolina brittoniana, Polygala lewtonii,* and *Polygonella myriophylla.* General comments on the 1976 proposal were summarized in an April 26, 1978, **Federal Register** publication (43 FR 17909). The Endangered Species Act Amendments of 1978 required that all proposals over 2 years old be withdrawn. A 1-year grace period was given to those proposals already more than 2 years old. In the December 10, 1979, **Federal Register** (44 FR 70796), the Service published a notice of withdrawal of the June 6, 1976 proposal.

On December 15, 1980, the Service published a notice of review for plants (45 FR 82480). This notice included *Clitoria fragrans, Eriogonum longifolium* var. *gnaphalifolium* (under the name *Eriogonum floridanum*), and *Polygala lewtonii* as category 1 candidates, and *Nolina brittoniana* and *Polygonella myriophylla* as category 2 candidates. Category 1 candidates are those for which the Service currently has on file substantial information on biological vulnerability and threats to support preparation of listing proposals, while category 2 candidates are those for which data in the Service's possession indicate listing is possibly appropriate, but for which substantial data on biological vulnerability and threats are not currently known or on file to support proposed rules. On November 28, 1983, the Services published in the **Federal Register** a supplement to the Notice of Review (48 FR 53640); the notice changed *Erigonum longifolium* var. *gnaphalifolium* to a category 2 species. Another updated notice of review published September 27, 1985 (50 FR 39526) changed *Polygonella myriophylla* to a category 3C species (no longer a candidate for Federal listing), based on a status survey that gave the impression that the plant was secure because it is locally abundant. Christman (*in litt.* 1987, 1988) pointed out that this was a mistake: *Polygonella myriophylla* is "much rarer, and more endangered, than several federally-listed scrub species, including *Paronychia chartacea, Chionanthus pygmaeus, Polygonella basiramia,* and *Prunus geniculata,* for example."

On February 21, 1990 (55 FR 6184), the plant notice was again revised, assigning category 1 candidate status to all five plants that had previously been candidates, based on an abundance of new survey information. The 1990 notice assigned category 2 status to *Crotalaria avonensis* and to *Cladonia perforata.* Since then, a status survey on *Cladonia perforata* has been completed and further information on *Crotalaria avonensis* has been received from Mr. Kris DeLaney, qualifying these species for category 1 status.

Based on the Service's system for ranking candidate species for listing, which has a range of 1 to 12, the listing priority number for each of the five endangered species in this proposal is 2. *Clitoria fragrans* and *Eriogonum longifolium* var. *gnaphalifolium,* the two threatened species, have been assigned a listing priority number of 8 and 9, respectively. A complete explanation of the Service's listing and recovery priority guidelines was published in the **Federal Register** of September 21, 1983 (48 FR 43098).

**Petitions**

The Service was petitioned to list the lichen *Cladonia perforata* by Ms. Ann Buckley in a letter received June 5, 1989. The Service found the action requested by the petition to be warranted, but precluded by work on other species having higher priority for listing (55 FR 31610, August 3, 1990). An administrative finding of "warranted but precluded" was repeated in October 1991, as discussed below, in connection with the Service's annual review of recycled petitions.

Section 4(b)(3)(B) of the Act, as amended in 1982, requires the Secretary to make findings on certain pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 Amendments further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *Clitoria fragrans, Nolina brittoniana, Polygala lewtonii,* and *Polygonella myriophylla* because the Service had accepted the 1975 Smithsonian report as a petition. In each October from 1983 through 1991, the

Service found that the petitioned listing of these species was warranted but precluded by other listing actions of a higher priority, and that additional data on vulnerability and threats were still being gathered. Publication of this proposal constitutes the final petition finding for these five species.

The Service has not received petitions to list *Eriogonum longifolium* var. *gnaphalifolium* or *Crotalaria avonensis*, although Mr. Kris DeLaney informally urged that the latter species be listed.

**Summary of Factors Affecting the Species**

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Cladonia perforata* A.W. Evans (Florida perforate cladonia), *Clitoria fragrans* Small (pigeon wings), *Crotalaria avonensis* DeLaney & Wunderlin (Avon Park harebells), *Eriogonum longifolium* Nuttall var. *gnaphalifolium* Gandoger (*Eriogonum floridanum* Small) (scrub buckwheat), *Nolina brittoniana* Nash (Britton's beargrass,) *Polygala lewtonii* Small (Lewton's polygala), and *Polygonella myriophylla* (Small) Horton (sandlace) are as follows:

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

All seven plants have already suffered serious loss of habitat to agriculture (citrus groves and pastures) and residential development, and all are threatened by future development. The Lake Wales Ridge in Polk and Highlands Counties originally had 250,000 acres of xeric upland vegetation (scrub and high pine), of which 27,500 acres remain. Because the plant species endemic to scrub or high pine in central Florida had much narrower local distributions within the Ridge (each species is likely to be found in only a fraction of seemingly suitable habitat), the loss of habitat for particular species has often been more severe than the overall figures indicate.

Citrus groves are being expanded rapidly on the southern Lake Wales Ridge because the area escaped the worst effects of severe freezes during the 1980's, especially December 1989. Development of a citrus grove recently caused the destruction of one population of *Cladonia perforata*, and other significant recent losses of scrub habitat have been documented from aerial photography by workers at Archbold Biological Station. Property taxation in most Florida counties favors agricultural land use and penalizes leaving land "idle" in native vegetation. These policies may change; Polk County already has "preservation" zoning to protect natural vegetation.

The population of the Lake Wales Ridge is increasing as retirees and other immigrants to Florida, as well as retirees from within Florida, are attracted to areas with low costs of living and the perception of few urban problems. Despite the current recession, immigration into central Florida will continue. This threatens the seven plants because most of them (*Cladonia perforata* and *Polygala lewtonii* appear to be exceptions) occur in subdivisions with unimproved lots without streets or utilities. The lack of streets discouraged building; the divided ownerships of these subdivisions and the high prices for which lots were originally sold discouraged the conversion of these subdivisions to citrus. As a result, these subdivisions have unintentionally protected the native vegetation, and several may be acquired as biological preserves, despite the difficulty of purchasing land on a lot-by-lot basis. There may be little time available to begin land acquisition at the largest subdivision under consideration for acquisition, Sebring Highlands (Carter Creek), where assessments collected from landowners have built up to a large enough sum to pave the main road through the subdivision. An electric line has already been built, so with the road paved, widespread construction of houses can be anticipated.

Funding for State or Federal land acquisition to conserve central Florida plants is not yet assured. Existing land acquisition plans by the Service focus on purchasing and managing scrub rather than high pine; this leaves *Eriogonum longifolium* var. *gnaphalifolium* and *Polygala lewtonii* unprotected. The State intends to purchase high pine, but funding for land management could be limited.

The largest populations of the lichen *Cladonia perforata* are on private land; the principal landowner intends to protect the lichen, but it is necessary to be cautious about the long-term conservation of this area.

In the counties north of Highlands and Polk, the pressures of residential development are generally severe, and historic populations of plants in the Orlando (Orange County), and Eustis and Clermont (Lake County) areas are known to have disappeared.

*Clitoria fragrans* occurs on Avon Park Air Force Range and has been collected on a low ridge with scrub in southern Osceola County, in a region of large ranches. The plant's habitat is appropriately managed on the Air Force Range, and conversations with range conservationists with the Soil Conservation Service indicate that scrub is quite likely to remain intact on ranches. Similarly, *Eriogonum longifolium* var. *gnaphalifolium* and *Polygala lewtonii* are probably secure in Ocala National Forest, although evaluation is needed of the distribution and management of these two species in the Forest. Because these species are relatively secure in parts of their ranges, relatively secure habitats are a major reason for proposing to list these two species as threatened rather than endangered species.

B. *Overutilization for Commercial, Recreational, Scientific, or Educational Purposes*

There is little commercial trade in these seven plants, although *Nolina brittoniana* and *Polygonella myriophylla* are propagated and sold on a limited scale (Association of Florida Native Nurseries 1989). Commercial trade in these species should not adversely affect them, provided that nursery operators abide by State law and the Florida Native Plant Society's policy on transplanting native plants from the wild.

C. *Disease or Predation*

Not applicable.

D. *The Inadequacy of Existing Regulatory Mechanisms*

*Nolina brittoniana* and *Polygala lewtonii* are listed as endangered species, and *Clitoria fragrans* and *Eriogonum longifolium* var. *gnaphalifolium* are listed as threatened species under the Preservation of Native Flora of Florida law (section 581.185–187, Florida Statutes), which regulates taking, transport, and sale of plants but does not provide habitat protection. The Endangered Species Act will provide additional protection through the consultation requirements of section 7, recovery planning, and the prohibitions of section 9, which include the Act's additional penalties for taking of plants in violation of Florida law. The Florida law provides for automatic addition of Federally listed plants to the State's list as endangered species.

Efforts by the Service to protect the threatened Florida scrub jay may benefit other plants and animals of the scrub. The scrub jay inhabits much of the scrub vegetation on the Lake Wales Ridge. The Endangered Species Act's prohibition against taking of listed

animals (section 9(a)(1)(B)) means that landowners seeking to destroy scrub habitat upon which scrub jays depend run the risk of a "taking" violation unless they obtain a section 10(a)(2) permit, which the Service can issue only if the landowner submits or participates in an acceptable conservation plan for the scrub jay.

As explained in the background section, 13 plant species from central Florida scrub and high pine habitat are already federally listed and recovery plans have been prepared (Fish and Wildlife Service 1987a, 1990). A proposal to list a fourteenth species, *Conradina brevifolia*, as endangered was published in the **Federal Register** on May 5, 1992. Efforts already underway to conserve the 13 listed plants should benefit *Conradina brevifolia* and most of the species in the current proposal.

E. *Other Natural or Manmade Factors Affecting its Continued Existence*

Fire occurs in scrub vegetation at irregular intervals. For all of the plants proposed for listing other than the lichen *Cladonia perforata*, fire is probably beneficial. For the lichen, however, fire seems to be entirely destructive. The largest populations of the lichen are in the largest existing rosemary balds, which seem to have been affected by fires at extremely long intervals; the area "supports an uneven-aged stand of sand pines, with the oldest trees approaching 100 years" (Myers 1990). At the neighboring Archbold Biological Station, *Cladonia perforata* probably benefitted from many years of fire suppression, which also left the Station grounds susceptible to wildfire. Today, the Station is implementing a prescribed fire program that probably offers the best long-term chance to maintain rosemary balds with *Cladonia* lichens, but there is a real possibility that lichen populations may be harmed by fires.

Human activities, including off road vehicle use, trash dumping, and inadvertent trampling during outdoor recreation activities, threaten most of these plants. The lichen *Cladonia perforata* appears to be vulnerable to public use on Eglin Air Force Base, Santa Rosa Island.

Hurricane storm surges may wash over the lichen populations on Santa Rosa Island.

The limited geographic distribution of each of the seven species, the fragmentation of remaining habitat into small segments isolated from each other, and the small sizes of populations of some species, especially *Cladonia perforata* and *Polygala lewtonii*, exacerbate the threats faced by these species.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these species in determining to propose the rule. Based on this evaluation, the preferred action is to list *Crotalaria avonensis, Nolina brittoniana, Polygala lewtonii,* and *Polygonella myriophylla* as endangered species, and *Clitoria fragrans* and *Eriogonum longifolium* var. *gnaphalifolium* as threatened. Each of the species proposed for listing as endangered is likely to become extinct in a significant portion of its range within the foreseeable future, meeting the Act's requirements for listing as an endangered species. The two species proposed for listing as threatened are likely to become endangered species if effective conservation measures are not taken, meeting the Act's definition of threatened species.

**Critical Habitat**

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary propose critical habitat at the time the species is proposed to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for these species. Except for the relatively few protected sites with one or more of these species, the populations of these species are on unprotected private land where they would gain no added protection from designation of critical habitat, and where such a designation might motivate landowners to extirpate the plants. Designation of critical habitat might also attract persons wishing to collect plants for horticultural purposes, with or without the written permission of the landowner that is required by Florida law. For these reasons, it would not now be prudent to determine critical habitat for the seven plant species. The State and The Nature Conservancy are working to acquire lands to conserve these plants. Many private owners of scrub habitat occupied by the threatened Florida scrub jay have been, or will be, contacted by the Service as part of its efforts to prevent taking of the bird without permit (including destruction of nests or of occupied habitat). As a result, these landowners are aware of the importance of scrub habitat, if not of individual plant species. Protection of the plant species will be addressed through the recovery process and through the section 7 consultation process. For these reasons, the Service considers designation of critical habitat not to be prudent.

**Available Conservation Measures**

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

Conservation of *Eriogonum longifolium* may require ensuring that use of herbicides in forestry or road right-of-way maintenance does not jeopardize this plant. It is not clear whether restrictions on herbicide use would be necessary to protect *Clitoria fragrans*, which occurs on grazing lands. The other species appear not to occur in situations where herbicide restrictions would be warranted. Implementation of any such restrictions would involve the Environmental Protection Agency.

*Cladonia perforata* occurs on a Gulf barrier island that is part of Eglin AFB; *Clitoria fragrans* occurs on Avon Park Air Force Range, and *Eriogonum longifolium* var. *gnaphalifolium* occurs in the Ocala National Forest. The Service is currently aware of no ongoing

or pending Federal actions (except for possible EPA involvement noted above) either on these lands or elsewhere that would affect these plants.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 for endangered species, and 17.71 and 17.72 for threatened species, set forth a series of general prohibitions and exceptions that apply to all listed plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61 and 17.71, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale these species in interstate or foreign commerce, or to remove and reduce to possession these species from areas under Federal jurisdiction. Seeds from cultivated specimens of threatened plant species are exempt from these prohibitions provided that a statement of "cultivated origin" appears on their containers. In addition, for endangered plants, the 1988 amendments (Pub. L. 100–478) to the Act prohibit the malicious damage or destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any State law or regulation, including State criminal trespass law. Section 4(d) of the Act allows for the provision of such protection to threatened species through regulations. This protection may apply to threatened plants once revised regulations are promulgated. Certain exceptions apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62, 17.63, and 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered and threatened species under certain circumstances.

It is anticipated that few trade permits will be sought or issued because the seven plant species are of limited horticultural interest, and only two (*Nolina brittoniana* and *Polygonella myriophylla*) may be in commerce across state lines. Requests for copies of the regulations on listed plants and inquiries regarding prohibitions and permits may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, room 432, Arlington Virginia 22203 (703/358–2104).

**Public Comments Solicited**

The Service intends that any final rule resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to these species;

(2) The location of any additional populations of these species and the reasons why any habitat should or should not be determined to be critical habitat as provided by Section 4 of the Act;

(3) Additional information concerning the ranges, distributions, and population sizes of these species; and

(4) Current or planned activities in the subject area and their possible impacts on these species.

Final promulgation of the regulation on these species will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal. Such requests must be made in writing and addressed to the Jacksonville, Florida, Field Office (see **ADDRESSES** section).

**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(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in **Federal Register** on October 25, 1983 (48 FR 49244).

**References**

A complete list of all references cited herein, as well as others, is available upon request from the Service's Jacksonville Field Office (see **ADDRESSES** section).

**Author**

The primary author of this proposed rule is Mr. David Martin (see **ADDRESSES** section).

**List of Subjects in 50 CFR Part 17**

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

**Proposed Regulations Promulgation**

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

## PART 17—[AMENDED]

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

**Authority:** 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order, to the List of Endangered and Threatened Plants:

**§ 17.12 Endangered and threatened plants.**

* * * * *

(h) * * *

| Species | | Histroic range | Status | When listed | Critical habitat | Special rules |
|---|---|---|---|---|---|---|
| Scientific name | Common name | | | | | |
| * | * | * | * | * | | |
| Agavaceae—Agave family: | | | | | | |
| * | * | * | * | * | | |
| Nolina brittoniana | Britton's beargrass | U.S.A. (FL) | E | NA | NA | |
| * | * | * | * | * | | |
| Cladoniaceae—Reindeer moss family: | | | | | | |
| Cladonia perforata | Florida perforate cladonia | U.S.A. (FL) | E | NA | NA | |
| * | * | * | * | * | | |
| Fabaceae—Pea family: | | | | | | |
| * | * | * | * | * | | |

| Species | | Histroic range | Status | When listed | Critical habitat | Special rules |
|---|---|---|---|---|---|---|
| Scientific name | Common name | | | | | |
| Clitoria fragrans | Pigeon wings | U.S.A. (FL) | T | NA | NA | |
| Crotalaria avonensis | Avon Park harebells | U.S.A. (FL) | E | NA | NA | |
| * * * * | | * | * | * | | |
| Polygalaceae—Milkwort family: | | | | | | |
| * * * * | | * | * | * | | |
| Polygala lewtonii | Lewton's polygala | U.S.A. (FL) | E | NA | NA | |
| * * * * | | * | * | * | | |
| Polygonaceae—Buckwheat family: | | | | | | |
| * * * * | | * | * | * | | |
| Eriogonum longifolium var. *gnaphalifolium (=Eriogonum floridanum).* | Scrub buckwheat | U.S.A. (FL) | T | NA | NA | |
| * * * * | | * | * | * | | |
| Polygonella myriophylla | Sandlace | U.S.A. (FL) | E | NA | NA | |
| * * * * | | * | * | * | | |

Dated: August 31, 1992.

**Richard N. Smith,**

*Acting Director, Fish and Wildlife Service.*

[FR Doc. 92–23668 Filed 9–29–92; 8:45 am]

BILLING CODE 4310–55–M

# Notices

Federal Register
Vol. 57, No. 190
Wednesday, September 30, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

**[Docket No. 92-149-1]**

### Receipt of Permit Applications for Release Into the Environment of Genetically Engineered Organisms

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public that four applications for permits to release genetically engineered organisms into the environment are being reviewed by the Animal and Plant Health Inspection Service. The applications have been submitted in accordance with 7 CFR part 340, which regulates the introduction of certain genetically engineered organisms and products.

**ADDRESSES:** Copies of the applications referenced in this notice, with any confidential business information deleted, are available for public inspection in room 1141, South Building, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. You may obtain copies of the documents by writing to the person listed under **FOR FURTHER INFORMATION CONTACT.**

**FOR FURTHER INFORMATION CONTACT:** Dr. Arnold Foudin, Deputy Director, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, APHIS, USDA, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612.

**SUPPLEMENTARY INFORMATION:** The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which are Plant Pests or Which There is Reason to Believe Are Plant Pests," require a person to obtain a permit before introducing (importing, moving interstate, or releasing into the environment) into the United States certain genetically engineered organisms and products that are considered "regulated articles." The regulations set forth procedures for obtaining a permit for the release into the environment of a regulated article, and for obtaining a limited permit for the importation or interstate movement of a regulated article.

Pursuant to these regulations, the Animal and Plant Health Inspection Service has received and is reviewing the following applications for permits to release genetically engineered organisms into the environment:

| Application | Applicant | Date received | Organisms | Field test location |
|---|---|---|---|---|
| 92-244-02 renewal of permit 92-066-01, issued on 06-04-92. | Holden's Foundation Seeds, Incorporated. | 08-31-92 | Corn plants genetically engineered to express a phosphinothricin acetyl transferase (PAT) gene for tolerance to the herbicide glufosinate. | Hawaii. |
| 92-244-03 renewal of permit 92-105-02, issued on 06-18-92. | Holden's Foundation Seeds, Incorporated. | 08-31-92 | Corn plants genetically engineered to express male sterility linked with kanamycin or phosphinothricin tolerance as markers. | Hawaii. |
| 92-245-01 | AgriPro Seeds | 09-01-92 | Soybean plants genetically engineered to express the enzyme 5-enol-pyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate. | Puerto Rico. |
| 92-245-02 renewal of permit 92-080-05, issued on 05-22-92. | Cargill Hybrid Seeds | 09-01-92 | Corn plants genetically engineered to express male sterility linked with kanamycin or phosphinothricin tolerance as markers. | Hawaii. |

Done in Washington, DC, this 25th day of September 1992.

**Robert Melland,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 92-23697 Filed 9-29-92; 8:45 am]

BILLING CODE 3410-34-M

**[Docket 92-150-1]**

### Availability of Environmental Assessments and Findings of No Significant Impact Relative to Issuance of Permits to Field Test Genetically Engineered Organisms

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public that four environmental assessments and findings of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of permits to allow the field testing of genetically engineered organisms. The environmental assessments provide a basis for our conclusion that the field testing of the genetically engineered organisms will not present a risk of introducing or disseminating a plant pest and will not have a significant impact on the quality of the human environment. Based on its finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

**ADDRESSES:** Copies of the environmental assessments and findings of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

**FOR FURTHER INFORMATION CONTACT:** Dr. Arnold Foudin, Deputy Director, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, APHIS, USDA, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7612. For copies of the environmental assessment and finding of no significant impact, write to Mr. Clayton Givens at the same address. Please refer to the permit number listed below when ordering documents.

**SUPPLEMENTARY INFORMATION:** The regulations in 7 CFR part 340 (referred to below as the regulations) regulate the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained before a regulated article may be introduced into the United States. The regulations set forth the procedures for obtaining a limited permit for the importation or interstate movement of a regulated article and for obtaining a permit for the release into the environment of a regulated article. The Animal and Plant Health Inspection Service (APHIS) has stated that it would prepare an environmental assessment and, when necessary, an environmental impact statement before issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

In the course of reviewing the permit applications, APHIS assessed the impact on the environment that releasing the organisms under the conditions described in the permit applications would have. APHIS has issued permits for the field testing of the organisms listed below after concluding that the organisms will not present a risk of plant pest introduction or dissemination and will not have a significant impact on the quality of the human environment. The environmental assessments and findings of no significant impact, which are based on data submitted by the applicants and on a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the environmental impact associated with conducting the field tests.

An environmental assessment and finding of no significant impact have been prepared by APHIS relative to the issuance of four permits to allow the field testing of the following genetically engineered organisms:

| Permit No. | Permittee | Date issued | Organisms | Field test locations |
|---|---|---|---|---|
| 92–175–01, renewal of permit 91–218–02, issued on 10–04–91. | Upjohn Company | 08–28–92 | Corn plants genetically engineered to express a glufosinate phosphinothricin acetyltransferase (PAT) gene for tolerance to phosphinothricin herbicides. | Puerto Rico. |
| 92–218–01, renewal of permit 91–042–02, issued on 04–26–91. | Auburn University | 08–31–92 | *Xanthomonas campestris* pv. *campestris* genetically engineered to express a bioluminescence gene as a marker. | Alabama. |
| 92–219–01, renewal of permit 89–320–01, issued on 02–12–90. | Calgene, Incorporated | 08–31–92 | Tomato plants genetically engineered to express an anti-sense polygalacturonase (PG) gene to delay ripening. | Florida. |
| 92–127–01 | Ciba-Geigy Corporation | 09–01–92 | Corn plants genetically engineered to express a phosphinothricin acetyl transferase (PAT) gene for tolerance to phosphinothricin herbicides, and a delta-endotoxin protein from *Bacillus thuringiensis* subsp. *kurstaki* strain HD–1 for resistance to lepidopteran insects. | Hawaii. |

The environmental assessment and finding of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381–50384, August 28, 1979, and 44 FR 51272–51274, August 31, 1979).

Done in Washington, DC, this 25th day of September 1992.

**Robert Melland,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 92–23698 Filed 9–29–92; 8:45 am]

BILLING CODE 3410–34–M

**[Docket No. 92–146–1]**

## Availability of List of U.S. Veterinary Biological Product and Establishment Licenses and U.S. Veterinary Biological Product Permits, Issued, Suspended, Revoked, or Terminated

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** This notice pertains to veterinary biological product and establishment licenses and veterinary biological product permits that were issued, suspended, revoked, or terminated by the Animal and Plant Health Inspection Service, during the months of June and July 1992. These actions have been taken in accordance with the regulations issued pursuant to the Virus-Serum-Toxin Act. The purpose of this notice is to inform interested persons of the availability of a list of these actions and advise interested persons that they may request to be placed on a mailing list to receive the list.

**FOR FURTHER INFORMATION CONTACT:** Maxine Kitto, Program Assistant, Veterinary Biologics, Biotechnology, Biologics, and Environmental Protection, APHIS, USDA, room 838, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8245. For copies of the list or to be placed on the mailing list, write to Ms. Kitto at the above address.

**SUPPLEMENTARY INFORMATION:** The regulations in 9 CFR part 102, "Licenses for Biological Products," require that every person who prepares certain biological products that are subject to the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.* ) shall hold an unexpired, unsuspended, and unrevoked U.S.

Veterinary Biological Product License. The regulations set forth the procedures for applying for a license, the criteria for determining whether a license shall be issued, and the form of the license.

The regulations in 9 CFR part 102 also require that each person who prepares biological products that are subject to the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.* ) shall hold a U.S. Veterinary Biologics Establishment License. The regulations set forth the procedures for applying for a license, the criteria for determining whether a license shall be issued, and the form of the license.

The regulations in 9 CFR part 104, "Permits for Biological Products," require that each person importing biological products shall hold an unexpired, unsuspended, and unrevoked U.S. Veterinary Biological Product Permit. The regulations set forth the procedures for applying for a permit, the criteria for determining whether a permit shall be issued, and the form of the permit.

The regulations in 9 CFR parts 102 and 105 also contain provisions concerning the suspension, revocation, and termination of U.S. Veterinary Biological Product Licenses, U.S. Veterinary Biologics Establishment Licenses, and U.S. Veterinary Biological Product Permits.

Each month the Veterinary Biologics section of Biotechnology, Biologics and Environmental Protection prepares a list of licenses and permits that have been issued, suspended, revoked, or terminated. This notice announces the availability of the lists for the months of June and July 1992. The monthly lists are also mailed on a regular basis to interested persons. To be placed on the mailing list you may call or write the person designated under **FOR FURTHER INFORMATION CONTACT.**

Done in Washington, DC, this 25th day of September 1992.

**Robert Melland,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 92–23696 Filed 9–29–92; 8:45 am]

**BILLING CODE 3410–34–M**

## Federal Grain Inspection Service

### Request for Comments on the Applicant for Designation in the Geographic Area Currently Assigned to the Farwell (TX) Agency

**AGENCY:** Federal Grain Inspection Service (FGIS).

**ACTION:** Notice.

**SUMMARY:** FGIS requests interested persons to submit comments on the applicant for designation to provide official services in the geographic area currently assigned to Farwell Grain Inspection, Inc. (Farwell).

**DATES:** Comments must be postmarked, or sent by telecopier (FAX) or electronic mail by October 30, 1992.

**ADDRESSES:** Comments must be submitted in writing to Homer E. Dunn, Chief, Review Branch, Compliance Division, FGIS, USDA, room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454. SprintMail users may respond to [A:ATTMAIL,O:USDA,ID:A36HDUNN]. ATTMAIL and FTS2000MAIL users may respond to !A36HDUNN. Telecopier (FAX) users may send responses to the automatic telecopier machine at 202–720–1015, attention: Homer E. Dunn. All comments received will be made available for public inspection at the above address located at 1400 Independence Avenue, SW., during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Homer E. Dunn, telephone 202–720–8525.

**SUPPLEMENTARY INFORMATION:**

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the August 3, 1992, **Federal Register** (57 FR 34109), FGIS asked persons interested in providing official services in the geographic area assigned to Farwell to submit an application for designation. Applications were due by September 2, 1992. Farwell, the only applicant, applied for designation in the entire area currently assigned to them.

FGIS is publishing this notice to provide interested persons the opportunity to present comments concerning the applicant for designation in the Farwell area. Commenters are encouraged to submit reasons and pertinent data for support or objection to the designation of this agency. All comments must be submitted to the Compliance Division at the above address.

Comments and other available information will be considered in making a final decision. FGIS will publish notice of the final decision in the **Federal Register**, and FGIS will send the applicant written notification of the decision.

**AUTHORITY:** Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: September 22, 1992

**Neil E. Porter**

*Acting Director, Compliance Division*

[FR Doc. 92–23506 Filed 9–29–92; 8:45 am]

**BILLING CODE 3410–EN–F**

### Request for Applications from Persons Interested in Designation to Provide Official Services in the Geographic Area Presently Assigned to the Alton (IL) Agency

**AGENCY:** Federal Grain Inspection Service (FGIS).

**ACTION:** Notice.

**SUMMARY:** The United States Grain Standards Act, as amended (Act), provides that official agency designations shall end not later than triennially and may be renewed. The designation of Thomas P. Russell dba Alton Grain Inspection Department (Alton), will end March 31, 1993, according to the Act, and FGIS is asking persons interested in providing official services in the specified geographic area to submit an application for designation.

**DATES:** Applications must be postmarked or sent by telecopier (FAX) by October 30, 1992.

**ADDRESSES:** Applications must be submitted to Homer E. Dunn, Chief, Review Branch, Compliance Division, FGIS, USDA, room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454. Telecopier (FAX) users may send applications to the automatic telecopier machine at 202–720–1015, attention: Homer E. Dunn. If an application is submitted by telecopier, FGIS reserves the right to request an original application. All applications will be made available for public inspection at this address located at 1400 Independence Avenue, SW., during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Homer E. Dunn, telephone 202–720–8525.

**SUPPLEMENTARY INFORMATION:**

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act authorizes FGIS' Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services.

FGIS designated Alton, headquartered in Florissant, Missouri, to provide

official grain inspection services under the Act on April 1, 1990.

Section 7(g)(1) of the Act provides that designations of official agencies shall end not later than triennially and may be renewed according to the criteria and procedures prescribed in section 7(f) of the Act. The designation of Alton ends on March 31, 1993.

The geographic area presently assigned to Alton, in the State of Illinois, pursuant to section 7(f)(2) of the Act, which will be assigned to the applicant selected for designation is as follows:

Calhoun, Jersey, and Madison (West of State Route 4 and North of Interstate 70 and 270) Counties.

Interested persons, including Alton, are hereby given the opportunity to apply for designation to provide official services in the geographic area specified above under the provisions of section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Designation in the specified geographic area is for the period beginning April 1, 1993, and ending March 31, 1996. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated.

**AUTHORITY:** Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: September 22, 1992

**Neil E. Porter**

*Acting Director, Compliance Division*

[FR Doc. 92–23507 Filed 9–29–92; 8:45 am]

**BILLING CODE 3410–EN–F**

## Designation of the Cairo (IL) Agency

**AGENCY:** Federal Grain Inspection Service (FGIS).

**ACTION:** Notice.

**SUMMARY:** FGIS announces the designation of Cairo Grain Inspection Agency, Inc. (Cairo), to provide official inspection services under the United States Grain Standards Act, as amended (Act).

**EFFECTIVE DATE:** November 1, 1992.

**ADDRESSES:** Homer E. Dunn, Chief, Review Branch, Compliance Division, FGIS, USDA, room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454.

**FOR FURTHER INFORMATION CONTACT:** Homer E. Dunn, telephone 202–720–8525.

**SUPPLEMENTARY INFORMATION:**

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the May 1, 1992, **Federal Register** (57 FR 18863), FGIS announced that the designation of Cairo ends on October 31, 1992, and asked persons interested in providing official services within the specified geographic area to submit an application for designation. Applications were due by June 1, 1992.

There were two applicants: Cairo and the Missouri Department of Agriculture (Missouri). Cairo and Missouri each applied for the entire Cairo geographic area. FGIS named and requested comments on the applicants for designation in the July 1, 1992, **Federal Register** (57 FR 29273). Comments were due by July 31, 1992. FGIS received 26 comments by the deadline. Twenty one commenters, (fourteen grain firms presently served by Cairo, five trade organizations, and two designated official agencies) supported designation of Cairo based on prompt, professional, and excellent quality service. One commenter supported designation of Cairo based on acquaintance. Four commenters supported designation of Missouri based on timely and accurate service, cost benefits, and the scope of services offered. Of the four, one is a grain firm currently served by Missouri, one is a State department of agriculture, one is a trade organization, and one is a grain firm in the area currently served by Cairo.

FGIS evaluated all available information regarding the designation criteria in Section 7(f)(1)(A) of the Act; and according to Section 7(f)(1)(B), determined that Cairo is better able to provide official services in the geographic area for which they applied.

Effective November 1, 1992, and ending October 31, 1995, Cairo is designated to provide official inspection services under the United States Grain Standards Act, as amended (Act) in the geographic area specified in the May **Federal Register**.

Interested persons may obtain official services by contacting Cairo at 618–734–0689.

**AUTHORITY:** Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: September 23, 1992

**Neil E. Porter**

*Acting Director, Compliance Division*

[FR Doc. 92–23576 Filed 9–29–92; 8:45 am]

**BILLING CODE 3410–EN–F**

## Forest Service

### Exemption From Appeal, Tamarack Tussock Salvage and Stand Rehabilitation Project, Boise National Forest, Idaho

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of exemption from appeal.

**SUMMARY:** This is notification that timber salvage harvest and reforestation activities to recover and rehabilitate natural resources from recent insect epidemics on the Tamarack Tussock project area, Emmett Ranger District, Boise National Forest, are exempt from appeal in accordance with 36 CFR 217.4(a)(11).

**DATES:** Effective September 30, 1992.

**FOR FURTHER INFORMATION CONTACT:** Don Dittmer, Timber Management Assistant, Emmett Ranger District, Boise National Forest, 1648 N. Washington, Emmett, ID 83617, telephone: 208–365–3811.

**SUPPLEMENTARY INFORMATION:** Several years of drought in southwest Idaho have reduced soil moisture and weakened conifer trees. Consequently, Douglas-fir tussock moth, and bark beetle populations have dramatically increased and reached epidemic levels on the Boise National Forest. It is estimated that more than 400,000 trees larger than 12 inches in diameter have died on the Forest as a result of insect damage since 1986.

As part of the effort to recover and rehabilitate natural resources damaged by the insect epidemic, Emmett Ranger District personnel have developed a proposal to harvest dead and dying timber, and reforest damaged acres. The Forest Service has completed the Tamarack Tussock Salvage and Stand Rehabilitation Project Environmental Assessment (EA), identified issues, developed alternatives, and analyzed the effects of implementing timber salvage and other recovery activities.

The analysis area for the Tamarack Tussock Salvage and Stand Rehabilitation Project EA is located about 13 miles northeast of Ola, Idaho, and four miles northwest of Sagehen Reservoir. The Forest will salvage trees killed or severely damaged by the tussock moth and bark beetles on 3,930 acres and recover approximately 18.5 million board feel (MMbf), using tractor/jammer and skyline logging systems. The tussock moth infestation has created several large, open areas of dead and dying trees, which contain few healthy, live trees. Salvage of these stands would result in "salvage

openings," resembling clearcuts. A total of 950 acres of salvage opening would be created, including one opening each of about 200 and 170 acres. These acres would be rehabilitated by planting with ponderosa pine, Douglas-fir and western larch, to increase the sites' timber productivity, resilience and diversity of forest stands. Natural regeneration will be used to reforest small areas (less than five acres in size).

The project also calls for construction of 3.2 miles of road, reconstruction of about 0.8 miles and maintenance of about 71 miles, to facilitate timber harvest in the area. In addition, about 36 miles of road will be administratively closed between October 1 and June 30 when sale and post-sale activities are underway, and about 30 miles of road will be physically closed when sale and post-sale activities are completed, until big-game hiding cover is re-established (15–20 years).

Management direction for the Tamarack Tussock project area is established in the Boise National Forest Land and Resource Management Plan (Forest Plan). The Forest Plan (specifically, the Sagehen Management Area 48) provides for the removal of salvage timber from lands within the project area. In addition, the Forest Plan prescribes standards to protect soil, water, wildlife, visual, and other onsite resources. The selected alternative for the Tamarack Tussock project is consistent with standards and guidelines, objectives, and direction contained in the Forest Plan.

Forest Pest Management Specialists and District Foresters have analyzed the insect situation and have found no economical or practical means to control the current insect epidemic. Although salvage harvesting and reforestation will not control the epidemic, these activities will: (1) Recover valuable timber that would otherwise deteriorate, and (2) reforest those areas left without tree cover as a result of the insect-caused mortality with tree species more resistant to the tussock moth and western spruce budworm, to help minimize the potential for future outbreaks of these insects. It is extremely important to remove the dead and dying timber prior to deterioration and subsequent value losses. Through the timber salvage operations, the financial value of dead and dying trees can be captured, and live but infested, unhealthy trees—which have been predisposed to attack by other insects and diseases—can be removed. In addition, Knutson-Vandenburg (K–V) funds can be generated for use to restore forest resources that have been damaged by the insect epidemic. The Forest Supervisor has determined through preliminary scoping and environmental analysis that there is justification to expedite this project.

The decision for the Tamarack Tussock project will be implemented after publication of this notice in the **Federal Register**. If the project is delayed because of an appeal (delays of up to 150 days are possible), it is likely that the salvage harvest could not be implemented during the 1992 normal operating season. This would result in a loss of volume and value of the timber due to deterioration. The total estimated value of the merchantable dead, dying and unhealthy timber is $1,237,758. Of this, approximately $309,000 would be returned to counties from 25 percent fund receipts. Delays resulting from appeals could cause the loss of much of this value and potentially make the salvage sale unattractive to timber purchasers. This would jeopardize the objectives of the recovery and rehabilitation project.

Pursuant to 36 CFR 217.4(a)(11), it is my decision to exempt the Tamarack Tussock Salvage and Stand Rehabilitation Project, Emmett Ranger District, Boise National Forest, from appeal. The environmental assessment discloses the effects of the proposed actions on the environment and addresses issues resulting from the proposal.

Dated: September 24, 1992.

**Robert C. Joslin,**

*Deputy Regional Forester, Intermountain Region, USDA Forest Service.*

[FR Doc. 92–23672 Filed 9–29–92; 8:45 am]

BILLING CODE 3410–01–M

## Rural Electrification Administration

## Owen Electric Cooperative; Finding of No Significant Impact

**AGENCY:** Rural Electrification Administration, USDA.

**ACTION:** Notice of Finding of No Significant Impact.

**SUMMARY:** Notice is hereby given that the Rural Electrification Administration (REA) has made a Finding of No Significant Impact (FONSI) with respect to the potential environmental impact resulting from a proposal by Owen Electric Cooperative (OEC) to construct the Walton Service Center in Boone County, Kentucky. The FONSI is based on the borrower's environmental report (BER) prepared for OEC by Mr. Gary Gilpin of Gilpin Group Environmental Consulting and Planning. REA conducted an independent evaluation of the report and concurs with its scope and content. In accordance with REA Environmental Policies and Procedures, 7 CFR 1794.61, REA has adopted the OEC's BER as the environmental assessment for the project.

**FOR FURTHER INFORMATION CONTACT:** Jennifer A. Corwin, Environmental Protection Specialist, Environmental Compliance Branch, Electric Staff Division, room 1246, South Agriculture Building, Rural Electrification Administration, Washington, DC 20250, telephone (202) 720–1784.

**SUPPLEMENTARY INFORMATION:** The Walton Service Center is located in Boone County, Kentucky. The proposed facilities will involve the construction of a twenty-eight thousand square foot metal building for warehousing, construction vehicle parking, light vehicle maintenance activities and meeting facilities, two storm water sedimentation ponds one-half of an acre and one-third of an acre in size, a three-quarter of an acre outside pole storage area, the possible erection of a self-supporting lattice type radio tower and parking and paved areas. OEC has purchased a little over 10 acres for the new service center of which about eight will be affected by the proposed construction activities.

Alternatives considered to the project as proposed were no action, alternative facilities and alternative construction sites.

Based on an independent analysis of the adopted BER, REA has concluded that the construction of the Walton Service Center will have no significant impact on air quality, water quality, wetlands, the 100-year floodplain, existing land uses, prime farmland, historic properties, federally-listed threatened and endangered species or designated critical habitat or species proposed for listing or proposed critical habitat.

No other potential significant impact resulting from the construction and use of the proposed project has been identified. Copies of the environmental assessment and FONSI are available for review at, or can be obtained from, REA at the address provided herein or from Owen Electric Cooperative, Inc., 510 South Main Street, Owenton, Kentucky, 40359–0901.

Dated: September 24, 1992.

**George E. Pratt,**

*Deputy Administrator—Program Operations.*

[FR Doc 92–23644 Filed 9–29–92; 8:45 am]

BILLING CODE 3410–15–F

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Docket A(32b1)-4-92]

### Foreign-Trade Zone 9—Honolulu, Hawaii; Request for Manufacturing Authority (Luggage, Bags, and Cases)

A request has been submitted to the Foreign-Trade Zones (FTZ) Board pursuant to § 400.32(b)(1) of the Board's regulations for approval of zone export manufacturing authority within FTZ 9 by the State of Hawaii's Department of Business, Economic Development and Tourism, on behalf of the State of Hawaii, grantee of FTZ 9. It was formally filed on September 22, 1992.

The proposed operation involves the production for export of plastic and leather luggage, suitcases, handbags, wallets, and sportbags (included in HTS paragraph 4202) by the Hawaii Bag Company, Inc. (HBC). Up to 35 percent of the value of the finished products would be made from components sourced abroad, including articles of steel (HTS 7326.90.9090.5), rubber or plastic fabric (HTS 5903.10.2090.2), leather (HTS 4101.31.6090.8), plastic material (HTS 3926.90.9090.8), plastic fasteners (HTS 3926.90.9090.8), buckles and clasps (HTS 8308.90.6000.0), rigid plastic tubing (HTS 3917.29.0050.2), plastic sheeting (HTS 3920.99.5000.2), and cotton webbing (HTS 6307.90.9986.7).

Zone procedures would exempt HBC from payment of Customs duties on foreign components used in the exported finished products. (Customs duty rates on components range from 3.1 to 7.0 percent.) The request indicates that zone procedures would encourage export activity by helping the firm to reduce production costs, improving its international competitiveness.

Public comment on the proposal is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is November 16, 1992.

A copy of the application and accompanying exhibits will be available for public inspection at the following location: Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 3716, 14th and Pennsylvania Avenue NW., Washington, DC 20230.

Dated: September 24, 1992.

**John J. Da Ponte, Jr.,**

*Executive Secretary.*

[FR Doc. 92-23734 Filed 9-29-92; 8:45 am]

BILLING CODE 3510-DS-M

## International Trade Administration

[A-580-811]

### Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Steel Wire Rope From Korea

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**EFFECTIVE DATE:** September 30, 1992.

**FOR FURTHER INFORMATION CONTACT:** Anna Snider, Amy Beargie, or Richard Rimlinger, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-4733.

**PRELIMINARY DETERMINATION:** We preliminarily determine that steel wire rope from Korea is being, or is likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

#### Case History

Since the initiation of this investigation on April 29, 1992 (57 FR 19280, May 5, 1992), the following events have occurred. On May 26, 1992, the U.S. International Trade Commission (ITC) preliminarily determined that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of steel wire rope from Korea. (57 FR 23428, June 3, 1992).

On June 5, 1992, the Department presented an antidumping duty questionnaire to Korea Iron & Steel Wire, Ltd. (KIS), Man Ho Rope Manufacturing Co., Ltd. (Man Ho), and Young Heung Iron & Steel Co., Ltd. (Young Heung). These three respondents accounted for at least 60 percent of Korean exports of steel wire rope to the United States.

Responses to Section A of the questionnaire were due on June 19, 1992, and responses to the remaining sections were due on July 6, 1992. At the request of the respondents, the response deadline for Sections B and C was extended to July 27, 1992. Responses to Sections A, B, and C were received on their respective due dates. We issued supplemental sales questionnaires on August 18, 1992, and received the corresponding responses on September 1, 1992.

In a submission dated August 4, 1992, the petitioner alleged that KIS, Man Ho, and Young Heung were selling steel wire rope in the home market at prices below the cost of production. On August 25, 1992, the Department determined that petitioner had reasonable grounds to believe or suspect that the three Korean respondents were selling steel wire rope below cost in the home market and, accordingly, initiated a cost of production investigation pursuant to section 773(b) of the Act (*See* August 24, 1992 Memo from the Director of the Office of Antidumping Compliance to the Deputy Assistant Secretary for Compliance—Initiation of Cost Investigation). The Department issued a cost of production and constructed value questionnaire to each respondent on August 25, 1992. Responses to the questionnaire were originally due on September 22, 1992. However, in response to respondents' request for an extension, the Department extended the deadline for the responses to October 1, 1992. We will consider whether respondents made sales at below cost in the home market in the final determination.

On August 6, 1992, petitioner requested that the Department postpone the preliminary determination from September 16, 1992 until September 23, 1992, pursuant to 19 CFR 353.15(c). The Department granted this request on August 24, 1992. (57 FR 39390, August 31, 1992).

Respondents have requested by letter dated September 17, 1992 that, in the event of an affirmative preliminary determination in this investigation, the Department postpone the final determination until not later than 135 days after the date of publication of this notice. See "Postponement of Final Determination" section of this notice.

#### Scope of the Investigation

The product covered by this investigation is steel wire rope. Steel wire rope encompasses ropes, cables, and cordage of iron or carbon steel; other than stranded wire, not fitted with fittings or made up into articles, and not made up of brass plated wire. Imports of these products are currently classifiable under the following Harmonized Tariff Schedule (HTS) subheadings: 7312.10.9030, 7312.10.9060 and 7312.10.9090.

Excluded from this investigation is stainless steel wire rope, *i.e.*, ropes, cables and cordage other than stranded wire, of stainless steel, not fitted with fittings or made up into articles, which is classifiable under the HTS subheading 7312.10.6000. Although HTS subheadings are provided for convenience and customs purposes, our own written

description of the scope of these proceedings is dispositive.

**Period of Investigation**

The period of investigation (POI) extends from November 1, 1991 through April 30, 1992.

**Such or Similar Merchandise**

We have determined that all products covered by this investigation constitute a single category of such or similar merchandise. For purposes of calculating a dumping margin, the Department compared products sold in the United States with identical or similar products sold in the home market. Home market products were considered identical to U.S. products if the merchandise shared the following characteristics: (1) Type of steel wire, *i.e.*, bright carbon steel or galvanized carbon steel; (2) diameter of wire rope; (3) type of core, *i.e.*, fiber or steel; (4) class of wire rope (number of strands by number of wires), *e.g.*, 6×7, 6×19, 6×37 or 8×19; and (5) other characteristics including grade of steel, number of wires per strand, and design of strands.

Where there were no sales of identical merchandise in the home market with which to compare merchandise sold in the United States, sales of the most similar merchandise were compared on the basis of the criteria described above, ranked in order of importance from 1 through 5. For criterion (5), respondents were instructed to use grade of steel, number of wires per strand, and design of strands in the order they deemed appropriate. The information provided in the responses leads us to determine preliminarily that the ranking chosen by respondents is reasonable. We made adjustments for differences in the physical characteristics of the merchandise in accordance with section 773(a)(4)(c) of the Act.

**Fair Value Comparisons**

To determine whether sales of steel wire rope from Korea to the United States were made at less than fair value, we compared United States price with the foreign market value, as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

**United States Price**

For KIS, Man Ho and Young Heung, we based United States price on purchase price in accordance with section 772(b) of the Act because all sales were made directly to unrelated parties prior to importation into the United States.

*A. KIS*

We calculated purchase price based on packed, f.o.b., c.& f., or c.i.f. prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight, ocean freight, foreign brokerage, marine insurance, wharfage, container handling charges, containerization expenses, inspection fees, export licensing charges, postage, and other movement expenses, in accordance with section 772(d)(2) of the Act.

Pursuant to section 772(d)(1)(B) of the Act, we added duty drawback paid by the Korean government to the respondent as a rebate of duties paid on materials imported for production of steel wire rope. In accordance with section 772(d)(1)(C) of the Act, we added to United States price an amount for value-added taxes (VAT) calculated by applying the home market tax rate to gross U.S. price.

*B. Man Ho*

We calculated purchase price based on packed, f.o.b., c.& f., or c.i.f. prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight, ocean freight, foreign brokerage, terminal handling charges, stevedoring charges, marine insurance, wharfage, containeration expenses, container taxes, inspection expenses, shoring charges and other movement charges, in accordance with section 772(d)(2) of the Act.

Pursuant to section 772(d)(1)(B) of the Act, we added duty drawback paid by the Korean government to the respondent as a rebate of duties paid on materials imported for production of steel wire rope. In accordance with section 772(d)(1)(C) of the Act, we added to United States price an amount for value-added taxes (VAT) calculated by applying the home market tax rate to gross U.S. price.

*C. Young Heung*

We calculated purchase price based on packed, f.o.b., c.& f., or c.i.f. prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight, ocean freight, foreign brokerage, marine insurance, terminal handling charges, destination delivery charges, containerization expenses, inspection expenses, shoring charges, letter of credit charges, and other movement expenses, in accordance with section 772(d)(2) of the Act.

Pursuant to section 772(d)(1)(B) of the Act, we added duty drawback paid by the Korean government to the respondent as a rebate of duties paid on materials imported for production of steel wire rope. In accordance with section 772(d)(1)(C) of the Act, we added to United States price an amount for value-added taxes (VAT) calculated by applying the home market tax rate to gross U.S. price.

**Foreign Market Value (FMV)**

In order to determine whether there were sufficient sales of steel wire rope in the home market to serve as a viable basis for calculating foreign market value, we compared the volume of home market sales of steel wire rope with the volume of third country sales of the same product in accordance with section 773(a)(1)(B) of the Act. We found that the home market was viable for sales of steel wire rope by each of the respondents. Therefore, pursuant to section 773(a)(1)(A) of the Act, we calculated foreign market value based on home market sales.

*A. KIS*

Home market prices were based on the packed, ex-factory, ex-warehouse, or delivered prices to unrelated parties in the home market. Where applicable, we made adjustments for movement expenses (including inland freight, loading expenses, inspection fees, and servicing fees), rebates, direct selling expenses including product liability premiums and warranty expenses, differences in credit expenses, differences in costs attributable to differences in the physical characteristics of the merchandise, and differences in packing expenses. As a circumstance of sale adjustment, we added the same amount of VAT tax to home market price as that added to U.S. price.

KIS failed to provide the information necessary to calculate FMVs for six models sold in the United States and, as a consequence, we were unable to calculate margins for eleven U.S. sales. For purposes of the preliminary determination, the Department has applied to the affected sales a margin equal to the respondent's weighted-average rate.

*B. Man Ho*

Home market prices were based on the packed, delivered prices to unrelated parties in the home market. Where applicable, we made adjustments for movement expenses (including inland freight, delivery charges, warehousing expenses, and inspection fees), rebates, direct selling expenses including product liability premiums, differences in credit expenses, differences in costs

attributable to differences in the physical characteristics of the merchandise, and differences in packing expenses. As a circumstance of sale adjustment, we added the same amount of VAT tax to home market price as that added to U.S. price.

*C. Young Heung*

Home market prices were based on the packed, delivered prices to unrelated parties in the home market. Where applicable, we made adjustments for movement expenses including inland freight, rebates, direct selling expenses including product liability premiums, differences in credit expenses, differences in costs attributable to differences in the physical characteristics of the merchandise, and differences in packing expenses. As a circumstances of sale adjustment, we added the same amount of VAT tax to home market price as that added to U.S. price.

**Currency Conversion**

We made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.

**Verification**

As provided in section 776(b) of the Act, we will verify the information used in reaching the final determination in this investigation.

**Suspension of Liquidation**

In accordance with section 733(d)(1) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries (except for those of KIS and Young Heung) of steel wire rope, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins shown below. This suspension of liquidation will remain in effect until further notice. The margins are as follows:

| Manufacturer/producer/exporter | Weighted-average margin percentage |
|---|---|
| Korea Iron & Steel Wire, Ltd | [1] 0.25 |
| Man Ho Rope Mfg., Ltd | .99 |
| Young Heung Iron & Steel Co., Ltd | [1] .06 |
| All others | .99 |

[1] De minimis.

**International Trade Commission Notification**

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

**Postponement of Final Determination**

As stated above, the respondents have requested that, in the event of an affirmative determination, the Department postpone the final determination. In accordance with 19 CFR 353.20(b), we are postponing the date of the final determination until not later than 135 days after the date of publication of this notice.

**Public Comment**

In accordance with 19 CFR 353.38(c) and 19 CFR 353.8(d), case briefs or other written comments in at least ten copies may be submitted to the Assistant Secretary for Import Administration no later than December 4, 1992, and rebuttal briefs no later than December 11, 1992. Pursuant to 19 CFR 353.38(b), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on December 15, 1992 at 10 a.m. at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B–099, within ten days of the publication of this notice in the **Federal Register**. Requests should contain:

(1) The party's name, address, and telephone number;

(2) The number of participants; and

(3) A list of the issues to be discussed.

In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs.

This determination is published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: September 23, 1992

**Alan M. Dunn,**

*Assistant Secretary for Import Administration.*

[FR Doc. 92–23732 Filed 9–29–92; 8:45 am]

BILLING CODE 3510–DS–M

## Quarterly Update of Foreign Government Subsidies on Articles of Quota Cheese

**AGENCY:** International Trade Administration/Import Administration Department of Commerce.

**ACTION:** Publication of quarterly update of foreign government subsidies on articles of quota cheese.

**SUMMARY:** The Department of Commerce, in consultation with the Secretary of Agriculture, has prepared a quarterly update to its annual list of foreign government subsidies on articles of quota cheese. We are publishing the current listing of those subsidies that we have determined exist.

**EFFECTIVE DATE:** October 1, 1992.

**FOR FURTHER INFORMATION CONTACT:** Patricia W. Stroup or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377–2786 or 377–0983.

**SUPPLEMENTARY INFORMATION:** Section 702(a) of the Trade Agreements Act of 1979 ("the TAA") requires the Department of Commerce ("the Department") to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of quota cheese, as defined in section 701(c)(1) of the TAA, and to publish an annual list and quarterly updates of the type and amount of those subsidies.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702(h)(2) of the TAA) being provided either directly or indirectly by foreign governments on articles of quota cheese.

In the current quarter the Department has determined that the subsidy amounts have changed for several of the countries for which subsidies were identified in our annual subsidy list. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amount of each subsidy on which information is currently available.

The Department will incorporate additional programs which are found to constitute subsidies, and additional

information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of quota cheese to submit such information in writing to the Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the TAA.

Dated: September 25, 1992.

**Alan M. Dunn,**

*Assistant Secretary for Import Administration.*

APPENDIX—QUOTA CHEESE SUBSIDY PROGRAMS

| Country | Program(s) | Gross [1] subsidy (cents per pound) | Net [2] subsidy (cents per pound) |
|---|---|---|---|
| Belgium | European Community (EC) Restitution Payments | 49.1 | 49.1 |
| Canada | Export Assistance on Certain Types of Cheese | 29 1 | 29.1 |
| Denmark | EC Restitution Payments | 60.7 | 60.7 |
| Finland | Export Subsidy | 158.1 | 158.1 |
| France | EC Restitution Payments | 58.3 | 58.3 |
| Greece | EC Restitution Payments | 66.8 | 66.8 |
| Ireland | EC Restitution Payments | 73.5 | 73.5 |
| Italy | EC Restitution Payments | 75.5 | 75.5 |
| Luxembourg | EC Restitution Payments | 49.1 | 49.1 |
| Netherlands | EC Restitution Payments | 51.0 | 51.0 |
| Norway | Indirect (Milk) Subsidy | 20.6 | 20.6 |
| | Consumer Subsidy | 45.6 | 45.6 |
| | | 66.2 | 66.2 |
| Portugal | EC Restitution Payments | 50.8 | 50.8 |
| Spain | EC Restitution Payments | 51.4 | 51.4 |
| Switzerland | Deficiency Payments | 182.0 | 182.0 |
| U.K. | EC Restitution Payments | 50.4 | 50.4 |
| W. Germany | EC Restitution Payments | 55.9 | 55.9 |

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).

[FR Doc. 92–23735 Filed 9–29–92; 8:45 am]
BILLING CODE 3510–DS–M

## National Oceanic and Atmospheric Administration

### Oceanic and Atmospheric Management Advisory Committee; Open Meeting

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**SUMMARY:** The Oceanic and Atmospheric Management Advisory Committee (OAMAC) will meet on October 5–6, 1992, to advise the Secretary on issues related to the management of oceanic and atmospheric resources that fall within the legislative and administrative purview of the National Oceanic and Atmospheric Administration (NOAA). This Committee reviews on a selective basis, Earth systems research and data management, the status of marine and atmospheric science, service programs of NOAA, and NOAA's laboratories, fleet, satellites and supercomputers, and their application to resource management and to products and services beneficial to the American public.

**TIME AND PLACE:** October 5, 1992, from 8:30 a.m. until 5 p.m. at the Willard Hotel, 1401 Pennsylvania Avenue NW, Washington, DC, and on October 6, 1992, at the Willard Hotel from 8:30 a.m. until 4 p.m.

**AGENDA:** This is the third meeting of OAMAC. The committee will consider reports from the five subcommittees: (1) NOAA Definition and Public Appreciation (2) Fleet Modernization (3) Weather Station Closings (4) Fisheries—International Support (4) Marine Sanctuaries.

**PUBLIC PARTICIPATION:** The meeting will be opened to the public. Seat will be available on a first-come, first-served basis.

**FOR FURTHER INFORMATION CONTACT:** R.A. Edwards, Deputy Assistant Secretary of Commerce for Oceans and Atmosphere, room 5804, Hoover Building, Department of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230. Telephone: (202) 377–3567.

**R.A. Edwards,**

*Deputy Assistant Secretary for Oceans and Atmosphere.*

Accordingly the following agenda for the second meeting of the Oceanic and Atmospheric Management Advisory Committee is published.

**Agenda for the October 5–6, 1992 Meeting of the Oceanic and Atmospheric Advisory Committee**

*October 5, 1992*

8:30 a.m.
Meeting (Willard Hotel).
OAMAC Overview and Business.
Subcommittee Reports.
12:30 p.m.—Lunch break.
2 p.m.
Lunch concludes.
Other Business.
5 p.m.
Meeting concludes.

*October 6, 1992*

8:30 a.m.—Subcommittee reports continue.
Noon—Lunch Break
1:30 p.m.
Lunch concludes.
OAMAC business.
2 p.m.—Conclude OAMAC Business.
2:30 p.m.—Adjournment.

[FR Doc. 92–23669 Filed 9–29–92; 8:45 am]
BILLING CODE 3510–08–M

## Endangered Species; Permits

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of correction regarding application for permit (P45K).

**SUMMARY:** This notice revises the first paragraph under the name and address of applicant section previously published in the **Federal Register** September 14, 1992 (57 FR 41922). The applicant's correct name and address should read as follows: The U.S. Fish and Wildlife Service, National Fisheries Research Center, Seattle-Columbia River Field Station, Star Route, Cook, WA 98604.

Dated: September 15, 1992.

**Charles Karnella,**

*Deputy Director, Office of Protected Resources.*

[FR Doc. 92-23619 Filed 9-29-92; 8:45 am]

BILLING CODE 3510-22-M

## COMMODITY FUTURES TRADING COMMISSION

### Agricultural Advisory Committee Meeting

This is to give notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. app. 2, section 10(a) and 41 CFR 101-6.1015(b), that the Commodity Futures Trading Commission's Agricultural Advisory Committee will conduct a public meeting in the Hearing Room on the basement level of the Commission's Washington, DC headquarters, 2033 K Street, NW., Washington, DC on October 19, 1992, beginning at 8:30 a.m. and lasting until 12:30 p.m. The agenda will consist of:

Agenda

I. Introductory remarks, Commissioner Joseph B. Dial;
II. Demonstration of AUDIT;
III. Discussion of new agricultural futures contracts offered by CBOT;
IV. Discussion of speculative position limits;
V. Discussion of CFTC reauthorization;
VI. Discussion of agricultural trade options;
VII. Discussion of futures-style margining of options;
VIII. Discussion of *Arkansas Best;*
IX. Discussion on CFTC's Excellence 2000;
X. Discussion concerning agricultural education programs;
XI. Other Committee Business; and
XII. Closing Remarks by Commissioner Joseph B. Dial.

The purpose of this meeting is to solicit the views of the Committee on the above-listed agenda matters. The Advisory Committee was created by the Commodity Futures Trading Commission for the purpose of receiving advice and recommendations on agricultural issues. The purposes and objectives of the Advisory Committee are more fully set forth in the May 6, 1991 fourth renewal charter of the Advisory Committee.

The meeting is open to the public. The Chairman of the Advisory Committee, Commissioner Joseph B. Dial, is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Advisory Committee should mail a copy of the statement to the attention of: the Commodity Futures Trading Commission Agricultural Advisory Committee c/o Kimberly N. Griles, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, before the meeting. Members of the public who wish to make oral statements should also inform Ms. Griles in writing at the foregoing address at least three business days before the meeting. Reasonable provision will be made, if time permits, for an oral presentation of no more than five minutes each in duration.

Issued by the Commission in Washington, DC on September 24, 1992.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 92-23680 Filed 9-29-92; 8:45 am]

BILLING CODE 6351-01-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Defense Science Board Task Force on Submarine Service Life; Meeting

**ACTION:** Change in Date of Advisory Committee Meeting.

**SUMMARY:** The meeting of the Defense Science Board Task Force on Submarine Service Life scheduled for October 5 and 6, 1992, at the MITRE Corporation, McLean, Virginia, as published in the **Federal Register** (Vol. 57, No 183, Page 43441, Monday September 21, 1992, FR Doc. 92-22688) has been rescheduled for October 19 and 20, 1992.

Dated: September 24, 1992.

**Linda M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 92-23622 Filed 9-29-92; 8:45 am]

BILLING CODE 3810-01-M

### Department of the Air Force

### USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board will hold its Fall General Board Meeting on 20-22 October 1992 from 8 a.m. to 5 p.m. at the Pentagon, Washington, DC.

* * * * *

The purpose of this meeting is to provide attendees the opportunity to hear results of important SAB studies and to enable members and senior Air Force leaders to become better acquainted. Additionally, the attendees will begin planning for future studies.

This meeting will involve discussions of classified defense and contractor proprietary matters listed in section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697-4811.

**Patsy J. Conner,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 92-23624 Filed 9-29-92; 8:45 am]

BILLING CODE 3910-01-M

### Department of the Army

### Army Science Board; Notice of Partially Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following Committee Meeting:

*Name of the Committee:* Army Science Board (ASB).

*Dates of the Meetings:* 15 October 1992.

*Time:*

0800-0835 Hours OPEN COI/ WELCOME
0835-1200 Closed
1300-1700 Closed

*Place:* Picatinny Arsenal, Dover, NJ

*Agenda:* The Army Science Board's Systems Issue Group will meet with government and contractor representatives to discuss results of the test firings at Yuma Proving Grounds, review pressure oscillation analysis and discuss the latest design of the Regenerative Liquid Propellant Gun. This meeting will be closed to the public in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraphs (1) and (4) thereof, and title 5, U.S.C., appendix 2, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed is so inextricably intertwined so as to preclude opening

any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information (703) 695–0781.

**Sally A. Warner,**

*Administrative Officer, Army Science Board.*

[FR Doc. 92–23912 Filed 9–29–92; 8:45 am]

BILLING CODE 3710–08–M

## DEPARTMENT OF EDUCATION

### Business and Education Standards Program

**AGENCY:** Department of Education.

**ACTION:** Notice of final priority for Fiscal Year 1993.

**SUMMARY:** The Secretary announces a priority for fiscal year (FY) 1993 under the Business and Education Standards Program. Under this absolute priority, the Secretary will fund projects that develop skill standards so that workers and trainees are aware of the skills that are required to perform a job well in national labor markets. The Secretary takes this action in an effort to help meet the needs of business, industry, and educational institutions that educate and train workers. This absolute priority is the first step in developing competent entry-level workers who have attained national skill standards.

**EFFECTIVE DATE:** This priority takes effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of this priority, call or write the Department of Education contact person.

**FOR FURTHER INFORMATION CONTACT:** Debra J. Nolan, U.S. Department of Education, 400 Maryland Ave. SW., room 4512, Switzer Building, Washington, DC 20202–7242. Telephone: 202–205–9650. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 ( in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

**SUPPLEMENTARY INFORMATION:** The Business and Education Standards Program is authorized by section 416 of the Carl D. Perkins Vocational and Applied Technology Education Act, as amended by Public Law 101–392, 104 Stat. 756, 818 (1990). On July 6, 1992, the Secretary published a notice of proposed priority for this program in the **Federal Register** (57 FR 29714). Under this final priority the Secretary funds projects that will organize and operate business-labor-education technical committees to develop national skill standards and skill certificates for competencies in industries and trades. The following entities are eligible for an award under this program: Industrial trade associations, labor organizations, national joint apprenticeship committees, and comparable national organizations, such as educational associations, industry councils, business and industry organizations, and associations of private or national research organizations.

The Secretary encourages applicants, in meeting this final priority, to replicate standards or adapt methods used in this country and abroad. In the United States, for example, the automotive industry is notable in the development of skill standards and the certification of individuals who have completed vocational-technical education programs. The work of the Vocational-Technical Education Consortium of States is notable in converting job analysis information into curriculum objectives and methods for assessing student achievement.

Other organizations that have attempted to define and measure employability and workplace competencies include the National Occupational Competency Testing Institute, the Educational Testing Service, the American College Testing Service, the American Society for Training and Development, the Secretary of Labor's Commission on Achieving Necessary Skills, and the National Occupational Information Coordinating Committee.

Other countries, such as Canada, the Netherlands, and Scotland, have done considerable work in developing national industry-based skill standards. These countries have been successful in establishing industry-occupational platform committees with strong representation from management, labor, education, and government.

The Netherlands has developed a computerized interactive curriculum information system for entering job analysis data and using artificial intelligence methods to convert those data into skill standards and vocational curricular objectives. The Netherlands has invited the United States to make use of this system, and the Secretary encourages interested applicants to consider this. Applicants may obtain an abstract that describes the Netherlands system from the National Occupational Information Coordinating Committee in Washington, DC (Telephone: 202–653–5665).

The Assistant Secretary for Vocational and Adult Education has consulted with the Assistant Secretary of Labor for Employment and Training regarding the Business and Education Standards Program. Both Departments will be involved in reviewing applications submitted under the FY 1993 competition and will continue meeting throughout the operation of the program.

The Business and Education Standards Program directly supports National Education Goal 5—to ensure that every adult American will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship. The program is also an important element of AMERICA 2000, the President's strategy to help America achieve the National Education Goals. Specifically, it addresses Track III of the AMERICA 2000 strategy—transforming America into "A Nation of Students"—by establishing standards for job skills and knowledge through a cooperative effort by business, industry, labor, and education groups, so that workers can see what skills are needed to perform a job and can evaluate their own grasp of those skills.

**Note:** This notice of final priority does not solicit applications. A notice inviting applications under this competition is published in a separate notice in this issue of the **Federal Register**.

#### Public Comment

In the notice of proposed priority, the Secretary invited comments on the proposed priority. Four commenters submitted letters supporting the business and education standards priority. There were no comments opposing the priority. One of the commenters, in addition to supporting the priority, offered suggestions that were not related to the priority. Thus, the Secretary will not address these suggestions in this notice. The Secretary has made no changes in this priority since publication of the notice of proposed priority.

#### Priority

Under 34 CFR 75.105(c)(3), the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under the FY 1993 competition only applications that meet this absolute priority:

Projects that propose to carry out all of the following activities:

(1) Develop a coalition—of employers, labor organizations, associations, vocational educators and others—who will participate in the development of skill standards that will serve as a basis for a certification process. The coalition must broadly represent entities

associated with a majority of the persons employed in a particular industry or industry cluster.

(2) Develop standards that include job-specific, academic, and reasoning skills along with a basis for a certification process that show promise of being maintained and updated after termination of the project.

(3) Develop methods for using skill standards as the basis for the development of curricula in vocational-technical education and for certification.

(4) Propose procedures for testing the validity of the skill standards to ensure nondiscrimination on the basis of race, color, national origin, gender, age, or disability.

(5) Develop a method for determining whether certified personnel are better performers than non-certified personnel.

(6) Propose procedures for identifying and accommodating probable future skill standards at the national and world class levels for business and industry.

**Intergovernmental Review**

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

**APPLICABLE PROGRAM REGULATIONS:** 34 CFR part 421.

**Program Authority:** 20 U.S.C. 2416.

(Catalog of Federal Domestic Assistance Number 84.244, Business and Education Standards Program)

Dated: September 11, 1992.

**Lamar Alexander,**

*Secretary of Education.*

[FR Doc. 92-23637 Filed 9-29-92; 8:45 am]

**BILLING CODE 4000-01-M**

## DEPARTMENT OF ENERGY

### University Research Instrumentation Program 1993

**AGENCY:** Office of University and Science Education, Department of Energy.

**ACTION:** Notice.

**SUMMARY:** The purpose of this notice is to announce the availability of the University Research Instrumentation (URI) Program solicitation, and to inform potential applicants of the closing date and location for transmittal of applications for awards under this program. This program provides grants to selected universities and colleges so that they can purchase advanced equipment which will enhance their capability to conduct energy research. The catalog number is 81.077 (Catalog of Federal Domestic Assistance), University Research Instrumentation Program.

**DATES:** Applications may be delivered by hand, U.S. First Class Mail, or express mail and must be received by the Idaho Field Office no later than 4:30 p.m. local prevailing time, Monday, December 7, 1992.

**ADDRESSES:** To be eligible, the application must be received by the U.S. Department of Energy, Idaho Field Office, 785 DOE Place, M/S 1220, Idaho Falls, ID 83401/1562, ATTN: J.H. Nadler, 1993 URI Program.

**FOR FURTHER TECHNICAL INFORMATION CONTACT:** Copies of the Program Solicitation may be obtained from the URI Program Manager, Office of University and Science Education, OUSE/ST-511, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-8949.

**SUPPLEMENTARY INFORMATION:** The purpose of the University Research Instrumentation Program is to assist university and college scientists in strengthening their capabilities to conduct long-range research in specific energy research and development areas of direct interest to DOE through the acquisition of specialized research instrumentation. This program is consistent with, and part of, a government-wide effort to increase the availability of advanced research instrumentation in universities and colleges. For FY 1993, the appropriation recommended in the conference report for the Energy and Water Development Appropriations Bill is $5.647 million. In anticipation of enactment of this bill, DOE invites all qualified colleges and universities to write for a copy of its University Research Instruction Program solicitation. DOE-ER-0184/8. Notice of Program Announcement Number DE-PS05-93ER79139. Selection for award under this solicitation is subject to the availability of funds. Applications must be prepared and submitted in accordance with the instructions and forms included in the program solicitation.

In FY 1993 applications will only be accepted in the designated principal research areas. The URI program's funds will be concerned primarily with capital equipment costing $100,000 or more needed for on-campus research in one of six specific energy research areas (listed below in alphabetical order). The following research areas are divided into subjects, and in same instances, the subjects are further divided into segments. The applicant should only submit an application that fits within the current research area, subject(s), and if applicable, segment(s) stated in the 1993 URI Guide. A research area and/or subject extracted from previous guides (1984-1992) does not meet the criteria for submission and will not be accepted. Within each research area no preference is given to any of the subjects, or if applicable, any of the segments.

**A. Biological and Environmental**

*1. Health Effects and Life Science*

Research on the cellular and molecular effects of radiation and energy related chemicals to provide data needed to predict long-term health effects and research that provides fundamental information on the macromolecular structure and function of living systems.

a. Improved and innovative methods for detecting and quantitating DNA damage and repair;

b. Improved quantitation of the health and environmental effects of radon exposure;

c. More efficient and cost effective approaches to mapping and sequencing the human genome;

d. High resolution analysis of the structure and function of biological macromolecules.

*2. Environmental Processes and Effects*

a. Subsurface microbiology and factors affecting mobilization and immobilization of chemicals in soils and ground water systems, including new technologies to characterize microbes and the groundwater systems within which they grow;

b. Determination of the movement and fate of carbon, nutrients, and contaminants introduced along the ocean margins;

c. Development of fundamental integrated ecological studies in terrestrial systems that will contribute to understanding response functions of global and regional research activities.

*3. Atmospheric and Climate Research*

a. Measure and control systems for experimental research on the biological effects of $CO_2$ and climate variables; instrumentation to produce and measure trace materials (e.g., $C_{11}$ isotope) for real-time studies of carbon fixation and metabolism within plants;

b. Ground based remote sensing instruments such as: Radio Acoustical Sounder (RASS) for temperature profiles, Differential Absorption Lidar (DIAL) and Raman Lidars for water vapor profiles, Doppler Wind Systems and High Resolution Interferometers Sounder (HIS) for solar and infrared spectral measurements, and other remote sensing instrument technology capable of identifying and profiling specific atmospheric constituents including aerosols.

**B. Chemical Sciences**

Equipment needs to augment research in specific areas of the Chemical Science include fundamental studies related to chemical reactivity, transformations, and conversion. Studies of the chemistry of fossil resources, particularly the characterization and transformation of coal, are critical to new or existing concepts of energy production and storage.

1. *Chemical Kinetics.* Dynamics and kinetics of high-temperature chemical reactions, reaction mechanisms of complex hydrocarbons, and formation of hazardous byproducts.

2. *Surface Chemistry.* Studies including the chemistry of adsorbates, surface compositions, and studies of molecules at the solid-gas interface.

3. *Separation Processes.* Organic and organometallic molecules used in separation processes, including solvent extraction.

4. *Correlation Effects.* Correlation effects which accompany multielectron transfer and excitation in laser-assisted atomic ion collisions, atomic processes in intense magnetic and electric fields.

**C. Engineering**

Instrumentation for use as diagnostic tools in basic or applied research on:

1. Multiphase flows, such as flows in porous media, gas-liquid flows, slurries, fluidized beds, flows including biologically active substances, e.g., bacteria and enzymes.

2. Fracture mechanics, metal fatigue, and mitigation of the effects of aging in energy-related structures.

3. Process control in advanced materials processing, such as determination of nonequilibrium states in thermal plasmas and evolution of particulates in plasma streams, tracking and identification of radicals, and the like.

**D. Geosciences**

Geophysics and geochemistry of rock-fluid systems emphasizing flow, interaction, and transport of fluids (oil, gas, geothermal fluids, magma, and ground water) in porous and fractured rocks of the earth's near-surface regime. Research topics include both natural processes and phenomena as well as those generated or modified by human interaction. The emphasis is on active geologic processes as they shed light on past phenomena and enhance our predictive capabilities for the future.

Basic and applied research in the geosciences funded by the Department of Energy contribute to important aspects of the Fossil, Renewable, and Nuclear Energy technologies and to Environmental Restoration and Waste Management. Of particular interest is instrumentation that will contribute to advanced training and education necessary in providing the cadre for the future.

1. *Geophysical Imaging:* Determination of geologic structure and properties of fluid-bearing reservoirs by acoustic and electromagnetic methods.

2. Geochemical Characterization: Measurement and interpretation of chemical, structural, and textural properties of rocks and minerals, including surface characterization of minerals and mineral-fluid interactions.

3. *Down-Hole Instrumentation:* Measurements of geophysical and geochemical properties under *in situ* conditions to provide information on rock properties and behavior. Includes hole-to-hole, hole-to-surface, and surface-to-hole active and passive measurements.

**E. Materials Science**

Equipment, apparatus, instrumentation, and facilities for controlled synthesis and processing of advanced materials including structural ceramics; structural ceramic matrix composites; polymers; photovoltaic semiconductors; structural intermetallic compounds; ceramic, polymeric, and intermetallic superconductors; magnetic materials; surfaces of controlled microstructure and microchemistry; and adhesive bonds or welds between either similar or dissimilar kinds of materials.

1. *Ceramic Fiber Synthesis.* Synthesis of controlled ceramic fiber, whisker, or powder of micron or submicron dimensions with reduced and controlled levels of impurity and foreign particulate contamination and in compliance with relevant health, environment, and safety concerns.

2. *Composition Control.* Reaction processes for the production of research laboratory quantities of controlled composition and purity materials with appropriate concern for the control of reaction temperatures, pressure, and chemical environment.

3. *Material Synthesis.* Hydrothermal and other forms of pressure-assisted reaction synthesis, biomimetic reactions, atomic vapor resonant ionization processes (to achieve very high purity), electrochemical synthesis, polymer synthesis, colloidal synthesis, ceramic precursor synthesis, cluster, and nanophase synthesis.

4. *Vapor Deposition.* Various "assisted" vapor reaction and deposition processes such as MBE, MOCBD, sputtering, etc., and including laser, plasma, microwave, particle beam, photon or other methods that may promote synthesis or process reactions that would not otherwise occur, or permit reactions to occur at lower temperatures.

5. *Bulk Processing.* Processing issues including processing material in bulk form with the objective of achieving a microstructure that gives desired properties in the bulk form. Subtopics that are included are high pressure (-GPa regime) reaction, self-propagating and self-organizing synthesis of consolidated products, hot isostatic pressing, and various "assisted" forms of consolidation including, but not necessarily limited to, RF, microwave, plasma, and various static and/or dynamic applied fields that are capable of achieving the densification of composite or multiphasic ensembles, or lowering the reacting temperature and time required to achieve full densification, and of providing preferred orientation of nonisotropic bulk materials.

6. *Fabrication and Joining.* Other appropriate topics include sheet metal fabrication and forming under multiaxial deforming forces, cross-linking and surface modification fabrication routes in polymers, welding and joining of both similar as well as dissimilar materials, e.g., joining a metal to ceramic, and near-net-shape forming and shaping processes.

**F. Mechanistic Plant and Microbial Research**

*1. Basic Plant Sciences*

Research devoted to understanding the fundamental cellular and molecular mechanisms of plant conversion of solar energy into chemical energy. This would include studies on growth and development, as well as other physiological processes that determine plant productivity as renewable resources (biomass).

*2. Fermentation Microbiology*

(a) Examination of the various basic biochemical processes involved in the

broad spectrum of metabolic, both anaerobic and aerobic, transformations carried out by non-medical microorganisms;

(b) Research on the physiology, biochemistry and molecular biology of both monocultures and complex consortia;

(c) Organisms occupying unique, exotic niches with the potential to be exploited in future energy-related biotechnologies.

While the equipment requested may be equally suitable and may be used for research on other energy-related topics, the need for the instrument(s) must be justified (and the application will be reviewed) in terms of its value and ability to enhance the institution's capabilities in the principal designated energy-related research area specified on the cover sheet. The instrument's utility in advancing other areas of scientific or technical research is of peripheral interest during the application's review procedure.

Participation in the URI Program is limited to U.S. universities and colleges that currently have active, ongoing DOE-funded research support (including subcontracts) totalling at least $150,000 in value in the specific research area for which the equipment is requested during the past two fiscal years (October 1, 1990 to September 30, 1992).

DOE is establishing this limitation to ensure that the instrumentation acquired with these grants will significantly expanded the research capability of institutions which have already demonstrated the capability to perform long-range energy research. The Office of University and Science Education believes that restricting eligibility to institutions which have performed $150,000 of DOE supported research over a two-year period will limit eligibility in this grant program to those institutions which, because of their existing commitment to energy research, are best able to incorporate advanced instrumentation into their research programs. Special consideration will be given to Historically Black Colleges and Universities (HBCUs) and other traditional minority institutions which meet the institutional eligibility criteria, and have significant research capabilities in the selected research area. DOE will consider any requests for larger instruments, costing about $100,000 or more, which are required to advance research in the designated research area. Smaller research instruments (less than $100,000 each) will not be eligible for consideration in this program. General purpose computing equipment is also not eligible under this program. However, laboratory computers and associated peripherals dedicated for use directly with the instrument requested (or for use with existing research instruments in the selected area) may be considered. Computer equipment for theoretical research will be eligible under this program, but will be given secondary consideration relative to instrumentation for experimental research.

For more detailed background information about the URI solicitation, please refer to the following related documents: (1) DOE request for public comment on the URI program, June 7, 1983 (48 FR 26328), (2) October 18, 1983, DOE changes to the program (48 FR 48277); and (3) December 15, 1983, DOE program solicitation announcement (48 FR 55774). The authority for the University Research Instrumentation Program is contained in section 31 (a) and (b) of the Atomic Energy Act of 1954 (42 U.S.C. 2051) and section 209 of the Department of Energy Organization Act (42 U.S.C. 7139).

**Steven W. Morrell,**

*Contracting Officer, Procurement & Contracts Division, Oak Ridge Field Office.*

[FR Doc. 92-23740 Filed 9-29-92; 8:45 am]

BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

**[Docket Nos. ER92-434-001, et al.]**

### United Illuminating Co. et al.; Electric Rate, Small Power Production, and Interlocking Directorate Fillings

Take notice that the following filings have been made with the Commission:

**1. United Illuminating Co.**

[Docket No. ER92-434-001]

September 21, 1992.

Take notice that on September 17, 1992, United Illuminating Company tendered for filing its refund report in the above-referenced docket.

*Comment date:* October 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

**2. Empire District Electric Co.**

[Docket No. ER91-616-001]

September 21, 1992.

Take notice that on September 14, 1992, Empire District Electric Company tendered for filing its compliance refund report in the above-referenced docket.

*Comment date:* October 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

**3. Central Hudson Gas & Electric Co.**

[Docket No. ER92-608-000]

September 21, 1992.

Take notice that on September 10, 1992, Central Hudson Gas & Electric Company tendered for filing an amendment in the above-referenced docket.

*Comment date:* October 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

**4. Grayling Generating Station Limited Partnership**

[Docket No. ER92-839-000]

September 21, 1992.

Take notice that on September 14, 1992, Grayling Generating Station Limited Partnership (Grayling), a Michigan limited partnership, tendered for filing, pursuant to 18 CFR 35.1 and 35.13, proposed Supplement No. 8 to Rate Schedule FERC No. 1, applicable to the sale of energy and capacity to Consumers Power Co. (Consumers) from a biomass waste wood generating facility located in Crawford County, Michigan. The facility is a qualifying small power production plant of more than 30 MW within the meaning of sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978.

Supplement No. 8 makes three changes to Rate Schedule FERC No. 1. First, the not-to-exceed nameplate rating of the facility has been increased from 14 NW to 39 MW. This increase does not affect the amount of capacity sold or purchased under Rate Schedule FERC No. 1, which amount was and is a maximum of 28.17 MW. Second, the billing procedures have been modified. Originally, Grayling was required to calculate the amounts owed each month and invoice Consumers Power. When Grayling proved unable to calculate such amounts in a timely manner, the parties agreed to have Consumers Power calculate the monthly bill through its metering equipment. Third, CSS Form 0991 has been added, requiring Grayling to comply with certain federal laws, such as equal opportunity and environmental quality. Consumers Power requires inclusion of this form in all its contracts. Each change is technical in nature and does not affect rates or service.

Grayling also is requesting that the sixty-day notice period under 18 CFR 35.3 be waived and that Supplement No. 8 be accepted as effective on May 15, 1992 (for the billing and CSS Form 0991 changes) and on September 28, 1990 (for the nameplate rating change).

Copies of this filing have been served on Consumers Power Company.

*Comment date:* October 5, 1992, in accordance with Standard Paragraph E at the end of this notice.

**5. Pennsylvania Power & Light Co.**

[Docket No. ER92-700-000]

September 21, 1992.

Take notice that on August 31, 1992, Pennsylvania Power & Light Company tendered for filing supplemental information in the above-referenced docket.

*Comment date:* October 5, 1992, in accordance with Standard Paragraph E at the end of this notice.

**6. Interstate Power Co.**

[Docket No. ER91-687-000]

September 21, 1992.

Take notice that on August 24, 1992, Interstate Power Company tendered for filing revised page of the negotiated capacity agreement with Wisconsin Power & Light Company.

*Comment date:* October 5, 1992, in accordance with Standard Paragraph E at the end of this notice.

**7. Green Mountain Power Corp.**

[Docket Nos. ER92-361-000 and ER92-362-000]

September 21, 1992.

Take notice that on Augsut 18, 1992, Green Mountain Power Corporation tendered for filing an amendment in the above-referenced dockets.

*Comment date:* October 5, 1992, in accordance with Standard Paragraph E at the end of this notice.

**8. Florida Power & Light Co.**

[Docket No. ER92-841-000]

September 21, 1992.

Take notice that on September 16, 1992, Florida Power & Light Company (FPL) filed the Contract for Purchases and Sales of Scheduled Power and Energy Between Florida Power & Light Company and Utilities Commission, City of New Smyrna Beach, Florida. FPL requests an effective date of October 1, 1992.

*Comment date:* October 5, 1992, in accordance with Standard Paragraph E at the end of this notice.

**9. Indiana & Michigan Municipal Distributors Association and City of Auburn, Indiana v. Indiana Michigan Power Co. et al.**

[Docket Nos. EL88-1-000; ER88-31-002 and ER88-32-002; ER90-270-003 and ER90-271-003]

September 21, 1992.

Taken notice that on September 15, 1992, Indiana Michigan Power Company (I&M) tendered a modified compliance filing in the above-referenced dockets, in compliance with the Commission's June 3, 1992 Opinion and Order on Initial Decision. The modified compliance filing amends a prior compliance filing made by I&M on July 15, 1992 in order to reflect a correction to allocation factors related to the Rockport Plant Unit No. 1 deferrals.

Copies of the modified filing were served upon Richmond Power & Light, the Indiana Municipal Power Agency and the Indiana Utility Regulatory Commission.

*Comment date:* October 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

**10. United Illuminating Co.**

[Docket No. ER92-589-001]

September 21, 1992.

Take notice that on September 4, 1992, United Illuminating Company tendered for filing its refund report in the above-referenced docket.

*Comment date:* October 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

**11. Southern Company Services, Inc.**

[Docket No. ER92-826-000]

September 21, 1992.

Take notice that on September 4, 1992, Southern Company Services, Inc., acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company (collectively referred to as "Southern Companies"), tendered for filing Amendment No. 1, dated September 3, 1992, to Service Schedule EP of the Interchange Contract between Florida Power & Light Company and Southern Companies. The Amendment extends the term and includes other modifications to Schedule EP. Southern Companies state that the modifications will have no effect on the rate or will result in a rate decrease.

Southern Companies request expedited review of the Amendment. Southern Companies also request waiver of the sixty day prior notice requirement and an immediate effective date.

*Comment date:* October 5, 1992, in accordance with Standard Paragraph E at the end of this notice.

**12. Pacific Gas and Electric Co.**

[Docket No. ER92-410-000]

September 21, 1992.

Take notice that on September 15, 1992, Pacific Gas and Electric Company (PG&E) tendered for filing an Addendum No. 2 dated August 27, 1992 to the Rate Settlement Agreement between PG&E and the Department of Water Resources of the State of California (DWR) dated March 23, 1992, previously filed with the Commission on March 27, 1992. Pursuant to the Commission Staff verbally requesting that certain components and a factor used in the calculation of the "Annual Transmission Rate Adjustment Factor" (ATRAF) in Attachment 1 to Exhibit II of the Rate Settlement Agreement either not be used or explained further as to why they are appropriate, PG&E has amended the Rate Settlement Agreement to reflect certain changes.

Copies of this filing were served upon DWR and the California Public Utilities Commission.

*Comment date:* October 5, 1992, in accordance with Standard Paragraph E at the end of this notice.

**13. Nevada Power Co.**

[Docket No. ER92-840-000]

September 21, 1992.

Take notice that on September 15, 1992, Nevada Power Company (NPC), tendered for filing a request for a waiver of § 35.14 of the Federal Energy Regulatory Commission's Regulations for all tariffed service provided by NPC to the City of Needles (Needles) under Rate Schedule FERC No. 41. The Primary purpose of the filing is to allow NPC to exclude the purchase power costs and energy of the Boulder Canyon Project Schedule B (Hoover B) power from the calculation of the fuel adjustment clause for power sold to Needless. The request asks that the waiver be for all service rendered since March 1990.

NPC states that copies of the filing were served upon Needles.

*Comment date:* October 5, 1992, in accordance with Standard Paragraph E at the end of this notice.

**14. Western Massachusetts Electric Co.**

[Docket No. ER92-458-000]

September 21, 1992.

Take notice that on September 15, 1992, Western Massachusetts Electric Company submitted for filing supplemental information of a rate schedule filed with the Commission in this Docket.

*Comment date:* October 5, 1992, in accordance with Standard Paragraph E at the end of this notice.

**15. Gulf States Utilities Co.**

[Docket No. EC92-24-000]

September 21, 1992.

Take notice that on September 14, 1992, Gulf States Utilities Company (Gulf States) filed an application seeking an order pursuant to section 203 of the

Federal Power Act authorizing the sale of two substations by Gulf States to Texaco Chemical Company (Texaco). These facilities serve Texaco's plant located at Port Neches, Texas.

Comment date: October 9, 1992, in accordance with Standard Paragraph E at the end of this notice.

**16. Bangor Hydro-Electric Co.**

[Docket No. ER92-697-000]

September 21, 1992.

Take notice that on September 14, 1992, Bangor Hydro-Electric Company (Bangor) tendered for filing an Amendment to Filing. The Rate Schedule included in this Amendment provides for the sale by Bangor to other utilities which enter into Service Agreements with Bangor, capacity and associated energy at negotiated rates not to exceed Bangor's cost of service.

Bangor requests that the Commission waive is notice requirement in order to allow the Rate Schedule to become effective as soon as review can be completed, in no event later than October 1, 1992.

*Comment date:* October 5, 1992, in accordance with Standard Paragraph E at the end of this notice.

**17. Union Electric Co.**

[Docket No. ER92-842-000]

September 21, 1992.

Take notice that on September 16, 1992, Union Electric Company (UE) tendered for filing (1) a Wholesale Power Service Agreement between UE and the Central Illinois Public Service Company (CIPS), (2) An amendment to the CIPS—UE Facility Use Agreement, and (3) an amendment to the Interconnection Agreement between CIPS, Illinois Power Company (IP), and UE. These three Agreements (collectively Agreements) are being filed in connection with a sales agreement whereby UE will sell to CIPS property used to provide service to UE's northern Illinois retail business, as well as certain related facilities located in Illinois. UE proposes as an effective date for the Agreements the day following the "closing date" as defined in the sales agreement.

Under the Wholesale Power Agreement, CIPS has agreed to purchase certain quantities of power and energy from UE, in accordance with the terms and conditions contained therein. The Wholesale Agreement shall terminate three years from its effective date.

The Amendment to the Facility Use Agreement reflects the change of ownership in facilities and calls for payments to compensate UE for the use of certain facilities.

The Amendment to the Interconnection Agreement reflects the change of ownership of facilities and the new interconnection points.

UE requests waiver to the extent necessary of the Commission's notice requirements so that the Agreements may take effect as of the date requested.

A copy of the filing was served upon Central Illinois Public Service Company, Illinois Power Company, the Iowa Utilities Board, the Missouri Public Service Commission, and the Illinois Commerce Commission.

*Comment date:* October 5, 1992, in accordance with Standard Paragraph E at the end of this notice.

**18. PacifiCorp**

[Docket No. ER92-835-000]

September 21, 1992.

Take notice that on September 15, 1992, PacifiCorp tendered for filing in accordance with 18 CFR part 35 of the Commission's Rules of and Regulations, the Red Butte Interconnection Agreement (Agreement) between PacifiCorp and Utah Associated Municipal Power Systems (UAMPS) dated December 21, 1990.

The Agreement provides for reciprocal emergency transmission services under certain conditions commencing with the energization of UAMPS' Central—St. George 138 kV transmission line.

Copies of this filing were supplied to UAMPS, the Public Utility Commission of Oregon and the Utah Public Service Commission.

*Comment date:* October 5, 1992, in accordance with Standard Paragraph E at the end of this notice.

**19. Consumers Power Co.**

[Docket No. ES92-59-000]

September 22, 1992.

Take notice that on September 15, 1992, Consumers Power Company filed an application with the Federal Energy Regulatory Commission under section 204 of the Federal Power Act requesting authorization to issue not more than $900 million of secured and/or unsecured short-term and/or evidence of indebtedness, including but not limited to notes, drafts, debentures and commercial paper on or before December 31, 1994, with a final maturity date not more than 364 days from the date of issue.

*Comment date:* October 14, 1992, in accordance with Standard Paragraph E at the end of this notice.

**20. O.L.S. Energy-Agnews, Inc.**

[Docket No. QF85-9-002]

September 22, 1992.

On September 4, 1992, O.L.S. Energy-Agnews, Inc. (Applicant), filed a petition with the Federal Energy Regulatory Commission for a temporary waiver of the operating standard. No determination has been made that the submittal constitutes a complete filing.

The 28 NW topping-cycle cogeneration facility is located in San Jose, California. The facility consists of two combustion turbine generators and associated heat recovery boilers, and an extraction/condensing steam turbine generator (STG). Steam extracted from the STG is used by the Agnews Department of Developmental Services of the State of California for space and water heating purposes. The facility uses natural gas as its primary energy source.

Applicant requests temporary waiver of the 5% operating standard for the period between October 19, 1990, and February 4, 1991. Applicant states that the temporary waiver is requested due to the limited operation of the facility during the start-up and testing period prior to the start of commercial operation of the facility.

*Comment date:* October 30, 1992, in accordance with Standard Paragraph E at the end of this notice.

*Standard Paragraphs*

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 92-23719 Filed 9-29-92; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 10371-003, Washington]

## CPS Products, Inc.; Availability of Environmental Assessment

September 23, 1992.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for major license for the proposed Bear Creek Project, to be located on Bear Creek in Skagit County, near Concrete, Washington, and has prepared an Environmental Assessment (EA) for the proposed project. In the EA, the Commission's staff has analyzed the project and has concluded that approval of the proposed project, with appropriate mitigative measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3308, of the Commission's offices at 941 North Capitol Street NE., Washington, DC 20426.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 92-23654 Filed 9-29-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD92-09645T, Texas-73]

## State of Texas; NGPA Notice of Determination by Jurisdictional Agency Denying Designation of Tight Formation

September 23, 1992.

Take notice that on September 21, 1992, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Middle Wilcox Sand Formation in a portion of Zapata County, Texas, does not qualify as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The notice of determination covers approximately 640 acres within Railroad Commission District 4 and consists of portions of the following surveys:

| Survey | Portion | Area |
|---|---|---|
| J. Santos Gutierrez A-32 | 20 | NE/4 |
| C & M RR A-130 | 187 | NW/2 |
| A.J. Nolen A-534 | 616 | NW/16 |
| Maria Josefa Guerra A-31. | 19 | NW/16 |
| Isabel Maria Sanchez A-81. | 21 | S/2 of NE/4 |
| G C & S F RR A-296 | 599 | SW/10 |
| Surveying vacancy between Porcion 21 (A-81) and Porcion 599 (A-296). | | SE/4 |

The notice of determination also contains Texas' findings that the referenced portion of the Middle Wilcox Sand Formation does not meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 92-23651 Filed 9-29-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD92-09646T Texas-74]

## State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

September 24, 1992.

Take notice that on September 21, 1992, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Travis Peak Formation in portions of Freestone and Limestone Counties, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area, consisting of approximately 4,547 acres, is described in the attached appendix.

The notice of determination also contains Texas' findings that the referenced portion of the Travis Peak Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

**Lois D. Cashell,**

*Secretary.*

### Appendix

The recommended Travis Peak Formation is located in Freestone and Limestone Counties, Texas, within Railroad Commission District 5. The area of application covers approximately 4,547 acres and consists of all or portions of the following surveys:

| Survey name | Abstract No. | County |
|---|---|---|
| William Ritchie | A-485 | Limestone. |
| William Ritchie | A-119 | Freestone. |
| BBB & CCR Co | A-110 | Freestone. |
| John Williams | A-577 | Limestone. |
| John Williams | A-762 | Freestone. |
| Robert Barr | A-615 | Limestone. |
| Robert Barr | A-703 | Freestone. |
| Isaac Connelly | A-117 | Freestone. |
| Isaac Connelly | A-104 | Limestone. |
| J. Peterson | A-520 | Freestone. |
| M.C. Rejon | A-26 | Limestone. |
| Berry Ham | A-708 | Freestone. |
| William Townsend | A-700 | Freestone. |
| A.J. Click | A-111 | Limestone. |
| A.J. Click | A-121 | Freestone. |

[FR Doc. 92-23726 Filed 9-29-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD92-09647T]

## State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

September 24, 1992.

Take notice that on September 21, 1992, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Edwards Limestone Formation in a portion of LaSalle County, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area is described in the attached appendix.

The notice of determination also contains Texas' findings that the referenced portion of the Edwards Limestone Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North

Capitol Street NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date of this notice is issued by the Commission.

**Lois D. Cashell,**

*Secretary.*

### Appendix

The recommended Edwards Limestone Formation is located in LaSalle County, Texas, within Railroad Commission District 1.

| Survey | | Abstract No. |
|---|---|---|
| Name | Number | |
| J.M. Martin | 696 S&E NE/160 ac.. | 1291 |
| H.E. & W.T.R.R | 699 S&E NW/160 ac.. | 882 |
| H.E. & W.T.R.R | 695 | 884 |
| H. & G.N.R.R | 9 | 314 |
| Jose M. Garcia | 902 | 1176 |
| A.B. & M | 901 | 830 |
| B.S. & F | 685 | 769 |
| J. Adams | 10 | 1684 |
| J.M. Martin | 698 | 1290 |
| B.S. & F | 715 | 838 |
| Raymundo Arismendes. | 716 | 1689 |
| H.E. & W.T.R.R | 747 | 870 |
| J.E. DeMoss | 748 | 1377 |
| H.E. & W.T.R.R | 697 | 883 |
| T. Garcia de Martin | 700 | 1294 |
| Leona Irr. & Agr. Assn. | 749 | 905 |
| Juan Adams | 750 S&E W/200 ac.. | 1681 |
| G.C. & S.F.R.R | 17 | 920 |
| John Dillard | 16 S&E N/320 ac. | 1638 |
| Juan Adams | 718 | 1683 |
| G.C. & S.F.R.R | 15 S&E W.320 ac. | 921 |
| Jos. E. Fitzsimmons. | 708 | 1159 |
| S.A. Yates | 14 | 1779 |
| G.C. & S.F.R.R | 19 | 919 |
| Tom Dillard | 18 | 1637 |
| G.C. & S.F.R.R | 23 | 933 |
| Raymundo Arismendes. | 68 | 1692 |
| B.S. & F | 719 West 80 acres. | 840 |
| | S&E N/20 ac | |
| | S&E—Save and Except. | |

[FR Doc. 92-23727 Filed 9-29-92; 8:45 am]

BILLING CODE 6717-01-M

**[Docket Nos. CP92-698-000, et al.]**

## Trunkline Gas Co., et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

### 1. Trunkline Gas Co.

[Docket No. CP92-698-000]

September 21, 1992.

Take notice that on September 11, 1992, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP92-698-000 an application pursuant to Section 7(b) of the Natural Gas Act for an order granting permission and approval to abandon transportation services provided to Panhandle Eastern Pipe Line Company (PEPL) under Trunkline's Rate Schedules T-73 and T-88, effective November 1, 1992, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Trunkline states that under Rate Schedule T-73, Trunkline provides firm transportation service of up to 13,200 Mcf of natural gas per day (Mcfd) for PEPL from a point of receipt in East Cameron Block 359, offshore Louisiana. Trunkline further states that it then transports the gas to the East Cameron Block 338 interconnection with Stingray Pipeline Company (Stingray). Trunkline says that it uses its capacity entitlement in Stingray to transport the gas to an interconnection between Stingray and High Island Offshore System (HIOS) in High Island Block A-330 for Trunkline's account. Trunkline indicates that it utilizes its entitlement capacities in HIOS and U-T Offshore System (U-TOS) to transport the gas onshore where Natural Gas Pipeline Company of America (NGPL) receives the gas and transports it to Trunkline's facilities in Cameron Parish, Louisiana. Trunkline then transports and redelivers the gas to PEPL at the point of interconnection between PEPL and Trunkline located in Tuscola, Douglas County, Illinois (Tuscola Interconnect).

Trunkline states that under Rate Schedule T-88, Trunkline provides firm transportation service of up to 6,000 Mcfd for PEPL from a point of receipt in High Island Block A-343, offshore Texas. Trunkline says that it utilizes its capacity entitlements in HIOS, U-TOS and NGPL to transport the gas to Trunkline's onshore facilities. Trunkline states that it then transports and redelivers the gas to PEPL at the Tuscola Interconnect.

Trunkline states that PEPL and Trunkline have agreed to terminate Rate Schedules T-73 and T-88 effective November 1, 1992.

*Comment date:* October 13, 1992, in accordance with Standard Paragraph F at the end of this notice.

### 2. Columbia Gas Transmission Corp.

[Docket No. CP92-703-000]

September 22, 1992

Take notice that on September 14, 1992, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP92-703-000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act for authorization to construct and operate a new point of delivery for sales service to an existing wholesale customer pursuant to its blanket certificate issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open for public inspection.

Columbia requests authorization to construct and operate the facilities necessary to provide a new point of delivery for sales service to Washington Gas Light company (Washington Gas) in Prince William County, Virginia; to serve a new residential development, as follows:

| Wholesale customer | Estimated design day delivery (Dth) | Estimated annual delivery (Dth) | Estimated construction cost ($) |
|---|---|---|---|
| Washington Gas Light Company | 1,000 | 365,000 | 82,100 |

Columbia states that the additional point of delivery has been requested by Columbia's existing wholesale customer to serve a new residential development (Lake Manassas). Columbia indicates that the quantities to be provided through the new delivery point are within Columbia's currently authorized level of sales service and will be within existing peak day entitlements of Washington Gas. Columbia states that the sales to be made through the proposed new point of delivery will be under Columbia's currently effective service agreement with Washington Gas under Rate Schedule CDS. Finally Columbia indicates that Washington Gas has agreed to reimburse Columbia for all cost exceeding $45,000 plus any gross-up for tax purposes.

*Comment date:* November 6, 1992, in accordance with Standard Paragraph G at the end of this notice.

### 3. Northern Natural Gas Com., Division of Enron Corp.

[Docket No. CP92-710-000]

September 22, 1992.

Take notice that on September 17, 1992, Northern Natural Gas Company, Division of Enron Corp. (Northern), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251-1188, filed in Docket No. CP92-710-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to

operate and maintain existing delivery facilities, originally installed to serve single end-users through local distribution companies (LDCs), to serve multiple end-users, under Northern's blanket certificate issued in Docket No. CP82–401–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern states that it originally installed 90 farm taps to provide service to single end-users through local distribution companies. Almost all of these facilities were constructed and certified in the 1960's and 1970's. However, Northern states, it was recently brought to Northern's attention that certain LDC's and landowners installed additional distribution lines and meters downstream of Northern's farm tap facilities, to provide service to customers other than those Northern had installed the farm taps to serve. Northern conducted an investigation to identify the locations on its system where facilities had been installed by others.

To be in compliance with the Regulations, Northern initially filed an application on February 10, 1992, at Docket No. CP92–342–000, pursuant to its blanket certificate and § 157.205 and 157.212 of the Regulations for authorization to operate and maintain 90 existing delivery facilities to serve multiple end-users. Northern states that because of an adverse intervention by Minnegasco, Inc., a Division of Arkla, (Minnegasco), its application was treated as a section 7 by the Commission. Northern further states that because Minnegasco's intervention has been withdrawn, Northern cannot justify the $39,440 filing fee, and therefore Northern is withdrawing its application in Docket No. CP92–342–000, and filing the instant application.

Northern also states that volumes delivered to the existing delivery points will not impact Northern's peak day or annual deliveries.

*Comment date:* November 6, 1992, in accordance with Standard Paragraph G at the end of this notice.

**Standard Paragraphs**

F. Any person desiring to be heard or make any protest with reference to said file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determing the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 92–23720 Filed 9–29–92; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket Nos. RP91–65–008, CP89–2107–003]**

## Arkla Energy Resources, a division of Arkla, Inc.; Filing

September 23, 1992.

Take notice that on September 18, 1992, Arkla Energy Resources, a division of Arkla, Inc. ("AER") tendered for filing the following tariff sheets to its FERC Gas Tariff:

*Second Revised Vol. No. 1*

Second Subst Fifth Revised Sheet No. 11
Second Subst Fifth Revised Sheet No. 16
Substitute Seventh Revised Sheet No. 11
Substitute Seventh Revised Sheet No. 16
Substitute Eighth Revised Sheet No. 11
Substitute Eighth Revised Sheet No. 16
Second Subst Eleventh Revised Sheet No. 11
Second Subst Eleventh Revised Sheet No. 16
Second Subst Twelfth Revised Sheet No. 11
Second Subst Twelfth Revised Sheet No. 16
Second Subst Thirteenth Revised Sheet No. 11
Substitute Thirteenth Revised Sheet No. 16
Substitute Fifteenth Revised Sheet No. 11
Substitute Fifteenth Revised Sheet No. 16
Original Sheet No. 18A
Original Sheet No. 18B
Original Sheet No. 18C
Original Sheet No. 18D
Original Sheet No. 46A
Original Sheet No. 46B
Original Sheet No. 46C
Original Sheet No. 46D
Original Sheet No. 46E
Original Sheet No. 46F
Original Sheet No. 46G
Original Sheet No. 46H
Original Sheet No. 46I
Original Sheet No. 46J
Original Sheet No. 46K
Original Sheet No. 46L
Original Sheet No. 46M
Original Sheet No. 46N
Original Sheet No. 46O
Original Sheet No. 46P
Original Sheet No. 46Q
Original Sheet No. 46R
Original Sheet No. 46S
Original Sheet No. 46T
Original Sheet No. 46U
Original Sheet No. 46V
Original Sheet No. 46W
Original Sheet No. 46X
Original Sheet No. 46Y
Original Sheet No. 46Z
Original Sheet No. 46AA
Original Sheet No. 46BB
Original Sheet No. 46CC

*First Revised Vol. No. 1–A*

Third Substitute Third Revised Sheet No. 5
Substitute Fourth Revised Sheet No. 5
Substitute Fifth Revised Sheet No. 5
First Revised Sheet No. 6
First Revised Sheet No. 21
Original Sheet No. 21A
First Revised Sheet No. 33
Original Sheet No. 55A
Original Sheet No. 55B
Original Sheet No. 55C
First Revised Sheet No. 56

AER states that it is filing the above tariff sheets to implement the terms of the Settlement approved in the Commission's order of August 6, 1992. Arkla Energy Resources, a division of Arkla, Inc., 60 FERC ¶ 61,160.

Any person desiring to protest said filing should file a protest with the

Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before September 30, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 92-23648 Filed 9-29-92; 8:45 am]

BILLING CODE 6717-01-M#

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**[Docket No. RP92-211-001]**

## El Paso Natural Gas Co.; Compliance Filing

September 23, 1992.

Take notice that on September 18, 1992, El Paso Natural Gas Company ("El Paso") filed pursuant to part 154 of the Federal Energy Regulatory Commission ("Commission") Regulations Under the Natural Gas Act and in compliance with the directive of the Commission in its order issued August 31, 1992, Substitute Third Revised Sheet No. 251 to its FERC Gas Tariff, Second Revised Volume No. 1, to be effective September 1, 1992.

El Paso states that by order issued August 31, 1992, the Commission accepted, to become effective September 1, 1992, certain tariff sheets providing for the elimination of the maximum rate under Rate Schedule IS-1, applicable to interruptible sales, and in place thereof establish a negotiated gas cost rate. Ordering paragraph (B) of the August 31, 1992 order required El Paso to file tariff language to comply with the reporting requirements and affiliate transaction requirements of part 284 of the Commission's Regulations and Order No. 497 with respect to its IS-1 sales.

Accordingly, El Paso submitted Substitute Third Revised Sheet No. 251 expressly including in its tariff that El Paso shall comply with the provisions against undue discrimination contemplated by the reporting requirements of part 284 of the Commission's Regulations, by Order No. 497 and the Commission's orders issued November 29, 1988 and April 28, 1989 at Docket Nos. CP88-332-000 and CP88-332-001, respectively, to protect against undue preference to affiliates or to El Paso's own merchant service.

El Paso requested that the tendered tariff sheet be accepted for filing and permitted to become effective September 1, 1992, the same date as authorized by the Commission's order issued August 31, 1992 at Docket No. RP92-211-000.

Copies of the filing were served upon all parties of record in Docket No. RP92-211-000 and interested state regulatory commissions.

El Paso states that copies of the filing were served upon all parties of record in Docket No. RP92-211-000 and interested state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before September 30, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 92-23649 Filed 9-29-92; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. RS92-36-000]**

## Gateway Pipeline Co.; Conference

September 24, 1992.

Take notice that on Tuesday, October 6, 1992, at 10 a.m., a conference will be convened in the above-captioned docket to discuss Gateway Pipeline Company's summary of its proposed plan for implementation of Order No. 636.

The conference will be held in a hearing or conference room of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC 20426. All interested parties are invited to attend. Attendance at the conference, however, will not confer parties status. For additional information, interested persons can call Ingrid Olson at (202) 208-0691 or William C. Lansinger, Jr., at (202) 208-2082.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 92-23722 Filed 9-29-92; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. QF88-269-002]**

## Kamine/Besicorp Syracuse, L.P.; Amendment to Filing

September 24, 1992.

On September 22, 1992, Kamine/Besicorp Syracuse, L.P. tendered for filing a supplement to its filing in this docket.

The supplement provides additional information pertaining to the ownership structure of the facility. No determination has been made that the submittal constitutes a complete filing.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed by October 7, 1992, and must be served on the Applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Secretary.*

[FR Doc. 92-23716 Filed 9-29-92; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. TM93-1-99-000]**

## Kern River Gas Transmission Co.; Filing

September 24, 1992.

Take notice that on September 22, 1992, Kern River Gas Transmission Company ("Kern River"), submitted for filing ten copies each of 1st Revised 2nd Substitute Original Sheet No. 5 and 1st Revised Substitute Original No. 6 to Original Volume No. 1 of its FERC Gas Tariff to be effective October 1, 1992.

Kern River states that the purpose of the filing is to reflect the new Annual Charge Adjustment (ACA). The New ACA rate is $0.0023 compared to $0.0024, a decrease of $0.0001.

Kern River states that copies of the filing have been mailed to all affected customers and state regulatory commissions.

Any person desiring to be heard or to protest such filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20425, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedures. All such petitions or protests should be filed on or before October 1, 1992. Protests will be considered by the Commission in determining appropriate action but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who had previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 92–23715 Filed 9–29–92; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. TM93–1–53–001]**

## K N Energy, Inc., Tariff Filing

September 23, 1992.

On September 10, 1992, K N Energy, Inc. ("K N") tendered for filing the following revised tariff sheet:

*First Revised Volume No. 1–A*

Fifth Revised Sheet No. 4

as part of its Annual Charge Adjustment (ACA) filing. Certain rates contained therein were inadvertently misstated. On September 10, 1992 K N filed Substitute Fifth Revised Sheet No. 4 to correct this error.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rule of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before September 30, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 92–23646 Filed 9–29–92; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. RS92–40–000]**

## Louisiana-Nevada Transit Co.; Prefiling Conference

September 23, 1992.

Take notice that a prefiling conference will be held in this proceeding on Wednesday, October 14, 1992, at 10 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC. The purpose of the conference is to discuss the summary of LNT's plan for implementation of Order No. 636 and Order No. 636–A. All parties and the Commission Staff are invited to attend. For additional information, contact William J. Collins at (202) 208–0248.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 92–23650 Filed 9–29–92; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. TM93–1–5–000]**

## Midwestern Gas Transmission Co., Filing

September 23, 1992.

Take notice that on September 18, 1992, Midwestern Gas Transmission Company (Midwestern) filed its Thirty-Eighth Revised Sheet No. 5 and Twenty-Fifth Revised Sheet No. 6 to Original Volume No. 1 of its FERC Gas Tariff to be effective October 1, 1992. Midwestern states that this filing reflects the new Annual Charge Adjustment of $.0022 per dekatherm.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before September 30, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene; provided, however, that any person who had previously filed a motion to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 92–23647 Filed 9–29–92; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. RS92–21–000]**

## National Fuel Gas Supply Corporation; Prefiling Conference

September 24, 1992.

Take notice that a prefiling conference will be convened in this proceeding on October 7, 1992, at 10 a.m., in Washington, DC at the offices of the Federal Energy Regulatory Commission, at 810 First Street NE., Washington, DC.

The purpose of this prefiling conference is to discuss further National Fuel Gas Supply Corporation's summary of its proposal to comply with Order No. 636, as a follow-up to the second prefiling conference that was held on September 9, 1992.

All interested parties are invited to attend. However, attendance at the conference will not confer party status. For additional information, interested parties may call Donald Williams at (202) 208–0743.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 92–23717 Filed 9–29–92; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket Nos. RP92–1–010 and RP91–224–006]**

## Northern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

September 23, 1992.

Take notice that Northern Natural Gas Company (Northern) on September 21, 1992, tendered for filing to become part of Northern's F.E.R.C. Gas Tariff Third Revised Volume 1, the following tariff sheets, proposed to be effective November 1, 1991.

Substitute Fourth Revised Sheet No. 52F.14
Substitute Second Revised Sheet No. 52F.14a
Substitute Original Sheet No. 52F.14b
Substitute Fourth Revised Sheet No. 52F.15
Substitute Sixth Revised Sheet No. 56A

Northern states that such tariff sheets are being submitted in compliance with the Commission's Letter Order dated August 25, 1992, in Docket Nos. RP92–1–007 and RP91–224–003, to clarify the tariff provisions regarding processing.

Northern further states that copies of the filing have been mailed to each of its customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before September 30, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc 92-23645 Filed 9-29-92; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. RS92-70-000]**

## OkTex Pipeline; Telephone Conference

September 24, 1992.

Take notice that on Thursday, November 19, 1992, at 10 a.m., a telephone conference will convene in the above-captioned docket to discuss OkTex Pipeline's (OkTex) summary of its proposed plan for implementation of Order No. 636.

The telephone conference will be held in room 8308, 825 North Capitol Street, NE., Washington, DC 20426. All interested parties are invited to attend at the Commission's offices or at OkTex's office in Tulsa, Oklahoma. Attendance at the conference, however, will not confer party status. For additional information, interested persons can call Albert Francese at (202) 208-0736 or Robert J. Szekely at (202) 208-0442.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 92-23721 Filed 9-29-92; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. RS92-49-000]**

## South Georgia Natural Gas Co.; Conference

September 24, 1992.

Take notice that on Monday, November 2, 1992, at 11 a.m., a conference will be convened in the above-captioned docket to discuss South Georgia Natural Gas Company's (South Georgia) summary of its proposed plan for implementation of Order No. 636.

The conference will be held in a hearing or conference room of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC 20426. All interested persons are invited to attend. Attendance at the conference, however, will not confer party status. For additional information, interested persons can call Albert Francese at (202) 208-0736 or Robert J. Szekely at (202) 208-0442.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 92-23718 Filed 9-29-92; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. RS92-26-000]**

## United Gas Pipe Line Co., Conference

September 24, 1992.

Take notice that on Thursday, October 8, 1992 at 10 a.m., and if necessary Friday, October 9, 1992, a conference will be convened in the above-captioned docket to discuss United Gas Pipe Line Company's summary of its proposed plan for implementation of Order No. 636.

The conference will be held in Hearing Room 1, of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426. All interested parties are invited to attend. Attendance at the conference, however, will not confer party status. For additional information, interested parties can call Ingrid Olson at (202) 208-0681 or Bill Lansinger at (202) 208-2082.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 92-23723 Filed 9-29-92; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. TA93-1-82-001]**

## Viking Gas Transmission Co.; Tariff Filing

September 24, 1992.

Take notice that on September 22, 1992, Viking Gas Transmission Company, (Viking) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Substitute Twenty First Revised Sheet No. 6, with a proposed effective date of November 1, 1992.

Viking states that the purpose of this filing is to supplement its previous annual purchased gas adjustment filing in this docket to reflect a new Annual Charge Adjustment (ACA).

Viking states that it has mailed copies of this filing to all of its affected customers and the applicable state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before October 1, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 92-23724 Filed 9-29-92; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. TM93-1-82-000]**

## Viking Gas Transmission Co.; Tariff Filing

September 24, 1992.

Take notice that on September 22, 1992, Viking Gas Transmission Company (Viking), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, First Revised Twentieth Revised Sheet No. 6, with a proposed effective date of October 1, 1992.

Viking states that the purpose of this filing is to reflect a new Annual Charge Adjustment (ACA). Viking states that the new ACA (as adjusted for heating value and pressure base) rate is $.0023.

Viking states that it has mailed copies of this filing to all of its affected customers and the applicable state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before October 1, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 92-23725 Filed 9-29-92; 8:45 am]

BILLING CODE 6717-01-M

## Southeastern Power Administration

### Intent To Select Financial Sponsor and Intent To Formulate Power Marketing Policy

**AGENCY:** Southeastern Power Administration, Department of Energy.

**ACTION:** Notice.

**SUMMARY:** Notice of intent to select a financial sponsor for the proposed upgrade of the Wolf Creek Hydropower Project, Russell County, Kentucky, and Notice of Intent to Formulate a Power Marketing Policy to market additional capacity from Wolf Creek Project upgrade.

**DATES:** All submissions or requests should be made as soon as possible but not later than November 30, 1992.

**ADDRESSES:** Submissions Concerning the Proposed Marketing Policy: Comments/recommendations pertaining to the proposed marketing policy should be sent to John A. McAllister, Jr., Administrator, Southeastern Power Administration, Samuel Elbert Building, Elberton, Georgia 30635, (706) 283–9911.

**SUBMISSIONS BY A PROPOSED SPONSOR:** Potential sponsors should send a copy of the applications and/or proposals to both the Administrator of Southeastern Power Administration and the Nashville District of the Corps of Engineers at the addresses shown.

**FOR FURTHER INFORMATION ABOUT THE PROPOSED PROJECT, CONTACT:** CEORNEP–P, Sue Ferguson, Technical Manager, Nashville District Corps of Engineers, P.O. Box 1070, U.S. Courthouse 801 Broadway, Nashville, Tennessee 37202–1070, (615) 736–7191.

**FOR FURTHER INFORMATION ABOUT THE PROPOSED MARKETING OF THE POWER FROM THE PROPOSED PROJECT, CONTACT:** Leon Jourolmon, Director, Power Marketing Division, Southeastern Power Administration, Samuel Elbert Building, Elberton, Georgia 30635, (706) 283–9911.

**SUPPLEMENTARY INFORMATION:** 1. Wolf Creek Dam and Lake Cumberland constitute a significant portion of the Cumberland River Reservoir System. The project, authorized by the Flood Control Acts of 1938 and 1946, is operated to serve flood control, hydropower, recreation, fish and wildlife, and water quality needs. Located at River Mile 460.9, Wolf Creek Dam controls drainage from almost 5,800 square miles. About 2.1 million acre-feet of Lake Cumberland storage is reserved for power production. The power plant contains six units brought online between 1951 and 1952. They have a total nameplate capacity of 270 megawatts (310 MW maximum peaking capacity). Average annual generation at Wolf Creek is 906 Gigawatt-hours, produced at a plant factor of 38 percent.

2. In the mid-1980's the Corps of Engineers investigated the economic and environmental soundness of upgrading the Wolf Creek powerplant. The resulting plan included replacing key electrical and mechanical components of the existing units to improve generating capacity and efficiency. These improvements would allow the plant to be operated more as a peaking plant. The benefits of the project would be derived from shifting the current energy production from off-peak to peak hours, where it has a higher value. No new energy would be produced. The upgrade plan has the potential to increase capacity between 80 MW and 110 MW and could cost roughly $40 million to $65 million (1992 prices).

3. The Wolf Creek Project is connected to the transmission systems of the Tennessee Valley Authority and East Kentucky Power Cooperative. Marketing of the additional capacity from this upgrade would have to be made over TVA's or East Kentucky's transmission system. Arrangements are in place whereby TVA will either buy or wheel to customers on the periphery of its systems, existing power from the project; however, transmission of additional capacity may have to be negotiated.

4. The present Federal policy set forth in the Water Resources Development Act of 1986 (Pub. L. 99–662) with regard to water resource projects is to encourage each agency to negotiate reasonable private financing for the development of approved project purposes. A sponsor is solicited to fund the construction of the upgrade of the Wolf Creek Hydropower Project and to pay the annual operation, maintenance, and major replacement costs and administrative costs associated with the proposed upgrade. The sponsor may also be expected to pay all the costs of preliminary studies required to be conducted by the Corps of Engineers before project construction can begin. These studies, include, among other things, the environmental, engineering and economic feasibility of the project. The project will be Federally owned. In return for providing the funding, the sponsor may receive an allocation of capacity from the proposed project upgrade, or other suitable compensation.

5. The Corps of Engineers and Southeastern Power Administration, jointly, intend to select the private sponsor to provide the financing for the planning, design and construction of the proposed Wolf Creek Hydropower Project upgrade, based on the proposals to be submitted pursuant to this notice.

6. Criteria to be utilized in the sponsor selection process will include but not be limited to:

—The sponsor must recognize that preference in the sale of power is given to public bodies and cooperatives as described in section 5 of the 1944 Flood Control Act, as amended.

—The sponsor must demonstrate the capability to finance the upgrade activities in accordance with requirements to be established by the Corps of Engineers and Southeastern Power Administration.

—The sponsor will be the entity whose proposal would result in provision of power at the least possible rate consistent with sound business principles.

7. The Corps of Engineers' and Southeastern Power Administration's selection process involves this public request for proposals and/or comments. Upon receipt of any response, the Corps of Engineers and Southeastern Power Administration will consider such comments and proposals and make final selection of the sponsor. All interested parties will be notified of the final selection.

8. If the proposal submitted involves an allocation of capacity from the Wolf Creek Project upgrade, a power marketing policy to cover the disposition of capacity from this upgrade will be required. Pursuant to Procedure for Public Participation in the Formulation of Marketing Policy published in the Federal Register of July 6, 1978, 43 FR 29186, Southeastern intends to develop a written marketing policy for future disposition of capacity from the proposed upgrade of the Wolf Creek Hydropower Project. The policy will address to the extent feasible those policy elements necessary to carry out the provisions of section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s. The proposed policy, however, would be only for any increased capacity which would result from the upgrade of the Wolf Creek Project and does not include any power currently marketed under the existing marketing policy for the Cumberland system of projects.

A copy of the current power marketing policy for the Cumberland System of Projects, published in the Federal Register on March 16, 1983, (48 FR 11148), of which the Wolf Creek Project is a part, may be obtained from the Southeastern Power Administration at the address shown above.

Proposals and recommendations for consideration in formulating the proposed written marketing policy, as well as for proposals to become a sponsor of the project upgrade, are solicited as are requests for further information or consultation.

Issued in Elberton, Georgia, September 17, 1992.

**John A. McAllister, Jr.,**

*Administrator.*

[FR Doc. 92-23741 Filed 9-29-92; 8:45 am]

BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-4514-3]

### Approval of Modification of Prevention of Significant Air Quality Deterioration (PSD) Permit to CertainTeed Corporation (EPA Project Number SJ 80-02)

**AGENCY:** Environmental Protection Agency (EPA), Region 9.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that on September 14, 1992, the Environmental Protection Agency issued a modified PSD permit under EPA's federal regulations 40 CFR 52.21 to the applicant named above. The modified PSD permit grants approval to CertainTeed to increase glass production from the glass melting furnace at their fiberglass manufacturing facility from 240 to 260 metric tons per day. Permitted emission limits are unchanged. The permit is subject to certain conditions, including an allowable emission rate as follows:

| Source | Pollutants | Maximum emissions |
|---|---|---|
| Dry ESP Outlet | Particulate | 8.4 lbs/hr 0.1 gr/scf. |
| C-11 Wet ESP Outlets (Combined total) | Particulate | 11.8 lbs/hr 0.1 gr/scf. |
| C-12 Wet ESP Outlet | Particulate | 2.6 lbs/hr 0.1 gr/scf. |
| Final Stack | Particulate | 22.8 lbs/hr 0.1 gr/scf |
| | Opacity | 20 percent. |
| | Hydrocarbons | 18.0 lbs/hr. |
| | Nitrogen Oxides [1] | |
| | Sulfur Dioxide | 54.0 lb/hr (oil-fired) 24.3 lb/hr (gas-fired) 24.3 lb/hr (gas-fired). |

[1] Nitrogen Oxides: 40 lbs/hr (oil-fired, maximum design capacity) 55.9 lbs/hr (gas-fired, maximum design capacity)

**FOR FURTHER INFORMATION CONTACT:** Copies of the permit modification are available for public inspection upon request; address request to: Linda Barajas, (A-5-1), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105, (415) 744-1244.

**SUPPLEMENTARY INFORMATION:** The modified PSD permit does not change BACT requirements for this project.

**DATE:** The PSD permit is reviewable under section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed within 60 days of the date of this notice.

Dated: September 21, 1992.

**David P. Howekamp,**

*Director, Air and Toxics Division, Region 9.*

[FR Doc. 92-23708 Filed 9-29-92; 8:45 am]

BILLING CODE 6560-50-M

### Public Water System Supervision Program Revision for the State of Delaware

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given in accordance with the provisions of Section 1413 of the Safe Drinking Water Act as amended, 42 U.S.C. 300f et seq., and 40 CFR 142.10, the National Primary Drinking Water Regulations, that the State of Delaware has revised their approved State Public Water System Supervision Primary Program. Delaware has adopted drinking water regulations for filtration, disinfection, turbidity, giardia lamblia, viruses, legionella, and heterotrophic bacteria that corresponds to the National Primary Drinking Water Regulations for filtration, disinfection, turbidity, giardia lamblia, viruses, legionella, and heterotrophic bacteria promulgated by EPA on June 29, 1989 (54 FR 27486); and total coliforms (including fecal coliforms and E. Coli) that corresponds to the National Primary Drinking Water Regulations for total coliforms (including fecal coliforms and E. Coli) promulgated by EPA on June 29, 1989 (54 FR 27544). EPA has determined that these State program revisions are no less stringent than the corresponding Federal regulations. Therefore, EPA has tentatively decided to approve these State program revisions.

All interested parties are invited to request a public hearing. A request for a public hearing must be submitted by October 30, 1992 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public request is made by October 30, 1992, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective on October 30, 1992.

A request for a public hearing shall include the following:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing.

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such a hearing.

(3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

**ADDRESSES:** All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

- Regional Administrator, U.S. Environmental Protection Agency, Region 3, 841 Chestnut Building, Philadelphia, Pennsylvania 19107.
- Delaware Division of Public Health, Department of Health and Social Services, P.O. Box 637, Dover, Delaware 19901.

**FOR FURTHER INFORMATION CONTACT:** Ghassan M. Khaled, U.S. EPA, Region 3, Drinking Water Section (3WM41), at the Philadelphia address given above; telephone (215) 597-0609.

Dated: September 21, 1992.

**Edwin B. Erickson,**

*Regional Administrator, EPA Region 3.*

[FR Doc. 92–23710 Filed 9–29–92; 8:45 am]

BILLING CODE 6560–30–M

[FRL–4515–5]

## Public Water System Supervision Program Revision for the State of West Virginia

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given in accordance with the provisions of Section 1413 of the Safe Drinking Water Act as amended, 42 U.S.C. 300f et seq., and 40 CFR 142.10, the National Primary Drinking Water Regulations, that the State of West Virginia has revised their approved State Public Water System Supervision Primacy Program. West Virginia has adopted drinking water regulations for filtration, disinfection, turbidity, giardia lamblia, viruses, legionella, and heterotrophic bacteria that corresponds to the National Primary Drinking Water Regulations for filtration, disinfection, turbidity, giardia lambia, viruses, legionella, and heterotrophic bacteria promulgated by EPA on June 29, 1989 (54 FR 27486); and total coliforms (including fecal coliforms and E. Coli) that corresponds to the National Primary Drinking Water Regulations for total coliforms (including fecal coliforms and E. Coli) promulgated by EPA on June 29, 1989 (54 FR 27544). EPA has determined that these State program revisions are no less stringent than the corresponding Federal regulations. Therefore, EPA has tentatively decided to approve these State program revisions.

All interested parties are invited to request a public hearing. A request for a public hearing must be submitted by October 30, 1992 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public request is made by October 30, 1992, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective on October 30, 1992.

A request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing. (2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such a hearing. (3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

**ADDRESSES:** All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

- Regional Administrator, U.S. Environmental Protection Agency, Region 3, 841 Chestnut Building, Philadelphia, Pennsylvania 19107.
- West Virginia Office of Environmental Health Services, Morrison Building, 815 Quarrier Street, Charleston, West Virginia 25301.

**FOR FURTHER INFORMATION CONTACT:** Ghassan M. Khaled, U.S. EPA, Region 3, Drinking Water Section (3WM41), at the Philadelphia address given above; telephone (215) 597–0609.

Dated: September 21, 1992.

**Edwin B. Erickson,**

*Regional Administrator, EPA, Region 3.*

[FR Doc. 92–23709 Filed 9–29–92; 8:45 am]

BILLING CODE 6560–50–M

[OPP–30343; FRL–4164–2]

## Ciba-Geigy Corp.; Applications to Register Pesticide Products

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces receipt of applications to register pesticide products containing an active ingredient not included in any previously registered product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**DATES:** Written comments must be submitted by October 30, 1992.

**ADDRESSES:** By mail submit comments identified by the document control number [OPP–30343] and the file symbol/registration number to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Attention PM 19, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1128, Environmental Protection Agency, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

**FOR FURTHER INFORMATION CONTACT:** PM 19, Dennis H. Edwards, Rm. 207, CM #2, (703–305–6386).

**SUPPLEMENTARY INFORMATION:** EPA received applications to register pesticide products containing an active ingredient not included in any previously registered product pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of the applications does not imply a decision by the Agency on the applications.

### Products Containing Active Ingredients Not Included In Any Previously Registered Products

1. File Symbol: 100–TUU. Applicant: Ciba-Geigy Corporation, Animal Health Division, PO Box 18300, Greensboro, NC 27419–8300. Product name: Azamethiphos Technical. Insecticide. Active ingredient: Azamethiphos s (6-chloro-oxazolo [4,5-b] pyridine-2 (3H)-on-3-ylmethyl) *O,O*-dimethyl-phosphorothioate 93 percent. Proposed classification/Use: General. For formulation into end use products intended for nondomestic indoor use. (PM 19)

2. File Symbol: 100–TUL. Applicant: Ciba-Geigy Corp. Product name: Alfacron 10 WP. Insecticide. Active ingredient: Azamethiphos s (6-chloro-oxazolo [4,5-b] pyridine-2 (3H)-on-3-ylmethyl) *O,O*-dimethyl-phosphorothioate 10 percent. Proposed classification/Use: General. For the control of house flies inside horse facilities. (PM 19)

3. File Symbol: 100–TUG. Applicant: Ciba-Geigy Corp. Product name: Alfacron 1% Bait. Insecticide. Active ingredient: Azamethiphos s (6-chloro-oxazolo [4,5-b] pyridine-2 (3H)-on-3-ylmethyl) *O,O*-dimethyl-phosphorothioate 1 percent. Proposed classification/Use: General. Attracts

and kills resistant and susceptible flies inside horse facilities. (PM 19)

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. The procedure for requesting data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the Public Response and Program Resources Branch, Field Operations Division office at the address provided from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the FOD office (703–305–5805), to ensure that the file is available on the date of intended visit.

**Authority:** 7 U.S.C. 136.

Dated: September 15, 1992.

**Anne E. Lindsay,**

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 92–23504 Filed 9–29–92; 8:45 am]

**BILLING CODE 6560–50–F**

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**[OPP–30247A; FRL–3794–9]**

## U. S. Borax and Chemical Corp; Approval of Pesticide Product Registration

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces Agency approval of an application submitted by U. S. Borax and Chemical Corporation, to conditionally register the pesticide product Firebrake® ZB, containing an active ingredient not included in any previously registered product pursuant to the provisions of section 3(c)(7)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**FOR FURTHER INFORMATION CONTACT:** By mail: Susan T. Lewis, Product Manager (PM) 21, Registration Division (H7505C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM #2, Environmental Protection Agency, 1921 Jefferson Davis Hwy, Arlington, VA 22202, (703–305–6900).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice, published in the **Federal Register** of January 23, 1985 (50 FR 3024), which announced that U. S. Borax and Chemical Corporation, 3075 Wilshire Blvd., Los Angeles, CA 90010, had submitted an application to conditionally register the pesticide product 20 Mule Team Firebrake® ZB (EPA File Symbol 1624–REN), containing the active ingredient zinc borate at 100 percent; an active ingredient not included in any previously registered product.

The application was approved for general use on July 15, 1991, as Firebrake® ZB (EPA Registration No. 1624–120) as a fire retardant and fungicide for manufacturing or formulating use only in producing plastics and coatings resistant to fungal growth.

A conditional registration may be granted under section 3(c)(7)(C) of FIFRA for a new active ingredient where certain data are lacking, on condition that such data are received by the end of the conditional registration period and do not meet or exceed the risk criteria set forth in 40 CFR 154.7; that use of of the pesticide during the conditional registration period will not cause unreasonable adverse effects; and that use of the pesticide is in the public interest.

The Agency has considered the available data on the risks associated with the proposed use of zinc borate, and information on social, economic, and environmental benefits to be derived from such use. Specifically, the Agency has considered the nature of the chemical and its pattern of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health and safety determinations which show that use of zinc borate during the period of conditional registration will not cause any unreasonable adverse effect on the environment, and that use of the pesticide is, in the public interest.

Consistent with section 3(c)(7)(C), the Agency has determined that this conditional registration is in the public interest. Use of this pesticide is of significance to the user community, and appropriate labeling, use directions, and other measures have been taken to ensure that use of the pesticide will not result in unreasonable adverse effects to man and the environment.

More detailed information on this registration is contained in a Chemical Fact Sheet on zinc borate.

A copy of this fact sheet, which provides a summary description of the chemical, use patterns and formulations, science findings, and the Agency's regulatory position and rationale, may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161.

In accordance with section 3(c)(2) of FIFRA, a copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the Product Manager. The data and other scientific information used to support registration, except for material specifically protected by section 10 of FIFRA, are available for public inspection in the Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 1128, CM #2, Arlington, VA 22202 (703–305–5805). Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A–101), 401 M St., SW., Washington, D.C. 20460. Such requests should: (1) identify the product name and registration number and (2) specify the data or information desired.

**Authority:** 7 U.S.C. 136.

Dated: September 4, 1992.

**Douglas D. Campt,**

*Director, Office of Pesticide Programs.*

[FR Doc. 92–23505 Filed 9–29–92; 8:45 am]

**BILLING CODE 6560–50–F**

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**[OPP–50750; FRL–4163–2]**

## Issuance of Experimental Use Permits

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR part 172, which defines EPA procedures with respect to the use of pesticides for experimental use purposes.

**FOR FURTHER INFORMATION CONTACT:** By mail: Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person or by telephone: Contact the product manager at the following address at the office location or telephone number cited in each experimental use permit: 1921 Jefferson Davis Highway, Arlington, VA.

**SUPPLEMENTARY INFORMATION:** EPA has issued the following experimental use permits:

*8340–EUP–10.* Extension. Hoechst Celanese Corporation, Rt. 202–206, P.O. Box 2500, Somerville, NJ 08876. This experimental use permit allows the use of 1,204.50 pounds of the herbicide monoammonium 2-amino-4-(hydroxymethylphosphinyl)butanoate on 511 acres of soybeans, tree and vine crops, and noncrop areas to evaluate the control of weeds. The program is authorized in the States of Arkansas, California, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Mississippi, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Washington. The experimental use permit is effective from June 6, 1992 to June 6, 1993. A temporary tolerance for residues of the active ingredient in or on soybeans and tree and vine crops has been established. (Joanne Miller, PM 23, Rm. 237, CM #2, (703–305–7830))

*707–EUP–122.* Renewal. Rohm and Haas Company, Independence Mall West, Philadelphia, PA 19105. This experimental use permit allows the use of 321 pounds (each year) of the fungicide myclobutanil on 535 acres (each year) of cucurbits to evaluate the control of powdery mildew. The program is authorized in the States of Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin. The experimental use permit is effective from August 11, 1992 to January 22, 1994. A temporary tolerance for residues of the active ingredient in or on cucurbits has been established. (Susan Lewis, PM 21, Rm. 227, CM #2, (703–305–6900))

*55947–EUP–11.* Sandoz Crop Protection Corporation, 1300 East Touhy Avenue, Des Plaines, IL 60018. This experimental use permit allows the use of 3,390 pounds of the herbicide 2-chloro-N-[(1-methyl-2-methoxy]-N-(2,4-dimethyl-thien-3-yl)-acetamide on 3,920 acres of corn to evaluate the control of yellow nutsedge, annual grasses, and annual broadleaf weeds. The program is authorized in the States of Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Missouri, Minnesota, Nebraska, North Carolina, North Dakota, Pennsylvania, Ohio, South Dakota, Tennessee, Virginia, and Wisconsin. The experimental use permit will be effective from March 1, 1993 to March 1, 1994. A temporary tolerance for residues of the active ingredient in or on corn has been established. (Cynthia Giles-Parker, PM 22, Rm. 229, (703–305–5540))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquires concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Authority: 7 U.S.C. 136.

Dated: September 18, 1992.

**Anne E. Lindsay,**

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 92–23615 Filed 9–29–92; 8:45 am]

BILLING CODE 6560–50–F

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**[OPPTS–44591; FRL–4165–8]**

## TSCA Chemical Testing; Receipt of Test Data

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces the receipt of test data on tributyl phosphate (TBP) (CAS No. 126–73–8) and commercial hexane (CAS Nos. 96–37–7 and 110–54–3) submitted pursuant to a final test rule under the Toxic Substances Control Act (TSCA). Publication of this notice is in compliance with section 4(d) of TSCA.

**FOR FURTHER INFORMATION CONTACT:** Susan B. Hazen, Director, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E–543B, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551.

**SUPPLEMENTARY INFORMATION:** Section 4(d) of TSCA requires EPA to publish a notice in the **Federal Register** reporting the receipt of test data submitted pursuant to test rules promulgated under section 4(a) within 15 days after it is received.

### I. Test Data Submissions

Test data for TBP were submitted by the Tributyl Phosphate Task Force of the Synthetic Organic Chemical Manufacturers Association, Inc., on behalf of the test sponsor and pursuant to a test rule at 40 CFR 799.4360. They were received by EPA on August 14, 1992. The submission describes a two generation reproductive toxicity study of TBP administered in the feed to CD® (sprague dawley) rats. Health effects testing is required by this test rule. This chemical is used in aircraft hydraulic fluids; for extraction and separation processes in the Plutonium Uranium Reduction Extraction process; as a defoamer in the paper industry; in textile sizers, inks, and lacquers; and as a plasticizer.

Test data for commercial hexane were submitted by The American Petroleum Institute on behalf of the test sponsors and pursuant to a test rule at 40 CFR 799.2155. They were received by EPA on August 27, 1992. The submission describes the disposition and pharmacokinetics of commercial hexane following *iv bolus* injection, dermal absorption or nose-only inhalation. Health effects testing is required by this test rule. This chemical is used as a solvent to extract seed oils.

EPA has initiated its review and evaluation process for these data submissions. At this time, the Agency is unable to provide any determination as to the completeness of the submissions.

### II. Public Record

EPA has established a public record for this TSCA section 4(d) receipt of data notice (docket number OPPTS–44591). This record includes copies of all studies reported in this notice. The record is available for inspection from 8 a.m. to 12 noon, and 1 p.m. to 4 p.m., Monday through Friday, except legal holidays, in the TSCA Public Docket Office, Rm. NE–G004, 401 M St., SW., Washington, DC 20460.

Authority: 15 U.S.C. 2603.

Dated: September 22, 1992.

**Charles M. Auer,**

*Director, Existing Chemical Assessment Division, Office of Pollution Prevention and Toxics.*

[FR Doc. 92–23714 Filed 9–29–92; 8:45 am]

BILLING CODE 6560–50–F

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**[OPPTS–83002N; FRL–4165–3]**

## Receipt of Requests for Exclusion and Waiver from Testing

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of receipt of requests for exclusion and waiver from testing.

**SUMMARY:** EPA requires that specified chemical substances be tested to determine if they are contaminated with halogenated dibenzo-*p*-dioxins (HDDs)

or halogenated dibenzofurans (HDFs), and that results be reported to EPA. However, provisions have been made for exclusion and waiver from these requirements if an appropriate application is submitted to EPA and is approved. EPA has received requests for an exclusion and waiver from these requirements from the Ethyl Corporation, and will accept comments on these requests. EPA will publish another **Federal Register** notice announcing its decisions on this request.

**DATES:** Submit written comments on or before October 15, 1992.

**ADDRESSES:** Submit written comments in triplicate, identified with the document control number OPPTS–83002N, to: Public Docket Office (TS–793), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. NE–G004, 401 M St., SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Susan Hazen, Director, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–543B, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551.

**SUPPLEMENTARY INFORMATION:** Under 40 CFR part 766 (52 FR 21412, June 5, 1987) EPA requires testing of certain chemical substances to determine whether they may be contaminated with HDDs and HDFs. Under 40 CFR 766.32(a)(1)(i) and (ii), a company may be granted an exclusion from the testing requirements of part 766 if the process and reaction conditions are such that HDDs and HDFs would not be produced, or appropriate testing of the chemical substances has already been done, respectively.

Under 40 CFR 766.32(a)(2)(i) a waiver may be granted if a responsible company official certifies that the chemical substance is produced only in quantities of 100 kilograms or less per year, and only for research and development purposes. Under 40 CFR 766.32(a)(2)(ii) a waiver may be granted if, in the judgement of EPA, the cost of testing would drive the chemical substance off the market or prevent resumption of manufacture or import of the chemical substance; or if it is not currently manufactured, and the chemical substance will be produced so that no unreasonable risk will occur due to its manufacture, import, processing, distribution, use, or disposal. Under 40 CFR 766.32(a)(2)(iii), waivers may be appropriately conditioned with respect to such factors as time and conditions of manufacture and use.

Under the regulation, a request for either an exclusion or a waiver must be made before September 4, 1987, for persons manufacturing, importing, or processing a chemical substance as of June 5, 1987; or 60 days before resumption of manufacture or importation of a chemical substance not being manufactured, imported, or processed as of June 5, 1987.

Ethyl Corporation requests an exclusion under 40 CFR 766.32(a)(1)(i) and a waiver under 40 CFR 766.32(a)(2)(ii) for 2,4,6-tribromophenol (CAS No. 118–79–6), which is produced as an impurity. Some of their supporting data was submitted as confidential business information (CBI). CBI, while part of the record, is not available for public review. A public version of the record, from which CBI has been deleted, is available for inspection in the TSCA Public Docket Office, Rm. NE–G004, 401 M St., SW., Washington, DC from 8 a.m. to 12 noon, and from 1 p.m. to 4 p.m., Monday through Friday, except legal holidays.

Dated: September 22, 1992.

**Charles M. Auer,**

*Director, Existing Chemical Assessment Division, Office of Prevention, Pesticides and Toxic Substances.*

[FR Doc. 92–23713 Filed 9–29–92; 8:45 am]

**BILLING CODE 6560–50–F**

## FEDERAL COMMUNICATIONS COMMISSION

### Public Information Collection Requirements Submitted to Office of Management and Budget for Review

September 24, 1992.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, Downtown Copy Center, 1990 M Street, NW., suite 640, Washington, DC 20036, (202) 452–1422. For further information on these submissions contact Judy Boley, Federal Communications Commission, (202) 632–7513. Persons wishing to comment on these information collections should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–4814.

*OMB Number:* None.
*Title:* Section 43.21(c), Holding company annual report.
*Action:* Existing collection in use without an OMB control number.
*Respondents:* Businesses or other for-profit.
*Frequency of Response:* Annual reporting.
*Estimated Annual Burden:* 20 responses; 1 hour average burden per response; 20 hours total annual burden per response.
*Needs and Uses:* Filing of Security and Exchange Commission (SEC) Form 10K is required by §§ 1.785 and 43.21(c) of the FCC rules and authorized by section 219 of the Communications Act of 1934, as amended. Filing of the form is required. Each company, not of itself a communication common carrier, that directly or indirectly controls any communication common carrier having annual revenues in excess of $2,500,000 must file annually with the Commission, not later than the date prescribed by the SEC for its purposes, two complete copies of any annual report Forms 10K. It is anticipated that the Commission will soon be instituting a rulemaking to modify the dollar requirement from $2.5 million to $100 million. The information is used by FCC staff to regulate and monitor the telephone industry and by the public to analyze the industry. Selected information is compiled and published in the Commission's annual common carrier statistical publication.

*OMB Number:* None.
*Title:* Section 43.21(d), Miscellaneous and specialized common carrier annual letter.
*Action:* Existing collection in use without an OMB control number.
*Respondents:* Businesses or other for-profit.
*Frequency of Response:* Annual reporting.
*Estimated Annual Burden:* 13 responses; 1 hour average burden per response; 13 hours total annual burden.
*Needs and Uses:* Filing of § 43.21(d) data is required by §§ 21.1 and 43.21(d) of the FCC Rules and authorized by section 219 of the Communications Act of 1934, as amended. The information if required from each miscellaneous common carrier with operating revenues over $100 million for the calendar year. A letter is required from these large communications common carriers showing the company's operating revenues for that year and the value of its total communications plant at the end of the year. The information is used by FCC staff members to regulate and monitor the telephone

industry and by the public to analyze the industry. The information is compiled and published in the Commission's annual common carrier statistical publication and market share report. The revenue amounts are used as the basis for an equitable compensation mechanism for pay phone operators by the operator service providers.

Federal Communications Commission.

**Donna R. Searcy,**

*Secretary.*

[FR Doc. 92-23629 Filed 9-29-92; 8:45 am]

BILLING CODE 6712-01-M

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**[Report No. 1908]**

## Petitions for Reconsideration and Clarification and Petition for Stay of Actions in Rule Making Proceedings

September 23, 1992.

Petitions for reconsideration and clarification and petitions for stay have been filed in the Commission rule making proceedings listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in room 239, 1919 M Street, NW., Washington, DC, or may be purchased from the Commission's copy contractor Downtown Copy Center (202) 452-1422. Oppositions to these petitions must be filed October 15, 1992. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of part 76, subpart J, § 76.501 of the Commission's Rules and Regulations Relative to Elimination of of the Prohibition on Common Ownership of Cable Television Systems and National Television Networks. (MM Docket No. 82-434) Number of Petitions Filed: 2

Subject: Amendment of part 90 of the Commission's Rules Governing Eligibility for the Specialized Mobile Radio Services in the 800 MHz Land Mobile Band. (PR Docket No. 86-3) Number of Petitions Filed: 2

Subject: Amendment of part 90 of the Commission's Rules to provide for the Use of the 220-222 Mhz Band by the Private Land Mobile Radio Services. (PR Docket No. 89-552) Number of Petitions Filed: 1

Subject: Conflicts Between Applications and Petitions for Rulemaking To Amend the FM Table of Allotments. (MM Docket No. 91-348) Number of Petitions Filed: 1

**Petition for Stay**

Subject: Amendment of part 90 of the Commission's Rules Governing Eligibility for the Specialized Mobile Radio Services in the 800 MHz Land Mobile Band. (PR Docket No. 86-3) Number of Petitions Filed: 1

Federal Communications Commission.

**Donna R. Searcy,**

*Secretary.*

[FR Doc. 92-23630 Filed 9-29-92; 8:45 am]

BILLING CODE 6712-01-M

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## FEDERAL LABOR RELATIONS AUTHORITY

### Relating to the Issuance of a Policy Statement

**AGENCY:** Federal Labor Relations Authority.

**ACTION:** Notice relating to the issuance of a policy statement.

**SUMMARY:** This notice solicits written comments on a question of whether the Federal Labor Relations Authority should issue a policy statement requested by the Federal Service Impasses Panel regarding an agency's obligation to continue to cooperate in certain impasse proceedings and, if the Authority issues such statement, what the Authority's policy should be.

**DATES:** Written comments must be submitted by the close of business on October 30, 1992, to be considered.

**ADDRESSES:** Send written comments to the Federal Labor Relations Authority, 500 C Street, SW., room 213, Washington, DC 20424.

**FOR FURTHER INFORMATION CONTACT:** Alicia N. Columna, Director, Case Control Office, 500 C Street, SW., Washington, DC 20424, (202) 382-0748.

**SUPPLEMENTARY INFORMATION:** The Federal Labor Relations Authority was established by Reorganization Plan No. 2 of 1978, effective January 1, 1979 (43 FR 36037). Since January 11, 1979, the Authority has conducted its operations under the Federal Service Labor-Management Relation Statute (92 Stat. 1192).

The Authority has received a request from the Federal Service Impasses Panel that it issue a general statement of policy or guidance in accordance with § 2429.4 of its rules and regulations. Interested persons are invited to express their views in writing as to whether the Authority should issue a policy statement on the question raised by the Panel, and if the Authority issues a statement, what the Authority's policy should be.

**Notice**

To Heads of Agencies, Presidents of Labor Organizations and Other Interested Persons:

The Authority has received a request from the Federal Service Impasses Panel pursuant to § 2429.4 of the Authority's rules and regulations (5 CFR 2429.4), that the Authority address a major policy issue arising in a case before the Panel. The specific question, as stated by the Panel, is as follows:

> Is there a duty on the part of an agency to continue to cooperate with impasse proceedings if a question concerning representation arises following the Panel's assertion of jurisdiction over an impasse?

The issue before the Authority at this time is whether a policy statement on this question is warranted, and if the Authority issues a policy statement, what the policy should be. In conformity with § 2427.4 of our rules and regulations, the Authority solicits your views on these matters in writing. To receive consideration, such views must be submitted to the Authority by close of business on October 30, 1992.

Issued: Washington, DC, September 24, 1992.

Federal Labor Relations Authority.

**Jean McKee,**

*Chairman.*

**Pamela Talkin,**

*Member.*

**Tony Armendariz,**

*Member.*

[FR Doc. 92-23699 Filed 9-29-92; 8:45 am]

BILLING CODE 6727-01-M

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## FEDERAL MARITIME COMMISSION

### Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Lasha Enterprises, Inc., 1750 N.W. 96th Avenue, Miami, FL 33172; Officers: Manfred J. Koberg, President/Director/Stockholder; Zenaida de la Vega, Vice President/Secretary; Sigurd Koberg, Treasurer

Eduardo C. Ferrer, d.b.a. E. C. Ferrer, CHB, 4301 Atlantic Ave., Unit #8, Long Beach, CA 90807, Sole Proprietorship

Panorama Express, Inc., d.b.a. Panorama Express, 2301 S. Federal Highway, Ft. Lauderdale, FL 33316; Officers: Roberta C.L. Robbert, President/Director/Stockholder; Zoila Ochoa, Secretary

Dated: September 25, 1992.

By the Federal Maritime Commission.

**Joseph C. Polking,**

*Secretary.*

[FR Doc. 92-23692 Filed 9-29-92; 8:45 am]

BILLING CODE 6730-01-M

## Performance Review Board

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the names of the members of the Performance Review Board.

**FOR FURTHER INFORMATION CONTACT:** William J. Herron, Jr., Director of Personnel, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573.

**SUPPLEMENTARY INFORMATION:** Section 4314(c) (1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

**Christopher L. Koch,**

*Chairman.*

**The Members of the Performance Review Board are:**

1. William D. Hathaway, Commissioner
2. Ming Chen Hsu, Commissioner
3. Francis J. Ivancie, Commissioner
4. Norman D. Kline, Chief Administrative Law Judge
5. Frederick M. Dolan, Jr. Administrative Law Judge
6. Charles E. Morgan, Administrative Law Judge
7. Russell A. Rockwell, Chief of Staff
8. Robert A. Ellsworth, Director, Policy Planning and Analysis
9. Robert D. Bourgoin, General Counsel
10. Joseph C. Polking, Secretary
11. Edward P. Walsh, Managing Director
12. Bruce A. Dombrowski, Deputy Managing Director
13. John Robert Ewers, Deputy Managing Director
14. Seymour Glanzer, Director, Bureau of Hearing Counsel
15. Norman W. Littlejohn, Director, Bureau of Administration
16. Austin L. Schmitt, Director, Bureau of Trade Monitoring and Analysis
17. Wm. Jarrel Smith, Jr., Director, Bureau of Investigations
18. Bryant L. VanBrakle, Director, Bureau of Tariffs, Certification and Licensing

[FR Doc. 92-23691 Filed 9-29-92; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

### Compagnie de Suez, et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 23, 1992.

**A. Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

*1. Compagnie de Suez*, Paris, France, and Banque Indosuez, Paris, France; to engage *de novo* through their subsidiary, Indosuez Carr Futures, Inc., Chicago, Illinois, in providing securities brokerage services pursuant to § 225.25(b)(15) of the Board's Regulation Y.

**B. Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

*1. Sullivan Bancshares, Inc.*, Sullivan, Illinois; to engage *de novo* in purchasing short term loan participations from The First National Bank of Sullivan, Sullivan, Illinois, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

**C. Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

*1. The Farmers and Merchants Bankshares, Incorporated*, Stuttgart, Arkansas; to engage *de novo* in residential, commercial, and agricultural real estate appraisal services pursuant to § 225.25(b)(13) of the Board's Regulation Y. These activities will be conducted in Arkansas, Prairie, Monroe, Jefferson and Lonoke Counties in the State of Arkansas.

Board of Governors of the Federal Reserve System, September 23, 1992.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 92-23686 Filed 9-29-92; 8:45 am]

BILLING CODE 6210-01-F

### First Western Corp.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted,

these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 23, 1992.

**A. Federal Reserve Bank of Kansas City** (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

*1. First Western Corp.*, Kimball, Nebraska; to acquire 100 percent of the voting shares of Citywide Bank of Northglenn, Northglenn, Colorado.

In connection with this application, Applicant also seeks approval to retain its wholly owned lending and leasing subsidiary, First Mortgage Bancorp, Kimball, Nebraska, and thereby continue to engage in direct lending activities pursuant to § 225.25(b)(1) and in leasing real and personal property pursuant to § 225.25(b)(5), and to retain its wholly owned insurance agency, Elm Creek Insurance Agency, Elm Creek, Nebraska, and thereby continue to engage in general insurance agency activities in a town with a population of less than 5,000 pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, September 23, 1992.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 92-23683 Filed 9-29-92; 8:45 am]

BILLING CODE 6210-01-F

## Allen Bruce Guillory, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 19, 1992.

**A. Federal Reserve Bank of Atlanta** (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

*1. Allen Bruce Guillory*, Mamou, Louisiana; to retain 1.15 percent of the voting shares of Guaranty Capital Corporation, Mamou, Louisiana, for a total of 10.85 percent, and thereby indirectly acquire Guaranty Bank of Mamou, Mamou, Louisiana.

**B. Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

*1. David Boyd Dean*, Houston, Texas; to acquire an additional 11.52 percent of the voting shares of First Bancorporation of Cleveland, Inc., Cleveland, Texas, for a total of 13.87 percent and thereby indirectly acquire First Bank and Trust, Cleveland, Texas.

*2. Garland Max Poynor*, Jacksboro, Texas; to acquire an additional 5.19 percent of the voting shares of First Jacksboro Bancshares, Inc., Jacksboro, Texas, for a total of 29.60 percent, and thereby indirectly acquire The First National Bank, Jacksboro, Texas.

Board of Governors of the Federal Reserve System, September 23, 1992.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 92-23682 Filed 9-29-92; 8:45 am]

BILLING CODE 6210-01-F

## Meridian Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than October 23, 1992.

**A. Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

*1. Meridian Bancorp, Inc.*, Reading, Pennsylvania; to acquire 100 percent of the voting shares of Meridian Bank, New Jersey, Cherry Hill, New Jersey, a *de novo* bank.

**B. Federal Reserve Bank of Atlanta** (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

*1. SunTrust Banks, Inc.*, Atlanta, Georgia, and Trust Company of Georgia, Atlanta, Georgia; to acquire 100 percent of the voting shares of HomeTrust Bank of Georgia, Gainesville, Georgia.

Board of Governors of the Federal Reserve System, September 23, 1992.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 92-23685 Filed 9-29-92; 8:45 am]

BILLING CODE 6210-01-F

## Southern National Corporation; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a

company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 23, 1992.

**A. Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

*1. Southern National Corporation*, Lumberton, North Carolina; to acquire FedFirst Bancshares, Inc., Winston-Salem, North Carolina, and thereby indirectly acquire First Federal Savings Bank, Winston-Salem, North Carolina, which will be merged into Southern National Bank of North Carolina, Lumberton, North Carolina, pursuant to § 5(d)(3) of the Federal Deposit Insurance Act, and thereby engage in owning and operating a savings and loan association pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, September 23, 1992.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 92-23684 Filed 9-29-92; 8:45 am]

BILLING CODE 6210-01-F

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control

### Clinical Laboratory Improvement Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control (CDC) announces the following committee meeting.

*Name:* Clinical Laboratory Improvement Advisory Committee Meeting.

*Times and Dates:* 8 a.m.-5 p.m., October 28, 1992, 8 a.m.-4 p.m., October 29, 1992

*Place:* CDC, Auditorium A, Building 2, 1600 Clifton Road, NE, Atlanta, Georgia 30333.

*Status:* Open to the public, limited only by the space available.

*Purpose:* This committee is charged with providing scientific and technical advice and guidance to the Secretary of Health and Human Services and the Assistant Secretary for Health regarding the need for, and the nature of, revisions to the standards under which clinical laboratories are regulated; the impact on medical and laboratory practice of proposed revisions to the standards; and the modification of the standards to accommodate technological advances.

*Matters to be Discussed:* This is the initial meeting of the Clinical Laboratory Improvement Advisory Committee. The agenda will include discussion of the role of the committee, information and data needs of the committee, the need for and topic areas for subcommittees, and time schedules for committee activities. It will also include an overview of the laboratory standards portion of the Clinical Laboratory Improvement Amendments (CLIA) Final Rule, the research plan for conducting CLIA studies, and the ongoing and planned implementation activities.

Agenda items are subject to change as priorities dictate.

*Contact Person for Additional Information:* Henry M. Colvin, Assistant Director for Program Policy, Division of Laboratory Systems, Public Health Practice Program Office, CDC, 1600 Clifton Road, NE, Mailstop G-25, Atlanta, Georgia 30333, telephone 404/639-1706.

Anyone wishing to make an oral presentation should submit their request in writing to Mr. Colvin by close of business, October 16, 1992. The request should include the name, address, and telephone number of the participant, the approximate time needed, and a brief summary of the topic to be presented. Depending on the number of requests received, up to 10 minutes will be allowed for each oral presentation.

Dated: September 24, 1992.

**Elvin Hilyer,**

*Associate Director for Policy Coordination, Centers for Disease Control.*

[FR Doc. 92-23671 Filed 9-29-92; 8:45 am]

BILLING CODE 4160-18-M

## Social Security Administration

**[Social Security Acquiescence Ruling 92-7(9)]**

### Gonzalez v. Sullivan; Effect of Initial Determination Notice Language on the Application of Administrative Finality

**AGENCY:** Social Security Administration, HHS.

**ACTION:** Notice of Social Security Acquiescence Ruling.

**SUMMARY:** In accordance with 20 CFR 422.406(b)(2) published January 11, 1990 (55 FR 1012), the Commissioner of Social Security gives notice of Social Security Acquiescence Ruling 92-7(9)

**EFFECTIVE DATE:** September 30, 1992.

**FOR FURTHER INFORMATION CONTACT:** Walt Burton, Litigation Staff, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, (410) 966-5041.

**SUPPLEMENTARY INFORMATION:** Although not required to do so pursuant to 5 U.S.C. 552(a)(1) and (a)(2), we are publishing this Social Security Acquiescence Ruling in accordance with 20 CFR 422.406(b)(2).

A Social Security Acquiescence Ruling explains how we will apply a holding in a decision of a United States Court of Appeals that we determine conflicts with our interpretation of a provision of the Social Security Act or regulations when the Government has decided not to seek further review or is unsuccessful on further review.

We will apply the holding of the Court of Appeals decision as explained in this Social Security Acquiescence Ruling to claims at all levels of administrative adjudication within the Ninth Circuit. This Social Security Acquiescence Ruling will apply to all determinations and decisions made on or after September 30, 1992. If we made a determination or decision on your application for benefits between September 12, 1990, the date of the Court of Appeals' decision and September 30, 1992, the effective date of this Social Security Acquiescence Ruling, you may request application of the Social Security Acquiescence Ruling to your claim if you first demonstrate, pursuant to 20 CFR 404.985(b), or 416.1485(b), that application of the Ruling would change our prior determination or decision.

If this Social Security Acquiescence Ruling is later rescinded as obsolete, we will publish a notice in the **Federal Register** to that effect as provided for in 20 CFR 404.985(e), or 416.1485(e). If we decide to relitigate the issue covered by this Social Security Acquiescence Ruling

as provided for by 20 CFR 404.985(c), or 416.1485(c), we will publish a notice in the **Federal Register** stating that we will apply our interpretation of the Act or regulations involved and explaining why we have decided to relitigate the issue.

(Catalog of Federal Domestic Assistance Programs Nos. 93.802 Social Security—Disability Insurance; 93.803 Social Security—Retirement Insurance; 93.805 Social Security Survivor's Insurance; 93.806—Special Benefits for Disabled Coal Miners; 93.807—Supplemental Security Income.)

**Gwendolyn S. King**

*Commissioner of Social Security*

**Acquiescence Ruling 92–7(9)**

*Gonzalez v. Sullivan*, 914 F.2d 1197 (9th Cir. 1990)—Effect of Initial Determination Notice Language on the Application of Administrative Finality—Titles II and XVI of the Social Security Act.

**Issue**

Whether an initial determination in the Social Security or Supplemental Security Income (SSI) programs must be reopened when the notice of the initial determination did not explicitly state that the failure to seek reconsideration results in a final determination, and the claimant did not pursue a timely appeal.

**Statute/Regulation/Ruling Citation**

Section 205(b)(1) of the Social Security Act (42 U.S.C. 405(b)(1)), 20 CFR 404.904, 404.905, 404.957(c)(1), 404.987, 404.988, 404.989, 416.1404, 416.1405, 416.1457(c)(1), 416.1487, 416.1488, 416.1489.

**Circuit**

Ninth(Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Northern Mariana Islands, Oregon, Washington)—*Gonzalez v. Sullivan*, 914 F.2d 1197 (9th Cir. 1990)

**Applicability Of Ruling**

This Ruling applies to determinations or decisions on subsequent applications at all administrative levels (i.e., initial, reconsideration, administrative law judge hearing and Appeals Council).

**Description Of Case**

Mr. Gonzalez first applied for disability benefits on May 26, 1983, alleging that his disability began on March 8, 1982. In a notice dated July 27, 1983, the Secretary denied the application. The notice stated that:

> If you believe that this determination is not correct, you may request that your case be reexamined. If you want this reconsideration, you must request it not later than 60 days from the date you receive this notice. You may make your request through any social security office. If additional evidence is available, you should submit it with your request. Please read the enclosed leaflet for a full explanation of your right to question the determination made on your claim.
>
> If you do not request reconsideration of your case within the prescribed time period, you still have the right to file another application at any time.

On October 24, 1984, Mr. Gonzalez reapplied for disability benefits, once again alleging that he had been disabled since March 8, 1982. After a hearing, an Administrative Law Judge denied the plaintiff's application. The decision stated, in relevant part, that the issue of disability was *res judicata* through July 27, 1983, the date of the initial denial on the previous application. The Administrative Law Judge also did not reopen the determination on the claimant's previous application. The Administrative Law Judge's decision became the final decision of the Secretary for the period after July 27, 1983. Mr. Gonzalez appealed to district court. After the district court found that substantial evidence supported the Secretary's decision, Mr. Gonzalez appealed to the United States Court of Appeals for the Ninth Circuit. On appeal to the Ninth Circuit, the claimant raised, for the first time, the issue of the sufficiency of the notice of the initial determination on his first application.

**Holding**

The Ninth Circuit held that the notice given in the determination on the first application violates a claimant's fifth amendment right to procedural due process. In addition, the court stated that:

> Moreover, the form of the notice used here is sufficiently misleading that it introduces a high risk of error into the disability decisionmaking process.... One of the fundamental requirements of procedural due process is that a notice must be reasonably calculated to afford parties their right to present objections.... The notice given in this case does not clearly indicate that if no request for reconsideration is made, the determination is final.

**Statement As To How Gonzalez Differs From Social Security Policy**

It is SSA's policy to issue notices that provide claimants procedural due process. SSA believes that the notices of initial determination used in the past have done that. The notice and the enclosed leaflet explained the claimant's rights and the result of not appealing the determination.

The notice language at issue in *Gonzalez* was revised in 1989 to explain more clearly the difference between appealing a determination, which prevents the determination from becoming final, and filing a new application. SSA completed implementation of the 1989 notice language change in February 1990. SSA is further revising that language in accordance with section 5107 of the Omnibus Budget Reconciliation Act of 1990, Public Law 101–508 (OBRA '90). The statute provides that determinations made on or after July 1, 1991, may not be given *res judicata* effect if the claimant demonstrates that he/she failed to appeal the determination "acting in good faith reliance upon incorrect, incomplete, or misleading information, relating to the consequences of reapplying for benefits in lieu of seeking review of an adverse determination, provided by any officer or employee" of the SSA or a State agency making determinations for the Secretary.

As stated above, the Ninth Circuit Court of Appeals has found that the Secretary's former notice language resulted in a denial of due process.

**Explanation Of How SSA Will Apply The Decision Within The Circuit**

This Ruling applies only to cases involving claimants who: (1) reside in Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Northern Mariana Islands, Oregon, or Washington; and (2) received an adverse initial determination made prior to July 1, 1991; and (3) did not timely appeal that determination. Claimants who file new claims after receiving notices of initial determinations made on or after July 1, 1991 are protected by the provisions of OBRA '90 as explained above. SSA will apply this Ruling in adjudicating a subsequent application at the initial, reconsideration, Administrative Law Judge, or Appeals Council levels.

A new determination based on the merits of the claim must be issued and a notice of the determination must be sent to the claimant in accordance with 20 CFR 404.992 or 416.1492 if:

- the claimant received a notice like that received by Mr. Gonzalez, as described above; and
- the claimant files a subsequent application; and
- the claimant either requests reopening of the prior initial determination or requests some or all of the benefits claimed in the prior application.

For purposes of this Ruling, the time limits for reopening and revising final agency determinations do not apply.

[FR Doc. 92–23634 9–29–92; 8:45 am]

BILLING CODE 4190–29–F

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-92-3368; FR-3157-N-02]

### Funding Availability for the HUD-Administered Small Cities Community Development Block Grant Program; Fiscal Year 1992 Announcement of Funding Awards

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Announcement of funding awards for Fiscal Year 1992.

**SUMMARY:** In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department under the HUD-Administered Small Cities Community Development Block Grant (CDBG) Program for Fiscal Year (FY) 1992. The announcement contains the names and addresses of grantees and the amounts of the awards.

**FOR FURTHER INFORMATION CONTACT:** Stanley Gimont, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, room 7184, 451 7th Street, SW., Washington, DC 20410, Telephone (202) 708-1322. The TDD number is (202) 708-2565. (These are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:**

#### Background

Title I of the Housing and Community Development Act of 1974, as amended (the HCD Act), authorizes the Community Development Block Grant (CDBG) Program. Section 106 of title I permits States to assume administrative responsibility for the CDBG Program for nonentitled units of general local government within their jurisdictions. Section 106 provides that HUD will administer the CDBG Program for nonentitled areas within a State which does not assume administrative responsibility for the program.

Hawaii and New York are the only two States which have not elected to assume administrative responsibility for the nonentitled CDBG Program. HUD therefore continues to operate the nonentitlement CDBG Program in these two States in accordance with 24 CFR part 570, subpart F.

#### Hawaii's FY 1992 Nonentitlement Allocation

In Hawaii, HUD distributes nonentitlement CDBG funds on a formula basis as set out in 24 CFR 570.435 because there are only three eligible jurisdictions—the counties of Hawaii, Kauai, and Maui. The State of Hawaii's Fiscal Year 1992 nonentitlement allocation (including reallocated funds) totals $2,778,000. All three counties are allocated funds from this amount, in accordance with the formula set forth in 24 CFR 570.435, but must apply to HUD for the funds. County officials for these three counties have been notified of the amounts available to their respective counties for purposes of preparing applications. HUD expects to make final decisions regarding these applications in the next 60 days. The amounts available to each of three counties are as follows:

1. County of Hawaii, Lorraine R. Inouye, 25 Aupuni Street, Hilo, HI 96720: Amount available—$1,254,000
2. County of Kauai, JoAnn A. Yukimura, Lihue, HI 96766 Amount available—$508,000
3. County of Maui, Linda Crockett-Lingle, 200 South High Street, Maui, HI 96793: Amount available—$1,016,000.

For further information regarding these applications and grants, contact:

Ms. Patty Nicholas, Director, Community Planning and Development Division, Department of Housing and Urban Development, 500 Ala Moana Boulevard, Suite 500, Honolulu, HI 96813-1323.

#### New York's FY 1992 Nonentitlement Allocation

In New York State, HUD conducts an annual competition in which nonentitled units of general local government may apply for nonentitled CDBG funds allocated to New York State. The Fiscal Year 1992 competition in New York State was announced by means of a Notice of Funding Availability (NOFA) published in the **Federal Register** on March 2, 1992 (57 FR 7438). The NOFA announced the allocation of the State's nonentitled CDBG funds between the New York Regional Office and the Buffalo Field Office as well as the amount of funds for available for Single Purpose and Comprehensive grants. A total of $41,199,000 was available for nonentitled communities in New York State. The NOFA also explained in detail how HUD would apply regulatory threshold requirements for funding eligibility and the selection criteria for rating and scoring applications.

In New York, HUD received applications presenting 243 projects for consideration, seeking a total of more than $92 million in funding. One hundred and two (102) separate projects were selected for funding, totalling $41,199,000 in awards. In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, the Department is publishing the names, addresses and amounts of those awards as follows. For further information regarding these grants, contact either:

U.S. Department of Housing and Urban Development, Office of Community Planning and Development, 26 Federal Plaza, New York, NY 10278-0068.

or;

U.S. Department of Housing and Urban Development, Community Planning and Development Division, Lafayette Court, 465 Main St., Buffalo, NY 14203.

The following awards were announced August 7, 1992.

#### Single Purpose Grants—New York Regional Office

1. Town of Liberty, Jack I. Simons, 120 North Main Street, Liberty, NY 12754—$400,000
2. Sullivan County, Walter Sipple, County Government Center, Monticello, NY 12701—$245,000
3. Village of Walden, Charles Frank, 8 Scofield Street, Walden, NY 12586—$400,000
4. Town of Rockland, Elton Harris, Town Hall, Livingston Manor, NY 1275?—$243,900
5. Town of Shawangunk, Kevin V. Hunt, P.O. Box 247, Wallkill, NY 12589—$400,000
6. Town of Shandaken, Neil Grant, P.O. Box 134, Shandaken, NY 12480—$400,000
7. Village of Greenport, William R. Pell, III, Village Hall, 236 Third Street, Greenport, NY 11944—$400,000
8. Town of Ulster, Frank Sottile, Town Hall, Neighborhood Road, Lake Katrine, NY 12449—$399,100
9. Village of Bloomingburg, Ronald Scott, P.O. Box 96, Bloomingburg, NY 12721—$400,000
10. Village of New Square, Mates Freisel, 766 North Main Street, New Square, NY 10977—$400,000
11. Village of Monticello, John M. Diuguid, 2 Pleasant Street, Monticello, NY 12701—$400,000

#### Comprehensive Grants—New York Regional Office

1. City of Kingston, John A. Amarello, 1 Garraghan Drive, Kingston, NY 12401—$600,000
2. City of Port Jervis, Richard K. Roberts, Municipal Building, Port Jervis, NY 12771—$600,000

**Single Purpose Grants—Buffalo Field Office**

1. City of Amsterdam, Mario Villa, City Hall, 61 Church St., Amsterdam, NY 12010—$400,000
2. City of Cortland, Ronald T. Walsh, Jr., City Hall, 25 Court St., Cortland, NY 13045—$364,630
3. City of Fulton, George C. Valette, Two Tower Drive–Suite B, Watertown Hill, Fulton, NY 13069—$112,400
4. City of Lockport, Thomas C. Rotundo, Jr., Municipal Bldg., One Locks Plaza, Lockport, NY 14094—$400,000
5. City of North Tonawanda, Elizabeth C. Hoffman, City Hall, 216 Payne Avenue, N. Tonawanda, NY 14120—$400,000
6. City of Ogdensburg, John C. Krol, City Hall, 330 Ford Street, Ogdensburg, NY 13669—$400,000
7. City of Oneonta, David W. Brenner, City Hall, 258 Main Street, Oneonta, NY 13820—$395,000
8. Town of Altona, Glenn Watts, Town Hall, Altona, NY 12910—$400,000
9. Town of Ausable, Robert Mitchell, Town Hall, South Sable St., Keeseville, NY 12944—$400,000
10. Town of Bellmont, JoAnne Hannon, Route 374, Merrill, NY 12955—$400,000
11. Town of Brandon, Patrick Kingston, RFD 1, North Bangor, NY 12966—$400,000
12. Town of Brighton, Al Graf, RFD Box 171E, Saranac Lake, NY 12983—$400,000
13. Town of Brookfield, Loren C. Corbin, Town Hall, Maine St., Brookfield, NY 13314—$400,000
14. Town of Caroline, Robert Spaulding, P.O. Box 36, Slaterville Springs, NY 14881—$400,000
15. Town of Champlain, Gerald Mayo, Town Hall, Champlain, NY 12919—$400,000
16. Town of Chateaugay, Patrick W. Burke, Town Hall, 45 East Main St., Chateaugay, NY 12920—$400,000
17. Town of Chesterfield, Roger E. Poland, Town Hall, Keeseville, NY 12944—$400,000
18. Town of Cincinnatus, Jack Stafford, Town Hall, Cincinnatus, NY 13040—$398,400
19. Town of Dannemora, Robert Kanaly, Town Hall, Dannemora, NY 12929—$400,000
20. Town of Forestport, Russell J. Hirschey, Town Hall, Forestport, NY 13338—$400,000
21. Town of Franklin, John P. O'Neill, RFD 1, Box 94, Vermontville, NY 12989—$400,000
22. Town of Friendship, Lawrence Riehle, 50 West Main St., Friendship, NY 14739—$400,000
23. Town of Gouverneur, Donald A. Peck, RD #5—Box 10, Gouverneur, NY 13643—$400,000
24. Town of Harrisburg, Stephen N. Bernat, RD 1, Lowville, NY 13367—$400,000
25. Town of Independence, James V. Clark, P.O. Box 38, Marietta Ave., Whitesville, NY 14897—$400,000
26. Town of Italy, Leslie Fitzwater, RD 2, Naples, NY 14512—$383,500
27. Town of Lewis, Joseph E. Boone, Town Hall, Lewis, NY 12950—$400,000
28. Town of Lorraine, William W. Johnson, 6 RD 1, Box 892, Lorraine, NY 13659—$400,000
29. Town of Salisbury, Robert T. Jorrey, Box 241, Salisbury Center, NY 13454—$400,000
30. Town of Savannah, Donald G. Colvin, 1564 North Main Street, Savannah, NY 13146—$99,700
31. Town of Shelby, John Fox, 11248 Maple Ridge Road, Medina, NY 14103—$400,000
32. Town of Smithfield, David G. Brooks, P.O. Box 146, Peterboro, NY 13134—$400,000
33. Town of Stephentown, Michael Angley, Staples Road, Stephentown, NY 12168—$400,000
34. Town of Stockton, Arthur A. Nist, 22 North Main Street, Stockton, NY 14784—$101,210
35. Town of Sullivan, John Gladney, RD #2, Lakeport Road, Chittenango, NY 13037—$369,000
36. Town of Verona, Maurice G. Deeley, Germany Road, RD #1, Box 249, Durhamville, NY, 13054—$400,000
37. Town of Watson, Virgil E. Taylor, Star Route, Lowville, NY, 13367—$297,000
38. Town of Wells, Allen L. Hunt, Town Hall, N.Y. Route 30, Wells, NY, 12190—$400,000
39. Town of Willet, K.C. Burlingame, Town Hall, P.O. Box 37, Willet, NY, 13863—$390,000
40. Town of Willsboro, Teresa Sayward, Town Office, Willsboro, NY, 12996—$400,000
41. Town of Wilmington, Joanne Zaumetzer, Town Hall, Wilmington, NY, 12997—$400,000
42. Village of Adams, Charles A. Peck, 2 North Main Street, Adams, NY, 13605—$400,000
43. Village of Arcade, Gordon H. Cramer, Village Office, 17 Church St., Arcade, NY, 14009—$179,050
44. Village of Canisteo, Arthur J. Burdick, 35 Main St., Canisteo, NY, 14823—$400,000
45. Village of Dolgeville, Bruce Smith, 41 N. Main St., Dolgeville, NY, 13329—$400,000
46. Village of Dresden, Timothy Chambers, 69 Seneca St., Dresden, NY, 14441—$400,000
47. Village of Edwards, Joseph C. Brassard, Town Hall, Main St., Edwards, NY, 13635—$400,000
48. Village of Franklinville, Raymond G. Doty, Village Hall, Franklinville, NY, 14737—$400,000
49. Village of Fredonia, Louis C. Mancuso, Village Hall, 9–11 Church St., Fredonia, NY, 14063—$362,100
50. Village of Gouverneur, Laura M. Slate, 33 Clinton St., Gouverneur, NY, 13642—$400,000
51. Village of Hancock, Robert H. Drumm, 66 East Front St., Hancock, NY, 13783—$400,000
52. Village of Homer, Mary Alice Bellardini, Village Hall, 31 North Main St., Homer, NY, 13077—$358,360
53. Village of Malone, Richard A. Gokey, 16 Elm St., Malone, NY, 12953—$400,000
54. Village of Millport, Kenneth Wood, 5508 Main St., Millport, NY, 14864—$400,000
55. Village of Moravia, Robert E. Copley, Central St., Moravia, NY, 13118—$352,000
56. Village of Northville, Sheldon F. Ginter, Third Street, Northville, NY, 12134—$400,000
57. Village of Penn Yan, Floyd Paddock, P.O. Box 426, 3 Maiden Lane, Penn Yan, NY, 14527—$385,000
58. Village of Phoenix, Carole G. Fields, 821 Main Street, Phoenix, NY, 13135—$400,000
59. Village of Port Henry, Richard Gonyeau, 25 South Main Street, Port Henry, NY, 12974 $258,950
60. Village of Saranac Lake, Richard V. DePuy, Power & Light Building, 2 Main Street, Saranac Lake, NY, 12983—$400,000
61. Village of Victory Mills, A. Bruce Cornell, P.O. Box 149, Pine Street, Victory Mills, NY, 12884—$400,000
62. Cayuga County, Herbert Marshall, Jr., County Office Bldg., 160 Genesee St., Auburn, NY, 13021—$400,000
63. Chenango County, Glenn Angell, 5 Court St., County Office Bldg., Norwich, NY, 13815—$400,000
64. Essex County, Joseph E. Boone, County Building Church St., Elizabethtown, NY, 12932—$395,000
65. Greene County, Frank Stabile, Jr., HCR 3, P.O. Box 909, Cairo, NY, 12413—$82,500
66. Jefferson County, William H. Fulkerson, 175 Arsenal St., Watertown, NY, 13601—$400,000
67. Madison County, Robert H. Kuiper, P.O. Box 635, Madison County Office Bldg., Wampsville, NY, 13163—$600,000
68. Montgomery County, Robert W. D'Arcangelis, Park St., P.O. Box 1500 County Annex Bldg., Fonda, NY, 12068—$400,000

69. Otsego County, Carl F. Higgins, County Office Bldg., 197 Main St., Cooperstown, NY, 13326—$595,000
70. Rensselaer County, John L. Buono, County Office Building, 1600 7th Avenue, Troy, NY, 12180—$360,000
71. St. Lawrence County, Betty H. Bradley, County Courthouse, Court Street, Canton, NY, 13617—$600,000
72. Warren County, Victor R. Grant, Municipal Center, Lake George, NY, 12845—$578,200

**Comprehensive Grants—Buffalo Field Office**

1. City of Ithaca, Benjamin Nichols, 108 East Green St., Ithaca, NY 14850—$600,000
2. City of Little Falls, Roger Stock, City Hall, 659 Main St., Little Falls, NY 13326—$553,000
3. City of Oswego, Terrance Hamill, City Hall, Oswego, NY 13126—$600,000
4. Village of Canastota, Joseph Paone, Village Hall, 205 S. Peterboro, Canastota, NY 13032—$577,000
5. City of Hornell, Shawn Hogan, 108 Broadway, Hornell, NY 14843—$600,000
6. City of Auburn, James Galvin, Memorial City Hall, 24 South St., Auburn, NY 13021—$564,000
7. City of Hudson, Michael Yusko, Jr., City Hall, Hudson, NY 12534—$600,000
8. City of Cohoes, Robert D. Signoracci, City Hall, Mohawk Street, Cohoes, NY, 12047—$600,000
9. City of Oneida, Army Carcini, City Hall, 109 North Main Street, P.O. Box 550, Oneida, NY, 13421—$600,000
10. Village of Lake Placid, Robert J. Peacock, 301 Main Street, Lake Placid, NY, 12946—$600,000
11. City of Plattsburg, Clyde M. Rabideau, Jr., City Hall, Plattsburgh, NY, 12901—$600,000
12. Village of Potsdam, William J. Lawson, Civic Center, P.O. Box 5168, Potsdam, NY, 13676—$600,000
13. Village of Medina, Howard A. Lake, 600 Main St., Medina, NY, 14103—$600,000
14. City of Mechanicville, Patrick Hildreth, City Hall, 36 N. Main Street, Mechanicville, NY, 12118—$600,000

Dated: September 21, 1992.

**Randall Erben,**

*Acting Assistant Secretary for Community Planning and Development.*

[FR Doc. 92-23694 Filed 9-29-92; 8:45 am]

BILLING CODE 4210-29-M

## Office of Assistant Secretary for Housing—Federal Housing Commissioner

**[Docket No. N-92-3411; FR-3195-N-02]**

## Fund Availability (NOFA) for Supportive Housing for Persons With Disabilities—Set-aside for Persons Disabled as a Result of Infection With the Human Acquired Immunodeficiency Virus

**AGENCY:** Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Notice of fund availability; Limited reopening of competition.

**SUMMARY:** On April 7, 1992, HUD announced in a Notice of Fund Availability (NOFA), published in the **Federal Register** (57 FR 11868), a competition for 285 units ($20,310,000) of the set-aside established in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriation Act, 1991 (Pub. L. 101-504, approved November 5, 1990) for supportive housing for persons disabled as a result of infection with the Human Acquired Immunodeficiency Virus (HIV). This competition has been completed, and there were not sufficient approvable applications to use all of the set-aside. HUD has decided to conduct a limited competition for the remaining 120 units in the set-aside. This competition is limited to all applicants who were unsuccessful in the April 7, 1992 competition.

**DATES:** The deadline date for receipt of revised applications is October 16, 1992. Revised applications must be received by 5:15 p.m. on the deadline date. The application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, the Department will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems.

**ADDRESSES:** Two copies of the revised applications must be delivered to Robert Wilden, Director, Housing for Elderly and Handicapped People Division, Division, Department of Housing and Urban Development, 451 Seventh Street, SW., room 6116, Washington, DC 20410. HUD will date-stamp incoming applications to evidence timely receipt, and upon request, provide the applicant with an acknowledgement of receipt. Applications submitted by facsimile are not acceptable.

**FOR FURTHER INFORMATION CONTACT:** Robert Wilden, Director, Housing for Elderly and Handicapped People Division, Department of Housing and Urban Development, 451 Seventh Street, SW., room 6116, Washington, DC 20410, telephone (202) 708-2730. The TDD number is 708-4594. (These are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:**

### Paperwork Reduction Act Statement

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-220), the information collection requirements have been assigned OMB Control Number 2502-0462.

### Purpose and Substantive Description

On April 7, 1992, HUD announced in a Notice of Fund Availability (NOFA), published in the **Federal Register** (57 FR 11868), a competition for 285 units ($20,310,000) of the set-aside established in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriation Act, 1991 (Pub. L. 101-504, approved November 5, 1990) for supportive housing for persons disabled as a result of infection with the Human Acquired Immunodeficiency Virus (HIV). This competition has been completed, and there were not sufficient approvable applications to use all of the set-aside.

This NOFA announces another competition for the remaining set-aside units. This competition is limited to all applicants who were unsuccessful in the April 7, 1992 competition. The allocation of capital advance for this NOFA (remainder of set-aside) is 120 units; $11,490,000. Because of this limited amount of funds, it is impractical to conduct a larger competition. All such applicants will receive a personal letter informing them of this limited competition and a copy of this NOFA. Applicants are to revise their previous applications based upon the requirements specified in the April 7, 1992 NOFA. HUD will provide technical assistance as needed. Applicants are to submit their revised applications within 45 days of this NOFA. HUD Headquarters will review the revised applications and make selections based on the April 7, 1992 NOFA.

Applicants who were successful in response to the original announcement of this competition will be notified of their selection, and will not be affected by today's notice.

**Authority:** Section 811, National Affordable Housing Act, Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: September 18, 1992.

**James E. Schoenberger,**

*Associate General Deputy, Assistant Secretary for Housing Federal Housing Commissioner.*

[FR Doc. 92-23618 Filed 9-29-92; 8:45 am]

BILLING CODE 4210-27-M

## Office of Fair Housing and Equal Opportunity

**[Docket No. D-92-1002, FR-3345-D--01]**

## Amendment of Redelegation of Authority Under the Fair Housing Act

**AGENCY:** Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

**ACTION:** Notice of amendment of redelegation of authority.

**SUMMARY:** By this notice, the Assistant Secretary for Fair Housing and Equal Opportunity for the Department of Housing and Urban Development is amending a redelegation of authority published in the **Federal Register** on January 3, 1992, at 57 FR 296, which redelegated authority, initially redelegated from the General Counsel to the Assistant Secretary, to the Directors of the HUD Regional Offices for Fair Housing and Equal Opportunity (Regional Directors) to make determinations of no reasonable cause respecting fair housing complaints under 24 CFR 103.400. This amendment to the redelegation of authority published on January 3, 1992, clarifies that the Assistant Secretary for Fair Housing and Equal Opportunity is authorized to reopen for purposes of reconsideration determinations by the Regional Directors, as well as his or her own determinations of no reasonable cause.

**EFFECTIVE DATE:** September 21, 1992.

**FOR FURTHER INFORMATION CONTACT:** Roy J. Rodriquez, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, room 5206, 451 Seventh Street, SW., Washington, DC 20410-2000, telephone: (202) 619-8041. (This is not a toll-free number.) A telecommunications device for hearing impaired persons (TDD) is available at 1-800-543-8294.

**SUPPLEMENTARY INFORMATION:** Part 103 of title 24 of the Code of Federal Regulations contains HUD's regulations governing the processing of complaints by members of the public under the Fair Housing Act. Under 24 CFR 103.400, in processing complaints under the Act, the General Counsel of HUD was delegated authority to make determinations of whether or not reasonable cause exists to believe that discrimination occurred. The General Counsel redelegated the authority in 24 CFR 103.400 to make determinations of no reasonable cause concerning fair housing complaints to the Assistant Secretary for Fair Housing and Equal Opportunity in a revised rule published in the **Federal Register** on December 28, 1990, at 55 FR 53293.

Under a redelegation of authority published in the **Federal Register** on January 3, 1992, at 57 FR 296, the Assistant Secretary for Fair Housing and Equal Opportunity redelegated to the Regional Directors the authority to issue determinations of no reasonable cause in processing fair housing complaints and to carry out functions attendant to such determinations. This redelegation did not affect the authority of the General Counsel, or the authority redelegated in part of Regional Counsel, to make determinations under 24 CFR 103.400.

This amendment to the redelegation of authority published on January 3, 1992, at 57 FR 296, clarifies that the Assistant Secretary for Fair Housing and Equal Opportunity is authorized to reopen for purposes of reconsideration determinations by Regional Directors, as well as his or her own determinations of no reasonable cause.

If the Assistant Secretary for Fair Housing and Equal Opportunity reopens for purposes of reconsideration a no reasonable cause determination, the Assistant Secretary or his or her designee shall promptly notify all parties to the complaint.

In another notice published elsewhere in today's **Federal Register**, the General Counsel amends a redelegation of authority published in the **Federal Register** on January 25, 1991, at 56 FR 2931, which redelegated authority to Regional Counsel respecting fair housing complaints under 24 CFR 103.400, to clarify that the General Counsel is authorized to reopen for purposes of reconsideration determinations of no reasonable cause by Regional Counsel, as well as his or her own determinations of no reasonable cause.

Accordingly, the Assistant Secretary for Fair Housing and Equal Opportunity amends the redelegation of authority published on January 3, 1992, at 57 FR 296, to read as follows:

*Section A—Authority Redelegated*

The Assistant Secretary for Fair Housing and Equal Opportunity redelegates to the Directors of the HUD Regional Offices of Fair Housing and Equal Opportunity (Regional Directors) the authority under 24 CFR 103.400:

(1) To determine in processing fair housing complaints that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur;

(2) To carry out the following functions attendant to such a determination;

a. Issuing a short and plain written statement of the facts upon which the Regional Director has based the no reasonable case of determination.

b. Dismissing the complaint based on the no reasonable cause determination.

c. Notifying the aggrieved person and the respondent of the dismissal (including the written statement of facts) as required by 24 CFR 103.400(a)(1); and

d. Making public disclosure of the dismissal as described in 24 CFR 103.400(a)(1).

*Section B—Authority Excepted*

(1) The Assistant Secretary for Fair Housing and Equal Opportunity is authorized to reopen for purposes of reconsideration determinations of no reasonable cause by Regional Directors, as well as his or her own determinations of no reasonable cause.

(2) If the Assistant Secretary for Fair Housing and Equal Opportunity reopens for purposes of reconsideration any no reasonable cause determination, the Assistant Secretary or his or her designee shall promptly notify all parties to the complaint.

*Section C—No Further Redelegation*

The authority granted in Section A of this redelegation may not be further redelegated pursuant to this redelegation.

*Section D—Redelegation Revoked*

The redelegation of authority published in the **Federal Register** on January 3, 1992, at 57 FR 296 (Docket No. D-91-975; FR-3197-D-01) is revoked.

**Authority:** 42 U.S.C. 3600-3619; 42 U.S.C. 3535(d).

Dated: September 21, 1992.

**Gordon H. Mansfield,**

*Assistant Secretary for Fair Housing and Equal Opportunity.*

[FR Doc. 92-23627 Filed 9-29-92; 8:45 am]

BILLING CODE 4210-01-M

## Office of the General Counsel

**[Docket No. D-92-1001; FR-3344-D-01]**

## Amendment of Redelegation of Authority Under the Fair Housing Act

**AGENCY:** Office of the General Counsel, HUD.

**ACTION:** Notice of amendment of redelegation of authority.

**SUMMARY:** By this notice, the General Counsel for the Department of Housing and Urban Development is amending a redelegation of authority published in the **Federal Register** on January 25, 1991, at 56 FR 2931, which redelegated authority to Regional Counsel to make determinations respecting fair housing complaints under 24 CFR 103.400. This amendment clarifies that the General Counsel is authorized to reopen for purposes of reconsideration determinations of no reasonable cause Regional Counsel have made concerning fair housing complaints, as well as his or her own determinations of no reasonable cause.

**EFFECTIVE DATE:** September 21, 1992.

**FOR FURTHER INFORMATION CONTACT:** Harry L. Carey, Assistant General Counsel, Fair Housing Division, Office of the General Counsel, Department of Housing and Urban Development, room 9238, Washington, DC 20410. Telephone (202) 708–0570. (This is not a toll-free number.) The toll-free TDD Number for hearing impaired persons is 1–800–543–8294.

**SUPPLEMENTARY INFORMATION:** 24 CFR part 103 contains the Department's regulations governing the processing of complaints filed by members of the public under the Fair Housing Act. In a final rule published December 28, 1990, at 55 FR 53283, HUD revised 24 CFR 103.400(a) concerning determinations of whether there is or is not reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur in connection with a complaint filed under the Fair Housing Act. Under the final rule, the Assistant Secretary for Fair Housing and Equal Opportunity refers to the General Counsel all complaints where the Assistant Secretary, based on the facts, believes that a discriminatory housing practice has occurred or is about to occur. All other cases will be dismissed by the Assistant Secretary under 24 CFR 103.400(a)(1). Where a referral is made, the General Counsel either: (1) Issues a reasonable cause determination and a charge (24 CFR 103.400(a)(2)(i)); (2) issues a no reasonable cause determination and a dismissal (24 CFR 103.400(a)(2)(ii)); or (3) refers the matter to the Department of Justice if the complaint involves the legality of a local zoning or land use law or ordinance (24 CFR 103.400(a)(3)).

Under a redelegation of authority published on January 25, 1991, at 56 FR 2931, the General Counsel redelegated to the Regional Counsel of the ten HUD regions the authority under 24 CFR 103.400, except authority concerning complaints involving complex facts or novel issues of law or the legality of local zoning or land use laws or ordinances. In that redelegation of authority, the General Counsel redelegated concurrent authority to determine which complaints involve complex facts or novel issues of law or involve the legality of local zoning or land use laws to the Associate General Counsel for Equal Opportunity and Administrative Law and to the Assistant General Counsel for Fair Housing.

This amendment to the redelegation of authority published on January 25, 1991, at 56 FR 2931, clarifies that the General Counsel is authorized to reopen for purposes of reconsideration Regional Counsel determinations of no reasonable cause. After such reconsideration, the General Counsel may affirm the Regional Counsel's determination that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, issue an independent determination that no reasonable cause exists, or issue a determination that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur.

This amendment to the redelegation of authority also clarifies that the General Counsel may decide to reopen for purposes of reconsideration his or her own determinations of no reasonable cause.

If the General Counsel reopens for purposes of reconsideration a no reasonable cause determination, the General Counsel or his or her designee shall promptly notify all parties to the complaint.

In another notice published elsewhere in today's **Federal Register**, the Assistant Secretary for Fair Housing and Equal Opportunity is publishing an amendment to the redelegation of authority published on January 3, 1992, at 57 FR 296, in which the Assistant Secretary for Fair Housing and Equal Opportunity redelegated to the Directors of HUD Regional Offices for Fair Housing and Equal Opportunity the authority to make determinations of no reasonable cause. The amendment to the redelegation of authority clarifies that the Assistant Secretary for Fair Housing and Equal Opportunity is authorized to reopen for purposes of reconsideration determinations of no reasonable cause made by Directors of HUD Regional Offices for Fair Housing and Equal Opportunity, as well as his or her own determinations of no reasonable cause.

According, the General Counsel amends the redelegation of authority published on January 25, 1991, at 56 FR 2931, to read as follows:

**Section A—Authority Delegated**

(1) The General Counsel redelegates the authority under 24 CFR 103.400, except with regard to complaints found by the General Counsel to involve either complex facts or novel issues of law, or the legality of local zoning or land use laws or ordinances, to the ten Regional Counsel.

(2) The General Counsel redelegates the authority to determine which complaints involve complex facts or novel issues of law, or involve the legality of local zoning or land use laws to the Associate General Counsel for Equal Opportunity and Administrative Law and to the Assistant General Counsel for Fair Housing.

**Section B—Authority Excepted**

(1) The General Counsel is authorized to reopen for purposes of reconsideration determinations made by Regional Counsel that no reasonable cause exists that a discriminatory housing practice has occurred or is about to occur. The General Counsel may, following reconsideration, affirm a determination that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, issue an independent determination that no reasonable cause exists, or issue a determination that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur.

(2) The General Counsel may reopen for purposes of reconsideration his or her own determinations of no reasonable cause.

(3) If the General Counsel reopens for purposes of reconsideration a no reasonable cause determination, the General Counsel or his or her designee shall promptly notify all parties to the complaints.

**Section C—No Further Redelegation**

The authority granted in section A of this redelegation may not be further redelegated pursuant to this redelegation.

**Section D—Redelegation Revoked**

The redelegation of authority published in the **Federal Register** on January 25, 1991, at 56 FR 2931 (Docket No. D–91–941; FR–2969) is revoked.

**Authority:** 42 U.S.C. 3600–3619; 42 U.S.C. 3525(d).

Dated: September 21, 1992.

Frank Keating,

*General Counsel.*

[FR Doc. 92–23626 Filed 9–29–92; 8:45 am]

BILLING CODE 4210–01–M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[CA–066–4333–12]

### Notice of Closure; Palm Springs-South Coast Resource Area, Riverside County, CA

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Correction to Notice of Closure of Public Entry to Public Lands.

**SUMMARY:** The original notice of closure as cited in the **Federal Register**/Vol. 57, No. 147, Page 33731, published on July 30, 1992 is hereby corrected under Summary to read, closed to public entry from the hours of 10 p.m. and 5:30 a.m.

Dated: September 19, 1992.

Russell L. Kaldenberg,

*Area Manager.*

[FR Doc. 92–23621 Filed 9–29–92; 8:45 am]

BILLING CODE 4310–40–M

[NV–930–92–4333–11: NV5–92–39]

### Nevada: Temporary Closure of Certain Public Lands in the Las Vegas District for Management of the 1992 "Gold Coast 300" Off-Highway Vehicle (OHV) Race

**ACTION:** Temporary closure of certain Public Lands in Clark County, Nevada, on and adjacent to the 1992 "GOLD COAST 300" race course on October 10, 1992. Access will be limited to race officials, entrants, law-enforcement and emergency personnel, licensed permittee(s) and right-of-way grantees.

**SUPPLEMENTARY INFORMATION:** Certain public lands in the Las Vegas District, Clark County, Nevada will be temporarily closed to public access from 0001 hours, October 10, 1992, to 2359 hours, October 10, 1992, to protect persons, property, and public land resources on and adjacent to the High Desert Racing Association (HDRA) 1992 "GOLD COAST 300" OHV race course. Spectators are restricted to the start/finish, and the area shown as the high speed test section, along the paved I–15 frontage road only.

These temporary closures and restrictions are made pursuant to 43 CFR part 8364. The public lands to be closed or restricted are those lands adjacent to and including roads, trails and washes identified as the 1992 "GOLD COAST 300" OHV race course.

The following public lands restricted or closed are described as: The Hidden Valley area, T. 23 S., R. 61 E., all of sections 1 through 36; T. 24 S., R. 61 E., all of sections 1 through 36. The Erie area, T. 24 S., R. 60 E., all of sections 1 through 36; T. 23 S., R. 60 E., all of section 36. The Jean area, T. 25 S., R. 59 E., all of sections 1 through 36. The Jean Lake area, T. 25 S., R. 60 E., all of sections 1 through 36; T. 25 S., R. 61 E., all of sections 1 through 36. The Roach Lake area, T. 26 S., R. 59 E., all of sections 1 through 36; T. 27 S., R. 59 E., all of sections 1 through 36. The Beer Bottle Pass area, T. 26 S., R. 60 E., all of sections 1 through 36. The Lucy Grey area, T. 27 S., T. 60 E., all of sections 1 through 36.

The above legal land descriptions are for public lands within Clark County, Nevada. A map showing specific areas closed to public access is available from the following BLM office: The Las Vegas District Office, P.O. Box 26569, Las Vegas, Nevada 89126, (702) 647–5000. Any person who fails to comply with this closure order issued under 43 CFR part 8364 may be subject to the penalties provided in 43 CFR 8360.7.

Dated: September 16, 1992.

Colin P. Christensen,

*Acting District Manager, Las Vegas District.*

[FR Doc. 92–23623 Filed 9–29–92; 8:45 am]

BILLING CODE 4310–HC–M

[ID–010–02–1530–70–F279]

### Foothills Fire in Rural Ada and Elmore Counties, ID; Emergency Closure

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Emergency closure of roads, trails and all cross-country travel to mechanized vehicles (motor vehicles and mountain bikes) on BLM-administered lands within the perimeter of the Foothills Fire in rural Ada and Elmore Counties, Idaho.

**SUMMARY:** Operation of all mechanized vehicles (motorized vehicles and mountain bikes) is prohibited on public lands administered by the Bureau of Land Management within the boundaries of the Foothills Fire in Ada and Elmore Counties, Idaho to protect soil, watershed and wildlife values. The area is roughly bounded by the Foothills/Mayfield Road on the south, Lucky Peak Reservoir on the west, Cow Creek Road on the east and the South Fork of the Boise River on the north.

The closure will be in effect immediately and will continue for an indeterminate period, until such time as the authorized officer determines that the soil and vegetation within the burned area are sufficiently stabilized to sustain vehicle traffic. At that time some roads and trails will be re-opened for vehicle use. Exceptions to this closure, which will be posted, include vehicle use for administrative and emergency purposes. Under special circumstances, and upon request, the authorized officer may issue a permit allowing vehicle access into the area for other purposes, on a case-by-case basis. Within the perimeter of the fire, only the Blacks Creek Road will remain open to vehicle traffic. All traffic on the Blacks Creek Road will be confined to the roadbed and will not be permitted to travel off the road.

**Definitions**

(a) "Public lands" mean any lands or interest in lands owned by the United States and administered by the Bureau of Land Management.

(b) "Authorized Officer" means any employee of the Bureau of Land Management who has been delegated the authority to perform under title 43.

(c) "Emergency vehicles" means any military, fire or law enforcement vehicles in use for emergency purposes.

(d) "Administrative vehicles" refers to vehicles used by an employee, agent, or designated representative of the Federal Government, or one of its contractors, in the course of their employment, agency or representation.

**SUPPLEMENTARY INFORMATION:** This closure is being jointly established and administered by the BLM, the Boise National Forest, the Idaho Department of Lands, and the Idaho Department of Fish and Game. Mechanized vehicle use on lands within the burned area of the fire administered by those agencies are similarly restricted. Authority for this closure is contained in CFR title 43, subpart 8341.2 and complies with CFR title 43, subpart 8364.1 Closure and Restriction Orders. Violation of this closure order is in accordance with CFR title 43, subpart 8360.0–7 punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months.

Dated: September 18, 1992.

Rodger E. Schmitt,

*Associate District Manager.*

[FR Doc. 92–23620 Filed 9–29–92; 8:45 am]

BILLING CODE 4310–GG–M

## INTERNATIONAL TRADE COMMISSION

**[Investigations Nos. 732-TA-539-A through 539-F (Final)]**

### Uranium From Kazakhstan, Kyrgystan, Russia, Tajikistan, Ukraine, and Uzbekistan

**AGENCY:** United States International Trade Commission.

**ACTION:** Change in hearing date and date for prehearing briefs for the subject investigations.

**EFFECTIVE DATE:** September 25, 1991.

**FOR FURTHER INFORMATION CONTACT:** Tedford Briggs (202–205–3181), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

**SUPPLEMENTARY INFORMATION:** On June 2, 1992, the Commission instituted the subject investigations and established a schedule for their conduct (57 FR 27065, June 17, 1992). Subsequently, the Department of Commerce extended the date for its final determinations in the investigations from August 11, 1992, to October 16, 1992 (57 FR 30946, July 13, 1992), and the Commission, revised its schedule in the investigations to conform with the Commerce's new schedule (57 FR 33735, July 30, 1992). On September 22, 1992, the Commission received a request from counsel for petitioners to change the date of the Commission's hearing and the date for the prehearing briefs.

The Commission's new schedule for the investigations is as follows: requests to appear at the hearing must be filed with the Secretary to the Commission not later than October 5, 1992; the prehearing conference will be held at the U.S. International Trade Commission Building on October 13, 1992; the prehearing staff report will be placed in the nonpublic record on October 5, 1992; the deadline for filing prehearing briefs is October 20, 1992; the hearing will be held at the U.S. International Trade Commission Building on October 23, 1992; and the deadline for filing posthearing briefs is October 28, 1992.

For further information concerning these investigations see the Commission's notice of investigations cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

**Authority:** These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to section 207.20 of the Commission's rules.

Issued: September 28, 1992.

By order of the Commission.

**Paul R. Bardos,**

*Acting Secretary.*

[FR Doc. 92–23856 Filed 9–29–92; 8:45 am]

**BILLING CODE 7020–02–M**

## INTERSTATE COMMERCE COMMISSION

### Privacy Act Records; Fee Billing and Collection System; Correction

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Corrected Notice of additional Privacy Act system of records.

**SUMMARY:** At 57 FR 43261 (September 18, 1992), the Commission published a notice pertaining to the existence and character of an additional Privacy Act System of Records pursuant to 5 USC 552a(e)(4). The category of individuals covered by the system is the holders of fee billing accounts with the Commission. The categories of records in the system are developed from information which is supplied by individuals or entities that apply for accounts and financial information which may be obtained from credit bureaus or the Commission field staff. The information obtained will be available to the Commission and its staff and may be made available to government agencies such as the Internal Revenue Service, the Department of Justice, the General Accounting Office and credit bureaus and debt collection contractors for the purposes of collecting debt owed to the Commission.

This corrected notice is being published to provide for public comment on the proposed system of records. Also reference to the potential routine use of this information to publish a list of delinquent account holders is being omitted because the Commission has decided not to propose publishing such a list.

**DATES:** This notice is effective November 18, 1992. Comments are due October 30, 1992.

**ADDRESSES:** An original and two copies of comments on this proposed system of records should be submitted to: Privacy Officer, Room 1312, Interstate Commerce Commission, Washington, DC 20423

System Address for this system is as follows:

The System is located at the Interstate Commerce Commission Headquarters in Washington, DC. The System Manager and address are as follows:

Chief, Budget and Fiscal Office, Interstate Commerce Commission, Room 1330, 12th and Constitution Avenue, NW., Washington, DC 20423

**FOR FURTHER INFORMATION CONTACT:** Kathleen M. King 202–927–5493, [TDD for hearing impaired: [(202)–927–5721.]

**SUPPLEMENTARY INFORMATION:** The above described System is called Fee Billing and Collection System (32–20–0014). The policies and practices for storing, retrieving, accessing, retaining, and disposing of the records in the System are as follows: The records are maintained on magnetic discs and kept in a locked file cabinet under direct control of the responsible official. The record source categories for the System are the individuals and entities who request fee billing accounts, credit bureaus, and ICC field staff. Access to these files will be made upon request and presentation of proper identification. Notification and contesting record procedures are the same as for all other Privacy Act files. No exemption in the Privacy Act applies to this system of record. The authority for maintenance of this system is found at 49 USC 10321, and 31 USC 3711 *et seq.* and 9701.

By the Commission, S. Arnold Smith, Privacy Officer.

**Sidney L. Strickland, Jr.,**

*Secretary.*

Pursuant to 5 USC 552a(e)(4), the Interstate Commerce Commission republishes this notice pertaining to the existence and character, of an additional system of records.

**32–20–0014**

**SYSTEM NAME:**

Fee Billing and Collection System.

**SYSTEM LOCATION:**

Interstate Commerce Commission, Budget and Fiscal Office, Room 1330, 12th and Constitution Avenue, NW, Washington, DC 20423.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals or entities that hold fee billing accounts.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Individual or entities submit Form ICC–1032 to request establishment of an account for fee billing purposes. Files contain a record of charges, including applicable interest, penalties and administrative charges and payments for fee billing accounts. File include correspondence and other documentation relating to collection activities of the ICC. The files may include financial information obtained from credit bureaus of developed by ICC field staff.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The authority for maintenance of the system is found in 49 USC 10321, 31 USC 3711 *et seq.* and 9701.

**ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Maintaining a recordkeeping and accounting system to record changes, including applicable interest, penalties and administrative charges, and payments for fee billing accounts.

The information in the system of records may be provided to other federal agencies and entities including but not limited to the Internal Revenue Service, the General Accounting Office, and the Department of Justice. The information also may be provided to credit bureaus and debt collection contractors, as authorized by the Debt Collection Act of 1982, 31 USC 3711, *et seq.*

**POLICIES AND PRACTICES FOR STORING, RETRIEVING ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

The Budget and Fiscal files consist of paper records maintained in folders, and on automated data storage devices and magnetic computer discs Files are secured at all times.

**RETRIEVABILITY:**

Indexed in data base by account number and name of account holder. Paper records filed by account number.

**SAFEGUARDS:**

Access to the records is limited to authorized staff in the Budget and Fiscal Office and to other authorized officials or employees of the ICC on a need-to-know basis as determined by the Budget and Fiscal Office. All records are kept in limited access areas during duty hours and in locked files at all other times.

**RETENTION AND DISPOSAL:**

To be retained for 5 years.

**SYSTEM MANAGER AND ADDRESS:**

Interstate Commerce Commission, Chief, Budget and Fiscal Office, Room 1330, 12th and Constitution Avenue, NW, Washington, DC 20423.

**NOTIFICATION PROCEDURES:**

See 49 CFR part 1007.

**RECORD ACCESS PROCEDURES:**

See 49 CFR part 1007.

**CONTESTING RECORD PROCEDURES:**

See 49 CFR part 1007.

**RECORD SOURCE CATEGORIES:**

Account holders, credit bureaus, ICC field staff.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

[FR Doc. 92–23704 Filed 9–29–92; 8:45 am]

BILLING CODE 7035–01–M

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**[Finance Docket No. 32055]**

## The Three Rivers Railway Company—Acquisition and Operation Exemption—The Pittsburgh and Lake Erie Railroad Company

The Three Rivers Railway Company (TRRC), a wholly owned noncarrier subsidiary of CSX Transportation, Inc. (CSXT), has filed a notice of exemption to acquire and operate approximately 67.8 miles of rail line owned by The Pittsburgh and Lake Erie Railroad Company (P&LE). Additionally, it will acquire by assignment from P&LE and operate: (1) A leasehold interest in 61.15 miles of rail lines owned by CSXT and (2) 223.3 miles of incidental trackage rights over the lines of third party carriers. These properties together constitute substantially all of the rail lines currently operated by P&LE. The properties consist of the following:

(a) Substantially all of the operating rail lines currently owned by P&LE, including the following main or branch lines (together with associated branch and/or side tracks and rights to operate over associated P&LE track and property):

(1) Approximately 19.67 miles of P&LE's main line between milepost 44.415 at West Pittsburgh, PA, and milepost 64.065 at Youngstown, OH;

(2) Approximately 38.49 miles of P&LE's main line between milepost 15.37 at McKeesport, PA, and milepost 53.86 at Brownsville Junction, PA;

(3) Approximately 4.19 miles of P&LE's Ohio River Branch between milepost 0.0 and milepost 4.19 in Beaver County, PA;

(4) Approximately 0.25 miles of P&LE's Neville Island Branch, connecting with CSXT's main line at approximately milepost CP–5 at Stowe Township, PA;

(5) Approximately 1.7 miles of P&LE's Koppel Branch, connecting with CSXT's main line at Big Beaver Township and Koppel Borough, PA and;

(6) Approximately 3.5 miles of P&LE's New Castle and Big Run Branches, in Taylor Township and New Castle, PA; [1]

(b) P&LE's leasehold interest in approximately 61.15 miles of rail line owned by CSXT, between milepost CP 43 at West Pittsburgh, PA, and milepost CP 17Y at Sinns, PA; [2]

(c) Incidental trackage rights over:

(1) 86.5 miles of rail lines owned by Consolidated Rail Corporation, consisting of 60.6 miles between Youngstown, OH, and Ashtabula, OH (milepost 58.3 to milepost 0.0),[3] and 25.9 miles of rail line between Youngstown and Shenango, PA (mileposts 58.3 to milepost 57.6, milepost 68.2 to milepost 87.9, and milepost 130.8 to milepost 136.3);

(2) 136.8 miles of rail line owned by Norfolk and Western Railway Company, extending from milepost 138.3 at Geneva, OH (near Ashtabula), through Erie County, to milepost 1.5 at Buffalo, NY.

The proposed transportation was to have been consummated on or about September 11, 1992. TRRC certifies that upon consummation it will become a class III carrier.

This notice of exemption is related to Finance Docket No. 32056, *CSX Transp, Inc.—Control—The Three Rivers Ry. Co.* In that proceeding, CSX Corporation (CSX) and its wholly owned Subsidiary, CSXT, have petitioned under 49 U.S.C. 10505 for an exemption from the prior approval requirements of 49 U.S.C. 11343 *et seq.*, for their continuance in control of TRRC following consummation of the proposed transaction.[4]

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[1] TRRC will also acquire P&LE's entire stock interest in the Mahoning State Line Railroad Company (Mahoning). P&LE currently holds 92.75 percent of the issued and outstanding common stock of Mahoning and will transfer that stock to TRRC under the terms of the Purchase and Sale Agreement. Mahoning owns a 4.61-mile branch line located between Bentley, and Shaw Junction, PA. However, that line was taken out of service, and no rail operations have been conducted on it for several years. Mahoning has no employees.

[2] The Sinns-West Pittsburgh line was sold to CSXT and simultaneously leased back to P&LE in 1991. See Finance Docket No. 31827, *CSX Transp., Inc.—Acq. & Lease Exempt.—Pittsburgh and Lake Erie R. Co.* (not printed), served June 28, 1991.

[3] Mileposts do not accurately reflect route miles because the trackage rights assigned included trackage from milepost 0.0 at Ashtabula to Ashtabula Harbor and certain trackage in Ashtabula Harbor yard.

[4] If the requested control exemption is not granted before the proposed acquisition is consummated, CSXT states that it will simultaneously with consummation place all the outstanding stock of TRRC in an independent voting trust pending final action on the control exemption. Under 49 CFR part 1013, its draft voting trust agreement was informally approved by Commission staff, and it was so notified in a letter dated August 26, 1992.

Any comments must be filed with the Commission and served on G. Paul Moates, Sidley & Austin, 1722 Eye Street NW., Washington, DC 20006.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: September 24, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

**Sidney L. Strickland, Jr.,**

*Secretary.*

[FR Doc. 92-23705 Filed 9-29-92; 8:45 am]

BILLING CODE 7035-01-M

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**[Docket No. AB-55 (Sub-No. 439X)]**

## CSX Transportation, Inc.—Abandonment Exemption—in Wayne County, MI

CSX Transportation, Inc. (CSXT), has filed a notice of exemption under 49 CFR Part 1152 Subpart F-Exempt Abandonments to abandon a 1.06-mile rail line between milepost CSN-0.0, at Valuation Station 0+00, and milepost CSN-1.06, at Valuation Station 55.80, in Detroit, Wayne County, MI.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; and (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in complainant's favor within the 2-year period. CSXT further certified that the notice requirements at 49 CFR 1105.12 and 49 CFR 1152.50(d)(1) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

This exemption will be effective on November 4, 1992, unless stayed or a formal expression of intent to file an offer of financial assistance (OFA) is filed. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29[3] must be filed by October 15, 1992. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 26, 1992, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to CSXT's representative: Charles M. Rosenberger, 500 Water Street J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

CSXT has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. SEE will issue an environmental assessment (EA) by October 9, 1992. Interested persons may obtain a copy of the EA by writing to SEE (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEE, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

*Decided:* September 22, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

**Sidney L. Strickland, Jr.,**

*Secretary.*

[FR Doc. 92-23706 Filed 9-29-92; 8:45 am]

BILLING CODE 7035-01-M

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## DEPARTMENT OF LABOR

### Office of the Secretary

### Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

*Background:* The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35), considers comments on the reporting/recordkeeping requirements that will affect the public.

*List of Recordkeeping/Reporting Requirements Under Review:* As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and/or Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

*Comments and Questions:* Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Kenneth A. Mills ([202] 523-5095). Comments and questions about the items on this list should be directed to Mr. Mills, Office of Information Resources Management Policy, U.S. Department of Labor, 200 Constitution Avenue, NW., room N-1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, Room 3001, Washington, DC 20503 ([202] 395-6880).

Any member of the public who wants to comment on recordkeeping/reporting reporting requirements which have been submitted to OMB should advise Mr. Mills of this intent at the earliest possible date.

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[1] A stay will be issued routinely where an informed decision on environmental issues, whether raised by a party or by the Commission's Section of Energy and Environment (SEE), cannot be made before the effective date of the notice of exemption. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental grounds is encouraged to file promptly so that the Commission may act on the request before the effective date.

[2] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

**Extension**

*Employment and Training Administration*

Producers/Purchasers Survey Data Request
1205–0109; ETA 8566
On Occasion
Businesses or other for-profit; Small businesses or organizations 30 respondents; 53 total hours; 1 hour 45 minutes per response; 1 form.

To acquire aggregate statistics needed by the Secretary of Labor to make determinations of eligibility of petitioning worker to apply for worker trade adjustment assistance in accordance with Section 223 of the Trade Act of 1974, as amended.

*Mine Safety and Health Administration*

Rock Burst Control Plan
1219–0097
On occasion
Business and other for-profit; small businesses or organizations
2 respondents; 12 hours per response; 24 total burden hours

Requires metal and nonmetal mine operation to develop a rock burst control plan within 90 days after a rock burst has been experienced. Plans are required to be made available to MSHA inspectors and are used by the mine operator for work assignments to assure miner safety and to schedule correction work.

Signed at Washington, DC, this 25th day of September, 1992.

**Kenneth A. Mills,**

*Departmental Clearance Officer.*

[FR Doc. 92–23702 Filed 9–29–92; 8:45 am]

BILLING CODE 4510–30–M

## Mine Safety and Health Administration

### Petitons for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

**1. Hecla Mining Company**

[Docket No. M–92–09–M]

Hecla Mining Company, Box C–8000, Coeur d'Alene, Idaho 83814–1931 has filed a petition to modify the application of 30 CFR 57.4761 (underground shops) to its Lucky Friday Mine (I.D. No. 10–00088) located in Shoshone County, Idaho. The petitioner proposes to perform limited routine maintenance and repair work at the shaft stations of Lucky Friday 4900, 5300, 5500, 5700, 5900 and 6100 level development headings. The petitioner requests that existing air control doors near the shaft station qualify as control doors for the temporary maintenance and repair area. The petitioner asserts that the proposed alternate method would provide at least the same measure of protection as would the mandatory standard.

**Request for Comments**

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 30, 1992. Copies of these petitions are available for inspection at that address.

Dated: September 23,1992.

**Patricia W. Silvey,**

*Director, Office of Standards, Regulations and Variances.*

[FR Doc. 92–23703 Filed 9–29–92; 8:45 am]

BILLING CODE 4510–43–M

## NATIONAL SCIENCE FOUNDATION

### Permit Application Received Under the Antarctic Conservation Act of 1978

**AGENCY:** National Science Foundation.

**ACTION:** Notice of permit application received under the Antarctic Conservation Act of 1978, Public Law 95–541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at title 45 part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

**DATES:** Interested parties are invited to submit written data, comments, or views with respect to this permit application by October 2, 1992. Permit applications may be inspected by interested parties at the Permit Office, address below.

**ADDRESSES:** Comments should be addressed to Permit Office, room 627, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

**FOR FURTHER INFORMATION CONTACT:** Thomas F. Forhan at the above address or (202) 357–7817.

**SUPPLEMENTARY INFORMATION:** The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest.

The applications received are as follows: 1. *Applicant:* Sean Turner, Dept. Biological Sciences, University of Cincinnati, Cincinnati, OH 45221–0006.

**Activity for Which Permit Requested**

Import into USA. Enter Specially Protected Area. Enter Site of Special Scientific Interest. Recovery of lichnenized sandstone rocks from Linnaeus Terrace. Specific rocks are part of a long term experiment on growth enhancement of photosynthetic, endolithic microorganisms beginning in 1987. Rocks will be returned to McMurdo station for shipment to the University of Cincinnati for completion of analysis. Travel to the Cape Royds Adelie penguin rookery and collection of algal samples from the ponds surrounding the rookery. Samples collected will be of floating photosynthetic algal mats from the ponds nearest Shackleton's hut.

*Location:* Linnaeus Terrace, Asgard Mountains, Victoria Land. Cape Royds, Ross Island.

*Dates:* 10/15/92–2/15/93.

2. *Applicant:* Peter P. Sheridan, Dept. Biological Sciences, University of Cincinnati, Cincinnati, OH 45221–0006.

**Activity for Which Permit Requested**

Import into USA. Enter Specially Protected Area. Enter Site Recovery of lichnenized sandstone rocks from Linnaeus Terrace. Specific rocks are part of a long term experiment on growth enhancement of photosynthetic, enolithic microorganisms beginning in 1987. Rocks will be returned to McMurdo station for shipment to the University of Cincinnati for completion of analysis. Travel to the Cape Royds Adelie penguin rookery and collection of algal samples from the ponds surrounding the rookery. Samples collected will be of floating photosynthetic algal mats from the ponds nearest Shackleton's hut.

*Location:* Linnaeus Terrace, Asgard Mountains, Victoria Land. Cape Royds, Ross Island.

*Dates:* 10/15/92–2/15/93.

3. *Applicant:* Gerald L. Kooyman, Physiological Research Lab 0204, Scripps Institution of Oceanography, University of California, San Diego, La Jolla, CA 92093.

**Activity for Which Permit Requested**

Taking. Enter specially protected area. Two breeding birds will be captured on the sea ice near the Cape Crozier colony. They will be held for about 30 minutes while they are weighed and a satellite transmitter is attached by quick-drying epoxy and nylon ties to the mid-line of the back. After attachment, the birds will be released to continue their journey to sea. When they return two or three weeks later, the transmitter will be removed. If recapture fails, the unit will be shed in late December when the bird moults. The Crozier birds occupy the most southerly and one of the smallest known colonies. It borders the southern Ross Sea polynga. There is no information on where these birds feed, nor how long the foraging cycles are. The satellite location data would provide this information, and whether their distribution at sea mixes with those birds from larger colonies to the north.

The birds at the McMurdo Sound ice edge will be handled in a similar manner as above to attach time-depth recorders or 3 satellite transmitters. Eight of these birds will be stomach lavaged for food habitat studies. Except for the satellite transmitters which will be moulted off, the TDR's will be removed after a few hours of diving by the birds. Birds are commonly found feeding in this area, but nothing is known about their foraging behavior, food habits or from what colonies they may come. This study will begin to determine this, as well as for the first time observe and determine foraging behavior in the areas where the birds are feeding.

*Location:* Cape Crozier emperor penguin colony. McMurdo Sound ice edge.

*Dates:* 10/15/92–01/1/93.

**Thomas F. Forhan,**

*Permit Office, Division of Polar Programs.*

[FR Doc. 92–23660 Filed 9–29–92; 8:45 am]

BILLING CODE 7555–01–M

## Special Emphasis Panel in Chemical and Thermal Systems; Meetings

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meetings.

*Date and Time:* October 14, 1992; 8:30 a.m. to 5 p.m.

*Place:* Room 523, 1800 G Street, NW., Washington, DC 20550.

*Contact Person:* Drs. Charles Malderelli and Robert Wellek, Program Directors, room 1115, National Science Foundation, 1800 G Street, NW, Washington, DC 20550. Telephone: (202) 357–9606.

*Date and Time:* October 21, 1992; 8:30 a.m. to 5 p.m.

*Place:* Room 540B, 1800 G Street, N.W., Washington, DC 20550.

*Contact Person:* Drs. Charles Malderelli and Robert Wellek, Program Directors, room 1115, National Science Foundation, 1800 G Street, NW., Washington, DC 20550. Telephone: (202) 357–9606.

*Type of Meetings:* Closed.

*Purpose of Meetings:* To provide advice and recommendations concerning support of research proposals submitted to the NSF for possible funding.

*Agenda:* To review and evaluate Small Business Innovation Research (SBIR) proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

*Dated:* September 24, 1992.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 92–23628 Filed 9–29–92; 8:45 am]

BILLING CODE 7555–01–M

## NATIONAL TRANSPORTATION SAFETY BOARD

## Public Hearing in Secaucus, NJ; Highway Accident

In connection with its investigation of a charter bus loss of control, overturn, and fire in Vernon, New Jersey, on July 26, 1992, the National Transportation Safety Board will convene a public hearing at 9 a.m., on Wednesday, October 21, 1992, in Ballroom D of the Meadowlands Hilton Hotel, Two Harmon Plaza, Secaucus, New Jersey. For further information contact Ted Lopatkiewicz, Office of Public Affairs, National Transportation Safety Board, 490 L'Enfant Plaza East, SW., Washington, DC 20594, telephone (202) 382–0660.

Dated: September 24, 1992.

**Bea Hardesty,**

*Federal Register Liaison Officer.*

[FR Doc. 92–23729 Filed 9–29–92; 8:45 am]

BILLING CODE 7533–01–M

## NUCLEAR REGULATORY COMMISSION

## Nuclear Safety Research Review Committee; Notice of Meeting

The Nuclear Safety Research Review Committee (NSRRC) will hold a telephone conference meeting on October 22, 1992, from 4 p.m. until approximately 6 p.m. (If necessary, the meeting will be extended to approximately 7 p.m.) The designated conference room for the meeting will be the Rockville Room in the Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814, with conference call hook-ups to participating committee members not present in the conference room. The meeting will be held in accordance with the requirements of the Federal Advisory Committee Act (FACA). This meeting is open for attendance by members of the public who wish to be present at the committee's deliberations. Communication with committee members not present in the conference room will be by speaker phone located in the designated conference room.

The NSRRC provides advice to the Director of the Office of Nuclear Regulatory Research (RES) and through him to the Commission on matters of overall management importance in the direction of the NRC's program of nuclear safety research. The purpose of this meeting is to deliberate on reports submitted to the Committee by two of its subcommittees. The first subject of deliberations will be the report of the Severe Accident Subcommittee on the "Severe Accident Research Program Plan Update," Draft NUREG–1365, Rev. 1. The second subject will be the report of the Advanced Reactor Subcommittee on AP–600 thermal-hydraulic testing plans, including the proposed conduct of integral systems tests at the ROSA facility of the Japanese Atomic Energy Research Institute.

Members of the public may file written statements regarding any matter to be discussed at the meeting. Members of the public may also make requests to speak at the meeting, but permission to speak will be subject to the approval of the Committee chairperson in accordance with procedures established by the Committee.

Inquiries regarding this notice, any subsequent changes in the status of the meeting, the filing of written statements, and requests to speak at the meeting may be made to the Designated Federal Officer, Mr. George Sege (telephone: 301/492–3904), Monday through Friday, between 8:15 a.m. and 5 p.m.

Dated: September 24, 1992.

**John Hoyle,**

*Advisory Committee Management Officer.*

[FR Doc. 92-23675 Filed 9-29-92; 8:45 am]

BILLING CODE 7590-01-M

## Biweekly Notice

### Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

### I. Background

Pursuant to Public Law (P.L.) 97-415, the Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. P.L. 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from September 4, 1992, through September 18, 1992. The last biweekly notice was published on September 16, 1992 (57 FR 42767).

### Notice of Consideration of Issuance of Amendment To Facility Operating License, Proposed No Significant Hazards Consideration Determination, And Opportunity For a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Directives Review Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 30, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no

significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to **(Project Director)**: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room for the particular facility involved.

**Baltimore Gas and Electric Company, Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland**

*Date of amendments request:* September 1, 1992

*Description of amendments request:* The proposed amendments would revise the Unit Nos. 1 and 2 Spent Fuel Pool enrichment limit. The Spent Fuel Pool enrichment limit is being decreased from the current value of 5.0 weight percent (w/o) U-235 to 4.52 w/o U-235 because of errors in the calculations performed by ABB/Combustion Engineering which supported 5.0 w/o U-235. Baltimore Gas and Electric Company has imposed administrative limits on the maximum allowable enrichment, based on analysis performed when the errors were identified, until the requested decrease in the enrichment limit is processed.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The only accident previously evaluated in the Updated Final Safety Analysis Report which involves the Spent Fuel Pool is the fuel handling accident. Fuel assembly enrichment is not a precursor to this accident. The isotopic inventory assumed in the fuel handling accident is not adversely effected by the decrease in enrichment of U-235. Therefore, the proposed change to the Spent Fuel Pool enrichment limit does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Would not increase the possibility of a new or different type of accident from any accident previously evaluated.

The proposed change to the allowed enrichment of fuel in the Spent Fuel Pool does not result in any change to the configuration or operation of the plant. Specifically, no new hardware is being added to the plant as a part of the proposed change nor are there significantly different types of operations being introduced.

The only potential for a new type of accident lies in the area of accidental criticality. The Spent Fuel Pool maintains fuel in a subcritical condition with k-effective less than 0.95 (no credit is taken for soluble boron being present in the pool). The required degree of subcriticality continues to be met at the new enrichment limit of 4.52 w/o U-235 which ensures an accidental criticality will not occur. Therefore, the proposed change to the Spent Fuel Pool enrichment limit does not create the possibility of a new or different type of accident from those previously evaluated.

3. Would not involve a significant reduction in the margin of safety.

The margin of safety maintained in the Spent Fuel Pool is the degree to which the fuel is maintained subcritical. The proposed change to the allowed enrichment of fuel in the Spent Fuel Pool will ensure that the margin of safety is maintained. The maximum multiplication factor for storing fuel assemblies with a 4.52 w/o U-235 is 0.95. The previously approved maximum multiplication factor for 5.0 w/o was 0.946. The new maximum multiplication factor does not represent a significant reduction in the margin of safety. Therefore, the proposed change to the Spent Fuel Pool enrichment limit does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involves no significant hazards consideration.

*Local Public Document Room location:* Calvert County Library, Prince Frederick, Maryland 20678.

*Attorney for licensee:* Jay E. Silbert, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

*NRC Project Director:* Robert A. Capra

**Baltimore Gas and Electric Company, Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland**

*Date of amendments request:* September 1, 1992

*Description of amendments request:* The proposed amendments will make changes to Technical Specification 3.8.2.1, AC Distribution - Operating, for Units 1 and 2, by adding additional requirements to the Limiting Condition for Operation (LCO). The LCO changes will require that all 480 volt emergency busses must be operable in Modes 1 through 4. In addition, two safety-related motor control centers for each unit are added to the list of AC busses which must be operable.

*Basis for proposed no significant hazards consideration determination:*

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Would not involve a significant increase in the probability or consequences of an accident previously evaluated.

Adding the additional operating requirements to the Alternating Current (AC) Electrical Distribution System will have no effect on the probability of an accident as more busses will be required to be in service. The proposed Limiting Condition for Operation (LCO) specifies that all four 480-volt Emergency Busses and the two safety-related Motor Control Centers (MCCs) are required to be operable during power operation. These changes ensure that there are two independent and redundant power sources to the engineered safety features systems as assumed in the Chapter 14 accident analyses and that the plant will be able to meet the single-failure criteria.

Adding the additional operating requirements to the AC Electrical Distribution System will decrease the consequences of an accident as electrical redundancy to Engineered Safety Features Actuation System (ESFAS) is required. Therefore, changing the operating bus requirements will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Would not create the possibility of a new or different type of accident from any accident previously evaluated.

The proposed changes to the AC Electrical Distribution System operating bus requirements do not represent a significant change in the configuration of the plant. Specifically, no new hardware is being added to the plant as part of the proposed changes. Ensuring additional emergency busses are operable does not create the possibility of a new or different type of accident. Therefore, this change would not create the possibility of a new or different type of accident from those previously evaluated.

3. Would not involve a significant reduction in the margin of safety.

The proposed changes to the AC Electrical Distribution System operating bus requirements will ensure that the margin of safety is maintained or increased. Increasing the number of busses that are required for operation ensures that there are two independent and redundant power sources to the engineered safety features systems and that the plant will be able to meet single-failure criteria. Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involves no significant hazards consideration.

*Local Public Document Room location:* Calvert County Library, Prince Frederick, Maryland 20678.

*Attorney for licensee:* Jay E. Silbert, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

*NRC Project Director:* Robert A. Capra

**Baltimore Gas and Electric Company, Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland**

*Date of amendments request:* September 1, 1992

*Description of amendments request:* The proposed amendments are requested in response to Generic Letter 90-06, "Resolution of Generic Issue 70, 'Power-Operated Relief Valve and Block Valve Reliability,' and Generic Issue 94, 'Additional Low-Temperature Overpressure Protection For Light-Water Reactors,' pursuant to 10 CFR 50.54 (f)." The amendment request is divided into two specific areas.

Change No. 1 of the proposed amendments would revise the Technical Specifications for both Units 1 and 2 to improve the reliability of the Reactor Coolant System's power-operated relief valves (PORVs) and their associated block valves for overpressure protection during normal operation and anticipated transients. This requested change is based on the recommendations in Enclosure A of Generic Letter 90-06.

Change No. 2 would revise the Technical Specifications for both Units 1 and 2 to improve the availability of the Reactor Coolant Systems's power-operated relief valves (PORVs) for low temperature overpressure protection. This requested change is based on the recommendations in Enclosure B of Generic Letter 90-06.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

[Change No. 1]

1. Would not involve a significant increase in the probability or consequences of an accident previously evaluated.

Implementation of these changes will increase the availability of the power-operated relief valves (PORVs) and their associated block valves. The increased availability is obtained through maintaining power to the block valves which are closed to control PORV seat leakage and by requiring shutdown and repairing the PORV(s) if the PORV(s) is inoperable for reasons other than excessive seat leakage. There is also an improvement in the availability of the LTOP system by requiring shutdown if the block valves cannot be restored to operable status. Closing the block valves to control excessive PORV seat leakage establishes reactor coolant pressure boundary integrity. Maintaining power to the block valve provides the flexibility of reopening the valves to allow the PORV to be used to control reactor pressure.

An inadvertent opening of both PORVs is considered as an initiator for a Reactor Coolant System (RCS) depressurization transient in Updated Final Safety Analysis Report (UFSAR), Section 14.8. This transient, if not terminated, would be considered a small break loss of coolant accident (LOCA). The small break LOCA analyses results are provided in Section 14.17. However, the RCS depressurization transient is considered to occur during power operation. Closing the block valve for a PORV that is inoperable due to causes other than excessive seat leakage and removing power to the block valves assures that the valve will not be inadvertently opened when the condition of the PORV is uncertain. Since this change does not propose opening the PORVs during power operation, and the power is removed from the closed block valve, there is no increase in the probability of this event. The change to the Action Statement to close the block valve to isolate a PORV that has excessive seat leakage and maintain power to the block valve does not significantly increase the probability of a small break LOCA. This revision will allow the block valve to remain operable and to be subsequently opened to allow the PORV to be used to control reactor pressure. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Placing the PORV in override closed when the block valve is inoperable establishes remedial measures to preclude the potential for having a stuck-open PORV that could not be isolated because of an inoperable block valve. The time allowed to restore the block valve(s) to operable status is based upon the remedial action time limits for an inoperable PORV.

The allowed out-of-service times (AOT) have been revised to provide adequate time to reach the non-applicable condition. The AOT for inoperable PORV(s) due to causes other than excessive seat leakage have been established to be consistent with their LTOP safety function.

These proposed changes will increase the availability of the PORVs and their associated block valves for overpressure protection during normal operation and anticipated transients. Additionally, there is no change in the function of the PORVs or the block valves in response to any previously evaluated accidents. Therefore, the proposed changes will not include a significant increase in the probability or consequences of an accident previously evaluated.

2. Would not create the possibility of a new or different type of accident from any accident previously evaluated.

The changes to the Action Statements for the PORVs and the associated block valves will improve the availability of these valves for overpressure protection during normal operation and anticipated transients. These proposed changes do not involve a change in the design of the PORVs or the block valves

and do not make a change in the function of these valves. Therefore, the proposed changes would not create the possibility of a new or different type of accident from any accident previously evaluated.

3. Would not involve a significant reduction in a margin of safety.

The proposed changes will improve the availability of the PORVs and the block valves for overpressure protection during normal operation and anticipated transients and will ensure that the margin of safety for overpressure protection events is maintained for the LTOP region. The proposed changes do not impact the setpoints or response of the PORVs or block valves. Therefore, the changes would not involve a significant reduction in a margin of safety.

[Change No. 2]

1. Would not involve a significant increase in the probability or consequences of an accident previously evaluated.

Implementation of the shortened allowed out-of-service time (AOT) for the low temperature overpressure protection (LTOP) systems in Modes 5 and 6 will increase the availability of this system. The plant is at the highest risk from low temperature overpressure transients with the reactor coolant temperature less than or equal to 200F, especially when in a water-solid condition. The additional administrative restriction provides assurance that the LTOP system is available if needed for a low temperature overpressure transient. Requiring the block valves to be opened when in the LTOP region will allow the power-operated relief valves (PORVs) to perform their LTOP safety function.

The proposed changes do not impact the current design or analysis for a low-temperature overpressure event. There is no change in the function of the low temperature overpressure protection system in response to any previously evaluated event so there is no change in the probability or consequences. Therefore, these changes would not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Would not create the possibility of a new or different type of accident from any accident previously evaluated.

The proposed changes do not involve a change in the design or operation of the low temperature overpressure protection systems. The decrease in the AOT for a PORV inoperable in Modes 5 and 6 will provide additional availability of the LTOP system. Requiring the block valves to be open while in the LTOP region will ensure that the PORVs will function as required. Therefore, this change would not create the possibility of a new or different type of accident from any accident previously evaluated.

3. Would not involve a significant reduction in a margin of safety.

The changes do not impact the setpoints or response of the LTOP systems, but increase the availability of the systems by decreasing the AOT for a PORV in Modes 5 and 6. Having the block valves open will ensure that the margin of safety that the LTOP system provides for low temperature overpressure transients is maintained. Therefore, the changes would not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involves no significant hazards consideration.

*Local Public Document Room location:* Calvert County Library, Prince Frederick, Maryland 20678.

*Attorney for licensee:* Jay E. Silbert, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

*NRC Project Director:* Robert A. Capra

**Carolina Power & Light Company, et al., Docket Nos. 50-325 and 50-324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina**

*Date of amendments request:* August 25, 1992

*Description of amendments request:* The proposed change increases the acceptable limits for control rod average scram insertion time from 0.040 to 0.049 seconds for each of the rod positions listed in Technical Specifications (TSs) 3.1.3.3 and 3.1.3.4. In addition, the proposed change revises the values of mu (mean value for statistical scram time distribution), sigma (standard deviation) and tau sub A (average scram time) specified in TS 3.2.2.2.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability of an accident previously evaluated. The values of mu, sigma, and [tau sub A] in Technical Specification 3.2.2.2 do not affect any physical system or equipment which would change the probability of an accident. The proposed change to Technical Specifications 3.1.3.3. and 3.1.3.4 to increase the control rod average insertion times will not cause unplanned initiation of the control rod system, will not impede the initiation of the control rod system, and will not affect the probability of a control roddrop accident. Therefore, the proposed change does not result in a significant increase in the probability of an accident previously evaluated.

The proposed change does not involve a significant increase in the consequences of an accident previously evaluated. Technical Specifications 3.1.3.3 and 3.1.3.4 ensure that control rod insertion times are consistent with those used in the accident analysis. Specifically, control rod scram insertion times are listed in the Technical Specifications to ensure that actual control rod drive performance during a plant transient is bounded by the reactivity assumed in the safety analysis to be inserted by a reactor scram. The control rod system is analyzed to bring the reactor subcritical at a rate fast enough to prevent the Minimum Critical Power Ratio (MCPR) from becoming less than the Safety Limit MCPR of Technical Specification 2.1.2 during the limiting power transient analyzed in Section 15.2 of the Updated Final Safety Analysis Report. The proposed change will define the scram insertion time from de-energization of the scram solenoid to dropout of the control rod position reed switch instead of from de-energization of the scram solenoid to pick-up of the control rod position reed switch. The proposed values of mu, sigma, and [tau sub A] will maintain fuel thermal limits equivalent to the existing fuel thermal limits and ensure that the Safety Limit MCPR stated in Technical Specification 2.1.2 is not exceeded. Consequently, fuel failure assumptions previously used in analyses will not be exceeded, thereby ensuring the consequences of previously evaluated accidents and operational transients will not be significantly increased.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed changes to Technical Specifications 3.1.3.3. and 3.1.3.4 to increase the control rod average insertion times and the proposed changes to the values of mu, sigma, and [tau sub A] in Technical Specification 3.2.2.2 do not alter or change the manner in which the control rod system performs its safety function. Also, the proposed changes will not cause unplanned initiation of the control rod system, nor will the proposed changes impede the initiation of the control rod system. No new or different mode of plant operation will be created as a result of the proposed changes; therefore, no new or different kinds of accident than that previously evaluated will be created.

3. The proposed change does not involve a significant reduction in the margin of safety. As discussed in Item 1 above, technical Specifications 3.1.3.3 and 3.1.3.4 ensure that control rod insertion times are consistent with those used in the accident analysis. Specifically, control rod scram insertion times are listed in the Technical Specifications to ensure that actual control rod drive performance during a plant transient is bounded by the reactivity assumed in the safety analysis to be inserted by a reactor scram. The control rod system is analyzed to bring the reactor subcritical at a rate fast enough to prevent the MCPR from becoming less than the Safety Limit MCPR of Technical Specification 2.1.2 during the limiting power transient analyzed in Section 15.2 of the Updated Final Safety Analysis Report. The proposed change will define the scram insertion time from de-energization of the scram solenoid to dropout of the control rod position reed switch instead of from de-energization of the scram solenoid to pickup of the control rod position reed switch. The proposed values of mu, sigma, and [tau sub A] will maintain fuel thermal limits equivalent to the existing fuel thermal limits

and ensure that the Safety Limit MCPR stated in Technical Specification 2.1.2 is not exceeded. By ensuring that the Safety Limit MCPR is not exceeded, fuel failure assumptions previously used in the safety analysis will not be exceeded; therefore, the margin of safety will not be significantly reduced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403-3297.

*Attorney for licensee:* R. E. Jones, General Counsel, Carolina Power & Light Company, P. O. Box 1551, Raleigh, North Carolina 27602

*NRC Project Director:* Elinor G. Adensam

**Carolina Power & Light Company, Docket No. 50-261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina**

*Date of amendment request:* November 27, 1991

*Description of amendment request:* The proposed amendment would revise Technical Specifications (TS) 3.3.1.2 and 3.3.1.3 so one safety injection accumulator may be inoperable due to improper pressure, borated water volume, or boron concentration for the same Limiting Condition for Operation (LCO) time currently allowed by the TSs for inoperability due to being isolated. The existing TS provide no LCO for inoperability due to these causes. The proposed amendment is intended to reduce operator confusion and prevent unnecessary entry into TS 3.0 (eight-hour shutdown requirement).

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Operation of the facility, in accordance with the proposed amendment, would not involve a significant increase in the probability or consequences of an accident previously analyzed because the proposed change, including the four-hour LCO time requirement, is consistent with requirements provided within the existing TSs. The proposed change only clarifies the existing TS by providing an Action Statement to address an inoperable accumulator. In addition, the accumulators are an accident mitigating system that is not part of any previously evaluated accident initiating sequences; therefore, the probability of a previously analyzed accident is not significantly increased.

The safety significance associated with an inoperable accumulator is considered to be no different than that associated with an isolated accumulator. Additional time would be provided to allow the accumulator safety parameters to be returned to within specifications without taking the plant through the perturbation of a power reduction.

Although there are physical differences between an isolated accumulator and an inoperable accumulator, the implementation of a four hour LCO due to an inoperable accumulator does not affect the margin of safety, nor does it increase the consequences of an accident previously evaluated. Our past and present LOCA [Loss- of-Coolant Accident] calculation methods, performed in accordance with 10CFR50 Appendix K, are not able to show acceptable results with an inoperable accumulator. The inherent presumption is that the four hour time period is short enough that we are allowed to consider the accumulators as always being operable. [NOTE: The NRC staff does not endorse the licensee's position in the preceding sentence. The statement, however, does not affect our determination.] More specifically, a qualitative assessment shows that the probability of a LOCA occurring during the four hour LCO is low enough to be inconsequential. Therefore, implementation of a four hour LCO due to an inoperable accumulator is consistent with the margin of safety incorporated into the existing Technical Specifications.

It can be postulated that the proposed LCO time to hot shutdown may exceed the time requirement of the existing specification. However, any difference between the current and proposed time to hot shutdown is expected to be minor and is considered to have an inconsequential impact on plant safety.

2. Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed change provides a specific Action Statement to address a probable plant condition. Additionally, no modifications are being made to plant equipment or procedures; therefore, no new or different accident scenarios can be introduced.

3. Operation of the facility, in accordance with the proposed amendment, would not involve a significant reduction in a margin of safety. Implementation of the proposed amendment will allow an accumulator to bein operable for four hours prior placing the reactor in hot shutdown with normal operating procedures. The time until achieving hot shutdown will not be significantly different than the current situation,wwhich requires hot shutdown within eight hours. Based on a qualitative assessment of LOCA calculation methods, the implementation of a four hour LCO due to an inoperable accumulator will maintain the margin of safety already provided by the LCO for an isolated accumulator. Therefore, operation of the facility in accordance with the proposed amendment will not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535

*Attorney for licensee:* R. E. Jones, General Counsel, Carolina Power & Light Company, P. O. Box 1551, Raleigh, North Carolina 27602

*NRC Project Director:* Elinor G. Adensam

**Carolina Power & Light Company, et al., Docket No. 50-400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina**

*Date of amendment request:* September 8, 1992

*Description of amendment request:* The proposed change decreases the sum of the minimum safety injection intact line flow rates, with a single charging/ safety injection pump running, as described in Technical Specification Surveillance Requirement 4.5.2.h.1.a from "greater than or equal to 379 gpm" to "greater than or equal to 348 gpm."

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change affects Safety Injection flow which is a mitigative condition following the occurrence of an accident and has no impact on the probability of an accident occurring.

The change in the Surveillance flowrate is accommodated by the current ECCS-LOCA analysis without altering its analyzed consequences, i.e., there are no changes in the limiting case LOCA consequences for minimum safety injection flow and the existing margins to the 10 CFR 50.46 acceptance limits for core cooling are preserved. Similarly, there is no impact on the consequences predicted by the accident analyses as presented in the FSAR. Therefore, there would be no increase in the probability or consequences of an accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The limiting consequences associated with minimum conditions of Safety Injection flow are already addressed within the ECCS-LOCA analysis provided in FSAR Sections 6.2 and 6.3, and the supporting documentation. The proposed change in the acceptable minimum Safety Injection flow condition for one Safety Injection pump is consistent with the analyzed accident assumptions. The proposed change makes no other changes to the facility or its operation. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in the margin of safety.

The proposed change decreases the sum of the minimum Safety Injection intact line flow rates as described in Technical Specification 4.5.2.h.1.a "to greater than or equal to 348 gpm." This limit is established in conjunction with the minimum flow requirement of the ECCS-LOCA analysis. The acceptance limits for the ECCS-LOCA analysis are described in NUREG-1038 (Supplement 4) as being the 10 CFR 50.46 prescribed criteria for core cooling. The proposed change is consistent with the assumptions under which the ECCS-LOCA analysis was performed. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605.

**Commonwealth Edison Company, Docket Nos. 50-237 and 50-249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois**

*Date of application for amendment request:* September 2, 1992

*Description of amendment request:* The proposed amendment would remove Table 3.7.1, "Primary Containment Isolation" from the current Technical Specifications as addressed in Generic Letter 91-08. References to Table 3.7.1 will also be removed. The table will be incorporated into the plant procedures in the Administrative Controls Section of the Technical Specifications.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1) Involve a significant increase in the probability or consequences of an accident previously evaluated because:

This is an administrative change to remove the component list of Primary Containment Isolation Valves, Table 3.7.1 from the Technical Specifications. The Limiting Condition for Operation (LCO), 3.7.D, is being revised to define which components the LCO applies. The wording of the revised LCO encompasses all of the components listed in the current Specification 3.7.D. Removal of this component list does not change the probability of any accident initiators or change any other relevant initial assumptions. Also, there is no change to the consequences of an accident previously evaluated, because removing this list from Technical Specifications does not change either the onsite or offsite dose consequences resulting from the event. The component list will be controlled by an Administrative Procedure and can only be changed by the 10 CFR 50.59 change process with review and approval per the Onsite Review and Investigative Function specified by Technical Specification Section 6.0, Administrative Controls. Therefore, there is no increase in either the probability or consequences of an accident previously evaluated.

2) Create the possibility of a new or different kind of accident from any accident previously evaluated because:

This is an administrative change to control the list of Primary Containment Isolation Valves outside the Dresden Unit 2 and Unit 3 Technical Specifications. The administrative controls provided to control this component list assure that the design and operation of the plant will continue to be in accordance with the UFSAR, Facility License and the associated Technical Specifications. Therefore, the possibility of a new or different kind of accident from any previously evaluated is not created.

3) Involve a significant reduction in the margin of safety because:

The Limiting Condition for Operation for Technical Specification 3.7.D, Primary Containment Isolation Valves, is revised by this Technical Specification change to specifically define the components to which the LCO applies. Therefore, removal of Technical Specification Table 3.7.1, which lists the specific components to which the LCO applies does not change the scope or applicability of the specification. The component list will be controlled administratively with any changes to the list made in accordance with the 10 CFR 50.59 change process. Therefore, this is an administrative change only and there is no reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Morris Public Library, 604 Liberty Street, Morris, Illinois 60450

*Attorney for licensee:* Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690

*NRC Project Director:* Richard J. Barrett

Commonwealth Edison Company, Docket No. 50-237, Dresden Nuclear Power Station, Unit 2, Grundy County, Illinois

*Date of amendment request:* September 2, 1992

*Description of amendment request:* The proposed amendment would revise the technical specifications to reference Siemens Nuclear Power's (SNP) new, NRC-approved methodologies for reload licensing calculations. The use of these methodologies increases the Safety Limit Minimum Critical Power Ratio (SLMCPR) to reflect the effects of fuel channel bow and core modelling. Specifications referring to the SLMCPR for GE fuel will be removed.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The NRC-approved methodologies to be referenced in the Technical Specifications are used to evaluate core operating limits and do not introduce physical changes to the plant. SNP will continue to analyze the same spectrum of limiting events for each reload under the new methodology. The increase in the SLMCPR adequately accounts for the effects of the new methods and potential effects of channel bow, and will continue to maintain fuel cladding integrity by ensuring that 99.9% of the fuel rods will avoid transition boiling during limiting anticipated operational occurrences. The removal of the SLMCPR for GE fuel has no effect since the Dresden Station Unit 2 core currently does not contain GE fuel. Therefore, the changes do not effect the probability or consequences of accidents previously evaluated.

The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The referenced NRC-approved methodologies will continue to be used to analyze limiting transients, and do not introduce any physical changes to the plant; therefore, the possibility of a new or different kind of accident is not created. Similarly, the basis of the SLMCPR has not been changed and will continue to maintain fuel cladding integrity during limiting anticipated operational occurrences.

The proposed amendment does not involve a significant reduction in a margin of safety.

The referenced NRC-approved methodologies will continue to ensure fuel design and licensing criteria are met. The increase in the SLMCPR reflects the new methods, bounds the effect of fuel channel bow for Cycle 14, and provides additional conservatism to facilitate future reload licensing reviews under the provisions of 10

CFR 50.59. Therefore, the margin between the safety limit and potential fuel failure after the onset of transition boiling is not decreased.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Morris Public Library, 604 Liberty Street, Morris, Illinois 60450

*Attorney for licensee:* Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690

*NRC Project Director:* Richard J. Barrett

**Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York**

*Date of amendment request:* July 29, 1992

*Description of amendment request:* This amendment request is a followup to the amendment request of May 29, 1992, published in the Federal Register on July 8, 1992 (57 FR 30242), which changed the Technical Specifications Section 1.0, Definitions, to accommodate a 24-month fuel cycle and which proposed the extension of the surveillance intervals for 26 specific surveillances. This amendment request proposes extending the surveillance intervals to 24 months for the following additional specific surveillances:

(1) Main Steam Stop Valves
(2) Overpressure Protection System (OPS) Backup Nitrogen System
(3) Main Fire Pump Capacity
(4) Emergency Fire Pump Diesel Preventive Maintenance
(5) Steam Driven Auxiliary Boiler Feed Pump
(6) Fire Hose Station
(7) Containment Air Filtration System
(8) Reactor Cavity Level Alarm System
(9) Diesel Driven Fire Pumps
(10) Diesel Fire Pump Batteries
(11) Hydrogen Recombiners
(12) Fan Cooler Units - Charcoal; Post Accident Containment Air Vent - Charcoal
(13) Containment Spray Check Valves; City Water Service/Containment Isolation Valves
(14) Internal and External Visual Inspection of Containment Structure and Related Components
(15) Acoustic Monitor
(16) Accumulator Level CCR and Transmitters
(17) Recirculation Sump Level Monitoring (Discrete)
(18) Reactor Coolant Vents
(19) Containment Sump Pumps and Instrumentation
(20) Control Rods - Full Length Rod Drop Time
(21) Diesel Generator Building Water Sprinkling System
(22) PORVs and Block Valves

The submittal of item (5), Steam Driven Auxiliary Boiler Feed Pump, completes the safety evaluation required for extending the surveillance interval for TS 4.8.A.2 which includes all Auxiliary Boiler Feed Pumps. The safety evaluation for the Motor Driven Auxiliary Boiler Feed Pumps was submitted with the May 29, 1992, amendment request.

The submittal of item (6), Fire Hose Station, completes the safety evaluation required for extending the surveillance interval for TS 4.14.E.1.c, which includes all interior fire stations. The safety evaluation for interior fire stations inside containment was submitted with the May 29, 1992, amendment request.

The submittal of item (13), Containment Spray Check Valves; City Water Service/Containment Isolation Valves completes the safety evaluation required for extending the surveillance interval for TS 4.14.A.1.g(ii) which covers valves in the High Pressure Fire Protection System required for protection of Safe Shutdown Systems and not testable with the plant on-line. The safety evaluation for the remainder of the valves in this category was submitted with the May 29, 1992, amendment request.

It is also proposed to change TS Table 1.4.1, Item 22, Accumulator Level and Pressure, to Item 22a., Accumulator Level, and Item 22b., Accumulator Pressure. This is an administrative change and is proposed because the safety evaluations for these two functions were submitted separately.

The changes requested by the licensee are related to a 24-month fuel cycle and are in accordance with Generic Letter 91-04, "Changes in Technical Specification Surveillance Intervals to Accommodate a 24-Month Fuel Cycle."

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

*(1) Main Steam Stop Valves*

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

In all of the tests examined, the main steam stop valves performed acceptably. For an operating cycle that has been extended several months, no degradation mechanism has been identified which would change the results of these previous tests. There is minimal risk that the valves would not perform acceptably over an extended cycle.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

Past tests provide reasonable confidence that the main steam stop valves will perform in an acceptable manner for an extended operating cycle. In addition, redundancy exists which prevents the blowdown of more than one steam generator even if one valve fails to close. Thus, it is concluded that the plant will perform within its design basis for an extended operating cycle.

3. There has been no reduction in the margin of safety.

Based upon reliability demonstrated by past surveillance testing and redundancy there is minimal impact upon the margin of safety by extending the surveillance cycle to a maximum of 30 months.

*(2) Over Pressure Protection System Backup Nitrogen System*

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

In addition to the surveillance test performed at refueling intervals, Section 3.1.A.4 requires that the OPS be operable whenever RCS temperature is equal to or less than 305F subject to other limitations. The determination of operability is by test. Under these circumstances it is highly unlikely that both the normal OPS system and the backup would fail.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

The primary overpressure protection system is a kept [is kept] in standby during normal operation and is not required except when the plant is preceding [proceeding] to cold shutdown. By its design, the primary nitrogen system is inherently reliable. The backup nitrogen system has similar characteristics. Loss of both systems at the same time is considered highly unlikely.

3. There has been no reduction in the margin of safety.

Due to the reliability of the primary and backup nitrogen systems and the requirement to determine operability of the primary system by test just prior to use, it is not believed that the margin of safety is significantly compromised by extending the surveillance interval for the backup nitrogen system.

*(3) Main Fire Pump Capacity*

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

The system is in standby status during plant operation except for test periods which are of limited duration. Periodic tests confirm continued pump operability. Accordingly little wear is induced on the pumps and their capacity is expected to be unaffected by a longer plant operating cycle.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

Extension of the plant operating cycle will primarily extend the time spent by the pumps in standby service which will have no affect upon pump capacity.

3. There has been no reduction in the margin of safety.

As the pump capacity is expected to be unaffected by a longer plant operating cycle there will be no impact upon the margin of safety.

*(4) Emergency Fire Pump Diesel Preventive Maintenance*

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

Except for periodic testing, the diesel is in a standby state and not subject to operational stress. Periodic testing imposes limited wear as evidenced by the absence of major repairs during past maintenance. Extension of the operating cycle for several months is expected to have vitally [virtually] no impact upon diesel operability. Monthly testing would detect any degradation.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

Extension of the surveillance interval by several months is expected to have no impact on operability of the diesel. Monthly tests will serve to confirm operability during this period.

3. There has been no reduction in the margin of safety.

As there is expected to be no impact upon diesel operability, no impact upon the margin of safety is expected.

*(5) Steam Driven Auxiliary Boiler Feed Pump*

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

Past test data indicates a highly reliable system with no deficiencies noted in four surveillances. In addition, there is an ASME [American Society of Mechanical Engineers] Section XI quarterly test which would monitor pump performance during the extended operating cycle. There is sufficient confidence that the turbine driven pump would perform adequately during the extended operating cycle. There is also the added assurance provided by the quarterly ASME Section XI test.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

Given the high reliability of the turbine driven auxiliary feedwater pump, monitoring provided by the ASME Section XI test and the redundant diverse motor driven auxiliary feedwater pumps there is sufficient assurance that a new type, or different kind of accident, will not be introduced.

3. There has been no [significant] reduction in the margin of safety.

Due to the high reliability of turbine driven pump, the alternate motor driven pumps and other periodic means of monitoring pump operability, the margin of safety has not been compromised.

*(6) Fire Hose Station*

The proposed change does not involve a significant hazards consideration since:

1. There is no increase in the probability or consequences of an accident.

The system is normally not required to operate and during the operating period is in standby. It is not subject to operating conditions during their [this] period. Extending the plant operating period by several months is not expected to result in any accelerated degradation mechanism.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

Past surveillance tests have not indicated any degradation mechanism which would be expected to render the hose system inoperable if its term in standby were extended several months.

3. There has been no significant reduction in the margin of safety.

Past test data confirm that the hoses are reliable when inspected on an 18 month basis. Extending the surveillance interval by several months is expected to have minimal impact on the hoses.

*(7) Containment Air Filtration System*

The proposed change does not involve a significant hazards consideration since:

1. There is no increase in the probability or consequences of an accident.

Except for the fans, the HEPA [high-efficiency particulate air] filter/charcoal bank is in standby status during normal operation and is not subjected to operational stress. In addition, every 31 days flow is initiated through the unit and maintained for 15 minutes for the purpose of detecting abnormalities. This periodic test would detect any unit degradation during the extended operating interval. Adequate monitoring by this test as well as good past performance virtually assures adequate performance of the unit in an extended operation cycle.

2. The possibility of a new or different kind of accident from any analyzed has not been created.

Due to the factors enumerated in (1) above, the capability of the Containment Fan Cooler System to perform its intended safety function in an extended operating cycle in [is] virtually assured. In addition due to the design of the systems for Containment Heat Removal, defense in depth exists due to the multiple combination of components which can perform this function.

3.There has been no significant reduction in the margin of safety.

Due to the proven reliability based on past test data, the defense-in-depth design of the Containment heat removal system and periodic testing the margin of safety is essentially unchanged by the proposed change in surveillance testing.

*(8) Reactor Cavity Level Alarm System*

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

The level switches and associated alarm circuits have proven to be generally reliable devices. Only one departure from the norm was observed over the past five years and it was in the conservative direction. The alarm occurred when required but did not clear. This deviation is considered independent of time and would have occurred regardless of the interval between tests. Extension of the surveillance interval is expected to have minimal impact on performance of the monitoring system.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

The reactor cavity sump monitoring system is considered highly reliable based on past performance. In addition the system is redundant. Thus, it is considered highly likely that the system will perform in the extended surveillance interval.

3. There has been no significant reduction in the margin of safety.

As it is considered highly likely that the monitoring system will perform its intended safety function during the extended surveillance interval, the impact upon the margin of safety is minimal.

*(9) Diesel Driven Fire Pumps*

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

Past testing of the diesel driven pumps has established an excellent reliability record. In addition a search of written reports indicates only one deficiency. From a reliability viewpoint, safety will not be compromised by extending the surveillance interval.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

In addition to demonstrated reliability, the system is a static system which is subjected to minimal wear during test periods. Under these circumstances the pump can be relied upon to perform its function for an operating cycle extended to 30 months.

3. There has been no [significant] reduction in the margin of safety.

In addition to the above points monthly testing is conducted which would detect any degradation in the extended operating cycle. If there is a mode of degradation it is expected to be gradual and not catastrophic permitting corrective action prior to unacceptable pump performance.

*(10) Diesel Fire Pump Batteries*

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

Inspection of the batteries on a weekly, monthly and refueling interval provides adequate assurance that the batteries are maintained in a continuous operable status. Extending the refueling interval inspection for the batteries to 24 months (+25%) is expected to have no impact upon the performance of the batteries.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

Historical data does not indicate any deficiencies related to the diesel batteries. Frequent inspection and operation of the diesel driven fire pump as a system indicates a highly reliable system. Extending the operating cycle is not expected to influence the operability of the batteries.

3. There has been no [significant] reduction in the margin of safety.

Based upon past acceptable inspections as well as the periodic (weekly) inspection of the batteries extending the operating cycle is not expected to compromise the margin of safety.

*(11) Hydrogen Recombiners*

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

Past test data indicates that the Recombiners are highly reliable. Absent an emergency, the Recombiners are in a standby condition with no operational stresses. Extension of the surveillance interval would only lengthen the time spent at standby. Under these circumstances it is considered highly likely that the recombiners would perform their intended function if called upon during the extended standby interval.

2. The possibility of a new or different kind of accident from any previously analyzed.

In addition to being a proven reliable system, the recombiner system is redundant and provides a diverse means of controlling hydrogen build-up post accident to the Containment Vent System. Thus the extended surveillance interval is considered to have no affect on hydrogen control.

3. There has been no significant reduction in the margin of safety.

In addition to the above points testing is performed every two months on the fans and six months on controls. This provides added assurance that the recombiner system would function if called upon during the extended interval.

*(12) Fan Cooler Units - Charcoal; Post Accident Containment Air Vent - Charcoal*

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

There is no significant increase in the probability or consequences of an accident. The primary failure mode of the charcoal is air inleakage over time so that adsorption properties of the charcoal would be reduced to unacceptable levels. The past surveillances indicate that this in not the case. Extending the operating cycle is not expected to change the acceptable results achieved in the past.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

Based on past test results it is expected that the adsorption property will remain above acceptable levels for an operating cycle which is extended several months. In addition, each operating cycle is started with fresh charcoal thus eliminating any degradation which occurred during the previous cycle.

3. There has been no [significant] reduction in the margin of safety.

The charcoal absorbers [adsorbers] are maintained in standby status. Past test results do not indicate that normal plant operation unduly compromises the absorption [adsorption] capacity of the charcoal. A longer plant operating cycle is not expected to change this conclusion.

*(13) Containment Spray Check Valves; City Water Service/Containment Isolation Valves*

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

There is no significant increase in the probability or consequences of an accident. The Containment Spray System and City Water Service to containment are static systems which are in standby during normal operation. Thus the systems are not subjected to the wear and tear of normal operation. Any degradation mechanism is slow acting over time. Exercising of the valves at refueling intervals demonstrates that the valves would change position and function if required. Extension of the normal operating cycle by several months is not expected to influence the operability of these valves.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

The possibility of a new or different kind of accident from any previously analyzed has not been created. Past tests over an 18 month (+25%) cycle has demonstrated that valve operability is essentially insensitive to the duration of the operating cycle. Therefore, it is expected that the valves would perform their intended safety function if called upon during the extended operating cycle.

3. There has been no [significant] reduction in the margin of safety.

For the reasons enumerated above, operability of the valves is not expected to be adversely affected by a longer operating cycle.

*(14) Internal and External Visual Inspection of Containment Structure and Related Components*

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

As could be expected minor observations were identified on eight of nine inspections mostly concerning surface cracking as a result of normal service wear. In no instance was an observation identified which has the potential to accelerate in a short period of time to compromise structural or leakage integrity. As noted above this type of deterioration is a normal and expected phenomenon. Over the proposed extended surveillance interval there is no basis to conclude that the Containment would not provide its intended design function.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

As it is concluded that the containment building would continue to perform its intended safety function over a longer operating cycle, the possibility of a new or different type of accident has not been created.

3. There has been no [significant] reduction in the margin of safety.

The nature of the observations noticed in past surveillances have been superficial with respect to structural integrity and containment leakage. A longer operating cycle extended by several months is not expected to change the results of future surveillance.

*(15) Acoustic Monitor*

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

No failures or deficiencies were observed in the surveillances performed in the last four refuelings indicating a system of high reliability. There were no modes of degradation observed which would be expected to radically change the performance of the acoustic monitors if the operating cycle were extended to 30 months.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

The devices are static and are in a standby condition during a normal operating cycle. Thus the amount of service induced stress is minimized. Under these circumstances it is expected that the monitors would perform acceptably over an operating cycle extended by several months.

3. There has been no [significant] reduction in the margin of safety.

The monitors have a demonstrated reliability and, during normal operation, do not function. Under these circumstances there is expected to be a minimal impact upon safety by extending the normal operating cycle by several months.

*(16) Accumulator Level CCR and Transmitters*

The proposed change does not involve a significant hazards consideration since:

As part of the ongoing efforts associated with the extended Technical Specification Surveillance Interval Extension Program for Indian Point Unit 2, the accumulator level setpoint was evaluated. The evaluation took into account the instrument and channel uncertainties associated with a 30 month calibration interval. Because of the effects on instrument drift and the range of the instrumentation, an acceptable setpoint could not be obtained for 30 months with the current Technical Specification limits. In order to develop an acceptable setpoint for 30 months, the acceptable operating band associated with the level measurement must be increased. The current Technical Specification limits for accumulator volume are a minimum volume of 787.5 $ft^3$ and a maximum accumulator volume of 802.5 $ft^3$. To support the proposed change to the Indian Point Unit 2 Technical Specifications, an evaluation of the affect of increasing the accumulator water volume band to a minimum volume of 775 $ft^3$ and a maximum volume of 815 $ft^3$ was performed.

The evaluations addressed the impact of assumed minimum and maximum accumulator water volume limits of 775 $ft^3$ and 815 $ft^3$ respectively, on the licensing basis LOCA [loss-of-coolant accident], Non-LOCA, Radiological Consequences, Containment Design, Setpoints, and other safety related areas accident analyses and licensing bases. These evaluations have demonstrated that the results and conclusions which form the licensing basis for operation of the Indian Point Unit 2 remain valid up to these assumed limits (i.e., increasing the accumulator water volume band to a minimum volume of 775 $ft^3$ and a maximum volume of 815 $ft^3$). The proposed Technical Specification limit band can be expanded to the limits assumed in the evaluation (minimum and maximum accumulator water volume limits of 775 $ft^3$ and 815 $ft^3$ respectively) with no adverse impact on the Indian Point Unit 2 licensing basis analyses. A summary of this conclusion

is provided in Table 1 for the related LOCA evaluations.

Conformance of the proposed amendments to the standards for a determination of no significant hazards, as defined in the three factor test of 10 CFR 50.92, is shown in the following:

1. There is no significant increase in the probability or consequences of an accident.

Large Break LOCA, Small Break LOCA, Blowdown Hydraulic Forcing Functions, Post-LOCA Longterm Core Cooling, Hot Leg Switchover to Prevent Potential Boron Precipitation, Non-LOCA Analyses, Steam Generator Tube Rupture, Radiological Consequences, Containment Design, setpoints, Emergency operating Procedures, and Probabilistic Risk Assessment considerations maintain conformance with the required acceptance criteria regulations. In addition, an assessment of NSSS primary components, including the reactor pressure vessel system, reactor coolant pump, steam generator, pressurizer, control rod drive mechanisms, and RCS piping, as well as Instrumentation and Control Systems and Fluid Systems considerations concluded that the integrity of these components, systems, and considerations will be unaffected by the increase in the accumulator water level band. Therefore, the probability of an accident previously analyzed will not be increased and the consequences of the accidents considered in the Indian Point Unit 2 licensing basis remain unchanged.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

The increase in the accumulator water volume band to a minimum volume of 775 $ft^3$ and a maximum volume of 815 $ft^3$ does not significantly change the plant configuration in a manner which introduces a new potential hazard to the Indian Point Unit 2 plant. Since design limitations continued to be met and component integrity is maintained, no new failure mode is expected. Therefore, an accident which is different than any already evaluated in the FSAR [Final Safety Analysis Report] will not be created as a result of this change.

3. There has been no [significant] reduction in the margin of safety.

The margin of safety with respect to design basis analyses, licensing basis analyses, setpoints, and pressure boundary components remain in compliance with the codes and standards per the Indian Point Unit 2 licensing basis. Hence, the margin of safety is not reduced as a result of the increase in the accumulator water volume band to a minimum volume of 775 $ft^3$ and maximum volume of 815 $ft^3$.

Based on the above, it is concluded that operation of Indian Point Unit 2 in accordance with the proposed amendment does not result in the creation of an unreviewed safety question, does not create the possibly of a new or different kind of accident from any accident previously evaluated, and does not reduce any margins to plant safety. Therefore, the license amendment does not involve a Significant Hazards Consideration as defined in 10 CFR 50.92.

*(17) Recirculation Sump Level Monitoring (Discrete)*

The proposed change does not involve a significant hazards considerations since:

1. There is no increase in the probability or consequences of an accident. Historical data from four surveillances indicates no test failures. Therefore it is concluded that minimal risk is involved in extending the surveillance interval to 24 months (+25%).

2. The possibility of a new or different kind of accident has not been created. Past test data indicates the sump monitoring system to be highly reliable. Operation for the extended surveillance interval is anticipated without problems.

3. There has been no significant reduction in the margin of safety. In addition to being highly reliable, the discrete monitoring system is redundant to a continuous monitoring level monitoring system which contributes to minimizing the risk in extending the surveillance interval.

*(18) Reactor Coolant Vents*

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident previously evaluated.

Past historical test data and a redundant means of venting the RCS [reactor coolant system] contribute to minimizing any risk due to an extended surveillance interval. It is concluded that any increase in the probability or consequence due to an accident from an extended surveillance interval is negligible.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

Venting of the RCS has not been identified as an accident precursor nor is credit taken in the accident analysis. Therefore any uncertainty created by extending the surveillance interval will not contribute to creation of a new or different kind of accident from any previously analyzed.

3. There has been no significant reduction in the margin of safety.

The basis for establishing this surveillance is ASME Section XI. The proposed surveillance interval is within the testing frequency required by ASME Section XI.

*(19) Containment Sump Pumps and Instrumentation*

The proposed change does not involve a significant hazards consideration since:

1. There will be no significant increase in the probability or consequences of an accident. Past test data indicates that the monitoring system is generally reliable with only one instance where test acceptance criteria were not met. However, the system was not inoperable. Due to the previous good test results and redundancy, extension of the surveillance interval will not significantly compromise safety.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created. Due to the generally good test results and design redundancy there is reasonable confident that the monitoring system will remain operable over the extended surveillance interval.

3. There has been no significant reduction in the margin of safety.

The reasonably good past performance of this system as evidenced by past test data indicates that the margin of safety will not be significantly compromised by an extended operating cycle.

*(20) Control Rods - Full Length Rod Drop Time*

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

Past historical data indicates that the rod drop time limit was met by a large margin. Evaluation of test data indicated no anomalies which could be attributed to a time dependent degradation mechanism which could degrade rod drop times to an unacceptable value if the operating surveillance was extended by several months.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

The degree of success demonstrated by post testing indicates that the control rods will continue to perform their intended function under a longer operating cycle which is extended by several months.

3. There has been no [significant] reduction in the margin of safety.

Past test data indicates that considerable margin exists between acceptance limits and measured data which will not be significantly reduced by extending the operating cycle.

*(21) Diesel Generator Building Water Sprinkling System*

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

Past test data is generally positive with some deficiencies noted in the earliest test reviewed which did not relate to operability of the system. Since the system is a static system extension of the operating interval is not expected to impact operability of the system.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

The extension of the surveillance interval is not expected to influence operability of the system. As the system has historically been proven to be reliable, its safety function will not be compromised.

3. There has been no reduction in the margin of safety.

As operability of the system is not expected to be affected by the longer surveillance interval, the margin of safety represented by this system will not be compromised.

*(22) PORVs and Block Valves*

The proposed change does not involve a significant hazards consideration since:

1. There is no significant increase in the probability or consequences of an accident.

Since only one deficiency was noted over the time interval reviewed, the historical data supports the conclusion that safety will not be compromised by extending the interval between surveillances to 24 months with a maximum of 30 months.

2. The possibility of a new or different kind of accident from any previously analyzed has not been created.

Based upon past historical data the limit switches have a demonstrated reliability. In addition, failure of a limit switch would not preclude operation of the PORVs or block valves.

3. There has been no [significant] reduction in the margin of safety.

Given the demonstrated reliability of the limit switches and the fact that operability of neither the PORVs nor block valves is dependent upon the limit switches, it is concluded that the margin of safety has not been significantly diminished.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

*Attorney for licensee:* Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

*NRC Project Director:* Robert A. Capra

**Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York**

*Date of amendment request:* August 7, 1992

*Description of amendment request:* The licensee has proposed to amend the Technical Specification (TS) to remove Table 3.12-1, Safety-Related Shock Suppressors (Snubbers), and references to Table 3.12-1, in accordance with Generic Letter 84-13, which permits licensees to remove snubber listings from the TS and Generic Letter 91-08 which addresses administrative controls for component lists which are removed from the TS.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

In accordance with the requirements of 10 CFR 50.92, the proposed changes to the Technical Specifications are deemed not to involve any "Significant Hazards Considerations" because operation of Indian Point Unit No. 2 in accordance with these changes would not:

1) Involve a significant increase in the probability or consequences of an accident previously evaluated;

The relocation of the listing of snubbers to a plant procedure is an administrative change. No technical requirements are affected in that the function, operation or surveillance requirements for any system or component are not being altered. Therefore, the conclusions of current accident analyses are not affected.

Further, as required by Generic Letter 84-13, any changes in snubber quantities, types or locations will require the completion of a safety evaluation per the requirements of 10 CFR 50.59 to determine that the proposed change will not involve an unreviewed safety question. Therefore, future snubber changes will be evaluated against similar criteria.

2) Create the possibility of a new or different kind of accident from any accident previously evaluated;

All changes described herein are administrative, introduce no new mode of plant operation, do not involve physical modification to any structure, system or component and do not affect the function, operation or surveillance requirements for any system or component. Therefore the changes can not result in an unanalyzed accident. Further, as required by Generic Letter 84-13, any changes in snubber quantities, types or locations will require the completion of a safety evaluation per the requirements of 10 CFR 50.59 to determine that the proposed change will not involve an unreviewed safety question. Therefore, future snubber changes will be evaluated against similar criteria.

3) Involve a significant reduction in a margin of safety.

The administrative changes involved do not affect the requirement that all snubbers required to protect the primary coolant system or any other safety system or component be operable during reactor operation because no change to the current quantities, types or locations of snubbers is proposed. Further, these administrative changes do not impact the surveillance requirements that verify the existing snubbers will perform their design functions. Therefore, no margins of safety established by design or verified by testing to ensure operability of safety-related systems or components are affected. Further, as required by Generic Letter 84-13, any changes in snubber quantities, types or locations will require the completion of a safety evaluation per the requirements of 10 CFR 50.59 to determine that the proposed change will not involve an unreviewed safety question. Therefore, future snubber changes will be evaluated against similar criteria.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

*Attorney for licensee:* Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

*NRC Project Director:* Robert A. Capra

**Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-424 and 50-425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia**

*Date of amendment request:* August 31, 1992

*Description of amendment request:* The proposed amendments would revise surveillance requirements of Technical Specifications (TSs) 4.8.1.1.2.h.6)b) and 4.8.1.1.2.h.7 to decouple two different tests of the diesel generators (DGs):

1. TS 4.8.1.1.2.h.7 requires, in part, that the DGs be tested periodically, during shutdown, by operating them at specified loads for 24 hours, and that "Within 5 minutes after completing this 24-hour test, perform Specification 4.8.1.1.2.h.6)b)." This quoted sentence would be deleted.

2. TS 4.8.1.1.2.h.6)b) requires periodic testing to verify automatic starting and loading of DGs by simulating a loss-of-offsite power (LOOP) in conjunction with an engineered safety features actuation system (ESFAS) test signal. A footnote to TS 4.8.1.1.2.h.6)b) states that:

If Specification 4.8.1.1.2.h.6)b) is not satisfactorily completed, it is not necessary to repeat the preceding 24-hour test. Instead, the diesel generator may be operated at the load required by Surveillance Requirement 4.8.1.1.2.a5 [i.e., 6800-7000] kW for 1 hour or until operating temperature has stabilized.

This footnote would be changed to read:

Prior to performing Surveillance Requirement 4.8.1.1.2.h.6)b), the diesel generator shall be operated at the load required by Surveillance Requirement 4.8.1.1.2.a5 for 1 hour or until operating temperature has stabilized. Surveillance Requirement 4.8.1.1.2h.6)b) shall be started within 5 minutes of stopping the diesel generator upon completion of this prerequisite.

*Basis for proposed no significant hazards consideration determination:* The effect of the proposed change would be to remove the requirement to perform the LOOP/ESFAS test within 5 minutes after completing the 24-hour test. Instead, the LOOP/ESFAS test would be preceded by a period of operation at a specified load for 1 hour or until operating temperature has stabilized. The basis for requiring the LOOP/ESFAS test within 5 minutes of the 24-hour test was to demonstrate hot restart capability under full-load operating temperature conditions. However, operating experience had shown that stable, full-load operating temperatures are achieved in less than 1 hour. Thus, coupling is unnecessary and decoupling the two tests provides additional flexibility for outage scheduling and execution.

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated. Separating the 24-hour test from the LOOP/ESFAS test will have no effect on the initiating events assumed for any existing accident analysis. The basis for the existing requirement is to ensure the hot restart capability of the DGs. The proposed change in requirements will continue to demonstrate that capability, and the DGs will remain able to perform their safety function as assumed in the accident analyses. Therefore, there will be no effect on the consequences of any existing accident analyses.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated. The change does not introduce any new equipment into the plant or require any existing equipment to be operated in a manner different than that for which it was designed to operate. The proposed change only involves the duration for which the full-load temperature conditions are maintained prior to performing the LOOP/ESFAS test. Therefore, the performance, reliability, or capability of the DGs to perform their design function will not be affected.

3. The proposed change does not involve a significant reduction in a margin of safety. The basis for the existing requirement is to ensure the hot restart capability of the DGs. The proposed change will continue to ensure that capability, thereby maintaining the margin of safety afforded by the existing surveillance requirements.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Burke County Public Library, 412 Fourth Street, Waynesboro, Georgia 30830.

*Attorney for licensee:* Mr. Arthur H. Domby, Troutman, Sanders, Lockerman and Ashmore, Candler Building, Suite 1400, 127 Peachtree Street, NE., Atlanta, Georgia 30303-1810.

*NRC Project Director:* David B. Matthews

**Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket Nos. 50-498 and 50-499, South Texas Project, Units 1 and 2, Matagorda County, Texas**

*Date of amendment request:* June 26, 1991, as supplemented by letters dated January 24, 1992 and June 24, 1992:

*Brief description of amendments:* This was previously published in the Federal Register on September 18, 1991 (56 FR 47238). The amendment proposed to make changes to the Technical Specifications in accordance with the guidance provided in Generic Letter 89-01. The changes consist of relocating the procedural details of Radiological Effluent Technical Specifications (RETS) into the Offsite Dose Calculations Manual (ODCM) or the Process Control Program (PCP) in a manner that ensures these details are incorporated into plant operating procedures. In addition, programmatic controls would be added to the Administrative Controls section of the Technical Specifications to satisfy the regulatory requirements and controls changes to the procedural details of the ODCM or PCP. By letter dated June 24, 1992, Houston Lighting and Power submitted a supplement to the June 26, 1991 amendment request. The supplement proposed to retain the definitions of an unrestricted area and venting in the Technical Specifications. The January 24, 1992, supplemental letter requested a 15-day implementation period following the date of issuance of the license amendments.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. The amendment involves only relocation of the requirements for responses to radiological effluent releases from one governing source to another. The requirements themselves are not changed; therefore, accident probability and/or consequences are unaffected.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. The design of STPEGS is not changed by the proposed amendment. The proposed amendment relocates existing procedural details without change which does not create the possibility of a new or different accident from any accident previously evaluated. Any changes in the future will be performed in accordance with 10 CFR 50.59 and will have a clear establishment of the basis of the requirement, an appropriate analysis or evaluation, a determination of conformance to regulations, review by a multidisciplinary review group (PORC), Plant Manager approval and post approval review by the NSRB [Nuclear Safety Review Board]. Therefore, changes to the ODCM or PCP are controlled to prevent the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in the margin of safety. The proposed amendment adds programmatic controls to the Administrative Controls section of Technical Specifications to satisfy the regulatory requirements and changes to the procedural details of the ODCM or PCP will be controlled by the Administrative Controls section of Technical Specifications. The addition of these controls does not involve a significant reduction in the margin of safety. The relocation of the procedural details for radiological effluents has been performed to ensure that these controls are placed appropriately in the ODCM or PCP such that these details are incorporated into plant procedures and programs. Incorporation of these radiological effluent details into the plant procedures and programs ensures that there is not a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

*Local Public Document Room location:* Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488

*Attorney for licensee:* Jack R. Newman, Esq., Newman & Holtzinger, P. C., 1615 L Street, N.W, Washington, D.C. 20036

**Houston Lighting & Power Company, City Public Service Board of San Antonio,Central Power and Light Company, City of Austin, Texas, Docket Nos. 50-498 and 50-499, South Texas Project, Units 1 and 2, Matagorda County, Texas**

*Date of amendment request:* August 4, 1992

*Brief description of amendments:* The proposed amendment changes the Technical Specifications to reflect the results of a correction to the containment free volume calculation. The original calculation for the South Texas Project, MC-5281 "Free and Sprayed Volumes Inside Containment>Revision 1, overestimated the containment free volume. The proposed amendment reflects the evaluation of the as-built facility.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) The proposed changes do not involve a significant increase in the probability or

consequences of an accident previously evaluated.

The containment and safety-related systems inside containment remain operable as previously analyzed. The changes in the containment volume, pressure, and temperature, do not increase or cause an increase in the likelihood of a DEPSG [doubled-ended pump suction guillotine], MSLB [main steamline break], or any other DBA. The increase in peak containment post accident pressure resulting from the reduced free volume is bounded by the original design pressure.

Current containment leakage test results are well within acceptance criteria even with an increased test pressure which was greater than the recalculated post accident peak containment pressure. In addition, equipment inside containment remains qualified and functional in the changed environment and onsite/offsite doses and airborne concentration remain with[in] stipulated limits. In addition, no changes in either equipment or operator actions are required which would affect either probability or consequences.

(2) The proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

All containment and safety-related systems inside containment will function within design or EQ [environmental qualification] limits and all analysis results are bounded by design and regulatory requirements. No new modes of operation are proposed or supposed. No physical plant changes are necessary or proposed as a result of the changes. The proposed changes do not adversely affect or alter equipment which is assumed to operate in accident conditions. In addition, no new operator actions are required and no existing actions are either altered or deleted.

(3) The proposed changes do not involve significant reductions in the margin of safety.

The margin of safety as defined in NSAC 125 (Guidelines for 10 CFR 50.59 Safety Evaluations, Nuclear Safety Analysis Center) Section 3.8 is the difference between a failure point and the acceptance limit.

The containment pressure acceptance limit is the containment design pressure of 56.5 psig per SRP [Standard Review Plan] and SER [Safety Evaluation Report] Sections 6.2.1. Since the calculated peak containment internal pressure resulting from reduced free volume (40.5 psig) is below the acceptance limit, this change does not reduce the margin of safety.

Current leakage rates are significantly below the acceptance limits. The margin between the measured value and the acceptance value was 45 percent on Unit 1 and 71 percent on Unit 2. These margins provide reasonable assurance that actual leak rates will remain within the acceptance criteria even at the higher pressure resulting from the reduced volume. Therefore, the increase in the calculated peak pressure does not decrease the margin of safety.

Although, the proposed change in containment accident peak temperature from 323 degree F to 328 degree F results in a reduction in the margin of safety from 17 degree F to 12 degree F, it is not considered to be a significant reduction. Equipment will continue to perform as designed because the time-temperature equivalency of the qualification test adequately exceeds the duration of the increased peak containment accident temperature. In addition, revised onsite and offsite radiological doses and airborne concentrations do not exceed previously accepted values.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

*Local Public Document Room location:* Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488

*Attorney for licensee:* Jack R. Newman, Esq., Newman & Holtzinger, P. C., 1615 L Street, N.W., Washington, D.C. 20036

**Public Service Electric & Gas Company, Docket No. 50-272, Salem Nuclear Generating Station, Unit No. 1, Salem County, New Jersey**

*Date of amendment request:* August 14, 1992

*Description of amendment request:* In response to Generic Letter 91-11, Public Service Electric and Gas Company, the licensee, has proposed to change the Salem, Unit 1 Technical Specifications (TS) for the operation of the vital instrument bus inverters to make them identical to the TS currently in place for Salem, Unit 2. The changes would add a separate Action Statement for an inoperable inverter. Currently, there is only an Action Statement for equipment associated with the vital instrument bus. The proposed change would allow an inverter to be inoperable for up to 24 hours. There are also administrative changes to clarify the existing Limiting Condition of Operation.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes to the Salem, Unit 1 Technical Specifications:

1. Do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes would revise Technical Specification 3.8.2 to make the Unit 1 vital instrument bus Limiting Conditions of Operation (LCO) and action statements identical to those of

Unit 2. The proposed changes do not alter the design or operation of the vital instrument buses or inverters.

The proposed changes would add an allowed outage time (AOT) of 24 hours for one inoperable inverter. The Unit 1 Technical specifications presently require restoration of an inverter to operable and energized status within 8 hours, based on the action statement applicable to the AC buses. The 24 hour period allowed for the inverter would only apply if the affected vital instrument bus remains energized or is re-energized within 8 hours in accordance with the present action statement. The vital instrument bus may be energized through a constant voltage transformer in the event the inverter is not available to provide the normal AC power feed. 24 hours to restore the inverter to operable status is consistent with standard industry practice (eg., Westinghouse Standard Technical Specifications, revision 4) for allowing restoration of inverter operability without incurring an unacceptable risk of losing a vital instrument bus following a loss of the preferred (offsite) power source.

The proposed changes would also clarify that the AC distribution system operability requirements including energizing the 115 V AC buses through an operable inverter. These clarifications reflect present practices and are compatible with the Technical Specifications as written.

2) Do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change would not introduce any changes to the design or operating configuration of the AC distribution system. Therefore, the proposed changes do not introduce the possibility of a new or different kind of accident.

3) Do not involve a significant reduction in a margin of safety.

The changes to the Unit 1 vital instrument bus and inverter Technical Specification requirements are consistent with the present requirements for Unit 2, which have been determined to ensure an acceptable margin of safety relative to AC power availability. The proposed changes do not involve a significant reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Salem Free Public library, 112 West Broadway, Salem, New Jersey 08079

*Attorney for licensee:* Mark J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, N.W., Washington, D.C., 20005-3502

*NRC Project Director:* Charles L. Miller

**Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey**

*Date of amendment request:* July 8, 1992 and September 1, 1992

*Description of amendment request:* This amendment request would change Technical Specification (TS) 6.3.1 and 6.4.1 to delete existing licensed operator qualification and training requirements that are superseded based on 1) INPO accreditation of Public Sercie Electric and Gas Company's (PSE&G's) licensed operator training program, which are based on a systems approach to training, and 2) promulgation of the revised 10 CFR 55. The existing requirement is replaced by a requirement that licensed operator qualifications and associated training programs comply with the requirements of 10 CFR 55.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed TS changes are administrative changes to clarify the current requirements for licensed operator qualifications and training programs and to conform to the revised 10 CFR 55 rule. Although licensed operator qualifications and training can have an indirect impact on accidents previously evaluated, the NRC considered this impact during the rulemaking process, and by promulgation of the revised rule, concluded that this impact remains acceptable as long as licensed operator training programs are accredited and based on a systems approach to training. PSE&G's licensed operator training programs have been accredited by INPO and are based on a systems approach to training. The proposed TS changes take credit for the INPO accreditation of the licensed operator training programs and require continued compliance with the requirements of 10 CFR 55. The TS requirements for all other unit staff qualifications and training programs remain unchanged. Therefore, the proposed TS changes do not increase the probability or consequences of an accident previously evaluated.

2. Do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed TS changes are administrative changes to clarify the current requirements for licensed operator qualifications and training programs and to conform to the revised 10 CFR 55 rule. The changes do not affect plant design, hardware, system operation, or procedures. Additionally, in promulgating the revised rule, the NRC concluded that the impact of the revised rule on the possibility of creating a new or different kind of accident is acceptable as long as licensed operator training programs are accredited and based on a systems approach to training. As noted previously, PSE&G's licensed operator training programs have been accredited by INPO and are based on a systems approach to training. The proposed TS changes take credit for the INPO accreditation and require continued compliance with the requirements of 10 CFR 55. The TS requirements for all other unit staff qualifications and training programs remain unchanged. Therefore, the proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do not involve a significant reduction in a margin of safety.

The proposed TS changes are administrative changes to clarify the current requirements for licensed operator qualifications and training programs and to conform to the revised 10 CFR 55 rule. Licensed operator qualifications and training can have an indirect impact on a margin of safety; however, the NRC, in promulgating the revised rule, determined that the impact on margin of safety was acceptable when licensees maintain licensed operator training programs that are accredited and based on a systems approach to training. As noted previously, PSE&G's licensed operator training programs have been accredited by INPO and are based on a systems approach to training. The NRC has concluded, as stated in NUREG-1262, that the standards and guidelines applied by INPO in their training accreditation program are equivalent to those put forth or endorsed by the NRC. As a result, maintaining INPO accredited, systems based licensed operator training programs is equivalent to maintaining NRC approved licensed operator training programs which conform with applicable NRC regulatory guides or NRC endorsed ANSI/ANS standards. The TS requirements for the qualifications and training programs for all other unit staff remain unchanged. The licensed operator qualifications and training programs will continue to be required to comply with the requirements of 10 CFR 55. The margin of safety is maintained by virtue of maintaining INPO accredited licensed operator training programs and through continued compliance with the requirements of 10 CFR 55. Therefore, the proposed TS changes do not reduce a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079

*Attorney for licensee:* Mark J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, N.W., Washington, D.C., 20005-3502

*NRC Project Director:* Charles L. Miller

**Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey**

*Date of amendment request:* August 14, 1992

*Description of amendment request:* This amendment would modify Technical Specification (TS) 3/4.3.2, Engineered Safety Feature Actuation System Instrumentation, Limiting Conditions for Operation, Action Requirements, and Surveillance Requirements including associated tables. The amendment includes administrative changes, provides consistency between Salem Unit 1 and Salem Unit 2, and ensures technical accuracy.

This amendment also proposes to change TS 3/4.3.2 to allow entry into Mode 1 with one Main Feedwater pump out-of-service, allow the ACTION statement in TS Functional Units 4a and 4b to require taking the Unit to one mode below the Mode of Applicability instead of two, and would delete all references to three and four loop operation.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review of Criterion 1 and the licensee's analysis of Criteria 2 and 3 are presented below.

1. Will not involve a significant increase in the probability or consequences of an accident previously evaluated. These changes involve providing clarity and consistency within the TS and between the two Units, providing more accurate references and descriptions, providing better consistency with actual plant conditions, and correcting typographical errors. These changes are either administrative, editorial, or do not represent changes to plant equipment or operation, and therefore, would not increase the probability or consequences of a previously analyzed accident.

There are also changes in this amendment to allow taking the Units to Mode 1 with one Main Feedwater Pump out-of-service. Two Main Feedwater Pumps are not required until greater than 50% power. The ACTION statements in TS Functional Units 4a and 4b would be changed to allow taking the Units to one mode below the Mode of Applicability rather than two. This would be consistent with general industry practice. All references to three and four loop operation would be deleted as the current Salem Accident Analysis does not support three loop operation. These changes do not represent

changes to plant equipment or operation, and therefore, would not increase the probability or consequences of a previously analyzed accident.

2. Create the possibility of a new or different kind of accident. As stated above, the proposed changes are either administrative, editorial, or do not represent modifications to plant equipment or operation. Therefore, there can be no impact on plant response to the point where a different accident is created.

3. Involve a significant reduction in a margin of safety. As stated above, the proposed changes are either administrative, editorial, or do not represent modifications to plant equipment or operation. Therefore, there can be no reduction in any margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Salem Free Public library, 112 West Broadway, Salem, New Jersey 08079

*Attorney for licensee:* Mark J. Wetterhahn, Esquire, Winston and Strawn, 1400 L Street, N.W., Washington, D.C., 20005-3502

*NRC Project Director:* Charles L. Miller

**Southern California Edison Company, et al., Docket No. 50-206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California**

*Date of amendment request:* September 16, 1992

*Description of amendment request:* This proposed change will provide for an exemption to the requirement to perform the hot SIS test during the anticipated permanent shutdown of SONGS 1 in November 1992 following the current Cycle 11 operation. The San Onofre, Unit 1, Technical Specification 4.2.1.I.A, "Hot Safety Injection System Test," requires that a Hot Safety Injection System (SIS) test be performed in MODE 3 when the plant is being shutdown from MODE 1, and MODE 5 is planned to be entered. The test must be performed while the Reactor Coolant System (RCS) pressure is above 1,500 psi. The test includes determination of the force required to open Main Feed Pump Safety Injection Discharge valves HV-851A and HV-851B, and the margin of available actuation force. The proposed change will also correct a typographical error in item (1) of Specification 4.2.1.I.A so that the valves are identified correctly as HV-851A and HV-851B.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

*Response:* No

The Technical Specification requires that the hot SIS test be performed while the plant is being brought down from Mode 1, and Mode 5 is planned to be entered. The purpose of the test is to assure that the SIS will be operable if needed during future plant operation. Therefore, the requirement for the test is based on the assumption that the plant will be brought back up to power subsequently, and the plant operation will continue. In the case of SONGS 1 however, the plant is being shutdown permanently, and therefore, the SIS will not be required to be operable following the shutdown. Consequently, the requirement for the hot SIS test is not applicable to SONGS 1 permanent shutdown. The proposed exemption will eliminate the need to perform this test.

The proposed exemption will have no impact on the plant design, operation, or the operability of SIS in Modes 1-3, as required, while the plant is being shutdown. The exemption will mean that the operability of the SIS cannot be assured for subsequent fuel cycles. However, the future SIS operability is not needed since the plant is being shutdown permanently. As a practical matter, exemption from the test will eliminate any risks that may be associated with the test while the plant is being shutdown, and allow entry into Mode 5 to be made sooner. Therefore, the proposed exemption to the Technical Specification requirement will not result in an increase in the probability of an accident previously evaluated. Since the SIS will not be needed following the permanent shutdown of the plant, the proposed exemption will not result in an increase in the consequences of an accident previously evaluated.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

*Response:* No

The proposed change will provide for an exemption to the requirement to perform a hot SIS test while the plant is being shutdown permanently. Since this requirement has no impact on the current operation of the SIS, the exemption to perform this test will not lead to any reduction in the capability of the SIS during the current fuel cycle. The proposed exemption has no impact on the existing plant design, operation, or safety analyses. Nor does it have any impact on any factors that could create accidents. Consequently, the proposed exemption will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in margin of safety?

*Response: No*

The proposed exemption will have no impact on the existing plant design or the safety analyses, and therefore, will not involve a significant reduction in margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Main Library, University of California, P. O. Box 19557, Irvine, California 92713

*Attorney for licensee:* James A. Beoletto, Esquire, Southern California Edison Company, P. O. Box 800, Rosemead, California 91770

*NRC Project Director:* Theodore R. Quay

**Southern Nuclear Operating Company, Inc., Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama**

*Date of amendments request:* June 23, 1992

*Description of amendments request:* The proposed changes to the Technical Specifications (TS) would add new programmatic requirements governing radioactive effluents, radiological environmental monitoring and solid radioactive wastes to the Administrative Controls Section of the TS. The existing TS containing procedural details on radioactive effluents, radiological environmental monitoring, solid radioactive wastes and associated reporting requirements are being relocated to the Offsite Dose Calculation Manual or to the Process Control Program, as appropriate, in accordance with Generic Letter 89-01.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed changes are administrative in nature and alter only the format and location of programmatic controls and procedural details relative to radioactive effluents, radiological environmental monitoring, solid radioactive wastes, and associated reporting requirements. Compliance with applicable regulatory requirements will continue to be maintained. In addition, the proposed changes do not alter the conditions or assumptions in any of the FSAR accident analyses. Since the FSAR

accident analyses remain bounding, the radiological consequences previously evaluated are not adversely affected by the proposed changes. Therefore, it can be concluded that the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed changes do not involve any change to the configuration or method of operation of any plant equipment. Accordingly, no new failure modes have been defined for any plant system or component important to safety nor has any new limiting single failure been identified as a result of the proposed changes. Also, there will be no change in types or increase in the amounts of any effluents released offsite. Therefore, it can be concluded that the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed changes do not involve a significant reduction in a margin of safety. The proposed changes do not involve any actual change in the methodology used in the control of radioactive effluents, solid radioactive wastes, or radiological environmental monitoring. These changes are considered administrative in nature and provide for the relocation of procedural details outside of the technical specifications but add appropriate administrative controls to provide continued assurance of compliance to applicable regulatory requirements. These proposed changes also comply with the guidance contained in Generic Letter 89-01. Therefore, it can be concluded that the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Houston-Love Memorial Library, 212 W. Burdeshaw Street, P. O. Box 1369, Dothan, Alabama 36302

*Attorney for licensee:* James H. Miller, III, Esq., Balch and Bingham, P. O. Box 306, 1710 Sixth Avenue North, Birmingham, Alabama 35201

*NRC Project Director:* Elinor G. Adensam

**Southern Nuclear Operating Company, Inc., Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama**

*Date of amendments request:* August 24, 1992

*Description of amendments request:* The proposed revisions to the Technical Specifications (TS) are requested in order to implement the new 10 CFR Part 20 requirements at Joseph M. Farley Nuclear Plant, Units 1 and 2. The proposed TS changes revise (1) the Bases and Administrative Controls sections to appropriately incorporate the new 10 CFR Part 20 references, (2) the Administrative Controls Section to provide operational flexibility needed for liquid and gaseous releases, and (3) the Administrative Controls Section regarding the distance used to make measurements of radioactivity to determine if the major portion of a body can receive and excessive exposure.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed changes will facilitate the implementation of the new 10 CFR 20 requirements. Compliance with other applicable regulatory requirements will continue to be maintained. In addition, the existing alarm/trip setpoints for instruments which monitor the spent fuel pool area and containment for gaseous activity, and the curie limit for the outside temporary liquid holdup tanks are being retained. These values are based on the old 10 CFR 20 requirements which were evaluated and shown to be conservative relative to the values that would be obtained based on the new 10 CFR 20 requirements. Also, the proposed changes do not alter the conditions or assumptions in any of the FSAR accident analyses. Since the FSAR accident analyses remain bounding, the radiological consequences previously evaluated are not adversely affected by the proposed changes. Therefore, it can be concluded that the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed changes do not involve any change to the configuration or method of operation of any plant equipment. Accordingly, no new failure modes have been defined for any plant system or component important to safety nor has any new limiting single failure been identified as a result of the proposed changes. Also, there will be no change in types or increase in the amount of effluents released offsite. Therefore, it can be concluded that the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed changes do not involve a significant reduction in a margin of safety. The proposed changes do not involve any actual change in the methodology used in the control of solid radioactive wastes or radiological environmental monitoring. The methodology that will be used in the control of radioactive effluents will result in the same effluent release rate as the current methodology now being used. The operational flexibility needed for effluent releases allows the use of concentration values ten times the values given in the new 10 CFR 20. However, this is acceptable since annual doses will be limited to the doses specified in 10 CFR 50, Appendix I and 40 CFR 190. Therefore, it can be concluded that the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Houston-Love Memorial Library, 212 W. Burdeshaw Street, P. O. Box 1369, Dothan, Alabama 36302

**Southern Nuclear Operating Company, Inc., Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama**

*Date of amendments request:* August 28, 1992

*Description of amendments request:* The proposed changes are administrative in nature and will make title changes and clarifying changes to the Technical Specifications as given below:

1. The title "Vice President - Nuclear" will be changed in Section 6.0 to "Vice President."

2. In Section 6.1.2, the term "Nuclear Generation" will be replaced with "Plant Farley nuclear operations."

3. Sections 6.3.1 and 6.4.1 are revised to remove references to the March 28, 1990, NRC letter and Appendix A to 10 CFR Part 55 as all of the requirements are now included in the body of 10 CFR Part 55.

4. The title "Performance and Planning Manager" will be changed in Sections 6.5.1 and 6.5.3 to "Systems Performance Manager."

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated. The changes are administrative in nature and involve no physical alternation of the plant or changes to setpoints or operating parameters. The changes do not affect operation, maintenance, or testing of the plant. The changes will accurately reflect organizational titles and names, the proper reference to 10 CFR 55, and a title of a

manager which may approve non-administrative procedures. For these reasons, the response of the plant to previously evaluated accidents will remain unchanged.

2. The proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated. Since no change is being made to the design, operation, maintenance, or testing of the plant, a new mode of failure is not created. Therefore, a new or different kind of accident will not occur as a result of these changes.

3. The proposed changes do not involve a significant reduction in a margin of safety. The organizational title and name revisions are administrative changes. The CFR reference change reflects the fact that 10 CFR 55 no longer contains an Appendix A. The requirements which were previously in Appendix A of 10 CFR 55 have been incorporated into the body of 10 CFR 55 making this revision an administrative change. The change in the title of the Performance and Planning Manager to the title of Systems Performance Manager is an administrative change. Therefore, these administrative changes will not reduce any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Houston-Love Memorial Library, 212 W. Burdeshaw Street, P. O. Box 1369, Dothan, Alabama 36302

*Attorney for licensee:* James H. Miller, III, Esq., Balch and Bingham, P. O. Box 306, 1710 Sixth Avenue North, Birmingham, Alabama 35201

*NRC Project Director:* Elinor G. Adensam

**Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee**

*Date of amendment request:* August 21, 1992 (TS 92-07)

*Description of amendment request:* The proposed amendments would revise the allowable value for the Reactor Coolant System loss of flow reactor trip setpoint from greater than or equal to 89.4 percent to greater than or equal to 89.6 percent of design flow per loop.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issues of no significant hazards consideration, which is presented below:

TVA has evaluated the proposed technical specification (TS change and has determined that it does not represent a significant hazards consideration based on criteria established in 10 CFR 50.92(c). Operation of Sequoyah Nuclear Plant (SQN) in accordance with the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

This change to increase the reactor coolant system (RCS) loss of flow reactor trip allowable value from greater than or equal to 89.4 percent to greater than or equal to 89.6 percent does not alter the functions of any safety-related equipment. The change implements a more conservative allowable value that is consistent with the latest assumptions for SQN's accident analysis. This new value provides for reactor trip initiation consistent with SQN's previous analysis with the additional consideration of RCS flow measurement uncertainties for elbow taps without the normalization from a primary[-]to[-]secondary calorimetric. Therefore, accident mitigation functions remain consistent with the analysis and there is not an increase in the consequences of an accident. Likewise, the increase in this allowable value will not increase the probability of an accident because this function provides accident mitigation actions and is not considered the source of any accident.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

As discussed above, the RCS loss of flow reactor trip function provides an accident mitigation function and is not an initiator of any accident. Therefore, the increase in the allowable value for this function will not create a new or different kind of accident previously analyzed, but does implement a more conservative value that is consistent with the accident analysis.

3. Involve a significant reduction in a margin of safety.

This change implements a conservative increase in the loss of flow allowable value to maintain the margin of safety. This increase is being implemented to offset the potential decrease in margin created by using the elbow taps to determine RCS flow. Therefore, this change does not reduce any margin of safety and provides conservative values that will maintain the margin of safety within the SQN accident analysis assumptions.

The NRC has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee

*Attorney for licensee:* General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, Ell B33, Knoxville, Tennessee 37902

*NRC Project Director:* Frederick J. Hebdon

**Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee**

*Date of amendment request:* August 21, 1992 (TS 92-09)

*Description of amendment request:* The proposed amendments would revise Action a of Specification 3.6.5.2, Containment Air Return Fans, and the Modes 5 and 6 Actions of Specification 3.7.7, Control Room Emergency Ventilation System, by adding exclusion statements that indicate the limitation of Specification 3.0.4 is not applicable. These proposed changes would allow changes in plant operating modes with the control room indication of ice bed temperatures inoperable, but with local temperature monitoring available and obtainable on at least a 12-hour frequency. Also, the proposed changes would allow changes in plant operating modes between Modes 5 and 6 (only) when the Control Room Emergency Ventilation System is inoperable.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issues of no significant hazards consideration, which is presented below:

TVA has evaluated the proposed technical specification (TS) change and has determined that it does not represent a significant hazards consideration based on criteria established in 10 CFR 50.92(c). Operation of Sequoyah Nuclear Plant (SQN) in accordance with the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

This addition of an exclusion to TS 3.0.4 for ice bed temperature monitoring will continue to provide a level of temperature monitoring capability that will verify the operability of the ice condenser and thereby ensure its ability to mitigate the consequences of an accident. Loss of all ice bed temperature monitoring capability will require unit shutdown within an acceptable time interval that ensures the availability of the ice condenser safety functions for accident mitigation. For the inoperability of control room emergency ventilation system (CREVS) in Modes 5 and 6, the exclusion to TS 3.0.4 will not remove the actions to return the inoperable train to operable status or place the unaffected train in operation. Similarly, with both trains inoperable, suspension of core alterations or positive reactivity changes will still be required. For operation in Modes 5 and 6, these actions are acceptable based on postulated accidents and are unchanged by the proposed change; therefore, the allowance to change between Modes 5 and 6 while maintaining these positions does not reduce the ability of the CREVS to perform the accident mitigation safety functions assumed in the analysis. Therefore, the TS

3.0.4 exclusion as applied in this proposed change to TSs 3.6.5.2 and 3.7.7 will not increase the consequences of an accident previously evaluated.

The allowance to change operational modes while maintaining the required actions as described will not reduce the availability or functionality of the ice bed temperature monitoring system or CREVS. This continues to ensure that the unit is maintained within the assumptions used in the safety analysis. These systems provide monitoring and accident mitigation functions, and these changes will not increase their potential to create accidents because they are not considered the source of any accident. Therefore, the proposed changes will not increase the probability of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

As discussed above, the systems affected by this change provide monitoring and accident mitigation functions and are not postulated to be the source of any accident. This change only provides the allowance to change modes while maintaining the required actions that allow continued operation for indefinite periods of time. Therefore, this change cannot contribute to the initiation of an accident or create the possibility of a new or different accident.

3. Involve a significant reduction in a margin of safety.

This change does not alter any functions of the ice bed temperature monitoring system or CREVS, and maintains the same action requirements for system inoperability. These systems will continue to provide the same level of ice condenser temperature indication and control room environment control as assumed in the safety analysis. Therefore, the margin of safety is not reduced as a result of adding an exclusion to TS 3.0.4 for TSs 3.6.5.2 and 3.7.7.

The NRC has reviewed the licensee's analysis and, based on thisreview, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee

*Attorney for licensee:* General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, Ell B33, Knoxville, Tennessee 37902

*NRC Project Director:* Frederick J. Hebdon

**Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin**

*Date of amendment request:* September 10, 1992

*Description of amendment request:* The proposed amendment would revise Technical Specification Section 15.4.6, "Emergency Power System Periodic Tests." Specification A.3 currently requires that each diesel generator be given an inspection, at least annually. For the current inspection only, an 18-month interval would be allowed since the last inspection of diesel generator GO2.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Operation of a facility in accordance with a proposed amendment does not result in a significant hazards consideration if it does not result in a significant increase in the probability or consequences of an accident previously evaluated. Extending the present G02 annual inspection interval to a maximum of 18 months is not expected to have an adverse effect on diesel reliability. A formal diesel generator reliability program has been established which has not indicated a reduction in diesel generator reliability based on established trigger values. Previous inspections have found no abnormalities which would be expected to affect the diesel during this time. G02 has been maintained in accordance with the manufacturer's recommendations since installation and the diesel generator vendor concurs that an 18-month inspection is acceptable. A significant increase in the probability of a failure of the diesel generator to perform its function, as analyzed in the PBNP FSAR, during the six month additional time between inspections will not occur. Therefore, an increase in the probability or consequences of a previously analyzed accident will not occur.

2. Operation of a facility in accordance with a proposed amendment does not result in a significant hazards consideration if it does not result in a new or different kind of accident than any accident previously evaluated.

The proposed amendments will allow a one-time extension of the Diesel Generator G02 annual inspection interval to 18 months. These amendments will not result in, nor are they the result of any change in the design or function of the emergency diesel generators. The diesel generators will continue to function as designed and analyzed in the PBNP FSAR. A new or different kind of accident than any previously evaluated cannot result.

3. Operation of a facility in accordance with a proposed amendment does not result in a significant hazards consideration if it does not result in a significant reduction in a margin of safety.

The extension of the annual diesel inspection is needed to ensure that Gas Turbine Generator G05 is back in service prior to performing the annual inspection of Emergency Diesel Generator G02. G05 is capable of providing power to on-site electrical distribution systems, including the safeguards buses, and would be utilized in the event of a loss of off-site power and the operable emergency diesel generator. By delaying the Diesel Generator G02 inspection, which requires removing the diesel generator from service, a backup (G05), is available should a failure of G01 occur on demand, thereby improving the availability of on-site electrical power to required equipment under normal and accident conditions. Therefore, a margin of safety will not be significantly reduced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

*Local Public Document Room location:* Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin

*Attorney for licensee:* Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037

*NRC Project Director:* John N. Hannon

**Notice of Issuance of Amendment To Facility Operating License**

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, D.C., and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

**Arizona Public Service Company, et al., Docket Nos. STN 50-528, STN 50-529, and STN 50-530, Palo Verde Nuclear Generating Station, Units 1, 2, and 3, Maricopa County, Arizona**

*Date of application for amendments:* June 25, 1991

*Brief description of amendments:* These amendments delete the Iodine Removal System from Technical Specifications 3/4 3.6.2.2 for Units 1, 2, and 3. The Iodine Removal System uses hydrazine as an additive to the containment spray system at Palo Verde. The removal of the hydrazine additive from the containment spray system will not result in a significant increase in post-Loss of Coolant Accident (LOCA) doses outside of containment.

*Date of issuance:* September 8, 1992

*Effective date:* September 8, 1992

*Amendment Nos.:* 64, 50, and 37

*Facility Operating License Nos.* NPF-41, NPF-51, and NPF-74: The amendments revised the Technical Specifications.

*Date of initial notice in* **Federal Register:** September 4, 1991 (56 FR 43803) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 8, 1992. No significant hazards consideration comments received: No.

*Local Public Document Room location:* Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004

**Baltimore Gas and Electric Company, Docket Nos. 50-317 and 50-318, Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland**

*Date of application for amendments:* February 13, 1992

*Brief description of amendments:* The amendments revise the Technical Specifications relating to reactivity control systems to provide clarification and simplification for the control element assemblies and other minor administrative corrections. The Bases Section is revised to reflect the TS changes.

*Date of issuance:* September 3, 1992

*Effective date:* September 3, 1992

*Amendment Nos.:* 174 and 151

*Facility Operating License Nos.* DPR-53 and DPR-69: Amendments revised the Technical Specifications.

*Date of initial notice in* **Federal Register:** March 18, 1992 (57 FR 9439) The Commission's related evaluation of these amendments is contained in a Safety Evaluation dated September 3, 1992. No significant hazards consideration comments received: No

*Local Public Document Room location:* Calvert County Library, Prince Frederick, Maryland 20678.

**Carolina Power & Light Company, et al., Docket No. 50-400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina**

*Date of application for amendment:* February 7, 1992

*Brief description of amendment:* The amendment revises Operating License (NPF-63) to allow the use of an alternate steam generator tube plugging criterion for the portion of the tubes within the tubesheet. The proposed revision would amend Technical Specification (TS) 4.4.5 specifying an F* (F-star) distance within the tubesheet below which indications would not require repair or plugging.

*Date of issuance:* September 4, 1992

*Effective date:* September 4, 1992

*Amendment No.:* 31

*Facility Operating License No.* NPF-63. Amendment revises the Technical Specifications.

*Date of initial notice in* **Federal Register:** April 1, 1992 (57 FR 11104) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 4, 1992. No significant hazards consideration comments received: No

*Local Public Document Room location:* Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605.

**Carolina Power & Light Company, et al., Docket No. 50-400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina**

*Date of application for amendment:* December 16, 1991

*Brief description of amendment:* The amendment revises Technical Specification 4.2.3.5 so the allowable time period for the use of calibrated instrumentation utilized in the performance of the reactor coolant system calorimetric flow measurement would be increased from 7 to 21 days.

*Date of issuance:* September 8, 1992

*Effective date:* September 8, 1992

*Amendment No.:* 32

*Facility Operating License No.* NPF-63. Amendment revises the Technical Specifications.

*Date of initial notice in* **Federal Register:** February 19, 1992 (57 FR 6035) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 8, 1992. No significant hazards consideration comments received: No

*Local Public Document Room location:* Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605.

**Commonwealth Edison Company, Docket Nos. STN 50-454 and STN 50-455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois Docket Nos. STN 50-456 and STN 50-457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois; Docket Nos. 50-373 and 50-374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois; Docket Nos. 50-295 and 50-304, Zion Nuclear Power Station Units 1 and 2, Lake County, Illinois**

*Date of application for amendments:* May 7, 1992, as supplemented July 1, 1992

*Brief description of amendments:* The amendments consist of administrative changes which revise the types of procedures that require review by the Onsite Review and Investigative Function (OnSR&IF), specifies the level of review and approval for procedures governed by the proposed Technical Review and Control process, clarifies the authority assigned to the OnSR&IF, and incorporates editorial changes to provide conforming changes to the proposed administrative changes.

*Date of issuance:* September 4, 1992

*Effective date:* September 4, 1992

*Amendment Nos.:* 50, 50, 39, 39, 86, 70, 140, and 129

*Facility Operating License Nos. NPF-37, NPF-66; NPF-72, NPF-77; NPF-11, NPF-18; and DPR-39, DPR-48:* The amendments revised the Technical Specifications.

*Date of initial notice in* **Federal Register:** June 10, 1992 (57 FR 24668) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 4, 1992. No significant hazards consideration comments received: No

*Local Public Document Room location:* For Byron, the Byron Public Library, 109 N. Franklin, P.O. Box 434, Byron, Illinois 61010; for Braidwood, the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington.

Illinois 60481; for LaSalle, the Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348; for Zion, the Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

**Commonwealth Edison Company, Docket Nos. 50-237 and 50-249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois**

*Date of application for amendments:* April 24, 1992

*Brief description of amendments:* Revision of Technical Specifications to add two new sections under Administrative Controls; Section 6.11 - Radiation Protection Program and Section 6.12 - High Radiation Area.

*Date of issuance:* September 11, 1992

*Effective date:* Immediately, to be implemented within 30 days.

*Amendment Nos.:* 118 and 114

*Facility Operating License Nos. DPR-19 and DPR-25.* The amendments revised the Technical Specifications.

*Date of initial notice in* **Federal Register:** June 10, 1992 (57 FR 24668). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 11, 1992. No significant hazards consideration comments received: No

*Local Public Document Room location:* Morris Public Library, 604 Liberty Street, Morris, Illinois 60450.

**Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan**

*Date of application for amendment:* September 24, 1991, as modified January 31, and April 30, 1992. The licensee submitted additional information to supplement the application by letters dated February 24, March 23 and 26, April 23, May 11, August 12 and 13, 1992.

*Brief description of amendment:* The proposed amendment would change the licensed thermal power level of the reactor from the current limit of 3293 MWt to an increased limit of 3430 MWt. This request is in accordance with the generic BWR power uprate program established by the General Electric Company (GE) and approved by the NRC staff in a letter dated September 29, 1991.

*Date of issuance:* September 9, 1992

*Effective date:* Start of the third refueling outage (RFO3), currently scheduled for September 12, 1992, with full implementation prior to startup from RFO3.

*Amendment No.:* 87

*Facility Operating License No. NPF-43.* The amendment revises Facility Operating License NPF-43 and the Technical Specifications.

*Date of initial notice in* **Federal Register:** March 18, 1992 (57 FR 9442) and June 24, 1992 (57 FR 28198). The supplemental letters submitted additional information and did not change the initial proposed no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 9, 1992. No significant hazards consideration comments received: No.

*Local Public Document Room location:* Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

**Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina**

*Date of application for amendments:* April 13, 1992, as supplemented July 8 and August 26, 1992

*Brief description of amendments:* The amendments consist of changes to the Technical Specifications for Catawba Unit 1 Cycle 7 operation including revisions to reflect use of methodology developed by the Duke Power Company for accident and transient analysis, as well as other revisions.

*Date of issuance:* September 14, 1992

*Effective date:* September 14, 1992

*Amendment Nos.:* 101 and 95

*Facility Operating License Nos. NPF-35 and NPF-52:* Amendments revised the Technical Specifications.

*Date of initial notice in* **Federal Register:** July 21, 1992 (57 FR 32240) The August 26, 1992, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 14, 1992. No significant hazards consideration comments received: No.

*Local Public Document Room location:* York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

**Iowa Electric Light and Power Company, Docket No. 50-331, Duane ArnoldEnergy, Center, Linn County, Iowa**

*Date of application for amendment:* November 15, 1991

*Brief description of amendment:* The amendment revised the Technical Specifications applicable to loading fuel assemblies adjacent to Source range Monitors, added Limiting Conditions for Operation and Surveillance Requirements and made administrative changes.

*Date of issuance:* August 25, 1992

*Effective date:* August 25, 1992

*Amendment No.:* 186

*Facility Operating License No. DPR-49.* Amendment revised the Technical Specifications.

*Date of initial notice in* **Federal Register:** December 11, 1991 (56 FR 64654) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 25, 1992. No significant hazards consideration comments received: No.

*Local Public Document Room location:* Cedar Rapids Public Library, 500 First Street, S. E., Cedar Rapids, Iowa 52401.

**Long Island Power Authority, Docket No. 50-322, Shoreham Nuclear Power Station, Unit 1, Suffolk County, New York**

*Date of application for amendment:* June 28, 1990 as supplemented on June 13, June 27, October 31, and December 5, 1991.

*Brief description of amendment:* License No. NPF-82 was transferred from the Long Island Lighting Company (LILCO) to the Long Island Power Authority (LIPA) by Order dated February 29, 1992. This amendment revises Licensee No. NPF-82 and the Technical Specifications to reflect the transfer of the license from LILCO to LIPA.

*Date of issuance:* September 4, 1992

*Effective date:* Thirty (30) calendar days from date of issuance.

*Amendment No.:* 9

*Possession Only License No. NPF-82:* Transfer license from LILCO to LIPA.

*Date of initial notice in* **Federal Register:** March 20, 1991, (56 FR 11781) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 4, 1992.

*No significant hazards consideration comments received:* On March 20, 1991, the NRC published in the **Federal Register** a Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing related to the requested action (56 FR 11781). The NRC has received comments and a request for hearing. However, the petitioners in their letter dated June 3, 1992, requested permission to withdraw their opposition in accordance with their settlement agreement with the licensee. The Atomic Safety and Licensing Board in its Order of June 17, 1992, granted the petitioner's request to withdraw.

*Local Public Document Room location:* Shoreham - Wading River

Public Library, Route 25A, Shoreham, New York 11786-9697.

**Philadelphia Electric Company, Public Service Electric and Gas Company Delmarva Power and Light Company, and Atlantic City Electric Company,Docket Nos. 50-277 and 50-278, Peach Bottom Atomic Power Station,Unit Nos. 2 and 3, York County, Pennsylvania**

*Date of application for amendments:* January 10, 1992 as revised by letter dated July 20, 1992 and as supplemented by letter dated April 3, 1992.

*Brief description of amendments:* These amendments change the Technical Specification (TS) Section 3.9.C., Allowable Out of Service Times (AOTs) for the Emergency Service Water (ESW) pumps. The changes delete Section 3.9.C.3 of the TS which addressed use of the Emergency Cooling Water (ECW) pump as an equivalent ESW pump. The changes also modify surveillance requirements for the ECW pump, ESW Booster pumps and the Emergency Cooling Water Tower fans. The amendment modifies the Bases to reflect the above changes. Finally, the amendments modify terminology and numbering in Section 3.9.C and 4.9.C to make the TS consistent with the Updated Final Safety Analysis Report.

*Date of issuance:* September 16, 1992

*Effective date:* September 16, 1992

*Amendments Nos.:* 170 and 174

*Facility Operating License Nos. DPR-44 and DPR-56:* Amendments revised the Technical Specifications.

*Date of initial notice in* **Federal Register:** February 5, 1992 (57 FR 4492) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 16, 1992. No significant hazards consideration comments received: No

*Local Public Document Room location:* Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

**Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York**

*Date of application for amendment:* June 22, 1992

*Brief description of amendment:* The amendment adds response time testing requirements for the reactor protection system and main steam isolation valve actuation instrumentation including the analog transmitter trip system (ATTS). These testing requirements are applied to instrument channels for which response time is significant to the Final Safety Analysis Report transient and accident analyses.

*Date of issuance:* September 9, 1992

*Effective date:* September 9, 1992

*Amendment No.:* 183

*Facility Operating License No. DPR-59:* Amendment revised the Technical Specifications.

*Date of initial notice in* **Federal Register:** July 8, 1992 (57 FR 30256) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 9, 1992. No significant hazards consideration comments received: No

*Local Public Document Room location:* Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

**Wolf Creek Nuclear Operating Corporation, Docket No. 50-482, Wolf CreekGenerating Station, Coffey County, Kansas**

*Date of amendment request:* June 19, 1992

*Brief description of amendment:* The amendment revises Technical Specification 6.8 to clarify the approval process for plant procedures, makes an editorial correction to Technical Specification 3.3 and updates position titles in Technical Specification 6.5.1.2.

*Date of issuance:* September 10, 1992

*Effective date:* September 10, 1992

*Amendment No.:* Amendment No. 56

*Facility Operating License No. NPF-42.* Amendment revised the Technical Specifications.

*Date of initial notice in* **Federal Register:** August 5, 1992 (57 FR 34593) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 10, 1992. No significant hazards consideration comments received: No.

*Local Public Document Room Locations:* Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka, Kansas 66621

**Yankee Atomic Electric Company, Docket No. 50-029, Yankee Nuclear Power Station, Franklin County, Massachusetts**

*Date of application for amendment:* July 8, 1992

*Brief description of amendment:* Permits the licensee to revise the organizational and staffing sections of the Administrative Controls Technical Specifications to be consistent with the present plant status.

*Date of issuance:* September 4, 1992

*Effective date:* September 4, 1992

*Amendment No.:* 145

*Possession Only License No. DPR-3:* Amendment revised the Technical Specifications.

*Date of initial notice in* **Federal Register:** August 5, 1992, (57 FR 34593). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 4, 1992.

*No significant hazards consideration comments received:* No

*Local Public Document Room location:* Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

Dated at Rockville, Maryland, this 23rd day of September 1992.

For the Nuclear Regulatory Commission.

**Steven A. Varga,**

*Director, Division of Reactor Projects-I/II, Office of Nuclear Reactor Regulation*

[FR Doc. 92-23542 Filed 9-29-92; 8:45 am]

BILLING CODE 7590-F

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**[Docket No. 50-17]**

## Catholic University of America (Catholic University of America AGN-201 Research Reactor); Order Approving Decommissioning Plan and Authorizing Decommissioning

I.

By application dated February 6, 1992, the Catholic University of America (the licensee) requested authorization to decommission and dismantle the Catholic University of America's Aerojet-General Nucleonics Corporation (AGN) AGN-201 Research Reactor, Facility License No. R-31, located on the licensee's campus in Washington, DC, and to dispose of the component parts, in accordance with the Decommissioning Plan for the AGN-201 Research Reactor (Decommissioning Plan) submitted as part of the application. A "Notice of Proposed Issuance of Orders Approving Decommissioning Plan, Authorizing Decommissioning, and Terminating Facility License" was published in the **Federal Register** on August 20, 1992, (57 FR 37850). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

II.

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the application with respect to the provisions of the Commission's rules and regulations and has found that the decommissioning, dismantling and disposal of component parts as stated in

the licensee's Decommissioning Plan will be consistent with the regulations in 10 CFR chapter I, and will not be inimical to the common defense and security, or the health and safety of the public. The basis of these findings is set forth in the concurrently issued Safety Evaluation by the Office of Nuclear Reactor Regulation.

III.

Pursuant to 10 CFR 51.21, 51.30, and 51.35, the Commission has prepared an Environmental Assessment and Finding of No Significant Impact for the proposed action. Based on that Assessment, the Commission has determined that the proposed action will not result in any significant environmental impact and that an environmental impact statement need not be prepared.

IV.

Accordingly, pursuant to Section 103, 161b, 161i, and 161o, of the Atomic Energy Act of 1954, as amended, the licensee is hereby authorized to decommission and dismantle the AGN-201 Research Reactor facility covered by Facility License No. R-31, as amended, and dispose of the component parts in accordance with its Decommissioning Plan, and the Commission's rules and regulations, subject to the following conditions:

(a)(1) The licensee may make changes in facilities and procedures described in the approved Decommissioning Plan without prior Commission approval, unless the proposed change involves a change in the Technical Specifications (TS) incorporated in the license or an unreviewed safety question.

(2) A proposed change shall be deemed to involve an unreviewed safety question (i) if the probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the Decommissioning Plan may be increased; or (ii) if a possibility for an accident or malfunction of a different type than evaluated previously in the Decommissioning Plan may be created; or (iii) if the margin of safety as defined in the basis for any TS is reduced.

(b)(1) The licensee shall maintain records of changes in the facilities and of changes in procedures made pursuant to this section, to the extent that these changes constitute changes in the facilities or procedures as described in the Decommissioning Plan. These records must include a written safety evaluation which provides the basis for the determination that the change does not involve an unreviewed safety question.

(2) The licensee shall submit, as specified in 50.4, a report containing a brief description of any changes, including a summary of the safety evaluation of each. The report must be submitted annually.

(3) The records of changes in the facility or changes in procedures shall be maintained until the date of termination of the license.

(c) If the licensee desires (1) a change in the TS or (2) to make a change in the facilities or procedures described in the Decommissioning Plan which involve an unreviewed safety question or a change in the TS, the licensee shall submit an application for amendment of the license pursuant to 10 CFR 50.90 or request approval of a revision to the Decommissioning Plan.

V.

After completion of the dismantling and disposal, the licensee will submit a report on the radiation survey it has performed to confirm that radiation and surface contamination levels in the facility area satisfy the values specified in the Decommissioning Plan and in the Commission's guidance which is set forth in the staff's Safety Evaluation. Following an inspection by representatives of the Commission to verify the radiation and contamination levels in the facility, consideration will be given to issuance of a further order terminating Facility License No. R-31.

VI.

For further detail with respect to this action, see (1) the licensee's application for authorization to decommission and dismantle the facility, and dispose of component parts, dated February 6, 1992; (2) the Commission's Safety Evaluation; and (3) the Environmental Assessment and Finding of No Significant Impact. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC. Copies of items (2) and (3) may be obtained by request to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects—III/IV/V.

Dated at Rockville, Maryland this 24th day of September 1992.

For the Nuclear Regulatory Commission.

**Bruce A. Boger,**

*Director, Division of Reactor Projects—III/IV/V, Office of Nuclear Reactor Regulation.*

[FR Doc. 92-23677 Filed 9-29-92; 8:45 am]

BILLING CODE 7590-01-M

**[Docket No. 40-08681-MLA; ASLBP No. 92-666-01-MLA (Source Materials License No. Sua-1358)]**

## UMETCO Minerals Corp.; Memorandum and Order

September 24, 1992.

Before Administrative Judge James P. Gleason, Presiding Officer

### Prehearing Conference

Notice is hereby given that under the authority of 10 CFR 2.1209 a prehearing conference will be held in this proceeding on October 29, 1992 in the San Juan County Commission Chambers, 2nd Floor, 117 S. Main Street, Monticello, Utah. The conference will commence at 1 p.m. and will be preceded by a site visit to the UMETCO White Mesa Mill in Blanding, Utah at 10 a.m.

The conference is being held for the purpose of simplifying the issues, to define the matters in controversy and to expedite the orderly disposition of the proceeding. It is anticipated that the future hearing procedure will be determined by the conclusion of the conference. Persons who may desire to submit their views on this license proceeding, either orally or in written form, will have that opportunity during the conference. Such statements will not be considered a part of the decisional record and will be limited to a time to be announced at the beginning of the conference.

Ordered. Bethesda, Maryland, September 24, 1992.

For the Atomic Safety and Licensing Board.

**James P. Gleason,**

*Presiding Officer, Administrative Judge.*

[FR Doc. 92-23676 Filed 9-29-92; 8:45 am]

BILLING CODE 7590-01-M

## NUCLEAR WASTE TECHNICAL REVIEW BOARD

### Stuctural Geology & Geoengineering Panel to hold workshop on Exploratory Studies Facility Design and Construction Alternatives

Pursuant to its authority under section 5051 of Public Law 100-203, the Nuclear Waste Policy Amendments Act of 1987, the Nuclear Technical Review Board's (the Board) Panel on Structural Geology & Geoengineering will hold a two-and-a-half-day workshop on November 4-6, 1992. The workshop will focus on alternative design and construction strategies for the proposed exploratory studies facility (ESF) at Yucca Mountain, Nevada. A site at Yucca Mountain currently is being

characterized by the Department of Energy (DOE) for its suitability as the possible location of a permanent repository for civilian spent fuel and defense high-level waste. The workshop, which is open to the public, will be held at the Stouffer Concourse Hotel, 3801 Quebec Street, Denver, Colorado 80207; (303) 399–7500.

The workshop tentatively has four sessions, each of which will consist of a brief status update by DOE staff and/or contractors followed by informal round-table discussion. Tentative session topics include (1) the baseline ESF—approaches to developing the baseline configuration and alternative strategies; (2) exploration and testing—the definition of early exploration and testing, and how the ESF can best be used to accomplish key elements of the site-suitability and site-characterization programs; (3) management and acquisition strategies—a review of alternatives for obtaining early delivery of construction at minimum cost; and (4) a summary and wrap-up of recommendations for a preferred alternative for obtaining early access to the underground.

The Board has invited representatives from the DOE and its contractors and from the construction industry to the workshop. Expert consultants to the Board also will be attending.

Transcripts of the workshop will be available on a library-basis from Victoria Reich, Board librarian, beginning December 17, 1992. For further information, contact Paula N. Alford, Director, External Affairs, Nuclear Water Technical Review Board, 1100 Wilson Boulevard, suite 910, Arlington, Virginia 22209; (703) 235–4473.

Dated: September 25, 1992.

**William Barnard,**

*Executive Director, Nuclear Technical Review Board.*

[FR Doc. 92–23738 Filed 9–29–92; 8:45 am]

BILLING CODE 6820–AM–M

## OFFICE OF MANAGEMENT AND BUDGET

### Office of Federal Procurement Policy

### Policy Letter on Inherently Governmental Functions

**AGENCY:** Office of Management and Budget, Executive Office of the President, Office of Federal Procurement Policy.

**ACTION:** Policy letter on inherently governmental functions.

**SUMMARY:** The Office of Federal Procurement Policy (OFPP) publishes today the final version of a policy letter providing guidance to Executive Departments and agencies on (1) what functions are inherently governmental functions that must only be performed by Government officers and employees and (2) what contractible functions so closely support Government officers and employees in their performance of inherently governmental functions that the terms and performance of those contracts require closer scrutiny from Federal officials. This policy letter has been developed because executive agencies, members of Congress, the General Accounting Office, and the public have from time to time either requested guidance regarding, or inquired about, the propriety of awarding contracts for certain types of functions or administering contracts in certain ways. Previous guidance on this issue has also not been as detailed as that which we now provide.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Ong, Deputy Associate Administrator, Office of Federal Procurement Policy, 725 17th Street, NW.—Suite 9001, Washington, DC 20503 (202) 395–7209. To obtain a copy of this policy letter, please call OMB's Publications Office at (202) 395–7332.

**SUPPLEMENTARY INFORMATION:**

*Comments received.* We received 34 comments in response to our proposed policy letter published in the **Federal Register** on December 16, 1991 (56 Fed. Reg. 65279): Eight from industry or trade groups, four from private individuals, two from employee organizations, one from a Federally funded research and development center, and 19 from Government agencies.

1. *Purpose of the policy letter.* This policy letter on inherently governmental functions is being published to provide guidance on what kinds of functions, as a matter of policy, must be performed by officials of the Executive Branch of the United States and what kinds of functions may be performed by private persons under contract with the Federal Government.

Previous guidance on these matters that has been available to the Executive Branch has not been detailed and sometimes Federal agencies have permitted contractors to perform functions that should be performed by Government personnel. We now provide more detailed guidance.

2. *Relationship of policy letter to other OFPP publications on service contracting.* This policy letter is also one of several that the Office of Federal Procurement Policy (OFPP) has published recently that have focused on some aspect of service contracting in the Federal Government. At this time, OFPP has determined it is best to deal with individual aspects of service contracting rather than trying to publish comprehensive guidance in one document. We will consider collecting all of the guidance on service contracts in one document in the future.

Thus, we do not cover in detail in this policy letter such matters as cost effectiveness of contracting for services, conflicts of interest of service contractors, and management of service contracts. These issues are dealt with in OMB Circular No. A–76, Performance of Commercial Activities, August 4, 1983 (under revision); OFPP Policy Letter 89–1, Conflict of Interest Policies Applicable to Consultants, 54 FR 51805 (December 18, 1989); OFPP Memorandum for Agency Senior Procurement Executives, Government-Wide Guidance on Contract Administration (March 15, 1991); OFPP Policy Letter 91–2, Service Contracting, 56 FR 15110 (April 15, 1991); proposed OFPP Policy Letter 92–_____, Past Performance Information, 56 FR 63988 (December 6, 1991); and proposed OFPP Policy Letter of 92–_____, Management of Service Contracting, 56 FR 66091 (December 20, 1991).

3. *Relationship to OMB Circular No. A–76.* One commenter asked that we make clear our apparent intent to clarify rather than alter the guidance originally found in OMB Circular No. A–76 on inherently governmental functions. That is our intent. No fundamental change is intended.

We have altered the form of the original Circular A–76 definition of an inherently governmental function in the interest of clarity. Specific examples cited in the original A–76 definition have been incorporated into appendix A and a list of the general principles underlying the selection of the functions listed in that appendix has been added in their stead.

The terms "function" and "activity" as used in this policy letter and Circular A–76, respectively, are interchangeable.

The same commenter above suggested that we add a new appendix C, containing a nonexclusive list of functions that are commercial activities that should be contracted. We have not adopted this suggestion because the scheme proposed is the same one we have implicitly adopted. The proposed appendix C is nothing more than the list of examples of commercial activities found as an Attachment to Circular A–76. We do not believe it is necessary to incorporate that A–76 attachment in this policy letter. The fact that we have not provided this appendix C thus should

not be construed as narrowing the scope of functions that have been contracted in the past. Nonetheless, we have added language to section 5 to clarify the relationship between Circular A–76 and this policy letter on this point.

Another commenter stated that the relationship between this policy letter and Circular A–76 is unclear. This policy letter is to be the exclusive source of guidance on what constitutes, as a matter of policy, an inherently governmental function.

4. *Libraries.* Several persons questioned the inclusion of library operations as a ministerial function that should be contracted out in subsection 7(a) of the December version of the policy letter. The fact that employees render professional services in performing a function does not mean that the function in question is necessarily inherently governmental. In fact, the Government frequently seeks out contract services precisely because of the level of sophistication required to perform a particular function. On the other hand, agencies may determine that aspects of their library operations, such as handling certain types of information in certain circumstances, involve performance of an inherently governmental function. Therefore, we have removed the reference to libraries.

5. *Contract audits for inspectors general.* One commenter suggested that Federal inspector general (IG) work should be done by using Government resources, with exceptions justified on a case-by-case basis, unless specific technical expertise is needed temporarily and is not available within the Government. This suggestion was not adopted because (1) Congress has specifically authorized the use of contract auditors in ¶ 6(a)(9) of the Inspector General Act codified at 5 U.S.C. App. 3, and (2) financial and compliance audit activities are not considered inherently governmental functions.

Another commenter questioned whether subsection 12(g) of Appendix A pertaining to the determination of whether contract costs are reasonable, allocable, and allowable proscribes the use of contract audit services. It does not. The decision on what costs are reasonable, allocable, and allowable is ultimately a Government decision, but that decision may be based on recommendations made by contract auditors. Certified public accountants, for example, only render "opinions" and contracts sometimes provide that audit reports are advisory only. Moreover, the use of contract auditors has been authorized by Congress, as noted above.

6. *Agency determinations.* One commenter interpreted the policy letter as authorizing Federal managers to make a final determination on whether a function is an inherently governmental function, under this policy letter, without such determination's being subject to being overturned by the Office of Management and Budget (OMB) or being subject to a cost comparison study under Circular A–76. In general, agencies are expected to make their own determinations, subject to oversight by OMB. Language has been added to subsection 7(c) to clarify this point.

7. *Agency discretion.* One commenter questioned the need for the language in former subsection 7(e) regarding agency discretion to award nonpersonal service contracts. We agree it is unnecessary. It is already clear that awarding a contract is an agency responsibility.

8. *Incorporation in OMB Circular No. A–76, other documents.* Several commenters suggested that the policy letter be incorporated in Circular A–76, "Commercial Activities," currently being revised. We did not incorporate this suggestion because A–76 is already a lengthy document. Also, contracting for inherently governmental functions is indeed a consideration in contracting out, but it is not unique to the A–76 program. All Federal officials who contract for nonpersonal services must consider the problem of inherently governmental functions, and we thus believe separate guidance applicable to all such contracting, not just to nonpersonal service contracting in the A–76 context, is the better alternative. Other commenters urged that the policy letter be combined with one or more other OFPP policy letters, such as those on conflict of interest, service contracting, and past performance and published in a form other than a policy letter. This suggestion has merit but we believe it best to try to deal with discrete portions of service contracting rather than to try to deal with all facets of a complex problem at once, as discussed in point 2, above.

9. *Agency discretion regarding resource allocation.* One commenter suggested we should address the issues of the future balance between official and contractor workforce in the performance of "basic governmental work," the specific expertise needed to manage the contractor workforce now or in the future, where this expertise should be located, and the way in which it can be maintained. We believe this is a matter for agencies themselves to determine, given their knowledge of their mission, their resources, the kinds of services they wish to contract, and the size of their service contracting effort. We merely highlight the problem of lack of oversight as a loss of Government control and require agencies to be aware of their existing oversight responsibilities. They are, however, to use their own discretion to figure out how to manage their contracts.

10. *Evaluation of proposals.* One commenter believes there is an apparent conflict between former subsection 14(b) in appendix A and section 8 of appendix B. There is no conflict as new subsection 12(b) refers to participation as a voting member on source selection boards only.

11. *Appendix B. controls.* The same commenter also suggested that appendix B should contain a discussion of possible controls that the Government should employ to prevent the functions listed there from being perceived as inherently governmental function. We do not believe this is necessary, as any function that is in appendix B is by definition not an inherently governmental function.

12. *Applicability to nonpersonal services.* Three commenters questioned why the policy letter applies only to nonpersonal service contracts. Upon consideration, we have accordingly deleted the definition of "service contract" in section 5. No useful purpose is served by defining "personal services" differently from the FAR and no harm arises from having the policy letter apply to the minimal number of true personal service contracts. Personal service contracts that are really personnel appointments are excluded from the coverage of the policy letter. Thus, FAR 37.102(b) need not be amended as a result of this policy letter.

13. *Subcontractors.* Commenters questioned whether subsection 12(d) of appendix A should apply to subcontractors. It does not and clarifying language has been added.

14. *Supplies or services purchased by prime contractors.* Some commenters questioned the apparent effect of subsection 12 in appendix A of preventing contractors from buying supplies and services for their own account. It is not the intent of this policy letter to prevent contractor mess halls from buying food to be prepared for military personnel. Nor does it affect what or how contractors buy to be incorporated into supplies or services to be delivered to the Government. Similarly, contractors may purchase supplies or services for the Government while acting within reasonable Government guidelines. Section 12 is

only meant to address the Government's direct acquisition of supplies or services.

15. *Independent judgement.* The emphasis placed on independent judgement by this policy letter does not preclude the wholesale adoption of contractor advice, opinions, recommendations, ideas, or conclusions. They merely may not be adopted, in whole or in part, without officials' first exercising independent judgement.

16. *Duties of contracting officers.* We have added language to section 8 to spell out the analytical steps to be followed by contracting officers seeking to comply with this policy letter.

17. *Risk of injury to the public.* One commenter stated that the definition of an inherently governmental function does not clearly address the danger to the public interest when a function is contracted out and the public is at risk if contractors, such as fire fighters or military support contractors, fail or refuse to act in time of crisis. The risk of injury to the public is an important consideration. We believe, however, that ¶7(b)(5) appropriately identifies this point as a consideration in determining whether a function is, as a matter of policy, an inherently governmental function. The decision to include several of the functions listed in appendix A reflects an underlying concern for this risk.

18. *Binding nature of decisions.* This same commenter noted that it is an overstatement to say that the use of discretion (referred to in what is now subsection 7(a) of the policy letter) must have the effect of committing the Government to a course of action. This is because a scientific consulting firm, for example, could submit a study that would have a tremendous impact or regulations or other agency actions but would not necessary lead to a commitment to a course of action.

We have addressed the element of discretion in subsection 7(a) to convey the idea that the mere existence of the element of discretion is not determinative of whether, as a matter of policy, an inherently governmental function is involved. Moreover, it is useful to observe that a study that has a tremendous impact is not per se a bad thing. A study may have that effect because of its great merit. We should be concerned, however, when a study is allowed to proceed to the point where alternative views, solutions, research, or conclusions, and so forth, cannot realistically be included or taken into account. In this case, the contractor has in effect made all important decisions. Section 7(b)(3) addresses this issue.

19. *Federally funded research and development centers (FFRDCs).* One commenter stated that while profit-making contractors can perform functions listed in appendix B, the policy letter should cross-reference FAR 35.017 pertaining to FFRDCs and "recognize that FFRDCs are an equally viable source of expertise requiring less rigorous oversight." We have not adopted this suggestion. We do not agree that FFRDCs necessarily require less oversight. We do recognize, however, that they are dealt with in detail in FAR Part 35 and that its provisions may suffice to enable satisfactory agency oversight of FFRDCs. Whether fewer or additional control measures are necessary to ensure agency control over FFRDCs is a matter for agencies to decide in the circumstances of each case.

20. *Architect-engineer evaluation boards.* This same commenter questioned whether section 3, which states that services obtained by personnel appointments and advisory committees are not covered by this policy letter, could be construed to prohibit private individuals appointed to architect-engineer source evaluation boards in accordance with FAR 36.602 from voting. To the extent such boards are advisory committees, the policy letter is not applicable to them. If they are not, the commenter makes an excellent point. FAR 36.602–4 makes clear that the agency is to make the final selection and FAR 36.602–3(d) provides for the evaluation board to set out in its report the considerations upon which its recommendations were based. This is an acceptable mechanism and we have accordingly revised subsection 12(b) of appendix A and section 14 of appendix B to make clear that it is selection of sources that is the most sensitive function. Contractor activities that result in recommendations and that explain how those recommendations were arrived at adequately preserve agency options. A related change has been made in subsection 7(f) stating that requiring contractors to explain how they arrived at their recommendations is another available control measure.

21. *Factors to consider in totality of the circumstances*—(a) *Complexity and oversight.* One commenter questioned the inclusion of ¶7(d)(2) of the proposed policy letter relating to the complexity of the task to be performed. Upon consideration, we conclude that complexity is better considered in conjunction with the provision that was at 7(d)(12) relating to oversight procedures, resources, and practices. We have amended paragraph 12 accordingly and moved it, as well as the provision in former ¶7(d)(4) relating to the duration of the contract, to new subsection 7(d), Post-award responsibilities. This was done to remove questions relating to contract oversight from the "totality of the circumstances" test. It is important to understand that, if an agency has inadequate oversight procedures or poor oversight practices, the underlying function of any agency contract affected by these deficiencies is not thereby transformed into an inherently governmental function. As the totality test focuses on the nature of the function in question and as there can be a transfer of oversight responsibility even if the underlying function is contractible, the issue of de facto transfer of control should therefore be dealt with elsewhere. (Note that a transfer of contract management responsibility to the contractor is explicitly not permitted by appendix A, subsection 12(e).)

(b) *Ultimate user of contractor work product.* Several commenters questioned the inclusion of this factor at ¶7(d)(3) of the proposed policy letter. We agree it should be taken out. Who will use the contractor's work product is important and this has bearing on how much management attention to give to the contract, but it doesn't say anything about the nature of the underlying function or the adequacy of agency contract administration.

(c) *Review of contractor action.* The same commenter questions the advisability of including a factor (new ¶7(d)(5)) that relates to the finality of any contractor's adjudication of any claim and the type of agency review of contractor adjudications. We see no problem with agencies' providing for contractor adjudication of claims so long as citizens know that they have a right of recourse to agency decisionmakers if they are dissatisfied with the decision of the contractor. (Note, however, that certain kinds of hearings may still not be conducted by contractors, e.g., hearings to determine the eligibility of any person for a security clearance, or hearings involving actions that affect matters of personal reputation or eligibility to participate in Government programs. See appendix A, section 14.)

Thus, we distinguish between, on the one hand, holding hearings and making recommendations and, on the other, retaining the authority to issue the final adjudicatory decision. Contractors may perform the former functions so long as there is adequate oversight, agencies retain the authority to issue the final decision, and the public has a right to insist that the agency make the final decision, if is so desires. This is easier to understand if one views the contractor's action as more of an advisory action

than one that binds the claimant with only limited opportunities to change the result before the agency. Note that in the absence of an appeal by a claimant, the agency need not rule on each contractor decision or ruling. It should, of course, inspect or sample contractor decisions or rulings from time to time to ensure that contractors comply with agency guidelines and procedures.

(d) *Limiting or extinguishing discretion.* The same commenter noted that our speaking in terms of contractor limiting or extinguishing discretion in former ¶7(d)(5) could mistakenly create the impression that some of the Government's authority can be exercised by a contractor. The policy letter attempts to clarify this issue at subsection 7(a).

(e) *Public perception.* Several commenters questioned the inclusion of this factor at ¶7(d)(11) of the proposed policy letter, believing that public perception is too ambiguous a concept. We agree. A function can probably be analyzed in the light of other factors listed without the need to resort to the concept of perceptions. Appendix A of the policy letter is itself an up-to-date listing that already takes into account the factor of public perceptions. The paragraph has been deleted.

(f) *Laws applicable to the Civil Service.* Several commenters questioned the inclusion of this factor at ¶7(d)(13) of the proposed policy letter. We agree and have deleted this factor. The considerations listed may be relevant to what good contract management should require by way of contract conditions, but they don't say anything about the nature of the function or the adequacy of agency contract administration practices.

(g) *Record keeping requirement.* One commenter found the meaning of paragraph 7(d)(15) of the proposed policy letter unclear. This factor was included to cover situations such as a contractor's providing aircraft-related training. If the contractor proves to be incompetent or negligent, the fact that the contractor did maintain or was required to maintain records of who was trained permits corrective action to be taken, such as locating improperly trained students and requiring retraining. If records are not maintained, the Government cannot exercise ultimate control because it cannot correct any errors. Nonetheless, the provision appears to have only limited application and has been deleted.

22. *Collection of fees.* Two commenters questioned the provisions of section 20 of appendix A of the proposed policy letter prohibiting collection of fees or other public moneys, pointing out that contractors in mess halls for military personnel currently collect charges for meals and Department of Housing and Urban Development (HUD) contractors collect fees from purchasers of HUD properties. We have modified the policy letter to enable routine collection of fees where good cash management practices and other controls are in effect, where there is little danger of miscalculating the amount of money ultimately due the Government, and where there is little difficulty in obtaining payment. For example, a contractor could have discretion to determine that a family seeking entrance to a park consists of four people rather than three, and that one of the four is a child under 12, but the contractor would not have the discretion to determine the amount of the fee to be paid by each person in a particular category. HUD contractors may also collect fees from purchasers of HUD properties in accordance with subsection 17(a) of appendix A. We also make clear that routine voucher and invoice examination by contractors is an acceptable practice.

23. *Contract for one function or several.* One commenter questioned whether the policy letter reflects our belief that only contracts with multiple functions are susceptible to confusion with respect to inherently governmental functions. This is not our belief. The policy letter is intended to provide guidance with respect to discrete functions regardless of whether there is a mixture of several functions in a contract or there is only one function that is being contracted.

24. *Post-award responsibilities.* Section 7(e) has been amended to make clear that agency contract oversight is to ensure contractor performance in accordance with the terms of the contract, but that oversight must not be exercised so as to create a personal service contract. Language from subsection 7(d) of the proposed policy letter has been moved to subsection 7(e), as explained in section 21, above.

25. *Drafting of Congressional testimony, responses to Congressional correspondence, and agency responses to audit reports from an Inspector General, the General Accounting Office, or other Federal audit entity.* Two commenters questioned whether contractors should be able to draft Congressional testimony, subject to ultimate agency approval. Approval is a key power reserved to any official and we by no means agree that officials do or will approve contractor work in a perfunctory manner. We have nonetheless reexamined this issue and, because of the importance of Congressional testimony and correspondence and of agency responses to audit reports, we are now deciding, as a matter of policy, that these documents should not be drafted by contractors. We have thus added a new subsection (c) to the body of the policy letter to this effect. We deleted the relative portions of appendix A because we do not believe that drafting documents per se is an inherently governmental function and failing to exercise sufficient oversight with respect to drafting of such documents does not transform the underlying function into an inherently governmental function, as noted in subsection 21(a), above. Contractor reports, conclusions, summaries, analyses, and other work products may, of course, still be quoted or otherwise referenced in Congressional testimony, correspondence, responses to audit reports, or set out in such things as attachments, appendices, or enclosures thereto.

26. *Reliance on contractor support.* One commenter called attention to our statement in section 4 of the policy letter that agencies "award service contracts for various reasons, such as to acquire special skills not available in the Government or to meet the need for intermittent services." The commenter pointed out that " 'support service' contractors have come to serve as the permanent workforce for many programs" seemingly implying that our statement does not take this into account. In fact, our statement is an accurate one, citing only two of the reasons why agencies award service contracts as examples. Contracting actions under Circular A–76 are also a reason why agencies award service contracts.

Whatever the reason for using service contracts to accomplish agency missions, it is important to understand that agency use of service contracts is limited by our policy letter in two ways: the function must not be an inherently governmental function, and if it is not, the agency must be able to exercise effective oversight of any contract awarded. We make clear that management of a contract is just as important as deciding whether the contract may properly be awarded in the first place.

Our policy letter is limited in scope and does not focus on why agencies use service contracts. Rather we are concerned that service contracts, when used, are used only when contractors may perform the functions in question and when agencies have the resources to manage the contracts. It is true that

agencies have sometimes contracted functions that we have listed in the policy letter as inherently governmental functions, and it is true that they have sometimes failed to recognize that they were not exercising effective oversight over nongovernmental functions that has been contracted. Nonetheless, effective corrective action has been taken by the agencies in the past when oversight problems were identified.

Additional problems in this area will probably arise in the future. Even the General Accounting Office recognized the difficulty in defining inherently governmental functions and providing guidance to agencies on the subject. Are Service Contractors Performing Inherently Governmental Functions?, GAO/GGD–92–11, November 1991, p. 3. We have every reason to expect, however, that because our guidance is much more detailed than anything that was available to agencies in the past there will be fewer instances of problems in this area. We thus disagree strongly with the commenter that the policy letter is a mere exhortation to better management.

27. *Other issues.* One commenter also suggested that we should address whether "contractors who perform work historically performed by civil servants should be subjected to comparable limitations on pay and rules of conduct;" measurement of the short-term and long-term costs of reliance on contractors versus officials; whether Superfund and the savings and loan bailout programs "provide models for public management of the next bailout or cleanup program;" and the "practical meaning that we will give to the concept of 'public service' as the Federal Government heads into the 21st century."

The concept of work "historically performed" by civil servants is not useful because a function may have been performed by civil servants in the past for reasons other than the belief that the function was inherently governmental. In fact, the premise of Circular No. A–76 is that many functions historically performed by Government employees can more appropriately be performed by the private sector.

We believe that competition is the most powerful force available to keep costs down, even though there may be instances where this will not be so. In such instances, determinations shall be made in accordance with Circular No. A–76.

Measurement of the short- term and long-term costs of reliance on contractors versus officials is an aspect of cost effectiveness of service contracts and need not be dealt with here. Similarly, the efficacy of the Superfund and savings and loan programs is a matter beyond the scope of this policy letter.

So far as the practical meaning of the concept of public service is concerned, this policy letter attempts to identify those functions that, as a matter of policy, should only be performed by Government officials and those that may be performed by service contractors. If our taxonomy and analytical methods are sound, our policy letter should define what public service entails in terms of the functions that officials must perform for the foreseeable future.

28. *Acknowledgement.* Finally, we wish to acknowledge our reliance on the excellent work of the Environmental Protection Agency in our drafting of the appendices to this policy letter. Also, the comments we received were all exceptionally well thought out. We are most grateful for the time, effort, and imagination that went into the preparation of those comments.

Dated: September 23, 1992.

**Allan V. Burman,**

*Administrator.*

Policy Letter 92–1

To the Heads of Executive Departments and Establishments

Subject: Inherently Governmental Functions

September 23, 1992.

1. *Purpose.* This policy letter establishes Executive Branch policy relating to service contracting and inherently governmental functions. Its purpose is to assist Executive Branch officers and employees in avoiding an unacceptable transfer of official responsibility to Government contractors.

2. *Authority.* This policy letter is issued pursuant to subsection 6(a) of the Office of Federal Procurement Policy (OFPP) Act, as amended, codified at 41 U.S.C. 405(a).

3. *Exclusions.* Services obtained by personnel appointments and advisory committees are not covered by this policy letter.

4. *Background.* Contractors, when properly used, provide a wide variety of useful services that play an important part in helping agencies to accomplish their missions. Agencies use service contracts to acquire special knowledge and skills not available in the Government, obtain cost effective services, or obtain temporary or intermittent services, among other reasons.

Not all functions may be performed by contractors, however. Just as it is clear that certain functions, such as the command of combat troops, may not be contracted, it is also clear that other functions, such as building maintenance and food services, may be contracted. The difficulty is in determining which of these services that fall between these extremes may be acquired by contract. Agencies have occasionally relied on contractors to perform certain functions in such a way as to raise questions about whether Government policy is being created by private persons. Also, from time to time questions have arisen regarding the extent to which de facto control over contract performance has been transferred to contractors. This policy letter provides an illustrative list of functions, that are, as a matter of policy, inherently governmental (see appendix A), and articulates the practical and policy considerations that underlie such determinations (see section 7).

As stated in section 9, however, this policy letter does not purport to specify which functions are, as a legal matter, inherently governmental, or to define the factors used in making such legal determinations. Thus, the fact that a function is listed in appendex A, or a factor is set forth in section 7(b), does not necessarily mean that the function is inherently governmental as a legal matter or that the factor would be relevant in making the legal determination.

5. *Definition.* As a matter of policy, an "inherently governmental function" is a function that is so intimately related to the public interest as to mandate performance by Government employees. These functions include those activities that require either the exercise of discretion in applying Government authority or the making of value judgements in making decisions for the Government. Governmental functions normally fall into two categories: (1) The act of governing, i.e., the discretionary exercise of Government authority, and (2) monetary transactions and entitlements.

An inherently governmental function involves, among other things, the interpretation and execution of the laws of the United States so as to:

(a) Bind the United States to take or not to take some action by contract, policy, regulation, authorization, order, or otherwise;

(b) Determine, protect, and advance its economic, political, territorial, property, or other interests by military or diplomatic action, civil or criminal judicial proceedings, contract management, or otherwise;

(c) Significantly affect the life, liberty, or property of private persons;

(d) Commission, appoint, direct, or control officers or employees of the United States; or

(e) Exert ultimate control over the acquisition, use, or disposition of the property, real or personal, tangible or intangible, of the United States, including the collection, control, or disbursement of appropriated and other Federal funds.

Inherently governmental functions do not normally include gathering information for or providing advice, opinions, recommendations, or ideas to Government officials. They also do not include functions that are primarily ministerial and internal in nature, such as building security; mail operations; operation of cafeterias; housekeeping; facilities operations and maintenance, warehouse operations, motor vehicle fleet management and operations, or other routine electrical or mechanical services.

The detailed list of examples of commercial activities found as an attachment to Office of Management and Budget (OMB) Cir. No. A–76 is an authoritative, nonexclusive list of functions that are not inherently

governmental functions. These functions therefore may be contracted.

6. *Policy*—(a) *Accountability.* It is the policy of the Executive Branch to ensure that Government action is taken as a result of informed, independent judgments made by Government officials who are ultimately accountable to the President. When the Government uses service contracts, such informed, independent judgment is ensured by:

(1) Prohibiting the use of service contracts for the performance of inherently governmental functions (See appendix A);

(2) Providing greater scrutiny and an appropriate enhanced degree of management oversight (see subsection 7(f)) when contracting for functions that are not inherently governmental but closely support the performance of inherently governmental functions (see appendix B);

(3) Ensuring, in using the products of those contracts, that any final agency action complies with the laws and policies of the United States and reflects the independent conclusions of agency officials and not those of contractors who may have interests that are not in concert with the public interest, and who may be beyond the reach of management controls otherwise applicable to public employees; and

(4) Ensuring that reasonable identification of contractors and contractor work products is made whenever there is a risk that the public, Congress, or other persons outside of the Government might confuse them with Government officials or with Government work products, respectively.

(b) *OMB Circular No. A–76.* This policy letter does not purport to supersede or otherwise effect any change in OMB Circular No. A–76, Performance of Commercial Activities.

(c) *Drafting of Congressional testimony, responses to Congressional correspondence, and agency responses to audit reports from an Inspector General, the General Accounting Office, or other Federal audit entity.* While the approval of a Government document is an inherently governmental function, its drafting is not necessarily such a function. Accordingly, in most situations the drafting of a document, or portions thereof, may be contracted, and the agency should review and revise the draft document, to the extent necessary, to ensure that the final document expresses the agency's views and advances the public interest. However, even though the drafting function is not necessarily an inherently governmental function, it may be inappropriate, for various reasons, for a private party to draft a document in particular circumstances. Because of the appearance of private influence with respect to documents that are prepared for Congress or for law enforcement or oversight agencies and that may be particularly sensitive, contractors are not to be used for the drafting of Congressional testimony; responses to Congressional correspondence; or agency responses to audit reports from an Inspector General, the General Accounting Office, or other Federal audit entity.

7. *Guidelines.* If a function proposed for contract performance is not found in appendix A, the following guidelines will assist agencies in understanding the application of this policy letter, determining whether the function is, as a matter of policy, inherently governmental and forestalling potential problems.

(a) *The exercise of discretion.* While inherently governmental functions necessarily involve the exercise of substantial discretion, not every exercise of discretion is evidence that such a function is involved. Rather, the use of discretion must have the effect of committing the Federal Government to a course of action when two or more alternative courses of action exist (e.g., purchasing a minicomputer rather than a mainframe computer, hiring a statistician rather than an economist, supporting proposed legislation rather than opposing it, devoting more resources to prosecuting one type of criminal case than another, awarding a contract to one firm rather than another, adopting one policy rather than another, and so forth).

A contract may thus properly be awarded where the contractor does not have the authority to decide on the course of action to be pursued but is rather tasked to develop options to inform an agency decision maker, or to develop or expand decisions already made by Federal officials. Moreover, the mere fact that decisions are made by the contractor in performing his or her duties (e.g., how to allocate the contractor's own or subcontract resources, what techniques and procedures to employ, whether and whom to consult, what research alternatives to explore given the scope of the contract, what conclusions to emphasize, how frequently to test) is not determinative of whether he or she is performing an inherently governmental function.

(b) *Totality of the circumstances.* Determining whether a function is an inherently governmental function often is difficult and depends upon an analysis of the facts of the case. Such analysis involves consideration of a number of factors, and the presence or absence of any one is not in itself determinative of the issue. Nor will the same emphasis necessarily be placed on any one factor at different times, due to the changing nature of the Government's requirements.

The following factors should be considered when deciding whether award of a contract might effect, or the performance of a contract has effected, a transfer of official responsibility:

(1) Congressional legislative restrictions or authorizations.

(2) The degree to which official discretion is or would be limited, i.e., whether the contractor's involvement in agency functions is or would be so extensive or his or her work product is so far advanced toward completion that the agency's ability to develop and consider options other than those provided by the contractor is restricted.

(3) In claims adjudication and related services,

(i) The finality of any contractor's action affecting individual claimants or applicants, and whether or not review of the contractor's action is *de novo* (i.e., to be effected without the appellate body's being bound by prior legal rulings or factual determinations) on appeal of his or her decision to an agency official;

(ii) The degree to which contractor activities may involve wide-ranging interpretations of complex, ambiguous case law and other legal authorities, as opposed to being circumscribed by detailed laws, regulations, and procedures;

(iii) The degree to which matters for decision by the contractor involve recurring fact patterns or unique fact patterns; and

(iv) The contractor's discretion to determine an appropriate award or penalty.

(4) The contractor's ability to take action that will significantly and directly affect the life, liberty, or property of individual members of the public, including the likelihood of the contractor's need to resort to force in support of a police or judicial function; whether force, especially deadly force, is more likely to be initiated by the contractor or by some other person; and the degree to which force may have to be exercised in public or relatively uncontrolled areas. (Note that contracting for guard, convoy security, and plant protection services, armed or unarmed, is not proscribed by these policies.)

(5) The availability of special agency authorities and the appropriateness of their application to the situation at hand, such as the power to deputize private persons.

(6) Whether the function in question is already being performed by private persons, and the circumstances under which it is being performed by them.

(c) *Finality of agency determinations.* Whether or not a function is an inherently governmental function, the purposes of this policy letter, is a matter for agency determination. However, agency decisions that a function is or is not an inherently governmental function may be reviewed, and, if necessary, modified by appropriate OMB officials.

(d) *Preaward responsibilities.* Whether a function being considered for performance by contract is an inherently governmental function is an issue to be addressed prior to issuance of the solicitation.

(e) *Post-award responsibilities.* After award, even when a contract does not involve performance of an inherently governmental function, agencies must take steps to protect the public interest by playing an active, informed role in contract administration. This ensures that contractors comply with the terms of the contract and that Government policies, rather than private ones, are implemented. Such participation should be appropriate to the nature of the contract, and should leave no doubt that the contract is under the control of Government officials. This does not relieve contractors of their performance responsibilities under the contract. Nor does this responsibility to administer the contract require Government officials to exercise such control over contractor activities as to convert the contract, or portion thereof, to a personal service contract.

In deciding whether Government officials have lost or might lose control of the administration of a contract, the following are relevant considerations: the degree to which agencies have effective management procedures and policies that enable

meaningful oversight of contractor performance, the resources available for such oversight, the actual practice of the agency regarding oversight, the duration of the contract, and the complexity of the tasks to be performed.

(f) *Management controls.* When functions described in appendix B are involved, additional management attention to the terms of the contract and the manner of performance is necessary. How close the scrutiny or how extensive or stringent the management controls need to be is for agencies to determine. Examples of additional control measures that might be employed are:

(1) Developing carefully crafted statements of work and quality assurance plans, as described in OFPP Policy Letter 91-2, Service Contracting, that focus on the issue of Government oversight and measurement of contractor performance;

(2) Establishing audit plans for periodic review of contracts by Government auditors;

(3) Conducting preaward conflict of interest reviews to ensure contract performance in accordance with objective standards and contract specifications;

(4) Physically separating contractor personnel from Government personnel at the worksite; and

(5) Requiring contractors to (a) submit reports that contain recommendations and that explain and rank policy or action alternatives, if any, (b) describe what procedures they used to arrive at their recommendations, (c) summarize the substance of their deliberations, (d) report any dissenting views, (e) list sources relied upon, and/or (f) otherwise make clear the methods and considerations upon which their recommendations are based.

(g) *Identification of contractor personnel and acknowledgement of contractor participation.* Contractor personnel attending meetings, answering Government telephones, and working in other situations where their contractor status is not obvious to third parties must be required to identify themselves as such to avoid creating an impression in the minds of members of the public or the Congress that they are Government officials, unless, in the judgment of the agency, no harm can come from failing to identify themselves. All documents or reports produced by contractors are to be suitably marked as contractor products.

(h) *Degree of reliance.* The extent of reliance on service contractors is not by itself a cause for concern. Agencies must, however, have a sufficient number of trained and experienced staff to manage Government programs properly. The greater the degree of reliance on contractors the greater the need for oversight by agencies. What number of Government officials is needed to oversee a particular contract is a management decision to be made after analysis of a number of factors. These include, among others, the scope of the activity in question; the technical complexity of the project or its components; the technical capability, numbers, and workloads of Federal oversight officials; the inspection techniques available; and the importance of the activity. Current contract administration resources shall not be determinative. The most efficient and cost effective approach shall be utilized.

(i) *Exercise of approving or signature authority.* Official responsibility to approve the work of contractors is a power reserved to Government officials. it should be exercised with a thorough knowledge and understanding of the contents of documents submitted by contractors and a recognition of the need to apply independent judgment in the use of these work products.

8. *Responsibilities*—(a) *Heads of agencies.* Heads of departments and agencies are responsible for implementing this policy letter. While these policies must be implemented in the Federal Acquisition Regulation (FAR), it is expected that agencies will take all appropriate actions in the interim to develop implementation strategies and initiate staff training to ensure effective implementation of these policies.

(b) *Federal Acquisition Regulatory Council.* Pursuant to subsections 6(a) and 25(f) of the OFPP Act, as amended, 41 U.S.C. 405(a) and 421(f), the Federal Acquisition Regulatory Council shall ensure that the policies established herein are incorporated in the FAR within 210 days from the date this policy letter is published in the **Federal Register**. Issuance of final regulations within this 210-day period shall be considered issuance "in a timely manner" as prescribed in 41 U.S.C. 405(b).

(c) *Contracting officers.* When requirements are developed, when solicitations are drafted, and when contracts are being performed, contracting officers are to ensure:

(1) That functions to be contracted are not among those listed in appendix A of this letter and do not closely resemble any functions listed there;

(2) That functions to be contracted that are not listed in appendix A, and that do not closely resemble them, are not inherently governmental functions according to the totality of the circumstances test in subsection 7(b), above;

(3) That the terms and the manner of performance of any contract involving functions listed in appendix B of this letter are subject to adequate scrutiny and oversight in accordance with subsection 7(f), above; and

(4) That all other contractible functions are properly managed in accordance with subsection 7(e), above.

(d) *All officials.* When they are aware that contractor advice, opinions, recommendations, ideas, reports, analyses, and other work products are to be considered in the course of their official duties, all Federal Government officials are to ensure that they exercise independent judgment and critically examine these products.

9. *Judicial review.* This policy letter is not intended to provide a constitutional or statutory interpretation of any kind and it is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person. It is intended only to provide policy guidance to agencies in the exercise of their discretion concerning Federal contracting. Thus, this policy letter is not intended, and should not be construed, to create any substantive or procedural basis on which to challenge any agency action or inaction on the ground that such action or inaction was not in accordance with this policy letter.

10. *Information contact.* For information regarding this policy letter contact Richard A. Ong, Deputy Associate Administrator, the Office of Federal Procurement Policy, 725 17th Street, NW., Washington, DC 20503. Telephone (202) 395-7209.

11. *Effective date.* This policy letter is effective 30 days after the date of publication.

Allan V. Burman,

*Administrator.*

## Appendix A

The following is an illustrative list of functions considered to be inherently governmental functions:[1]

1. The direct conduct of criminal investigations.

2. The control of prosecutions and performance of adjudicatory functions (other than those relating to arbitration or other methods of alternative dispute resolution).

3. The command of military forces, especially the leadership of military personnel who are members of the combat, combat support or combat service support role.

4. The conduct of foreign relations and the determination of foreign policy.

5. The determination of agency policy, such as determining the content and application of regulations, among other things.

6. The determination of Federal program priorities or budget requests.

7. The direction and control of Federal employees.

8. THe direction and control of intelligence and counter-intelligence operations.

9. The selection or nonselection of individuals for Federal Government employment.

10. The approval of position descriptions and performance standards for Federal employees.

11. The determination of what Government property is to be disposed of and on what terms (although an agency may give contractors authority to dispose of property at prices within specified ranges and subject to other reasonable conditions deemed appropriate by the agency).

12. In Federal procurement activities with respect to prime contracts,

(a) Determining what supplies or services are to be acquired by the Government (although an agency may give contractors authority to acquire supplies at prices within specified ranges and subject to other reasonable conditions deemed appropriate by the agency);

[1] With respect to the actual drafting of Congressional testimony, of responses to Congressional correspondence, and of agency responses to audit reports from an Inspector General, the General Accounting Office, or other Federal audit entity, see special provisions in subsection 6(c) of the text of the policy letter.

(b) Participating as a voting member on any source selection boards;

(c) Approval of any contractual documents, to include documents defining requirements, incentive plans, and evaluation criteria;

(d) Awarding contracts;

(e) Administering contracts (including ordering changes in contract performance or contract quantities, taking action based on evaluations of contractor performance, and accepting or rejecting contractor products or services);

(f) Terminating contracts; and

(g) Determining whether contract costs are reasonable, allocable, and allowable.

13. The approval of agency responses to Freedom of Information Act requests (other than routine responses that, because of statute, regulation, or agency policy, do not require the exercise of judgment in determining whether documents are to be released or withheld), and the approval of agency responses to the administrative appeals of denials of Freedom of Information Act requests.

14. The conduct of administrative hearings to determine the eligibility of any person for a security clearance, or involving actions that affect matters of personal reputation or eligibility to participate in Government programs.

15. The approval of Federal licensing actions and inspections.

16. The determination of budget policy, guidance, and strategy.

17. The collection, control, and disbursement of fees, royalties, duties, fines, taxes and other public funds, unless authorized by statute, such as title 31 U.S.C. 952 (relating to private collection contractors) and title 31 U.S.C. 3718 (relating to private attorney collection services), but not including:

(a) Collection of fees, fines, penalties, costs or other charges from visitors to or patrons of mess halls, post or base exchange concessions, national parks, and similar entities or activities, or from other persons, where the amount to be collected is easily calculated or predetermined and the funds collected can be easily controlled using standard cash management techniques, and

(b) Routine voucher and invoice examination.

18. The control of the treasury accounts.

19. The administration of public trusts.

## Appendix B

The following list is of services and actions that are not considered to be inherently governmental functions. However, they may approach being in that category because of the way in which the contractor performs the contract or the manner in which the Government administers contractor performance. When contracting for such services and actions, agencies should be fully aware of the terms of the contract, contractor performance, and contract administration to ensure that appropriate agency control is preserved.

This is an illustrative listing, and is not intended to promote or discourage the use of the following types of contractor services:

1. Services that involve or relate to budget preparation, including workload modeling, fact finding, efficiency studies, and should-cost analyses, etc.

2. Services that involve or relate to reorganization and planning activities.

3. Services that involve or relate to analyses, feasibility studies, and strategy options to be used by agency personnel in developing policy.

4. Services that involve or relate to the development of regulations.

5. Services that involve or relate to the evaluation of another contractor's performance.

6. Services in support of acquisition planning.

7. Contractors' providing assistance in contract management (such as where the contractor might influence official evaluations of other contractors).

8. Contractors' providing technical evaluation of contract proposals.

9. Contractors' providing assistance in the development of statements of work.

10. Contractors' providing support in preparing responses to Freedom of Information Act requests.

11. Contractors' working in any situation that permits or might permit them to gain access to confidential business information and/or any other sensitive information (other than situations covered by the Defense Industrial Security Program described in FAR 4.402(b)).

12. Contractors' providing information regarding agency policies or regulations, such as attending conferences of behalf of an agency, conducting community relations campaigns, or conducting agency training courses.

13. Contractors' participating in any situation where it might be assumed that they are agency employees or representatives.

14. Contractors' participating as technical advisors to a source selection board or participating as voting or nonvoting members of a source evaluation board.

15. Contractors' serving as arbitrators or providing alternative methods of dispute resolution.

16. Contractors' constructing buildings or structures intended to be secure from electronic eavesdropping or other penetration by foreign governments.

17. Contractors' providing inspection services.

18. Contractors' providing legal advice and interpretations of regulations and statutes to Government officials.

19. Contractors' providing special non-law enforcement, security activities that do not directly involve criminal investigations, such as prisoner detention or transport and non-military national security details.

[FR Doc. 92-23641 Filed 9-29-92; 8:45 am]

BILLING CODE 3110-01-M

## RESOLUTION TRUST CORPORATION

### Coastal Barrier Improvement Act; Property Availability; Kachina Village, Coconino County, AZ

**AGENCY:** Resolution Trust Corporation.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the property known as Kachina Village, located in Coconino County, Arizona, is affected by section 10 of the Coastal Barrier Improvement Act of 1990, as specified below.

**DATES:** Written notices of serious interest to purchase or effect other transfer of the property may be mailed or faxed to the RTC until December 29, 1992.

**ADDRESSES:** Copies of detailed descriptions of the property, including maps, can be obtained from or are available for inspection by contacting the following person: Mr. Robert Wessel, Resolution Trust Corporation, c/o Great American FSA, 600 B Street, M/C 5480, San Diego, CA 92183, (619) 231-3035, Fax (619) 231-4051.

**SUPPLEMENTARY INFORMATION:** The Kachina Village property is located in the unincorporated area of Kachina Village, south of the City of Flagstaff, Coconino County, Arizona. The site is situated west of Tovar Trail and about 200 feet north of Kachina Trail. The property contains wetlands, has recreational value and is adjacent to the Coconino National Forest. The property is covered property within the meaning of section 10 of the Coastal Barrier Improvement Act of 1990, Public Law 101-591 (12 U.S.C. 1441a-3).

Characteristics of the property include: The property consists of approximately 57.5 acres of undeveloped land. Several natural springs and streams run through the property and drain into a wash area. The northeast part of the property is slightly elevated above the rest of the property and is partially forested. There is no developed access to the property.

Property Size: Approximately 57.5 acres.

Written notice of serious interest in the purchase or other transfer of the property must be received on or before December 29, 1992 by the Resolution Trust Corporation at the address stated above.

Those entities eligible to submit written notices of serious interest are:

1. Agencies or entities of the Federal government;

2. Agencies or entities of State or local government; and

3. "Qualified organizations" pursuant to section 170(h)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(3)).

Written notices of serious interest to purchase or effect other transfer of the property must be submitted by December 29 1992 to Mr. Robert Wessel

at the above **ADDRESSES** and in the following form:

Notice of Serious Interest

RE: Kachina Village, **Federal Register** Publication Date: [insert **Federal Register** publication date]

1. Entity name.

2. Declaration of eligibility to submit Notice under criteria set forth in Coastal Barrier Improvement Act of 1990, Public Law 101–591, section 10(b)(2), (12 U.S.C. 1441a–3(b)(2)).

3. Brief description of proposed terms of purchase or other offer (e.g., price and method of financing).

4. Declaration by entity that it intends to use the property primarily for wildlife refuge, sanctuary, open space, recreational, historical, cultural, or natural resource conservation purposes.

5. Authorized Representative (Name/Address/Telephone/Fax).

Dated: September 24, 1992.

Resolution Trust Corporation.

**William J. Tricarico,**

*Assistant Secretary.*

[FR Doc. 92–23663 Filed 9–29–92; 8:45 am]

BILLING CODE 6714–01–M

## Coastal Barrier Improvement Act; Property Availability; Woodlands Village, Coconino County, AZ

**AGENCY:** Resolution Trust Corporation.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the property known as Woodlands Village, located in the City of Flagstaff, Coconino County, Arizona, is affected by section 10 of the Coastal Barrier Improvement Act of 1990, as specified below.

**DATES:** Written notices of serious interest to purchase or effect other transfer of the property may be mailed or faxed to the RTC until December 29, 1992.

**ADDRESSES:** Copies of detailed descriptions of the property, including maps, can be obtained from or are available for inspection by contacting the following person: Mr. Scott Dressler, Resolution Trust Corporation, c/o Great American FSA, 600 B Street, M/C 0208, San Diego, CA 92183, (619) 231–6535, Fax (619 231–6329.

**SUPPLEMENTARY INFORMATION:** The Woodlands Village property is located at the intersection of Highway 17 and Interstate Highway 40 in Flagstaff, Coconino County, Arizona. The property has recreational value and is adjacent to lands managed by the State of Arizona for forestry purposes. The property is covered property within the meaning of section 10 of the Coastal Barrier Improvement Act of 1990, Public Law 101–591 (12 U.S.C. 1441a–3).

Characteristics of the property include: The property consists of approximately 290 acres comprised by a master planned community with 148 acres of undeveloped land in the vicinity of the Coconino National Forest. The vegetation on the site is characterized as native and is critical to the support of local wildlife populations.

Property size: Approximately 290 acres.

Written notice of serious interest in the purchase or other transfer of the property must be received on or before December 29, 1992 by the Resolution Trust Corporation at the address stated above.

Those entities eligible to submit written notices of serious interest are:

1. Agencies or entities of the Federal government;

2. Agencies or entities of State or local government; and

3. "Qualified organizations" pursuant to section 170(h)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(3)).

Written notices of serious interest to purchase or effect other transfer of the property must be submitted by December 29, 1992, to Mr. Scott Dressler at the above **ADDRESSES** and in the following form:

Notice of Serious Interest

Re: Woodlands Village

**Federal Register** Publications Date: _____ [insert **Federal Register** publication date]

1. Entity name.

2. Declaration of eligibility to submit Notice under criteria set forth in Coastal Barrier Improvement Act of 1990, Public Law 101–591, section 10(b)(2), (12 U.S.C. 1441a–3(b)(2)).

3. Brief description of proposed terms of purchase or other offer (e.g., price and method of financing).

4. Declaration by entity that it intends to use the property primarily for wildlife refuge, sanctuary, open space, recreational, historical, cultural, or natural resource conservation purposes.

5. Authorized Representative (Name/Address/Telephone/Fax).

Dated: September 24, 1992.

Resolution Trust Corporation.

**William J. Tricarico,**

*Assistant Secretary.*

[FR Doc. 92–23661 Filed 9–29–92; 8:45 am]

BILLING CODE 6714–01–M

## SECURITIES AND EXCHANGE COMMISSION

### Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

September 24, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 129(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Allied Research Corporation
Common Stock, $.01 Par Value (File No. 7–9154)

Blackrock California Insured Municipal 2008 Term Trust, Inc.
Common Stock, $.01 Par Value (File No. 7–9155)

Blackrock New York Insured Municipal 2008 Term Trust, Inc.
Common Stock, $.01 Par Value (File No. 7–9156)

Blackrock Florida Insured Municipal 2008 Term Trust, Inc.
Common Stock, $.01 Par Value (File No. 7–9157)

Blackrock Insured Municipal 2008 Term Trust, Inc.
Common Stock, $.01 Par Value (File No. 7–9158)

Equus Investments Incorporated
Common Stock, $.001 Par Value (File No. 7–9159)

Equus II Incorporated
Common Stock, $.001 Par Value (File No. 7–9160)

HMO America, Inc.
Common Stock, $.01 Par Value (File No. 7–9161)

PLC Systems, Inc.
Common Stock, No Par Value (File No. 7–9162)

PLC Systems, Inc.
Warrants to purchase Common Stock at $4.80, No Par Value (File No. 7–9163)

PLC Systems, Inc.
Units (consisting of two Common Shares and one warrant to purchase one Common Share at $4.80) No Par Value (File No. 7–9164)

Paxar Corporation
Common Stock, $.10 Par Value (File No. 7–9165)

Conner Peripherals, Inc.
Common Stock, No Par Value (File No. 7–9166)

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to

submit on or before October 16, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

*Secretary.*

[FR Doc. 92-23639 Filed 9-24-92; 8:45 am]

BILLING CODE 8010-01-M

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**[Release No. 34-31226; File No. SR-PSE-92-15]**

## Self-Regulatory Organizations; Filing of Proposed Rule Change by the Pacific Stock Exchange, Inc., Relating to the Adjudication of Minor Rule Plan Violations

September 23, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 17, 1992, the Pacific Stock Exchange, Inc. ("PSE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PSE proposes to amend its rules regarding the adjudication of minor rule violations and related disciplinary procedures. The proposed rule changes fall into the following six categories:

(1) Amendments to the PSE's Minor Rule Plan ("MRP");

(2) Amendments to the recommended fine schedules for MRP violations;

(3) Amendments to the PSE's Summary Sanction Procedures;

(4) Amendments to rules governing hearings and appeals;

(5) Amendments to Exchange Rule 6.2, governing admission to and conduct on the options trading floor; and

(6) Fines and charges for late Financial and Operational Combined Uniform Single ("FOCUS") reports and Securities Investor Protection Corporation ("SIPC") reports.

The text of the proposed rule change is available at the Office of the Secretary, PSE and at the Commission.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

*(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Amendments to the PSE's Minor Rule Plan

The Exchange is proposing to amend its rules to incorporate detailed procedures relating to the Exchange's MRP and to add certain rules to its list of MRP violations.[1] Specifically, the PSE proposes to adopt Exchange Rule 10.13, entitled "Minor Rule Plan," which is designed to streamline the Exchange's disciplinary process so that the Exchange and its committees do not spend undue time resolving cases involving minor rule violations. The PSE believes that the amended MRP provides for procedures whereby members and member organizations may be disciplined appropriately in cases involving minor rule violations where a sanction more serious than a warning or cautionary letter is appropriate. Cases under the proposed MRP will be resolved without the issuance of a formal complaint and without a formal hearing.

Each case will be decided by a committee designated to consider a staff report on the matter and a written statement, if any, submitted by the person or organization alleged to have committed a minor rule violation. The PSE believes that the abbreviated procedures are justified because violations subject to the proposed MRP are either objective or technical in nature and easily verifiable, thereby lending themselves to the use of a fine schedule. The PSE believes that the MRP will provide better allocation of Exchange resources by eliminating time-consuming procedures that would otherwise be required in connection with formal proceedings. The PSE also believes that the due process protection and notice provisions established under the MRP will result in fair proceedings for those alleged to have committed a minor rule violation.

Specifically, proposed PSE Rule 10.13 authorizes the PSE's Executive Committee, Ethics and Business Conduct Committee, Options Floor Trading Committee and Equity Floor Trading Committee to impose a fine of up to $5,000 on any member, member organization, or person associated with a member or member organization for any violation of an Exchange Rule that has been determined to be minor in nature. The MRP also contains recommended fine schedules for each type of rule violation. These fines are graduated to account for repeat offenders. At the discretion of the Exchange, however, a serious, aggravated or repeated violation of a minor rule may be adjudicated through formal proceedings under PSE Rule 10.3, possibly resulting in other, more serious sanctions.

Under the MRP, the PSE will serve a person or organization accused of a minor rule violation with a written statement setting forth: (i) The Exchange Rule(s) alleged to have been violated; (ii) the act or omission constituting each violation; and (iii) notice that the accused person or organization may submit a written statement to a designated committee for its consideration. Payment of a fine imposed under the MRP will be deemed a waiver of any right to a disciplinary proceeding under Exchange Rule 10.11 and of any right to a review of the matter by the Exchange's Board of Governors. However, fines imposed under the MRP may be contested by filing with the PSE's Compliance Department a written application meeting the requirements of Exchange Rule 10.11. The application must be submitted within five business days after receipt of written notification of the fine. A determination contested pursuant to this provision becomes a formal disciplinary action and penalties imposed by a hearing panel will be reported publicly to the Exchange membership after the decision has become "final" pursuant to Exchange Rule 10.7.

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[1] The Exchange's MRP was initially approved by the Commission in 1985. See Securities Exchange Act Release no. 22654 (November 21, 1985), 50 FR 48853 (order approving File No. SR-PSE-85-24) ("MRP Approval Order").

A person or organization sanctioned under the MRP need not report the minor rule violation to the Commission on SEC Form BD, provided that the sanction consists of a fine not exceeding $2,500, and provided that the sanctioned person or organization has not sought an adjudication, a hearing, or otherwise exhausted the administrative remedies available with respect to the matter. Fines in excess of $2,500 imposed pursuant to the MRP will be subject to current rather than quarterly reporting to the Commission.

The Exchange proposes to add the following new rules to its list of minor violations:

(1) Trading as both market maker and floor broker on the same business day in options covering the same underlying security (Exchange Rule 6.38(a));

(2) Failure to remain for a specified amount of time after trade processing (Exchange Rule 6.17);

(3) Failure to honor a ten-up market (Exchange Rule 6.86);

(4) Failure to identify an order as for a broker-dealer under the ten-up rule (Exchange Rule 6.86(a));

(5) Improper vocalization of a trade (Exchange Rules 6.69, 6.73, and Options Floor Procedure Advice ("OFPA") G–10);

(6) Disruptive action involving physical contact while on the trading floor (Exchange Rule 6.2);

(7) Use of abusive language on the trading floor (Exchange Rule 6.2);

(8) Minor position limit violation (Exchange Rule 6.8);

(9) Minor exercise limit violation (Exchange Rule 6.9);

(10) Failure to submit trade data to the Exchange in a timely manner (Exchange Rule 10.2(c));

(11) Failure to file a FOCUS report in a timely manner (Exchange Rule 2.12(b)); and

(12) Failure to file a SIPC Form SIPC–6 or Form SIPC–7 in a timely manner (Exchange Rule 2.12(a)).

The amended MRP also sets forth specific procedures relating to the issuance of floor citations on the options and equity floors. The only significant change to the current procedures is that Exchange options Order Book Officials ("OBO") would now be permitted to issue floor citations on the options floor.[2] Specifically paragraph (g) under proposed Rule 10.13, entitled "Floor Citations," allows a floor official and/or an OBO to issue floor citations for violations of rules specified in paragraph (h) of proposed Rule 10.13, entitled "Minor Rule Plan: Options Floor Decorum and Minor Trading Rule Violations," and paragraph (i) of proposed Rule 10.13, entitled "Minor Rule Plan: Equity Floor Decorum and Minor Trading Rule Violations." Except as provided in proposed Rule 10.14, entitled "Summary Sanction Procedure," the circumstances underlying the issuance of each floor citation shall be reviewed by a designated committee to determine the sufficiency of the evidence supporting the violation.

Proposed paragraph (h) lists 22 MRP violations, including, among other things, a floor broker's failure to use due diligence in the handling or execution of an order; a floor broker's failure to record a change in the limit or size of an order; a floor broker's improper execution of a cross transaction; a market maker's failure to respond to an OBO's call for market makers or to respond to demands for bids and/or offers; trading as both a market maker and floor broker on the same business day in options covering the same underlying securities; a member's inadvertent placement of a non-public order with an OBO; a member's failure to honor a ten-up market or to identify a broker-dealer order under the ten-up rule; improper communication on the floor by use of hand signals; improper vocalization of a trade; violations of standards of conduct or dress or disruptive action on the trading floor; and minor position and exercise limit violations.

Proposed paragraph (i) lists five equity floor decorum violations involving, among other things, member conduct on the equity floor, use of badges on the equity floor, proper time stamping of trade tickets, and proper reporting of transactions executed at the Exchange.

Proposed paragraph (j) of Rule 10.13, entitled "Minor Rule Plan: Record Keeping and Other Minor Rule Violations," lists three violations, including failure to submit trade data to the Exchange in a timely manner and failure to file FOCUS and SIPC reports in a timely manner. Under the proposal, minor violations of these rules can be handled under the MRP but cannot be handled through the issuance of a Floor Citation.

The PSE believes that violations of these rules should not require formal disciplinary proceedings, and, moreover, that the inclusion of these rules in the MRP will provide for prompt, effective and meaningful discipline when these rules are violated.

2. Recommended Fine Schedule for MRP Violations

The Recommended Fine Schedule for MRP violations was initially approved by the Commission in 1985 [3] and was subsequently amended in 1989.[4] The Exchange proposes to increase the amount of the recommended fines for a number of MRP violations, as indicated in the Fine Schedule. While the Exchange does not intend to publish the Fine Schedule itself in the Rules of the Board or Governors, the PSE represents that the schedule will be circulated to the Exchange membership periodically.

3. Summary Sanction Procedures.

Proposed Rule 10.14, entitled "Summary Sanction Procedure," provides the Exchange with an alternative to the commencement of a disciplinary action as provided in Exchange Rule 10.3. Under proposed Rule 10.14, the PSE may summarily sanction members, member organizations, and persons associated with a member or member organization for the following infractions:

(1) Violation of a standard of conduct or dress on the trading floor (Exchange Rule 6.2, Equity Floor Procedure Advice ("EFPA") 1–A and EFPA 1–B;

(2) Disruptive action on the trading floor (Exchange Rule 6.2, EFPA 1–A and EFPA 1–B);

(3) Disruptive action involving physical contact while on the trading floor (Exchange Rule 6.2, EFPA 1–A and EFPA 1–B);

(4) Failure to act in a professional manner (Exchange Rule 6.2, EFPA 1–A and EFPA 1–B);

(5) Use of abusive language on the trading floor (Exchange Rule 6.2, EFPA 1–A and EFPA 1–B);

(6) Failure to time stamp an order ticket (Exchange Rules 5.28(b) and 6.69, OFPA G–12 and EFPA 3–A);

(7) Inadvertent placement of non-public order with an OBO (Exchange Rule 6.52(a); and

(8) Failure to report a transaction properly (Exchange Rules 5.12 and 5.13 and EFPA 2–C);

In issuing a summary sanction, the proposal requires two floor officials to, among other things, issue a floor citation and apprise the person cited of the alleged violation, notify the PSE's Compliance Department of the alleged violation, and indicate on the citation the amount of the fine. Sanctions imposed under proposed Rule 10.14 may

[2] Currently, on the options trading floor, a floor citation may only be issued by two floor officials. See PSE Rule 6.2, Commentary .05.

[3] See MRP Approval Order, *supra* note 1.

[4] See Securities Exchange Act Release No. 27162 (August 30, 1989), 54 FR 35969 (order approving File No. SR–PSE–89–08).

be appealed pursuant to Exchange Rule 10.11.

Because all of the foregoing violations are included in the proposed MRP, they may be adjudicated either through the Summary Sanction Procedure (whereby findings are made by two floor officials) or through the MRP procedures set forth in proposed Rule 10.13 (whereby findings are made by a full committee). The PSE believes that cases involving these violations are objective in nature and not reasonably subject to dispute; therefore, the Exchange believes that the summary proceedings are appropriate.

The proposed Summary Sanction Procedure expands the PSE's current rules by making the sanctions applicable to the equity floor as well as to the options floor. The PSE notes that under the proposal, the Summary Sanction Procedure will cover only certain designated violations, primarily those relating to floor decorum.

4. Amendments to Rules Governing Hearings and Appeals

The PSE proposes to amend Exchange Rule 10.11, to be entitled "Appeal of Floor Citations and Minor Rule Plan Sanctions," to make the procedures set forth in Exchange Rule 10.11 applicable to MRP violations. Under Exchange Rule 10.11, an aggrieved person may apply to the Exchange's Compliance Department for review of a contested violation. The aggrieved person may request permission to make an oral presentation or may request that the matter be reviewed solely on the basis of written documentation.

In addition, the PSE proposes to amend Exchange Rule 10.4, entitled "Hearing," to provide that parties objecting to the composition of a hearing panel must submit their objection to the Hearing Administrator within five business days of receiving notification of the composition of the panel. The proposed amendment also provides that parties must submit to the Hearing Administrator a list of witnesses and documentary evidence or other materials to be presented at the hearing at least five business days prior to the hearing. In addition, the proposal provides that parties to a hearing must be given at least 15 calendar days notice of the time and place of the hearing and a statement of the matters to be considered at the hearing.

5. Amendments to Rules Governing Admission to and Conduct on the Options Trading Floor

The PSE proposes to amend Exchange Rule 6.2 entitled "Admission to and Conduct on the Options Trading Floor," in order to make Exchange Rule 6.2 consistent with a similar rule (EFPA 1–B) governing conduct on the equity trading floor. The proposed amendments to Exchange Rule 6.2 make more specific the types of conduct prohibited in connection with the Exchange's standards of dress and conduct. In addition, the PSE proposes to delete OFPA F–4 from its rules and to incorporate its provisions, with minor revisions, into Exchange Rule 6.2 in order to provide greater clarity and consistency.

In general, Exchange Rule 6.2 requires that all persons on the options trading floor be dressed in a manner appropriate for business purposes and in accordance with good taste and professional standards. Exchange Rule 6.2 also requires that all persons on the options trading floor conduct themselves in accordance with a seemly and professional standard of behavior.

6. Fines and Charges for Late FOCUS and SIPC Reports

The Exchange proposes to amend Exchange Rule 2.12, entitled "Financial Reports," to double the charge imposed for a member organization's late filing of a Report of Financial Condition on SEC Form X–17A–5. Specifically, for reports 1–30 days late, the charge will increase from $100 to $200; for reports 31–60 days late, the charge will increase from $200 to $400; for reports 61–90 days late, the charge will increase from $400 to $800.

The PSE proposes to include under the MRP cases involving SIPC and FOCUS reports 90 days late. Currently, those cases must be resolved by a hearing panel of the Ethics and Business Conduct Committee, unless the matter is resolved by offer of settlement or default judgment. The PSE believes that, in general, such cases do not warrant formal disciplinary proceedings and that adjudication of these cases requires more time and effort than necessary. The Recommended Fine Schedule imposes the following fines for late filings of FOCUS reports (Form X–17A–5) and Form SIPC–6 and Form SIPC–7 reports: First violation, $1,200; second violation $1,800; and third violation, $2,400.

**Statutory Basis for the Proposed Rule Changes**

The PSE believes that its proposals are consistent with section 6(b)(5) of the Act in that they will promote just and equitable principles of trade. In addition, the PSE believes that its proposals are consistent with section 6(b)(7) of the Act in that they will provide a fair procedure for disciplining members and persons associated with members.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

The PSE does not believe that the proposed rule changes will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

Written comments on the proposed rule change were neither solicited nor received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reason for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) by order approve such proposed rule change, or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by October 21, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 92-23638 Filed 9-29-92; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF STATE

**[Public Notice 1707]**

### Secretary of State's Advisory Committee on Private International Law; International Protection of Cultural Property; Draft UNIDROIT Convention on the Return of Stolen and Illegally Exported Cultural Objects; Request for Public Comment and Study Group Meeting

A revised draft of a proposed convention (multilateral treaty) on the return of stolen or illegally exported cultural objects has been prepared under the auspices of the International Institute for the Unification of Private Law (UNIDROIT). The United States is a member state of UNIDROIT, an international organization headquartered in Rome, Italy, which is comprised of 55 member states. UNIDROIT will hold its 3rd meeting of governmental representatives to consider the revised draft convention starting on November 2, 1992. In order to prepare United States government positions for that meeting, public comments are being sought on the revised draft convention and a Study Group of the Secretary of State's Advisory Committee on Private International Law will hold a meeting on this subject on Friday, October 16 at the Philadelphia Museum of Art.

UNIDROIT had earlier requested comments from governments in 1991 in preparation for its first meeting of governmental representatives to review the draft convention. Comments by interested persons and organizations were solicited by **Federal Register** notice and through general publication in December, 1990 to assist the Department of State to prepare responses to UNIDROIT's request. Persons or organizations who have previously commented on this draft convention may wish to review the present revised draft and to submit further comment.

The revised draft convention contains provisions on two basic subjects: Restitution of stolen cultural objects and return of illegally exported cultural objects (some governments have proposed that the latter be expanded to include illegally excavated objects). Other provisions cover standards for asserting claims for return, certain rights of compensation and repose, and application of national laws and related matters.

The proposed convention would not alter United States obligations under an earlier multilateral convention prepared by UNESCO which entered into force for the United States in 1983, nor as presently drafted, would it significantly alter rights of recovery under U.S. law as to stolen objects. Except for the United States, Canada and Australia, most "art importing" countries have not joined the UNESCO treaty. One of the issues on which comments are now sought is whether the United States should support a convention which may be acceptable to other "art importing" countries, even if it has standards different from those presently applicable under U.S. law. Another will be whether United States positions should take into account the possibility of future laws regulating the export of certain objects such as certain archaeological, anthropological or ethnological historical objects, in view of the fact that the United States, unlike many countries, generally does not now regulate the export of such items. In addition, commentators should note that it has been proposed by some governments that the convention also cover illegally excavated objects; the implications of adding this additional category of objects potentially covered by the convention will be discussed.

The revised draft convention is accompanied by a report of the second governmental meeting on this convention held in January 1992 (UNIDROIT documents 1992 Study LXX-30 and 31), and an earlier explanatory report which provides background information and sets forth underlying premises for the approaches taken and alternative solutions that were considered. Copies of these and other relevant documents may be obtained from the Office of the Legal Adviser at the address indicated below or by calling (202) 653-9852.

Comments on the draft convention should be received not later than Wednesday October 14 addressed to Harold S. Burman, by writing to the Office of the Legal Adviser, attention L/PIL Room 501, 2100 "K" Street, NW., Washington, DC 20037-7180, or by fax to (202) 632-5283.

The meeting of the Advisory Committee Study Group will be held from 10:15 a.m. until 4:30 p.m. in the Seminar Room at the Philadelphia Museum of Art, located at 26th Street and Benjamin Franklin Parkway in Philadelphia, PA. Members of the public may attend up to the capacity of the meeting room and subject to the direction of the chair. Persons wishing to attend should provide their name, affiliation, address and telephone number to Miss Rosalia Gonzales at the Office of the Legal Adviser indicated above or (202) 653-9853, not later than Wednesday October 14.

Dated: September 24, 1992

**Peter H. Pfund,**

*Assistant Legal Adviser for Private International Law and Vice-Chair, Secretary of State's Advisory Committee on Private International Law.*

[FR Doc. 92-23636 Filed 9-29-92; 8:45 am]

BILLING CODE 4710-08-M

## THE PRESIDENTIAL COMMISSION ON THE ASSIGNMENT OF WOMEN IN THE ARMED FORCES

### Meeting

**SUMMARY:** The Presidential Commission on the Assignment of Women in the Armed Forces will hold its next hearing October 1st through October 4th. Presentations to include: GAO Briefings on Women in Desert Storm and Sexual Harassment in the Service Academies; A Navy "Lost-Time" presentation; testimony by Admiral J.M. Kime, Commandant of the Coast Guard; Captain Rick Hauck (UNS), a former Astronaut; and a briefing on a military survey about the roles of women in the military. Panels of the Commission's four Fact Finding Panels will present final reports of their findings to the full Commission.

**LOCATION:** Sheraton/Crystal City Hotel, Ballroom C (2nd Floor), South Eads Street at 18th, Arlington, Virginia 22202, (703) 486-1111.

**DATES:**

Thursday, October 1st

8 am-3:30 pm/General Session

3:30-5:30 pm/Panel 1: Final Review of Findings

Friday, October 2nd

8 am-10:15 am/Panel 2: Final Review of Findings

10:30-12:30 pm/Panel 3: Final Review of Findings

2 pm-4:00 pm/Panel 4: Final Review of Findings

4 pm-5:30 pm/Approve Commission Findings

Saturday, October 3rd

8 am-5:30 pm/General Session

Sunday, October 4th

10:30-TBD/General Session

**Note:** The next hearings of the Presidential Commission on the Assignment of Women in the Armed Forces are scheduled in Washington, DC, October 22-24, and

November 2–3 or November 9–10. Please call the Commission office for further details.

**STATUS:** Open to public.

**CONTACT:** Please call for more information and possible schedule changes: Contact: Magee Whelan or Kevin Kirk (202) 376–6905.

The Presidential Commission on the Assignment of Women in the Armed Forces was established by Congress in the National Defense Authorization Act of 1992 (Public Law 102–190). The 15-member commission shall assess the laws and policies governing the assignment of women in the military and shall make recommendations on such matters to the President by November 15, 1992.

W. S. Orr,

*Staff Director.*

[FR Doc. 92–23688 Filed 9–29–92; 8:45 am]

BILLING CODE 6820–CD–M

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

### Petition for Waiver of Compliance

In accordance with 49 CR sections 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of the federal safety laws and regulations. The individual petition is described below, including the parties seeking relief, the regulatory provisions involved, the nature of the relief being requested and the petitioner's arguments in favor of relief.

**Southern Pacific Lines**

*Docket Number H–92–4*

The Southern Pacific Lines (SP) seeks a waiver of compliance from certain sections of 49 CFR part 231, Safety Appliance Standards, and 49 CFR part 232, Power Brakes and Drawbars regulations, to allow it to run rail tests of Mark V RoadRailer equipment coupled in trains behind double-stack container cars.

A double-stack container car is a deep-well articulated car comprised of five units permanently coupled together. Each unit will carry two or more cargo containers stacked on top of each other (a double-stack configuration). The Mark V RoadRailers are almost identical to the standard semi-trailer presently used to haul cargo over the highway, the only difference being that they are equipped with a special drawbar and are supported and moved on a standard 70-ton freight car truck.

The RoadRailer Mark V semi-trailers, by design, cannot be subjected to traditional switching procedures that are conducted in railroad classification yards. The standard RoadRailer coupler assembly will only couple to another RoadRailer vehicle or to a specially designed vehicle located behind the locomotive referred to as an AdaptoRailer. The RoadRailer semi-trailer has no safety appliances and the test waiver will permit non-compliance with all the provisions of the Safety Appliance Standards (49 CFR part 231). These regulatory standards include provisions for the number, location and dimensional specifications for the handholds, ladders, sill steps and hand brakes that are required for each railroad freight car. The Mark V RoadRailer bogie ABDW braking capabilities will be compatible with the existing double-stack air brake equipment and the brake pipe dimension will be the same, that is, 1¼ inch inside diameter.

The SP test plan substitutes a CouplerMate and associated 70-ton bogie as the interface vehicle instead of an AdaptoRailer. The CouplerMate will provide the connection between the RoadRailer and conventional standard automatic coupler behind the doublestack container car. Also, a CouplerMate and associated bogie will be at the end of the RoadRailer portion of the train. The SP states that the CouplerMate bogies at the ends of the block of RoadRailer units will be modifications of the CouplerMate II design used for a similar National Railroad Passenger Corporation (Amtrak) test to determine the efficacy of hauling RoadRailers in mail service behind passenger trains (for in-depth discussion see FR 28127, July 9, 1990, Docket Number H–90–2).

Prior to the testing by Amtrak, RoadRailer conducted compression tests on the CouplerMate II interface vehicle to confirm its structural capabilities when mated to a RoadRailer dry van semi-trailer in both front and rear positions. The two CouplerMate bogies in the SP test will be equipped with all the safety appliances required by the Safety Appliance Standards, 49 CFR part 231, with the exception of the hand brake described in part 231.1(a). The bogies are provided with a spring biased parking brake which is used in lieu of the conventional type manually operated hand brake and it is not necessary for a person to mount and dismount the CouplerMate bogie to apply or release the handbrake.

The SP petition contains data derived from an earlier Burlington Northern Railroad mixed train test conducted at the American Association of Railroad's (AAR) test facility in Pueblo, Colorado. To accommodate the coupling of the RoadRailer unit to the double-stack container car, a newly designed connector on the double-stack car was utilized and tested at the same time. The BN report entitled Double-Stack/ RoadRailer Connector Tests, describes the test procedures and results. These tests, were patterned after the AAR Chapter XI certification for new and untried cars, included high speed stability, stop distance, curving, and tests over perturbed track, such as rock and roll, pitch and bounce, yaw and sway, and bunched spiral (for the depth discussion see **Federal Register** 32416, August 7, 1989, Docket Number PB–89–4 and SA–89–8). However, it should be noted that the connecter in the BN test is much different from the CouplerMate design to be tested by the SP.

The SP proposed test program's initial phase will involve no more than ten RoadRailer units being operated behind the double-stack container cars. Instrumentation will be provided to monitor trains over the route between Los Angeles, California and Portland, Oregon. After a body of experience is gained, the SP proposes to gradually increase the number of RoadRailer units in steps of no more than ten.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning this proceeding should identify the appropriate docket number (e.g., Waiver Petition Docket Number H–92–4) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. Communications received before November 2, 1992. will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

Issued in Washington, DC on September 22, 1992.

**Phil Olekszyk,**

*Deputy Associate Administrator for Safety.*

[FR Doc. 92-23673 Filed 9-29-92; 8:45 am]

BILLING CODE 4910-06-M

## National Highway Traffic Safety Administration

**[Docket No. 92-41; Notice 2]**

## Long Range Strategic Planning

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Extension of comment period.

**SUMMARY:** The National Highway Traffic Safety Administration (NHTSA) has initiated a long range strategic planning initiative. A notice requesting public comment on the initiative was published on July 28, 1992. This notice extends the closing date for the comment period from September 28, 1992 to October 30, 1992.

**DATES:** Comments on Docket No. 92-41, Notice 1, must be received on or before October 30, 1992.

**ADDRESSES:** Comments should refer to the Docket No. 92-41 and should be submitted to: Docket Section, NHTSA, Room 5109, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. (Docket hours are 9:30 a.m. to 4 p.m.).

**FOR FURTHER INFORMATION CONTACT:** Dr. Carl E. Nash, Director, Office of Strategic Planning and Evaluation, NPP-10, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, telephone (202) 366-1574.

**SUPPLEMENTARY INFORMATION:** This notice grants a petition by Toyota Motor Corporate Services of North America to extend one month the time period in which the public may submit comments, suggestions and recommendations on the agency's strategic planning initiative including highway safety, motor vehicle safety, the Agency's non-safety programs and/or other of NHTSA's activities. The extension will assure that the public has adequate time to provide substantive comments on the strategic planning initiative. The comment closing date is extended from September 28, 1992 to October 30, 1992.

**Donald C. Bischoff,**

*Associate Administrator for Plans and Policy.*

[FR Doc. 92-23679 Filed 9-29-92; 8:45 am]

BILLING CODE 4910-59-M

## DEPARTMENT OF THE TREASURY

## Office of Thrift Supervision

**[No. 92-417]**

## General Valuation Allowances

**AGENCY:** Office of Thrift Supervision, Treasury.

**ACTION:** Request for comment; extension of comment period.

**SUMMARY:** The Office of Thrift Supervision (OTS) is hereby extending until November 2, 1992 the comment period on the request for comment entitled "General Valuation Allowances" published on September 1, 1992 (57 FR 39736). The comment period was originally scheduled to close on October 1, 1992.

**DATES:** Comments must be received on or before November 2, 1992.

**ADDRESSES:** Send comments to Director, Information Services Division, Public Affairs, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention Docket No. 92-294. These submissions may be hand delivered to 1700 G Street, NW. from 9 a.m. to 5 p.m. on business days; they may be sent by facsimile transmission to FAX Number (202) 906-7753 or (202) 906-7755. Submissions must be received by 5 p.m. on the day they are due in order to be considered by the OTS. Late-filed, misaddressed or misidentified submissions will not be considered in this rulemaking. Comments will be available for inspection at 1776 G Street, NW., Street Level.

**FOR FURTHER INFORMATION CONTACT:** John C. Price, Jr., Deputy Assistant Director for Policy, (202) 906-5745; Robert J. Fishman, Program Manager, (202) 906-5672; William J. Magrini, Project Manager, (202) 906-5744; or Dorene Rosenthal, Attorney, (202) 906-7268; Regulations, Legislation and Opinions Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

**SUPPLEMENTARY INFORMATION:** The Director of the OTS has determined that, due to the number of OTS regulatory initiatives currently pending, it is appropriate to extend the comment period for the request for comment on General Valuation Allowances. The OTS currently has nine regulatory initiatives out for public comment. Based upon the number of initiatives and the complexity and importance of the matters raised in the General Valuation Allowances notice, the Director has determined that the original 30-day comment period is not sufficient to allow for meaningful comment on the proposed guidance on General Valuation Allowances. Therefore, the comment period is hereby extended from its original closing date of October 1, 1992 for an additional 30 days, until November 2, 1992.

Dated: September 26, 1992.

By the Office of Thrift Supervision.

**Timothy Ryan,**

*Director.*

[FR Doc. 92-23887 Filed 9-29-92; 8:45 am]

BILLING CODE 6720-01-M

# Sunshine Act Meetings

Federal Register
Vol. 57, No. 190
Wednesday, September 30, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

**FEDERAL HOUSING FINANCE BOARD:**

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** 57 FR, 43057, September 17, 1992.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** 8 a.m., Wednesday, September 23, 1992.

**CHANGES IN THE MEETING:** The following topics were added to the agenda during the closed portion of the meeting.

1. District Bank Dividends and Retained Earnings Policy
2. Office of Finance—Expanded Discount Note Program

The above matter is exempt under 552b(c)(9)(A)–(B) of title 5 of the United States Code.

**CONTACT PERSON FOR MORE INFORMATION:** Elaine L. Baker, Executive Secretary to the Board, (202) 408–2837.

**Philip L. Conover,**

*Deputy Executive Director.*

[FR Doc. 92–23795 Filed 9–28–92; 9:18 am]

**BILLING CODE 6725–01–M**

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**COMMITTEE ON EMPLOYEE BENEFITS OF THE FEDERAL RESERVE SYSTEM**

**TIME AND DATE:** 3:00 p.m., Monday, October 5, 1992.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

1. Review of the 1993 budget for the Office of Employee Benefits.
2. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: September 25, 1992.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 92–23796 Filed 9–28–92; 9:19 am]

**BILLING CODE 6210–01–M**

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**COMMITTEE ON EMPLOYEE BENEFITS OF THE FEDERAL RESERVE SYSTEM**

**TIME AND DATE:** Approximately 3:30 p.m., Monday, October 5, 1992, following a recess at the conclusion of the open meeting.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

1. The Committee's agenda will consist of matters relating to (a) the general administrative policies and procedures of the Retirement Plan, Thrift Plan, Long-Term Disability Income Plan, and Insurance Plan for Employees of the Federal Reserve System; (b) general supervision of the operations of the Plans; (c) the maintenance of proper accounts and accounting procedures in respect to the Plans; (d) the preparation and submission of an annual report on the operations of each of such Plans; and (e) the maintenance and staffing of the Office of the Federal Reserve Employee Benefits System; and (f) the arrangement for such legal, actuarial, accounting, administrative, and other services as the Committee deems necessary to carry out the provisions of the Plans. Specific items include: 1992 Federal Reserve Bank early retirement proposals.
2. Any items carried forward from a previously announced meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: September 25, 1992.

**William W. Wiles, Secretary of the Board.**

[FR Doc. 92–23797 Filed 9–28–92; 9:19 am]

**BILLING CODE 6210–01–M**

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**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

September 23, 1994

**TIME AND DATE:** 10 a.m., Thursday, October 1, 1992.

**PLACE:** Room 600, 1730 K Street, NW., Washington, DC.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will consider and act upon the following:

1. *Ford Construction Company,* Docket No WEST 90–346 (Issues include whether the judge erred in vacating two citations charging violations of 30 C.F.R. § 56.14130(g), which requires that equipment operators wear seat belts.)
2. *Gatliff Coal Company, Inc.,* Docket No. KENT 89–242–R, etc. (Issues include whether the judge erred in concluding that Gatliff's violation of 30 C.F.R. § 77.1701, was not of a significant and substantial nature and was not caused by its unwarrantable failure to comply with the safety standard.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR § 2706.150(a)(3) and § 2706.160(e).

**CONTACT PERSON FOR MORE INFORMATION:** Jean Ellen (202) 653–5629 / (202) 708–9300 for TDD Relay / 1–800–877–8339 for toll free.

**Jean H. Ellen,**

*Agenda Clerk.*

[FR Doc. 92–23798 Filed 9–28–92; 9:20 am]

**BILLING CODE 6735–01–M**

# Corrections

Federal Register
Vol. 57, No. 190
Wednesday, September 30, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-4511-2]

### Final NPDES General Permits for Storm Water Discharges From Construction Sites

*Correction*

In notice document 92-23326 beginning on page 44412, in the issue of Friday, September 25, 1992, make the following correction:

On page 44412, in the first column, in the **DATES** section, the effective date is corrected to read September 25, 1992.

BILLING CODE 1505-01-D

## ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL-4197-6]

### Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion

*Correction*

In proposed rule document 92-20030 beginning on page 37921 in the issue of Friday, August 21, 1992, make the following corrections:

1. On page 37923, in the second column, under *A. Petition for Exclusion*, in the second paragraph, in the sixth line from the bottom, after "additional" insert "factors required by the Hazardous and Solid Waste Amendments".

2. On page 37925, in the third column, in the second full paragraph, in the ninth line, after "evaluation" insert "of the these constituent levels is necessary or appropriate".

3. On page 37926, in the first column, in the sixth line, "become" should read "becomes"; and in the last paragraph, in the fourth line, insert ")" after "annually"..

4. On the same page, in the second column, in the fourth line, "create" should read "treat".

BILLING CODE 1505-01-D

## ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL-4197-7]

### Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion

*Correction*

In proposed rule document 92-20031 beginning on page 37927 in the issue of Friday, August 21, 1992, make the following corrections:

1. On page 37928, in the first column, in the first full paragraph, in the eighth line, "OF" should read "of".

2. On the same page, in the third column, in the second full paragraph, in the second line from the bottom, "hearing" should read "hearings".

3. On page 37929, in the 2d column, in the 13th line, "consultants" should read "constituents".

4. On page 37930, in the second column, in the sixth line, "existed" should read "exited".

5. On the same page, in the same column, in the first full paragraph, in the tenth line, "semivolatile" was misspelled.

6. On page 37932, in the second column, in the seventh line, "Apex's" should read "Ampex's".

7. On page 37933, in footnote 1 of Table 6, "260.222" should read "260.22".

8. On the same page, in the first column, in the second full paragraph, in the eighth line from the bottom, "SWE-" should read "SW-".

9. On page 37934, in the first column, in the third line, insert a comma after "nickel".

10. On the same page, in the second and third columns, in the heading for Table 10, in the second line, "(SSR)" should read "(SRR)" each time it appears.

**Appendix IX—[Corrected]**

11. On page 37936, the heading "**Appendix XI * * ***" should read "**Appendix IX * * ***".

12. On the same page, in Appendix IX, in Table 1, in the third column, in the first line, "F004" should read "F005".

BILLING CODE 1505-01-D

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

42 CFR Part 433

[MB-35-F]

RIN 0938-AE36

### Medicaid Program; Medicaid Management Information System (MMIS) Performance Review; Notification Procedures for Changes in Requirements, Performance Standards, and Reapproval Conditions

*Correction*

In rule document 92-20523 beginning on page 38778 in the issue of Thursday, August 27, 1992, make the following correction:

On page 38781, in the third column, in amendatory instruction 1., in the authority citation, in the fifth line, "1396(a)(25)" should read "1396a(a)(25)".

BILLING CODE 1505-01-D

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

42 CFR Parts 405, 411, and 413

[BPD-725-FC]

RIN 0938-AF27

### Medicare Program; Self-Implementing Coverage and Payments Provisions: 1990 Legislation

*Correction*

In rule document 92-16447 beginning on page 36006 in the issue of Wednesday, August 12, 1992, make the following corrections:

**§ 405.502 [Corrected]**

1. On page 36013, in the third column, in § 405.502(a), in the fifth line, "services" should be deleted the second time it appears.

**§ 411.62 [Corrected]**

2. On page 36015, in the second column, under § 411.62(b)(1), in the second line, after "receive" insert "a".

3. On page 36016, in the first column, under § 411.62(c)(3)(ii), in the first line, "other an" should read "other than".

**§ 413.118 [Corrected]**

4. On page 36017, in the second column, in § 413.118(d)(4), in the fourth line, "payments" should read "payment".

BILLING CODE 1505-01-D

federal register

Wednesday
September 30, 1992

Part II

# Department of the Treasury

Fiscal Service

31 CFR Parts 349 and 356

Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds; Proposed Rule

**DEPARTMENT OF THE TREASURY**

**Fiscal Service**

**31 CFR Parts 349 and 356**

**[Department of the Treasury Circular, Public Debt Series No. 1-92]**

## Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds

**AGENCY:** Bureau of the Public Debt, Fiscal Service, Department of the Treasury.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of the Treasury hereby publishes, for comment, a revised proposed rule which sets out the terms and conditions for the sale and issue by the Department to the public of marketable book-entry Treasury bills, notes, and bonds. This rule, also referred to as the uniform offering circular, will apply to securities held in the book-entry system established by the Department and maintained through the Federal Reserve Banks, commonly referred to as the commercial book-entry system, as well as to those held in the TREASURY DIRECT system (31 CFR part 357). Part 356, for the most part, consolidates into one document the terms and conditions which currently exist in a variety of other documents. It will replace 31 CFR part 349, relating to the offering of Treasury bills. In addition, individual offering circulars for Treasury notes and bonds will no longer be published once this uniform offering circular becomes effective in final form.

**DATES:** Comments must be received on or before October 30, 1992.

**ADDRESSES:** Comments should be sent to: Office of Financing, Bureau of the Public Debt, room 534, E Street Building, Washington, DC 20239-0001. Comments received will be available for public inspection and copying at the Treasury Department Library, FOIA Collection, room 5030, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. Persons wishing to visit the library should call (202) 622-0990 for an appointment.

**FOR FURTHER INFORMATION CONTACT:** Michael W. Sunner, Deputy Assistant Commissioner, Office of Financing, Bureau of the Public Debt (202) 219-3350, or Margaret Marquette, Attorney-Adviser, Office of the Chief Counsel, Bureau of the Public Debt (202) 219-3320.

**SUPPLEMENTARY INFORMATION:**

### I. Background

On January 31, 1992, the Department of the Treasury published a proposed rule setting out the terms and conditions governing the sale and issue of marketable book-entry Treasury bills, notes, and bonds (57 FR 3870). Sixteen written comments were received in response to the proposed rule. The comments were from various sources, including trade associations, financial institutions, and broker/dealers. The Department found the comments extremely useful in making the revisions described herein. Although some minor comments are not addressed here, all comments have been considered in the formulation of this revised rule.

The majority of comments were in the following areas: single bidder criteria, net long position reporting, restriction on competitive and noncompetitive bidding, submitting bids for customers, and certifications. The comments are discussed, as appropriate, in the following Section-by-Section Analysis.

### II. Section-by-Section Analysis

*Section 356.2 Definitions*

Two comments were received suggesting that the definitions of "bidder" and "single bidder" be consolidated to clarify the distinction, if any, between them. The proposed rule defined "bidder" as a person or an entity that bids in an auction. It further defined bidder as one or more entities and/or persons which, because of their affiliation, have the potential to act in concert with respect to formulating or entering a bid in an auction. Section 356.15 provided that bidders would be treated collectively as a single bidder where such bidders, because of their affiliation, have the potential for aggregating bids.

The Department has revised the definition of bidder to clarify the concept that a bidder may be a person or an entity or, in some cases, two or more persons or entities that are considered collectively to be one bidder, based on their relationship or actions in participating in an auction. Section 356.15 has been deleted from the revised rule, and references throughout the document to "single bidder" have been changed to "bidder." Bidder categories are defined in appendix A, Bidder Definitions.

The definition of the term "customer" has been revised to emphasize that it is more limited than the term customer is in ordinary usage. Specifically, in order for a person or an entity to be considered a customer, such person or entity must submit its bid through either a depository institution or a dealer. Further, the person or entity must direct the depository institution or dealer to bid for a specified par amount of securities in a specific auction. It should be noted that only depository institutions and dealers are permitted to submit bids for customers.

The Department has modified several other terms to make them more precise. In addition, it has added some terms and deleted others. Further, it has provided references throughout the document, where appropriate, to the distinction between multiple-price auctions and single-price auctions.

*Section 356.10 Offering Announcement*

Six comments were received regarding the provision that certain terms and conditions of the sale of securities would not be included in the offering circular but would rather be contained in the appropriate offering announcement for a security. This, together with the statement that the offering announcement will control in the event of inconsistencies between the offering announcement and the offering circular, raised concerns that the Department may intend to modify these provisions frequently and with little notice. Commenters were concerned that frequent or last-minute changes in such terms and conditions would introduce uncertainty, cause confusion, and make it difficult for bidders to ensure that they are in compliance with current auction rules. The commenters urged the Department to consolidate its auction rules, including the maximum award limitation, the maximum recognized bid at a single yield, the net long position reporting amount, and the designated time for calculating the net long position, in the offering circular. Commenters generally felt that the rules should be amended formally, with an appropriate notice and comment period.

The Department concurs in the recommendation to consolidate its auction rules, to the greatest extent possible, in the offering circular. Therefore, it has revised this part to include additional specific terms and conditions. It should be noted, however, that the Department reserves the right to modify any terms and conditions of new securities offerings without first publishing such changes for public comment. Changes will be made by means of an amendment to the offering circular, by notice in the offering announcement, or by other public notice. When a change is other than a temporary change and is announced by other than an amendment to the offering circular, it is the intent of the Department to amend the circular timely to reflect such change.

*Section 356.11 Submission of Bids*

One commenter suggested that, in the case where a tender is submitted by a person whose name is not included on the list of persons authorized to submit tenders on behalf of a submitter, prior to rejecting the tender, the Department should contact the submitter to determine whether the person is, in fact, authorized to submit tenders. Given the time constraints that usually exist in conducting auctions, the Department does not believe that such a provision should be added to the rule. In addition, the Department believes that it is the responsibility of the submitter to keep current the list of persons authorized to submit tenders.

*Section 356.12 Noncompetitive and Competitive Bidding*

Eight comments were received on this section. The commenters expressed concern over the restriction that a bidder submitting a competitive bid for its own account for an issue of securities may not submit a noncompetitive bid for its own account for the same issue. Several commenters pointed out that, because of the aggregation requirements of the single bidder criteria, many potential noncompetitive bidders would be precluded from participating in Treasury auctions solely as the result of the competitive bidding activities of their affiliates. This would be true, it was stated, even if the noncompetitive bidder has no relationship with the affiliate other than having a mutual parent, and does not communicate with the affiliate concerning its investment strategy.

Commenters specifically recommended that investment advisors should not be prohibited from submitting noncompetitive bids on behalf of clients solely because an affiliate has submitted a proprietary competitive bid. Also, it was suggested that there should be no restriction on the ability of an investment advisor or other entity with discretionary authority to submit noncompetitive bids on behalf of one customer and competitive bids for another. Similarly, it was contended that a fiduciary of managed accounts should not be precluded from bidding competitively for one account and noncompetitively for another account in the same auction as this could hamper the fiduciary from fulfilling its fiduciary responsibilities.

One commenter stated that a bidder that is bidding competitively should not be precluded from submitting a noncompetitive bid on behalf of a managed third-party account so long as the manager agrees not to resell the securities purchased for that account for a period of time long enough to prevent arbitrage activity in the primary distribution. The commenter suggested that retention of the securities until the next business day after the auction would satisfy that requirement.

The Department has retained the restriction against a bidder bidding both competitively and noncompetitively. Noncompetitive bidding is provided to permit smaller bidders to participate directly in auctions. It is believed that investors that bid competitively should not be afforded the noncompetitive option. A change has been made, however, in the bidder definitions to allow a "major organizational component" meeting identified criteria to request recognition as a separate bidder, thereby allowing an affiliate that has been recognized as a separate bidder to bid competitively or noncompetitively without regard to the bids of another separately recognized affiliate. In addition, a bidder category has been established for trusts and other fiduciary estates that allows each trust or fiduciary estate meeting the definition to be considered a bidder.

Two commenters suggested that § 356.12(b)(2) clarify that a bidder that has a position in an outstanding issue of a security is not prohibited from submitting a noncompetitive bid in an auction of an additional issue of that security, i.e., an announced reopening of the same security. In response to this suggestion, § 356.12(b) has been changed from "a bidder submitting a competitive bid for its own account for an issue of securities may not submit a noncompetitive bid for its own account for the same issue of securities" to "a bidder bidding competitively for its own account may not bid noncompetitively for its own account in the same auction."

The Department adopted the recommendation made by one commenter to add, in § 356.12(b)(2), the words "for its own account" to clarify that a dealer or depository institution submitting a noncompetitive bid for an unaffiliated customer is not prohibited from holding positions in the security being auctioned for its own account through when-issued trading or futures or forward contracts.

Another commenter expressed concern over the rule disallowing a noncompetitive bid if the bidder holds a position in when-issued trading. The commenter felt that the rule is unnecessarily restrictive for noncompetitive bidders and asked that an exemption be provided for low volume bidders to allow "dual bids" in when-issued trading and noncompetitive bidding. The Department has not modified this restriction. The Department believes that any bidder engaged in when-issued trading of a security need not be provided the opportunity also to bid noncompetitively for that security.

The Department has included in the revised rule specific maximum amounts that will apply to noncompetitive and competitive bids. Section 356.12(b)(1) states that a noncompetitive bidder may not bid for more than $1 million for bills and $5 million for notes and bonds in a single auction. Section 356.12(c)(2) states that a competitive bid at a single yield or discount rate that exceeds 35% of the public offering amount will be reduced to that amount.

*Section 356.13 Net Long Position*

Nine comments were received on this section. Several commenters expressed concern about the requirement that a bidder report its net long position when the sum of all its bids and its net long position exceeds the reporting amount specified in the offering announcement. While the commenters appreciated that the change to a higher reporting threshold reduced the number of bidders required to report, they disliked that the approach would require a bidder, in addition to computing its net long position, to aggregate the position with the amount of its bid before being able to determine whether it must report its net long position. As auction participants bidding competitively frequently do not determine the amount of their bids until the last possible moment prior to the deadline for submitting tenders, the aggregation requirement imposes an added burden on such bidders. The commenters recommended that the Department return to a reporting threshold that would be based solely on the net long position as of a specified time, eliminating the bid amount component from the computation. Under this approach, it was also suggested that an increase in the amount of the net long position threshold, for example, from the previous $200 million to $500 million, would achieve the Department's goal of reducing the number of bidders that would be required to concern themselves with the possibility of having to report a net long position.

The Department has retained the $2 billion threshold for net long position reporting, as calculated by the sum of a bidder's net long position and its bids. As noted earlier, the Department wished to eliminate the need for net long position reporting by bidders who are

certain that they will never approach the combined $2 billion threshold. The Department believes that this goal and its goal of ensuring that a bidder not receive a disproportionate share of the issue can most effectively be achieved by considering both a bidder's bids and its net long position in determining whether the position must be reported.

The Department has incorporated into the revised offering circular two items related to net long position reporting that had previously been found only in offering announcements. The first is the inclusion of the current $2 billion threshold amount that triggers the requirement to report a net long position. The second is the inclusion of a specific time, i.e., one-half hour prior to the closing time for receipt of competitive bids, for calculating the net long position. A requirement has also been added that, if the person making the bidding decision knows of an increase of $200 million or more in the bidder's net long position prior to the submission of the bid, the larger amount must be used in complying with net long position reporting requirements.

Several commenters stated that the net long position reporting requirement is particularly burdensome for bidders with large numbers of affiliates and third-party accounts for which they have management discretion. One commenter stated that the rule would put the bidder into the position of arbitrating among a large number of proprietary and managed accounts with respect to the sizes of the positions they may accumulate in advance of an auction, the timing with respect to when they may or may not add to positions, and the amounts of securities they may acquire. Additionally, the commenter pointed out that the bidder would face numerous legal and policy objections. Perhaps most significant among them would be the concern that each related person or entity, by being required to reveal the net long position of the entire organization, would be implicitly revealing bid information to its submitter.

The Department believes that the revised bidder definitions, which provide a procedure for affiliates and other "major organizational components" to be recognized as separate bidders, give bidders with a large number of affiliates the ability to reduce significantly the reporting burden. The new definitions also address the concern regarding disclosure of an entire organization's net long position since an affiliate recognized as a separate bidder would report only its own position.

One commenter noted that the requirement that a bidder report its net long position to every dealer submitting a bid on its behalf could present problems in certain situations. For example, entities within a holding company structure frequently submit bids through one or more submitters that are not part of that holding company. Under the single bidder criteria, those entities would be considered a single bidder for auction purposes. Therefore, under the net long position reporting requirement, any one of those entities would be required to report information regarding the net long position and bids of its affiliates. If one of those affiliates was a primary dealer, none of the other affiliates would be able to bid through another dealer since primary dealers and other submitters would not permit bid and other information to be disclosed to their direct competitors. To address this problem, the commenter recommended that provision be made for one member within a group of affiliated bidders to be designated as the affiliate responsible for reporting the aggregate net long position of the bidder group. This would permit an affiliate of a primary dealer or bank to submit bids through an unrelated dealer since the affiliate would not be required to report the position of an affiliated primary dealer to a competing submitter. It would also simplify, for an affiliate, the process of collecting information since the information would flow in only one direction and would not have to be collected by each affiliate.

The revised bidder definitions will help alleviate this problem. In addition, § 356.13 has been revised to provide that, in cases where a bidder that is required to report the amount of its net long position bids through more than one submitter or Federal Reserve Bank, the bidder's total net long position should be reported through only one submitter or Federal Reserve Bank.

Four commenters commented on the calculation of the net long position. One commenter opposed the requirement that cash settled futures be included in the determination since, to the extent that a futures contract does not require delivery of a specific security being auctioned, the contract does not afford an opportunity to acquire any control over that security. The recommendation was made that, for purposes of determining a net long position, a bidder should include only futures contracts calling for delivery of the specific security being auctioned, as opposed to cash-settled futures contracts or futures contracts where the auctioned security is one of several potentially deliverable instruments.

Section 356.13(b) has been revised to indicate that a net long position includes only those futures contracts that require delivery of the specific security being auctioned. It does not include futures contracts for which the security being auctioned is one of several securities that may be delivered, or futures contracts that are cash-settled.

Two commenters made reference to the requirement that a bidder include in its net long position its holdings of outstanding securities with the same CUSIP number as the new offering where the offering announcement identifies the security being offered as an additional issue of an outstanding one. Since the 35% calculation is based on the amount being auctioned, this requirement could cause a bidder to receive less than 35% of the additional amount because of such holdings. The commenter suggested that either the holdings of the issue being reopened be excluded from the bidder's net long position or, alternatively, the maximum award be 35% of the total amount issued in all auctions of that issue, rather than 35% of only the additional amount.

The Department has retained the requirement that holdings of outstanding securities with the same CUSIP number as the security being auctioned be included in calculating a bidder's net long position. It has also retained the provision, now found in § 356.22(b), limiting a competitive bidder to an award of 35% of the public offering less its net long position. If the holdings of the issue being reopened were to be excluded from the net long position computation, a holder of a large outstanding amount could receive an auction award that, when combined with its net long position, would highly concentrate the holdings of the security as a result of the reopening. Similarly, if the 35% limit were to be applied to the combined auction amounts, holders of relatively small amounts of outstanding securities would be in a position to receive significantly more than 35% of the additional offering. A change such as that proposed could result in a limited distribution of additional offerings.

One commenter requested a clarification of the rule that a net short position should not be reported and would not be used to determine the bidder's auction award. Specifically, the commenter questioned whether the statement that a net short position should not be reported means that a net short position should not be factored into the threshold calculation. For

example, in a situation in which a bidder with a $500 million net short position intends to place a $2.4 billion bid in an auction, should the bidder certify that its net long position plus the total of all its bids exceeds $2 billion? The Department has clarified this provision by providing in § 356.13(a) that a net short position should be considered a net long position of zero in the calculation of a bidder's net long position.

Commenters supported the position taken in the proposed rule that STRIPS components should be included in the calculation of a net long position only if the bidder holds all components necessary for reconstitution into the security being auctioned. One of those commenters indicated that this position should be taken because the components, unless subject to reconstitution, represent an interest distinct from the Treasury security being offered. One commenter noted that it might be operationally difficult to determine on a real-time basis whether a bidder has all the components necessary for reconstitution.

The provision that STRIPS components should be included in the calculation of a bidder's net long position only if the bidder holds all components necessary for reconstitution into the security to be auctioned has been changed. The revised rule provides that holdings of STRIPS principal components of the security being auctioned, including when-issued trading positions of such principal components, are to be included in a bidder's net long position. This change recognizes that the principal component is the only component that belongs exclusively to a single reconstituted security. Administratively, this change should lessen the burden of reporting STRIPS positions as it presumably will be easier for a bidder to determine if it owns the principal component than to determine if it holds all the components necessary for reconstitution.

Three comments were received concurring with the exclusion of repurchase and reverse repurchase transactions, securities lending transactions, and options from the calculation of a bidder's net long position. One commenter said that repurchase and reverse repurchase transactions and securities lending transactions are financing transactions which provide only a temporary transfer of one party's interest in a security to another. As there is no simple and consistent formula for incorporating them into the net long position reporting requirement, it was urged that they not be included. Two commenters felt that options should likewise be excluded from the determination of the bidder's net long position because it would be difficult, analytically and logistically, to provide for their inclusion. One of the commenters stated that it would be more appropriate for the Department to obtain information regarding these transactions through other means, such as large position reporting.

The Department agrees with the comments made on the exclusion of repurchase and reverse repurchase transactions, securities lending transactions, and options. The revised rule continues to exclude them from the net long position calculation.

*Section 356.14 Submitting Bids for Customers*

Seven comments were received on this section, formerly entitled "Bidding for customers," primarily in connection with customer net long position reporting. One commenter stated that § 356.14(c), by requiring a submitter of a competitive bid for a customer to report a customer's net long position, appears to shift the compliance burden to the submitter. Commenters generally felt that bidders, not submitters, should bear the primary responsibility for complying with the net long position reporting requirement.

Commenters also viewed the requirement to document every inquiry and response as being excessively burdensome and unnecessary. They felt that, by submitting a bid on behalf of a customer, the submitter confirms that an inquiry has been made and a response received. One commenter said that it was not reasonable, in the case of small customers, to expect individualized inquiries to be made of them as to their net long positions. Accordingly, the adoption of a *de minimis* exemption was recommended for customers submitting bids of $1 million or less.

Several commenters took strong exception to the requirement that if the submitter "has reason to believe" that a customer's information is incorrect, the customer's bid shall not be submitted by the submitter. One commenter stated that this standard appeared to be based on the theory that submitters should adopt a supervisory and investigatory role with respect to customers. Commenters pointed out that, both as a legal and as a practical matter, submitters have limited ability to perform such a role. For example, submitters generally do not have knowledge of bids submitted through other submitters, and bidders, for legal or valid business reasons, may wish not to disclose that information. Additionally, it was felt that the "reason to believe" standard was vague and subjective. Another commenter expressed concern that, if it could be inferred that there is a single submitter rule that parallels the single bidder rule, then the "reason to believe" standard could apply not only to the entity submitting the bid but also, in the case of a holding company, to all entities within that company. That commenter felt that the requirements associated with reporting a customer's net long position would be the equivalent of an absolute liability standard.

Section 356.14(c) on net long position of customers has been revised. The requirement for the submitter to inquire of every customer and document the customer's response has been deleted. The section now requires that the submitter report the net long position information as provided by the customer and requires that the submitter inform only those customers bidding competitively through that submitter for $10 million or more of the net long position reporting obligation. The "reason to believe" standard has also been deleted. This section now provides that if the submitter "knows that the position information provided by the customer is incorrect," the customer's bid shall not be submitted by the submitter.

With respect to § 356.14(b)(3), formerly 356.14(b)(4), one commenter recommended the elimination of the requirement that bids submitted on behalf of trust estates provide a reference to the document creating the trust, with date of execution. The commenter felt that the requirement serves no purpose, and would be an administrative burden for the submitter.

The Department has not adopted this recommendation. The bidder definitions, in defining a trust or other fiduciary estate, now state that, in order for a trust or fiduciary estate to be considered a bidder, it must be able to be identified by the name or title of the trustee or fiduciary; specific reference to the trust instrument, court order, or legal authority under which the trustee or fiduciary is acting; and the unique IRS-assigned employer identification number for the entity. The requirement to provide this information on the tender is not only consistent with the bidder definitions, but it reduces the possibility of mistakenly characterizing as a "trust or other fiduciary estate" a fund that does not meet the definition. The only substantive change to this section is the addition of a reference to "fiduciary estate" in those places where "trust" appears.

*Section 356.15 Certification*

This section, formerly Section 356.16, has been revised to indicate that a submitter, by submitting a tender, and a customer, by bidding for a security, are deemed to have certified that they are in compliance with this rule and the offering announcement governing the sale and issue of the security. In addition, the submitter is deemed to have certified that the information provided on the tender with regard to bids for its own account is accurate and complete, and that the information provided with regard to bids for customers accurately and completely reflects information provided by the customer. The customer is deemed to have certified that the information provided to the submitter is accurate and complete.

Eight comments were received on the requirement for written certifications. The majority of comments related to § 356.16(b) on certifications by customers. Two comments related to § 356.16(a) on certifications by submitters.

With regard to certifications by submitters, one commenter requested confirmation that the requirement for submitters to make a written certification that they are in compliance with the offering circular is a procedural mechanism under which submitters would confirm annually that the submitter is in material compliance with the requirements of the auction rules, rather than a requirement under which the submitter takes responsibility for the accuracy of the information furnished by customers. Another commenter expressed concern about certifying compliance with the proposed single bidder criteria. That commenter suggested that a submitter should be responsible for certifying compliance with the criteria only when the submitter manages the account submitting a bid or when the affiliate in issue is an affiliate of the submitter. The submitter should not be responsible for certifying compliance, it was argued, when the submitter and bidder have a customer relationship only. In that case, the certification responsibility should be with the customer or its manager-advisor. This commenter suggested that the Department use a bidder identification number to assist in compliance with the criteria. At most, it was stated, the submitter should only have to certify that the personnel submitting a bid on its behalf do not have actual knowledge of noncompliance by an unrelated customer.

The Department has retained a written certification requirement for submitters. By completing the certification on the paper tender form or the annual certification for automated bidding, a submitter is certifying that it is in compliance with this Part and the applicable offering announcement, but it is not certifying to the accuracy of information provided by customers.

With regard to customer certifications, two commenters objected to the requirement that all customers bidding competitively or noncompetitively through submitters must have on file with the submitter, prior to the time the submitter submits a bid in an auction, an annually submitted written certification that they are in compliance with the offering circular and applicable offering announcements. The commenters felt that the certification requirement and the customer notification requirement contained in § 356.14(d) would create a significant administrative burden on submitters with a large customer base.

In addition, one commenter felt that since the requirement for customer certifications would apply even where the submitter has no direct relationship with the person on whose behalf a bid is placed, i.e., for customers of customers, this might imply a certain level of due diligence. This commenter suggested that the certifications for such customers should be sent directly to the appropriate Federal Reserve Bank, as is done with customer confirmations.

Commenters objected, in particular, to the requirement that customers bidding noncompetitively make a written certification. The commenters stated that the majority of such customers purchase small amounts of securities, and are not engaged in any of the trading practices that the offering circular is attempting to address. Several commenters suggested that the Department include a *de minimis* exception to the certification requirement for any customer submitting a bid of $1 million or less. The suggestion was also made to permit first-time bidders to submit certifications within some reasonable time, e.g., 7 days, after bidding in an auction to accommodate those who decide at the last minute to participate in an auction. In response to the above concerns, the Department has deleted the requirement for annual written customer certifications.

*Section 356.24 Notice of Awards; Confirmations*

All four comments received on this section, formerly Section 356.23, related to confirmation of large customer bids. One commenter requested that the provision that a submitter submitting a customer bid is responsible for notifying its customer of the confirmation requirement be modified to indicate that the notification is required only when a customer actually is awarded $500 million or more. This section has been revised to indicate that a submitter submitting a customer bid is responsible for notifying its customer of the confirmation requirement if the customer is awarded $500 million or more as a result of bids submitted by the submitter.

Two commenters noted that the offering circular does not address a customer's failure to confirm its bid when required to do so. They made reference to the provision in the "Joint Report on the Government Securities Market" of the Treasury, the Securities and Exchange Commission, and the Federal Reserve Board that if a customer fails to confirm an award, the dealer will be held responsible for the bid, unless the 35% rule would be violated, in which case the issue would be reduced proportionately. The commenters felt that the Department should not hold the dealer responsible for the bid or reduce the amount of the issue. One commenter suggested that the Department should deal directly with the customer, and both commenters suggested that an inquiry should be made into the reasons for the customer's failure to confirm.

The Department has not specifically addressed this comment in the revised rule. However, consistent with other changes that have been made, the Department views the customer as being responsible for confirming awards of $500 million or more.

A customer net long position confirmation requirement has been added to § 356.24. Under this requirement, any customer awarded $100 million or more in an auction must furnish a written statement to a Federal Reserve Bank indicating whether it had a reportable net long position and, if a position had to be reported, the amount of such reportable position and the name of the depository institution or dealer through which the customer had requested that the position be reported.

*Section 356.34 Remedies*

A new section on remedies has been added to the revised rule. This section provides for liquidated damages of 1% of the par amount of securities awarded the bidder in an auction if the bidder fails to pay for the securities in a timely manner.

*Appendix A—Department of the Treasury Bidder Definitions*

Appendix A, formerly entitled "Department of the Treasury Single Bidder Criteria," has been revised substantially. Twelve comments were received on this section. All commenters felt that the single bidder criteria were excessively broad. They specifically objected to the definition of a single bidder as entities and/or persons which, because of their affiliation, have the potential to act in concert with respect to formulating or entering a bid in a Treasury auction. They likewise objected to the presumption that an affiliation is deemed to exist if there is (a) control in management (including investment strategy) or (b) control through ownership (defined as 25% or more).

Commenters generally agreed that the Department should treat as a single bidder entities that do, in fact, act together. One commenter recommended that the Department define a single bidder as any group of entities that act in concert with respect to formulating or entering a bid in a Treasury auction. It then recommended that the responsibility for determining the entities that constitute a single bidder be placed on the bidders themselves. It pointed out that, under § 356.16, all submitters and customers must certify that they are in compliance with the offering circular and applicable offering announcements governing the sale and issue of securities. As a result, they would be certifying that the positions of all entities that act together are reflected in the bidder's net long position, and that the amount awarded to that bidder will not exceed the maximum amount that may be awarded to a single bidder at a particular yield or rate.

That commenter suggested that, as an alternative to the above, the Department enumerate certain factors it would view as presumptive of acting in concert and then establish a mechanism for rebutting those presumptions. Another commenter proposed that the Department adopt an affiliate certification system to address the numerous situations in which exchanges of information between affiliates do not occur. Under this system, affiliates would be permitted to certify, on a form developed by the Department, that they have established "Chinese walls," management policies, or other procedures to prohibit interaffiliate communications in relation to Treasury auctions. Affiliates submitting such a certification would be considered separate bidders for purposes of Treasury auctions, and, therefore, would not be required to aggregate bids for purposes of the net long reporting requirement and would not be subject to the other limitations imposed with respect to a single bidder.

Commenters objected to the concept that an affiliation exists if there is control in management or control through ownership. One commenter suggested that control in management should not be a standard by which control is determined because it is hard to define and may lead to difficult interpretive questions. That commenter felt that objective criteria should be used to define control.

Several commenters objected to the 25% ownership threshold used to define control through ownership. They felt that the 25% threshold, when applied to large banks and broker/dealers, would group together a wide variety of affiliated companies whose management and business activities are completely separate. In addition, they felt that it was common to have minority investments that might exceed 25% but that by definition do not involve control. In most of those cases, management would not want to share information about its positions in Treasury securities with a minority stockholder that might be a competitor. Those commenters suggested that the ownership threshold be returned to 50% or greater, consistent with the current single bidder guidelines.

In addition, the suggestion was made to develop a procedure whereby certain ownership situations that fall within the literal definition of an affiliate but do not give rise to actual control or otherwise give rise to policy concerns could be excluded from the single bidder definition. The example was given of a bank that forecloses on stock pledged by a company that defaults under a loan.

Several commenters expressed concern that the single bidder criteria contain inconsistencies in the treatment of certain categories of bidders, in particular, banks, broker/dealers, and investment agents. Commenters recommended that the Department develop a uniform standard for banks, broker/dealers, and investment agents with respect to directed, managed, and proprietary accounts. Specifically, they recommended that such bidders should be advised to treat directed accounts as separate bidders and managed accounts collectively as a single bidder. In addition, they recommended that directed accounts be treated as bidders separate from any proprietary accounts, and that managed accounts collectively be treated as a bidder separate from proprietary accounts. These guidelines would apply regardless of whether the various accounts are held by a single entity or by multiple affiliates. Another commenter recommended that each fiduciary account be treated separately as a single bidder. That commenter also recommended that accounts with shared investment authority be treated separately from those with sole investment authority.

The revised rule, in appendix A, after specifying that persons or entities who intentionally act together are considered, collectively, to be one bidder, defines and categorizes bidders. The definitions contain, for each category, information to determine if persons or entities are considered one bidder or more than one bidder for purposes of complying with bidding limitations and net long position reporting requirements.

The revised appendix A contains several changes from the prior version. First, the bidder definitions are intended to be all inclusive. Second, the definition of a bidder as one or more entities and/or persons who, because of their affiliation, have the potential to act in concert with respect to formulating or entering a bid in a Treasury auction has been deleted.

Third, the presumption of an affiliation has been revised. The proposed rule stated that an affiliation is deemed to exist if there is (a) control in management (including investment strategy), (b) control through ownership (defined as 25% or more), or (c) an agreement, formal or informal, written or oral, to act together for the purpose of acquiring securities. The revised rule defines an affiliate of a corporation or partnership as any: (a) entity that is more than 50% owned, directly or indirectly, by the corporation or partnership, (b) entity that is more than 50% owned, directly or indirectly, by any other affiliate of the corporation or partnership, (c) person or entity that owns, directly or indirectly, more than 50% of the corporation or partnership, (d) person or entity that owns, directly or indirectly, more than 50% of any other affiliate of the corporation or partnership, or (e) entity, a majority of whose board of directors or a majority of whose general partners are directors or officers of the corporation or general partners of the partnership or of any affiliate of the corporation or partnership.

Fourth, the revised rule, unlike the proposed rule, makes provision for affiliates or other "major organizational components" of a corporation or partnership to request recognition as a separate bidder if such affiliates or components are prohibited by law from

exchanging, or have established written internal procedures (Chinese walls) designed to prevent the exchange of, information related to bidding in Treasury auctions with other components in the corporate structure. The rule identifies characteristics of a major organizational component and includes a certification that must be completed by any component or components requesting recognition as a separate bidder.

Fifth, the category of political subdivision has been changed to government-related entity and has been expanded to include, as separate bidders, governmental entities, bodies, or corporations established under Federal, State, or local law, and foreign central banks, governments of foreign states, and international organizations in which the United States holds membership. Funds of a government-related entity that meet the definition of the trust or fiduciary estate category are also separate bidders.

Sixth, the distinction in the previous proposed rule between persons acting as trustees and other fiduciaries, and entities acting in those same capacities has been deleted. The revised rule contains one category for trusts or other fiduciary estates meeting specified requirements.

Seventh, the separate categories for "mutual fund or pension fund" and "investment agent/money manager" contained in the proposed rule have been deleted. Under the revised rule, if such person or entity meets the "corporation," "partnership," or "individual" category definition, such person or entity may be included within such category.

Eighth, a new category is provided for a person whether acting in his or her individual capacity, as a sole proprietor, or for any entity not otherwise defined as a bidder. Certain related persons are also included in the "individual" category. The separate category for "family" contained in the proposed rule has been deleted.

Finally, the revised rule contains a new category for "other bidder." This category is not a catch-all but is meant to accommodate bidders that are institutions or organizations with unique employer identification numbers but which do not fit within any other bidder category.

### Procedural Requirements

It has been determined that this document is not a major regulation as defined in E.O. 12291 and a regulatory impact analysis is not required.

Although this rule is being issued in proposed form to secure the benefit of public comment, the notice and public procedures requirements of the Administrative Procedure Act are inapplicable, pursuant to 5 U.S.C. 553(a)(2). As no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) do not apply.

The collections of information contained in this notice of proposed rulemaking have been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). Comments on the collections of information should be sent to the Office of Management and Budget, Paperwork Reduction Project (1535-_____), Washington, DC 20503, with copies to Bureau of the Public Debt, Forms Management Officer, Washington, DC 20239-1300.

The collections of information in this proposed rule are in §§ 356.11, 356.12, 356.13, and 356.14, and in appendix A. This information is required by the Department of the Treasury to conduct auctions of Treasury marketable securities, and will be used to process bids submitted for the purchase of Treasury marketable securities and to ensure compliance with the provisions of this part. The likely respondents are individuals and households, State and local governments, businesses and other for-profit institutions, non-profit institutions, and small businesses and organizations.

*Estimated total annual reporting burden:* 126,225 hours.

*Estimated average annual burden hours per respondent:* .51 hours.

*Estimated number of respondents:* 247,500.

*Estimated annual frequency of responses:* on occasion.

### List of Subjects

*31 CFR Part 349*

Federal Reserve System, Government securities, Securities.

*31 CFR Part 356*

Bonds, Federal Reserve System, Government securities, Securities. For the reasons set forth in the preamble, 31 CFR chapter II, subchapter B, is proposed to be amended as follows:

## PART 349—[REMOVED]

1. Part 349 is removed.

2. Part 356 is added to read as follows:

## PART 356—SALE AND ISSUE OF MARKETABLE BOOK-ENTRY TREASURY BILLS, NOTES, AND BONDS (DEPARTMENT OF THE TREASURY CIRCULAR, PUBLIC DEBT SERIES NO. 1-92)

### Subpart A—General Information

Sec.
356.0 Authority for sale and issue.
356.1 Applicability.
356.2 Definitions.
356.3 Book-entry securities and systems.
356.4 Functions of Federal Reserve Banks.
356.5 Description of securities.

### Subpart B—Bidding, Certifications, and Payment

356.10 Offering announcement.
356.11 Submission of bids.
356.12 Noncompetitive and competitive bidding.
356.13 Net long position.
356.14 Submitting bids for customers.
356.15 Certifications.
356.16 Responsibility for payment.

### Subpart C—Determination of Auction Awards and Settlement

356.20 Determination of auction awards.
356.21 Proration of awards.
356.22 Limitation on auction awards.
356.23 Announcing auction results.
356.24 Notice of awards; confirmations.
356.25 Payment for awarded securities.

### Subpart D—Miscellaneous Provisions

356.30 Payment of principal and interest on notes and bonds.
356.31 STRIPS.
356.32 Taxation.
356.33 Reservation of rights.
356.34 Remedies.
356.35 Reservations as to terms of offerings.
356.36 Paperwork Reduction Act approval.

Appendix A to Part 356—Bidder Definitions

Appendix B to Part 356—Formulas and Tables

Exhibit A to Part 356—Sample Announcements of Treasury Offerings to the Public

Exhibit B to Part 356—Sample Autocharge Agreement to Deliver and Charge for Securities Awarded in Department of the Treasury Auctions

Exhibit C to Part 356—Minimum Par Amounts for STRIPS

**Authority:** 5 U.S.C. 301; 31 U.S.C. 3102, *et seq.*

### Subpart A—General Information

#### § 356.0 Authority for sale and issue.

The Secretary of the Treasury is authorized under chapter 31 of title 31, United States Code, to issue United States obligations and to offer them for sale under such terms and conditions as the Secretary may prescribe.

**§ 356.1 Applicability.**

Unless otherwise specified in an offering announcement, the provisions in this Part, including the Appendices which are incorporated herein by reference, govern the sale and issuance of all marketable Treasury securities and any other obligations issued by the Secretary that, by the terms of the offering announcement, are made subject to this Part.

**§ 356.2 Definitions.**

In this Part, unless the context indicates otherwise:

*Accrued interest* means an amount payable to the Department for such part of the next semiannual interest payment that represents interest income attributed to the period prior to the date of issue. (See appendix B.)

*Auction* means a bidding process by which the Department sells marketable Treasury securities to the public.

*Autocharge agreement* means a written agreement between a submitter and a depository institution, acknowledged by a Federal Reserve Bank, which authorizes a Federal Reserve Bank to deliver securities awarded to the submitter and its customers at auction to the book-entry account of the depository institution or, when authorized, to a Treasury Direct account, and to charge a funds account of the depository institution for the settlement amount of the securities. (See exhibit B for a sample autocharge agreement.)

*Bid* means an offer to purchase a stated par amount of securities, either competitively or noncompetitively, in an auction.

*Bidder*, as further defined in appendix A, means a person or an entity that bids either directly or through an entity authorized to submit bids for customers in an auction. In some cases, two or more persons or entities are considered to be one bidder based on their relationship or their actions in participating in an auction.

*Book-entry security* means a security the issuance and maintenance of which are represented by an accounting entry or electronic record and not by a certificate.

*Call* means the redemption, pursuant to the terms specified in its offering announcement, of a security, in whole or in part, prior to maturity, at the option of the Secretary.

*Competitive bid* means a bid to purchase a stated par amount of securities at a yield or discount rate specified by the bidder.

*Corpus* means the principal component of a stripped security and future callable semiannual interest payments, if any.

*CUSIP* means Committee on Uniform Securities Identification Procedures.

*CUSIP number* means the unique identifying number assigned to each separate security issue and each separate STRIPS component. CUSIP numbers are provided by the CUSIP Service Bureau of Standard & Poor's Corporation.

*Customer* means a bidder that has directed a depository institution or dealer to submit a competitive or noncompetitive bid on the bidder's behalf for a specified amount of securities in a specific auction. Only depository institutions and dealers may submit bids for customers, whether directly at a Federal Reserve Bank or the Bureau of the Public Debt, or through an intermediary depository institution or dealer.

*Dated date* means the date from which interest accrues. The dated date and issue date are the same except when the date from which interest accrues is prior to the issue date.

*Dealer* means an entity that is registered or has given notice of its status as a government securities broker or government securities dealer, pursuant to section 15C(a)(1) of the Securities Exchange Act of 1934.

*Department* means the United States Department of the Treasury.

*Depository institution* means an entity described in section 19(b)(1)(A), excluding subparagraph (vii), of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)). Under section 19(b)(1)(A) of the Federal Reserve Act, the term *depository institution* includes:

(1) Any insured bank as defined in 12 U.S.C. 1813 or any bank which is eligible to make application to become an insured bank under 12 U.S.C. 1815;

(2) Any mutual savings bank as defined in 12 U.S.C. 1813 or any bank which is eligible to make application to become an insured bank under 12 U.S.C. 1815;

(3) Any savings bank as defined in 12 U.S.C. 1813 or any bank which is eligible to make application to become an insured bank under 12 U.S.C. 1815;

(4) Any insured credit union as defined in 12 U.S.C. 1752 or any credit union which is eligible to make application to become an insured credit union under 12 U.S.C. 1781;

(5) Any member as defined in 12 U.S.C. 1422; and

(6) Any savings association (as defined in 12 U.S.C. 1813) which is an insured depository institution (as defined in the Federal Deposit Insurance Act, 12 U.S.C. 1811, *et seq.*) or is eligible to apply to become an insured depository institution under such Act.

*Discount* means the difference between par and the price of the security, when the price is less than par.

*Discount amount* means the discount divided by 100 and multiplied by the par amount.

*Discount rate*, also referred to as "bank discount rate," means an annualized rate of return to maturity on bills, expressed in percentage terms and based on a 360-day year. (See appendix B for formulas and examples.)

*Federal Reserve Bank* means a Federal Reserve Bank or a branch of a Federal Reserve Bank.

*Funds account* means a cash account maintained by a depository institution at a Federal Reserve Bank.

*Interest rate* means the annual percentage rate of interest paid on the par amount of a specific issue of notes or bonds. (See appendix B for methods and examples of interest calculations on notes and bonds.)

*Issue date* means the date specified in the offering announcement on which a security is issued as an obligation of the United States, and from which interest normally begins to accrue.

*Marketable security* means a security that is negotiable and transferable, i.e., may be bought and sold in the secondary market.

*Maturity date* means the date specified in the offering announcement on which a security becomes due and payable, and ceases to earn interest.

*Minimum to hold* means the smallest amount of a security that will be issued to a bidder and may be held in any book-entry account. Unless otherwise stated in the offering announcement, the minimum to hold is the same as the minimum bid amount given in the offering announcement.

*Multiple-price auction* means an auction in which each successful bidder pays the price equivalent to the yield or rate that it bid.

*Multiple to hold* means the smallest additional amount of a security that will be issued to a bidder and may be held in any book-entry account above the minimum to hold. Unless otherwise stated in the offering announcement, the multiple to hold is the same as the multiple to bid amount given in the offering announcement.

*Noncompetitive bid* means a bid to purchase securities at the weighted average yield or discount rate of awards to competitive bidders.

*Par* means a price of 100. (See appendix B.)

*Par amount* means the stated value of a security that will be paid at maturity.

*Person* means a natural person.

*Premium* means the difference between par and the price of the security, when the price is greater than par.

*Premium amount* means the premium divided by 100 and multiplied by the par amount.

*Price* means the price of a security as calculated using the formulas in appendix B.

*Public offering* means the par amount of securities offered to the public for purchase in an auction. For all bills except cash management bills, the public offering is the amount specified in the offering announcement, less securities awarded in the auction to the Federal Reserve Banks for their own account (up to the amount of maturing securities held by the Federal Reserve) and for the account of foreign and international monetary authorities (up to the amount of maturing securities held by foreign and international accounts). For notes, bonds, and cash management bills, the public offering is the same as the amount specified in the offering announcement.

*Reopening* means the auction of an additional amount of an outstanding security.

*Secretary* means Secretary of the Treasury.

*Security* means a Treasury bill, note, or bond, each as described in this part, and any other obligation issued by the Secretary that, by the terms of the applicable offering announcement, is made subject to this part. Security includes an interest or principal component under the STRIPS program (see below).

*Settlement* means final and complete payment made by a submitter for securities awarded in an auction.

*Settlement amount* means the par amount of securities awarded less any discount amount and plus any premium amount and accrued interest.

*Single-price auction* means an auction in which all successful bidders pay the same price regardless of the yields or rates they each bid.

*STRIPS* (Separate Trading of Registered Interest and Principal of Securities) means the Department's program under which eligible securities are authorized to be separated into principal and interest components, and traded separately. These components are maintained in book-entry form on the books of a Federal Reserve Bank.

*Submitter* means the person or entity submitting bids directly to a Federal Reserve Bank or the Bureau of the Public Debt for its own account, for the account of others, or both. The only submitters that are permitted to submit for the account of others are depository institutions and dealers.

*Tender* means the document or computer transmission submitted to a Federal Reserve Bank or the Bureau of the Public Debt by which a bidder bids for securities.

*Tint* means an interest component associated with a stripped security.

*TREASURY DIRECT* means the TREASURY DIRECT Book-Entry Securities System. (See 31 CFR part 357, subpart C.)

*Weighted average* means the average of the yields or discount rates at which securities are awarded to competitive bidders weighted by the par amount of securities allotted at each yield or discount rate.

*Yield*, also referred to as "yield to maturity," means the annualized rate of return to maturity on a note or bond expressed as a percentage. (See appendix B.)

### § 356.3 Book-entry securities and systems.

Securities issued subject to this part shall be held in either of two systems for maintaining book-entry securities, described below. Securities may be transferred from one system to the other in accordance with Treasury regulations governing book-entry Treasury bills, notes, and bonds. See Department of the Treasury Circular No. 300, as currently revised, and Department of the Treasury Circular, Public Debt Series No. 2–86, as amended (31 CFR parts 306 and 357).

(a) *Commercial book-entry system.*[1] The commercial book-entry system is established, maintained, and operated by the Federal Reserve Banks, acting as fiscal agents of the United States, pursuant to 12 U.S.C. 391. The Federal Reserve Banks maintain book-entry accounts for themselves, depository institutions, and other authorized entities, such as government and international agencies and foreign central banks. In their accounts, depository institutions maintain securities held for their own account and for the accounts of others, including other depository institutions and dealers, which may, in turn, maintain accounts for others.

(b) *TREASURY DIRECT.* TREASURY DIRECT is a system in which the book-entry securities of account holders are identified and maintained directly on the records of the Bureau of the Public Debt, Department of the Treasury.

[1] Upon the adoption of a final rule therefor, the commercial book-entry system will be referred to as the Treasury/Reserve Automated Debt Entry System (TRADES).

### § 356.4 Functions of Federal Reserve Banks.

Federal Reserve Banks, as fiscal agents of the United States, are authorized to perform all activities necessary to carry out the provisions of this part, any offering announcements, and applicable regulations.

### § 356.5 Description of securities.

Securities offered pursuant to this part are offered exclusively in book-entry form and are direct obligations of the United States, issued under chapter 31 of title 31 of the United States Code. The securities are subject to the terms and conditions set forth in this part, as well as the general regulations governing United States securities (31 CFR part 306), the regulations governing book-entry Treasury bills, notes, and bonds (31 CFR part 357), and the offering announcements, all to the extent applicable. When the Department issues additional securities with the same CUSIP number as outstanding securities, all securities with the same CUSIP number are considered the same security.

(a) *Treasury bills.* Treasury bills are issued at a discount, are redeemed at their par amount at maturity, and have maturities of not more than one year.

(b) *Treasury notes.* Treasury notes are issued with a stated rate of interest, earn interest semiannually, and are redeemed at their par amount at maturity. They are sold at discount, par, or premium, depending upon the auction results. They have maturities of at least one year, but of not more than ten years.

(c) *Treasury bonds.* Treasury bonds are issued with a stated rate of interest, earn interest semiannually, and are redeemed at their par amount at maturity. They are sold at discount, par, or premium, depending upon the auction results. They typically have maturities of more than ten years.

## Subpart B—Bidding, Certifications, and Payment

### § 356.10 Offering announcement.

The Department provides public notice of the sale of bills, notes, and bonds by issuing an offering announcement. The offering announcement lists the specifics of each offering, e.g., offering amount, term and type of security, CUSIP number, and issue and maturity dates. The offering announcement and this Part, including the Appendices, specify the terms and conditions of sale. To the extent that the provisions of an offering announcement are inconsistent with the provisions of this Part, the provisions of the offering

announcement will control. (See exhibit A for sample announcements.)

**§ 356.11 Submission of bids.**

(a) *General.* (1) Bids may be submitted directly to a Federal Reserve Bank that is authorized to accept tenders or to the Bureau of the Public Debt, Washington, DC, or through a depository institution or dealer that is authorized, pursuant to § 356.14, to submit bids on behalf of customers. Except as otherwise provided in this Section, tenders must be submitted in an approved format. Competitive and noncompetitive bids must be received prior to the respective closing times specified in the offering announcement, except as provided below in paragraph (b)(2) of this section. Bids not received timely will not be recognized in the auction. Bids for securities are binding on the bidder after the closing time specified in the offering announcement.

(2) If the awarded securities are to be issued in the commercial book-entry system, a submitter must have on file at a Federal Reserve Bank a certificate listing those persons who are authorized to submit tenders on its behalf. The certificate must be duly executed by an authorized person on behalf of the submitter. A tender will not be recognized if the person submitting the tender is not listed on the certificate. The submitter is responsible for any tenders submitted for the submitter by persons who are designated on the certificate as authorized to submit tenders on its behalf.

(b) *Submission of paper tenders.* (1) Paper tenders should be on preprinted forms provided by the Federal Reserve Bank to which the tender is submitted or preprinted forms of the Bureau of the Public Debt, and should provide the information requested on the form. Paper tenders in any other form or incomplete tenders may be accepted or rejected at the option of the Department.

(2) The submitter is responsible for ensuring that the paper tender is received timely at the Federal Reserve Bank or the Bureau of the Public Debt, Washington, DC. A noncompetitive bid submitted by mail is considered timely if the envelope containing the tender bears a U.S. Postal Service cancellation date prior to the auction date and is received on or before the issue date.

(3) Neither the Federal Reserve Bank nor the Department shall be, in any way, responsible for any unauthorized paper tender submissions or for any delays, errors, or omissions in the submission of paper tenders.

(c) *Submission of tenders by computer.* Competitive and noncompetitive tenders may be submitted by computer transmission to a Federal Reserve Bank. Tenders may be submitted by computer only by those submitters that have previously arranged with a Federal Reserve Bank for such submission.

(1) For computer tenders, the submitter must use a software application provided by the Federal Reserve Bank or otherwise comply with the computer communications standards for Treasury auctions. Incomplete tenders or transmissions that do not comply with the communications standards may be accepted or rejected at the option of the Department.

(2) All tenders submitted by computer are binding on the submitter to the same extent as if they had been paper tenders. No paper tender should be submitted that duplicates a tender submitted by computer.

(3) Tenders submitted by computer must be received by the applicable closing time; the Federal Reserve Bank's computer time stamp will establish the time of receipt.

(4) The submitter bears sole risk for any disruption or failure in the operation of its own computer, any electronic-based communications facilities, or any communications lines between the submitter and the Federal Reserve Bank.

(5) If disruptions or failures in the operation of the Federal Reserve Bank's computer or communications facilities result in the non-receipt or untimely receipt of tenders otherwise timely submitted, the Department at its option may accept or reject such tenders.

(6) The submitter is responsible for tenders submitted using computer equipment on its premises, whether or not such tenders are authorized.

(7) Neither the Federal Reserve Bank nor the Department shall be, in any way, responsible for any delays, errors, or omissions in the submission of tenders.

**§ 356.12 Noncompetitive and competitive bidding.**

(a) *General.* All bids must state the par amount of securities bid for and must equal or exceed the minimum bid amount stated in the offering announcement. Bids that exceed the minimum bid amount must be in the multiple stated in the offering announcement.

(b) *Noncompetitive.* A bidder bidding competitively for its own account may not bid noncompetitively for its own account in the same auction. A request for reinvestment of securities maturing in TREASURY DIRECT is a noncompetitive bid.

(1) *Maximum bid.* A bidder may not bid noncompetitively for more than $1 million in a bill auction or more than $5 million in a note or bond auction. The maximum bid limitation does not apply to bidders who are bidding solely through TREASURY DIRECT reinvestment requests.

(2) *Additional restrictions.* A bidder may not bid noncompetitively for its own account if, in the security being auctioned, it holds a position in when-issued trading or in futures or forward contracts between the date of the offering announcement and the designated closing time for the receipt of competitive tenders. A noncompetitive bidder may not enter into any agreement to purchase or sell or otherwise dispose of the security being auctioned prior to the designated closing time for receipt of competitive tenders.

(c) *Competitive.* A bidder bidding noncompetitively for its own account may not bid competitively for its own account in the same auction.

(1) *Bid format.* A competitive bid must show the yield or discount rate bid, expressed with two decimals. Fractions may not be used.

(2) *Maximum recognized bid.* There is no limitation on the maximum dollar amount that a bidder may bid for competitively, either at one yield or discount rate, or at different yields or discount rates. However, a competitive bid by a bidder at a single yield or discount rate that exceeds 35% of the public offering amount will be reduced to that amount. For example, if the public offering is $10 billion, the maximum bid amount that will be recognized at any one yield or discount rate from any bidder is $3.5 billion. (See § 356.22 for award limitations.)

**§ 356.13 Net long position.**

(a) *Reporting the net long position.* (1) When bidding competitively, a bidder must report the amount of its net long position when the total of all of its bids in an auction plus the bidder's net long position in the security being auctioned equals or exceeds $2 billion. If the bidder either has no position or has a net short position and the total of all of its bids equals or exceeds $2 billion, a net long position of zero must be reported. In cases where a bidder that is required to report the amount of its net long position bids through more than one submitter or Federal Reserve Bank, the bidder's total net long position should be reported through only one submitter or Federal Reserve Bank. A bidder that is a customer must report its net long position through one depository institution or dealer. (See § 356.14(c).)

(2) When one person or entity is making the bidding decisions (i.e., whether to bid and how much to bid) for

one or more other persons or entities, all bids for and net long positions of such persons and entities must be combined for purposes of the net long position reporting requirements of this section. If the total of the combined bids and positions equals or exceeds the net long position reporting threshold of $2 billion, the person or entity making the bidding decisions must provide the names of such bidders and the aggregate net long position. The names and the aggregate position must be provided, prior to the closing time for receipt of competitive bids, to the Federal Reserve Banks to which the bids are submitted.

(b) *Determination of net long position.* The net long position must be determined as of the designated reporting time, which is one-half hour prior to the closing time for receipt of competitive bids. However, if the net long position increases by $200 million or more after the designated reporting time and the person making the bidding decision knows of the increase, the larger amount must be used in complying with net long position reporting requirements. A net long position includes the par amount of:

(1) Holdings of outstanding securities with the same CUSIP number as the security being auctioned;

(2) Positions, in the security being auctioned, in

(i) When-issued trading,

(ii) Futures contracts that require delivery of the specific security being auctioned (but not futures contracts for which the security being auctioned is one of several securities that may be delivered, and not futures contracts that are cash-settled), and

(iii) Forward contracts; and

(3) Holdings of STRIPS principal components of the security being auctioned, including when-issued trading positions of such principal components.

**§ 356.14 Submitting bids for customers.**

Depository institutions and dealers may submit bids for their own account, for customers, or, in the case of customers that are also depository institutions or dealers, for customers of those customers, subject to the requirements set out below in paragraphs (a), (b), and (c) of this section. Others are permitted to submit bids only for their own account.

(a) *Payment.* By submitting a bid on behalf of a customer, a submitter agrees to remit payment for securities awarded as a result of such bid.

(b) *Customer lists.* A customer list must be submitted or be available, as provided below, whenever bids for more than one customer are included on the same tender. The customer list must include direct customers of the submitter as well as customers of a depository institution or dealer who is submitting bids through the submitter.

(1) For competitive bids submitted by paper tender, the submitter must provide a separate tender for each yield or discount rate at which a bid is submitted. As a part of such tender, the submitter must provide a list that includes the name of each customer and the amount bid by each customer. For competitive bids submitted by computer, the submitter may submit bids at multiple yields or discount rates on the same tender. On each such tender, the submitter must submit the name of each customer and the amount bid at each yield or discount rate by each customer.

(2) For noncompetitive bids, a list must be provided that includes the name of each customer and the amount bid by each customer. For mailed tenders, the customer list must be submitted with the tender. For other than mailed tenders, the customer list should accompany the tender. If the customer list is not submitted with the tender, information for the list must be complete and available for review by the deadline for submission of noncompetitive tenders, and must be received by the Federal Reserve Bank to which the tender was submitted by close of business on the auction day.

(3) Bids submitted on behalf of trusts or other fiduciary estates must identify on the customer list the name or title of the trustee or fiduciary; a reference to the document creating the trust or fiduciary estate with date of execution; and the employer identification number of the trust or fiduciary estate.

(c) *Net long position of customers.* (1) The submitter, when submitting bids for any customer bidding competitively through that submitter for $10 million or more, must inform that customer of the customer's net long position reporting obligation as described in § 356.13.

(2) A submitter, when submitting a competitive bid for a customer, must report the net long position amount if such amount is provided by the customer.

(3) If the submitter knows that the position information provided by the customer is incorrect, the customer's bid shall not be submitted by the submitter.

(4) If the amount of a customer's net long position is to be reported by the submitter by paper tender, a separate tender must be submitted for that customer that includes the amount of the net long position.

**§ 356.15 Certifications.**

(a) *Submitters.* By submitting a tender for a security, a submitter is deemed to have certified that it is in compliance with this part and the offering announcement governing the sale and issue of the security. Further, the submitter is deemed to have certified that the information provided on the tender with regard to bids for its own account is accurate and complete, and that the information provided on the tender with regard to bids for customers accurately and completely reflects information provided by the customer. Prior to submitting a computer tender, a submitter must have on file a written certification that the submitter is certifying, each time it submits a computer tender, that it is in compliance with this part and the applicable offering announcement. The certification must be signed and dated by an authorized person on behalf of the submitter, be filed with the Federal Reserve Bank to which the computer tender is submitted, and be renewed at least annually.

(b) *Customers.* By bidding for a security, a customer is deemed to have certified that it is in compliance with this part and the offering announcement governing the sale and issue of the security and that the information provided to the submitter in connection with the bid is accurate and complete.

**§ 356.16 Responsibility for payment.**

A bidder agrees to pay the settlement amount for any securities awarded to it in the auction. (See Section 356.25.) In addition, certain payments or provisions for payment are required at the time a tender is submitted. The specific requirements, outlined below, depend on whether awarded securities will be delivered to TREASURY DIRECT or the commercial book-entry system.

(a) *TREASURY DIRECT.* For securities to be held in TREASURY DIRECT, payment of the par amount and announced accrued interest, if any, must be submitted with the tender unless provision has been made for payment by charge to the funds account of a depository institution.

(1) *Payment with tender.* For bills, payment must be by cash, depository institution (cashier's or teller's) check, certified check, currently dated Treasury or fiscal agency check made payable to the bidder, or definitive Treasury securities maturing on or before the issue date of the securities being auctioned, but which are not overdue as defined in the general regulations governing United States securities (31 CFR 306.25). Also, maturing securities

held in TREASURY DIRECT may be used as payment for new securities that are being offered, provided that the appropriate transaction request is received timely. For notes or bonds, payment must be in one of the forms described above for bills, or by personal check. Checks submitted to a Federal Reserve Bank must be made payable to that Bank and checks submitted to the Bureau of the Public Debt must be made payable to the Bureau of the Public Debt.

(2) *Authorized charge to a funds account.* If a depository institution or dealer submits a tender on behalf of a TREASURY DIRECT bidder and payment is not submitted with the tender, an authorization from a depository institution to charge the institution's funds account at a Federal Reserve Bank must be submitted with the tender.

(b) *Commercial book-entry system.* For securities to be held in the commercial book-entry system, payment of the par amount and announced accrued interest, if any, must be submitted with the tender unless provision has been made for payment by charge to the funds account of a depository institution.

(1) *Payment with tender.* Where payment is submitted with the tender, payment must be by one of the means specified above under (a)(1).

(2) *Authorized charge to a funds account.* Where payment is not submitted with the tender, an authorization to charge the funds account of a depository institution must be provided as follows:

(i) A depository institution with a funds account submitting tenders directly to a Federal Reserve Bank may authorize the Bank to charge its funds account upon delivery of the securities.

(ii) A submitter that chooses not to pay by charge to its funds account or a submitter that does not have a funds account must, prior to the submission of a tender, have an approved autocharge agreement on file at the Federal Reserve Bank to which the tender is submitted. By submitting a tender to be paid for under such autocharge agreement, the submitter authorizes the Federal Reserve Bank to provide, to the depository institution whose funds account will be charged under the agreement, notice of the total par amount of, and price to be charged for, securities awarded as a result of the submitter's tender.

## Subpart C—Determination of Auction Awards and Settlement

### § 356.20 Determination of auction awards.

(a) *Determining the range and amount of accepted competitive bids*—(1) *Accepting bids.* Determinations of awards in auctions are made at the Bureau of the Public Debt after the closing time for receipt of bids. In determining auction awards, the Bureau of the Public Debt first accepts in full all noncompetitive bids received by the closing time specified in the offering announcement. Then competitive bids are accepted, starting with those at the lowest yields or discount rates through successively higher yields or discount rates, up to the amount required to meet the public offering. Bids at the highest accepted yield or discount rate will be prorated (as described below), if necessary. If the amount of noncompetitive bids would absorb most or all of the public offering, competitive bids will be accepted in an amount determined by the Department to be sufficient to provide a fair determination of the yield or discount rate for the securities being auctioned.

(2) *Accepting bids at the high yield or discount rate.* When the total amount of bids at the highest accepted yield or discount rate exceeds the amount of the public offering remaining after acceptance of noncompetitive bids and competitive bids at the lower yields or discount rates, a percentage of the bids received at the highest accepted yield or discount rate will be awarded. This proration is performed for the purpose of awarding a par amount of securities close to the public offering amount. The percentage is derived by dividing the remaining par amount needed to fill the public offering by the par amount of the bids recognized at the high yield or rate and rounding up to the next whole percentage point.

(b) *Determining the interest rate for new note and bond issues.* The interest rate established as a result of the auction will generally be set at the ⅛ of one percent increment that produces the price closest to, but not above, par when evaluated at the weighted average yield of awards to competitive bidders.

(c) *Determining purchase prices for awarded securities.* (See appendix B for formulas and tables. Price calculations will be rounded to three decimal places on the basis of price per hundred, e.g., 99.954.)

(1) *Multiple-price auctions*—(i) *Competitive bids.* The price of securities awarded to competitive bidders is the price equivalent to each yield or discount rate at which their bids were accepted.

(ii) *Noncompetitive bids.* The price of securities awarded to noncompetitive bidders is the price equivalent to the weighted average yield or discount rate of accepted competitive bids.

(2) *Single-price auctions.* The price of securities awarded to both competitive and noncompetitive bidders is the price equivalent to the highest yield or discount rate at which bids were accepted.

### § 356.21 Proration of awards.

(a) *Awards to submitters.* In auctions where bids at the highest accepted yield or discount rate are prorated under § 356.20(a)(2) of this part, the Federal Reserve Banks are responsible for prorating awards for submitters at the percentage announced by the Department. For example, if 80% is the announced percentage at the highest yield or discount rate, then each bid at that rate or yield shall be awarded 80% of the amount bid. Hence, a bid for $100,000 at the highest accepted yield or discount rate would be awarded $80,000. In all cases, awards will be for, at least, the minimum to hold, and awards must be in an appropriate multiple to hold. For example, Treasury bills may be issued with a minimum to hold of $10,000 and multiples to hold of $5,000. Where a $100,000 bid is accepted at the high discount rate, and the percent awarded at the high discount rate was 11%, the award to that bidder would be $15,000, because bills cannot be held in an amount of $11,000. Awards at the highest accepted yield or rate are adjusted upwards, if necessary, to an appropriate multiple to hold. If tenders at the highest accepted rate were prorated at, for example, a rate of 4%, the award for a $100,000 bid would be $10,000, instead of $4,000, in order to meet the minimum to hold for a bill issue.

(b) *Awards to customers.* In auctions where bids at the highest accepted yield or discount rate are prorated under § 356.20(a)(2) of this part, depository institutions and dealers are responsible for prorating awards for their customers at the same percentage as that announced by the Department. For example, if 80% is the announced percentage at the highest yield or discount rate, then each customer bid at that rate or yield shall be awarded 80%. The same prorating rules apply to customers as apply to submitters.

### § 356.22 Limitation on auction awards.

(a) *Awards to noncompetitive bidders.* The maximum award that will be made to any bidder is $1 million for bills and $5 million for notes and bonds. This

does not apply to bidders bidding solely through TREASURY DIRECT reinvestment requests.

(b) *Awards to competitive bidders.* The maximum award that will be made to any bidder is 35% of the public offering less the bidder's net long position as reportable under § 356.13.

For example, in a note auction with a $10 billion public offering, a bidder with a reported net long position of $1 billion could receive a maximum auction award of $2.5 billion. When the bids and net long positions of more than one person or entity must be combined as required by § 356.13(a)(2), such combined amount will be used for the purpose of this award limitation.

**§ 356.23 Announcing auction results.**

After the conclusion of the auction, the Department will make an official announcement of the auction results through a press release. The press release will include such information as the amounts of bids recognized and accepted, the range of yields or discount rates at which securities were awarded, noncompetitive yield or discount rate, proration percentage, the interest rate for a note or bond, a breakdown of the amounts of noncompetitive and competitive bids recognized and accepted from the public, the amounts recognized and accepted from the Federal Reserve Banks for their own accounts and for foreign and international monetary authorities, and the minimum par amount required to strip a STRIPS-eligible note or bond.

**§ 356.24 Notice of awards; confirmations.**

(a) *Notice of awards.* Notice of awards will be provided by a Federal Reserve Bank or the Department to submitters of successful competitive bids. Submitters of noncompetitive bids will be notified only when the price to be paid by noncompetitive bidders is over par or if noncompetitive bids are not accepted in full.

(b) *Confirmation of award to customer.* A submitter submitting a bid for a customer is responsible for notifying its customer of the award.

(c) *Confirmation of award and settlement amount to a depository institution having an autocharge agreement with a submitter.* Not later than the day after each auction, the appropriate Federal Reserve Bank will notify each depository institution that has entered into an autocharge agreement with a submitter as to the amount to be charged to the institution's funds account at the Federal Reserve Bank on the issue date.

(d) *Customer net long position confirmation.* Any customer awarded a par amount of $100 million or more in an auction must furnish in writing a statement indicating whether it had a reportable net long position as defined in Section 356.13, and, if a position had to be reported, the amount of any such position and the name of the depository institution or dealer through which the customer requested that the position be reported. This statement must be provided to the Federal Reserve Bank where the bid was submitted no later than close of business on the day before the issue date. A submitter submitting a customer bid is responsible for notifying its customer of this confirmation requirement if the customer is awarded a par amount of $100 million or more as a result of bids submitted by the submitter.

(e) *Customer bid confirmation.* Any customer awarded a par amount of $500 million or more in an auction must furnish, no later than 10 a.m. on the day following the auction, written confirmation of its bid to the Federal Reserve Bank where the bid was submitted. A submitter submitting a customer bid is responsible for notifying its customer of this confirmation requirement if the customer is awarded a par amount of $500 million or more as a result of bids submitted by the submitter.

**§ 356.25 Payment for awarded securities.**

Payment for securities is to be accomplished by the issue date. Payment will be accomplished as follows:

(a) *Payment with tender.* When payment is made with the tender as provided for in § 356.16(a)(1) and (b)(1), settlement is accomplished as follows:

(1) *When an amount is due the submitter.* When the payment previously remitted by the submitter exceeds the settlement amount, the balance will be refunded to the submitter following the auction.

(2) *When the submitter owes an additional amount.* When the settlement amount exceeds the payment previously remitted by the submitter, the submitter will be notified of the additional amount due and is responsible for remitting it immediately. Such additional amount may be due if the auction calculations result in a premium or if accrued interest is due.

(b) *Payment by authorized charge to a funds account.* Where the submitter's method of payment is an authorized charge to the funds account of a depository institution as provided for in § 356.16(a)(2) and (b)(2), the settlement amount will be charged to the specified funds account on the issue date.

## Subpart D—Miscellaneous Provisions

**§ 356.30 Payment of principal and interest on notes and bonds.**

Principal on notes and bonds will be paid on the maturity date as specified in the offering announcement unless the security is called pursuant to its terms and in accordance with appropriate public notice. Interest on notes and bonds accrues from the dated date. Interest is payable on a semiannual basis on the interest payment dates specified in the offering announcement through the date that the principal becomes payable. In the event any principal or interest payment date is a Saturday, Sunday, or other day on which the Federal Reserve Banks are not open for business, the amount is payable (without additional interest) on the next business day.

**§ 356.31 STRIPS.**

(a) *General.* A note or bond may be designated in the offering announcement as eligible for the STRIPS program. At the option of the holder, and generally at any time from its issue date until its call or maturity, any such security may be "stripped," i.e., divided into separate principal and interest components maintained in the commercial book-entry system. The principal components of such stripped security have a single CUSIP number that is different from the CUSIP number of the fully-constituted (unstripped) security. When an interest payment is stripped, an interest component is created and the interest payment date becomes the maturity date for the component. A short or long first interest payment and all interest payments within a callable period are not eligible to be stripped from the principal component. All interest components with the same maturity date have the same CUSIP number, regardless of the underlying security from which the interest payments were stripped. The CUSIP numbers of all interest components are different from the CUSIP number of any fully-constituted security and any principal component. The CUSIP numbers and payment dates for the principal and interest components are provided in the offering announcement if not previously announced.

(b) *Minimum par amounts required for STRIPS.* For a note or bond to be stripped into the components described above, the par amount of the note or bond must be in an amount that, based on its interest rate, will produce a semiannual interest payment in a multiple of $1,000. Exhibit C to this part provides the minimum par amounts

required to strip a note or bond at various interest rates, as well as the corresponding interest payments. Amounts greater than the minimum par amount must be in multiples of that amount. The minimum par amount required to strip a particular security will be provided in the press release announcing the auction results.

(c) *Reconstituting a security.* Stripped interest and principal components may be reconstituted, i.e., restored to their fully-constituted form, and maintained in the commercial book-entry system. A principal component and all related unmatured interest components, in the appropriate minimum or multiple amounts, must be submitted together for reconstitution.

(d) *Applicable regulations.* Unless otherwise provided in this part, the Department's general regulations governing United States securities (31 CFR part 306) apply to notes and bonds separated into their STRIPS components.

**§ 356.32 Taxation.**

Securities issued under this part are subject to all applicable taxes imposed under the Internal Revenue Code of 1986. Under Section 3124 of title 31, United States Code, the securities are exempt from taxation by a State or political subdivision of a State, except for State estate or inheritance taxes and other exceptions as provided in that section.

**§ 356.33 Reservation of rights.**

The Secretary reserves the right to accept or reject or refuse to recognize any or all bids or tenders submitted under this part. The Secretary also reserves the right to award more or less securities than the amount of securities specified in the offering announcement. The Secretary further reserves the right to waive any provision or provisions of this part for any or all bidders or submitters. Decisions of the Secretary under this Section shall be final.

**§ 356.34 Remedies.**

(a) *General.* When a person or an entity fails to comply with the requirements of this part, the Secretary will consider the circumstances of such failure and determine an appropriate remedy. Such remedy may include prohibiting the person or entity from participating in future auctions for its own account, for the account of others, or both. The Secretary may refer such occurrences to the appropriate regulatory agency for enforcement action.

(b) *Liquidated damages.* A bidder agrees to pay liquidated damages of 1% of the par amount of securities awarded the bidder in an auction if the bidder fails to pay for the awarded securities in a timely manner. The Secretary may waive, in whole or in part, the payment of liquidated damages. This liquidated damages provision shall not preclude the use of any other available remedy.

**§ 356.35 Reservations as to terms of offerings.**

The Secretary reserves the right to supplement or amend provisions of this part, The Secretary further reserves the right to modify the terms and conditions of new securities and to depart from the customary pattern of securities offerings at any time. Public notice of any such changes will be provided.

**§ 356.36 Paperwork Reduction Act approval.**

The collections of information contained in §§ 356.11, 356.12, 356.13, and 356.14, and in appendix A of this part have been approved by the Office of Management and Budget under control number 1535-_____.

**Appendix A to Part 356—Bidder Definitions**

For the purpose of this part, the categories set forth below further define a bidder. These definitions are to be used by persons and entities in determining whether they are considered one bidder or more than one bidder for the purpose of bidding in auctions and for the purpose of complying with the requirements of this part. Notwithstanding these definitions, any persons or entities that intentionally act together with respect to bidding in a Treasury auction are considered, collectively, to be one bidder.

The following definitions will be used by the Department in applying competitive and noncompetitive award limitations and related requirements, as described in this part.

(a) *Corporation*—A corporation and all affiliates, whether persons, partnerships, or other entities, hereinafter referred to as a corporate structure, are considered, collectively, to be one bidder.

An affiliate is any: entity that is more than 50% owned, directly or indirectly, by the corporation; entity that is more than 50% owned, directly or indirectly, by any other affiliate of the corporation; person or entity that owns, directly or indirectly, more than 50% of the corporation; person or entity that owns, directly or indirectly, more than 50% of any other affiliate of the corporation; or entity, a majority of whose board of directors or a majority of whose general partners are directors or officers of the corporation or of any affiliate of the corporation.

Under certain circumstances, one or more major organizational components (e.g., the parent or a subsidiary) in a corporate structure, either separately or together with one or more other organizational components in the corporate structure, may be recognized as a bidder separate from the larger corporate structure. All of the following criteria must be met for such component or components to qualify for recognition as a separate bidder:

(1) Such component or components must be prohibited by law or regulation from exchanging, or must have established written internal procedures (i.e., Chinese walls) designed to prevent the exchange of, information related to bidding in Treasury auctions with any other component in the corporate structure;

(2) Such component or components must not be created for the purpose of circumventing the Department's bidding and award limitations;

(3) Decisions related to purchasing Treasury securities at auction and participation in specific auctions must be made by employees of such component or components. Employees of such component or components that make decisions to purchase or dispose of Treasury securities must not perform the same function for other components within the corporate structure; and

(4) The records of such component or components related to the bidding for, acquisition of, and disposition of Treasury securities must be maintained by such component or components. Those records must be identifiable—separate and apart from similar records for other components within the corporate structure.

To obtain recognition as a separate bidder, each component or group of components must request such recognition from the Department, provide a description of the component or group and its position within the corporate structure, and provide the following certification:

"[Name of the bidder] hereby certifies that to the best of its knowledge and belief it meets the criteria for a separate bidder as described in appendix A to 31 CFR part 356. The above-named bidder also certifies that it has established written policies or procedures, including ongoing compliance monitoring processes, that are designed to prevent the component or group of components from:

"(1) Exchanging any of the following information with any other part of the corporate structure: (a) yields or rates at which it plans to bid; (b) amounts of securities for which it plans to bid; (c) positions that it holds or plans to acquire in a security being auctioned; and (d) investment strategies that it plans to follow, or

"(2) In any way intentionally acting together with any other part of the corporate structure with respect to formulating or entering bids in a Treasury auction.

"The above-named bidder agrees that it will promptly notify the Department in writing when any of the information provided to obtain separate bidder status changes or when this certification is no longer valid."

(b) *Partnership*—A partnership for which the Internal Revenue Service has assigned a tax-identification number; general partners acting on behalf of the partnership; and all affiliates, whether persons, corporations, or other entities; hereinafter referred to as a partnership structure, are considered, collectively, to be one bidder. A partnership

structure that contains one or more corporations is considered one bidder under either this "partnership" category or the "corporation" category, but not both.

An affiliate is any: entity that is more than 50% owned, directly or indirectly, by the partnership; entity that is more than 50% owned, directly or indirectly, by any other affiliate of the partnership; person or entity that owns, directly or indirectly, more than 50% of the partnership; person or entity that owns, directly or indirectly, more than 50% of any other affiliate of the partnership; or entity, a majority of whose general partners or a majority of whose board of directors are general partners or directors of the partnership or of any affiliate of the partnership.

Under certain circumstances, one or more major organizational components (e.g., the partnership or a subsidiary) in a partnership structure, either separately or together with one or more other organizational components in the partnership structure, may be recognized as a bidder separate from the larger partnership structure. All of the following criteria must be met for such component or components to qualify for recognition as a separate bidder:

(1) Such component or components must be prohibited by law or regulation from exchanging, or must have established written internal procedures (i.e., Chinese walls) designed to prevent the exchange of, information related to bidding in Treasury auctions with any other component in the partnership structure;

(2) Such component or components must not be created for the purpose of circumventing the Department's bidding and award limitations;

(3) Decisions related to purchasing Treasury securities at auction and participation in specific auctions must be made by employees of such component or components. Employees of such component or components that make decisions to purchase or dispose of Treasury securities must not perform the same function for other components within the partnership structure; and

(4) The records of such component or components related to the bidding for, acquisition of, and disposition of Treasury securities must be maintained by such component or components. Those records must be identifiable—separate and apart from similar records for other components within the partnership structure.

To obtain recognition as a separate bidder, each component or group of components must request such recognition from the Department, provide a description of the component or group and its position within the partnership structure, and provide the following certification:

"[Name of the bidder] hereby certifies that to the best of its knowledge and belief it meets the criteria for a separate bidder as described in appendix A to 31 CFR part 356. The above-named bidder also certifies that it has established written policies or procedures, including ongoing compliance monitoring processes, that are designed to prevent the component or group of components from:

(1) Exchanging any of the following information with any other part of the partnership structure: (a) yields or rates at which it plans to bid; (b) amounts of securities for which it plans to bid; (c) positions that it holds or plans to acquire in a security being auctioned; and (d) investment strategies that it plans to follow, or

"(2) In any way intentionally acting together with any other part of the partnership structure with respect to formulating or entering bids in a Treasury auction.

"The above-named bidder agrees that it will promptly notify the Department in writing when any of the information provided to obtain separate bidder status changes or when this certification is no longer valid."

(c) *Government-related entity*—

(1) The government of each of the 50 states and of the District of Columbia is considered to be one bidder.

(2) A unit of local government, including any county, city, municipality, or township, or other unit of general government, as defined by the Bureau of the Census for statistical purposes, is considered to be one bidder.

(3) The government of a commonwealth, territory, or possession of the United States is considered to be one bidder.

(4) A governmental entity, body, or corporation established under Federal, State, or local law is considered to be one bidder.

(5) A foreign central bank, the government of a foreign state, or an international organization in which the United States holds membership is considered to be one bidder.

An investment, reserve, or other fund of one of the above government-related entities, not otherwise meeting the definition of the "trust or other fiduciary estate" category, is considered part of that entity and not a separate bidder unless applicable law requires that the investments of such fund be made separately.

(d) *Trust or other fiduciary estate*—A legal entity created under a valid trust instrument, court order, or other legal authority that designates a trustee or fiduciary to act for the benefit of a named beneficiary may be considered a bidder. To be considered a bidder, such legal entity must be able to be identified by the name or title of the trustee or fiduciary; specific reference to the trust instrument, court order, or legal authority under which the trustee or fiduciary is acting; and the unique IRS-assigned employer identification number (not social security number) for the entity. Further, it must be the trustee or fiduciary who makes the decisions related to participation in auctions on behalf of the trust or fiduciary estate.

(e) *Individual*—A person, whether acting in his or her individual capacity, as a sole proprietor, for any entity not otherwise defined as a bidder, or in more than one such capacity, is considered to be one bidder. When a person meets the definition of an affiliate within a corporate or partnership structure as defined above, such person may only be considered a bidder in this "individual" category when the bidder of which they are a part is not bidding in the same auction. A person acting in an official capacity as an employee or other representative of a bidder defined in any other category is not considered an "individual" bidder when acting in such capacity. A person, his or her spouse, and any children under the age of 21 having a common household are considered, collectively, to be one "individual" bidder.

(f) *Other bidder*—A bidder defined by any of the above categories is not considered a bidder in this category. A bidder not defined by any of the above categories may possibly be considered a bidder in this category. For purposes of this definition, "other bidder" means an institution or organization with a unique IRS-assigned employer identification number. This definition of other bidder includes such entities as an association, church, university, union, or club. This category does not include any person or entity acting in a fiduciary or investment management capacity, a sole proprietorship, an investment account, an investment fund, a form of registration, or investment ownership designation.

Notwithstanding the definitions in this appendix, it is the intent of the Department that no auction participant receive a larger auction award by acquiring securities through an intermediary than it could have received had it been considered a bidder under these definitions.

## Appendix B to Part 356—Formulas and Tables

I. Computation of Interest on Treasury Bonds and Notes
II. Formulas for Conversion of Bond and Note Yields to Equivalent Prices
III. Computation of Purchase Price, Discount Rate, and Investment Rate for Treasury Bills

### *I. Computation of Interest on Treasury Bonds and Notes*

A. Regular Half-Year Payment Period

Interest on marketable Treasury bonds and notes is payable on a semiannual basis. The regular interest payment period is a full half-year of six calendar months. Examples of half-year periods are: (1) February 15 to August 15, (2) May 31 to November 30, and (3) February 29 to August 31 (in a leap year). Calculation of an interest payment for a note with a par amount of $1,000 and an interest rate of 8% is made in this manner: ($1,000×.08)÷2=$40. Specifically, a semiannual interest payment represents one half of one year's interest, and is computed on this basis regardless of the actual number of days in the half-year.

B. Daily Interest Decimal

In cases where an interest payment period is shorter or longer than six months or where accrued interest is payable by an investor, a daily interest decimal, based on the actual number of days in the half-year or half-years involved, must be computed. The number of days in any half-year period is shown in Table 1.

TABLE.—1

| Interest period | Beginning and ending days are 1st or 15th of the months listed under interest period (number of days) | | Beginning and ending days are the last days of the months listed under interest period (number of days) | |
|---|---|---|---|---|
| | Regular year | Leap year | Regular year | Leap year |
| January to July | 181 | 182 | 181 | 182 |
| February to August | 181 | 182 | 184 | 184 |
| March to September | 184 | 184 | 183 | 183 |
| April to October | 183 | 183 | 184 | 184 |
| May to November | 184 | 184 | 183 | 183 |
| June to December | 183 | 183 | 184 | 184 |
| July to January | 184 | 184 | 184 | 184 |
| August to February | 184 | 184 | 181 | 182 |
| September to March | 181 | 182 | 182 | 183 |
| October to April | 182 | 183 | 181 | 182 |
| November to May | 181 | 182 | 182 | 183 |
| December to June | 182 | 183 | 181 | 182 |

Table 2 below sets forth the daily interest decimals covering interest from ⅛% to 20% on $1,000 for one day in increments of ⅛ of one percent. These decimals represent $1/181$, $1/182$, $1/183$, or $1/184$ of a full semiannual interest payment, depending on which half-year is applicable.

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**TABLE 2**

Decimal for one day's interest on $1,000 at various rates of interest, payable semiannually or on a semiannual basis, in regular years of 365 days and in years of 366 days (to determine applicable number of days, see TABLE 1).

| Rate per Annum (percent) | Half-Year of 184 Days | Half-Year of 183 Days | Half-Year of 182 Days | Half-Year of 181 Days |
|---|---|---|---|---|
| 1/8% | 0.003396739 | 0.003415301 | 0.003434066 | 0.003453039 |
| 1/4% | 0.006793478 | 0.006830601 | 0.006868132 | 0.006906077 |
| 3/8% | 0.010190217 | 0.010245902 | 0.010302198 | 0.010359116 |
| 1/2% | 0.013586957 | 0.013661202 | 0.013736264 | 0.013812155 |
| 5/8% | 0.016983696 | 0.017076503 | 0.017170330 | 0.017265193 |
| 3/4% | 0.020380435 | 0.020491803 | 0.020604396 | 0.020718232 |
| 7/8% | 0.023777174 | 0.023907104 | 0.024038462 | 0.024171271 |
| 1% | 0.027173913 | 0.027322404 | 0.027472527 | 0.027624309 |
| 1-1/8% | 0.030570652 | 0.030737705 | 0.030906593 | 0.031077348 |
| 1-1/4% | 0.033967391 | 0.034153005 | 0.034340659 | 0.034530387 |
| 1-3/8% | 0.037364130 | 0.037568306 | 0.037774725 | 0.037983425 |
| 1-1/2% | 0.040760870 | 0.040983607 | 0.041208791 | 0.041436464 |
| 1-5/8% | 0.044157609 | 0.044398907 | 0.044642857 | 0.044889503 |
| 1-3/4% | 0.047554348 | 0.047814208 | 0.048076923 | 0.048342541 |
| 1-7/8% | 0.050951087 | 0.051229508 | 0.051510989 | 0.051795580 |
| 2% | 0.054347826 | 0.054644809 | 0.054945055 | 0.055248619 |
| 2-1/8% | 0.057744565 | 0.058060109 | 0.058379121 | 0.058701657 |
| 2-1/4% | 0.061141304 | 0.061475410 | 0.061813187 | 0.062154696 |
| 2-3/8% | 0.064538043 | 0.064890710 | 0.065247253 | 0.065607735 |
| 2-1/2% | 0.067934783 | 0.068306011 | 0.068681319 | 0.069060773 |
| 2-5/8% | 0.071331522 | 0.071721311 | 0.072115385 | 0.072513812 |
| 2-3/4% | 0.074728261 | 0.075136612 | 0.075549451 | 0.075966851 |
| 2-7/8% | 0.078125000 | 0.078551913 | 0.078983516 | 0.079419890 |
| 3% | 0.081521739 | 0.081967213 | 0.082417582 | 0.082872928 |
| 3-1/8% | 0.084918478 | 0.085382514 | 0.085851648 | 0.086325967 |
| 3-1/4% | 0.088315217 | 0.088797814 | 0.089285714 | 0.089779006 |

TABLE 2 (Continued) 84

| | | | | |
|---|---|---|---|---|
| 3-3/8% | 0.091711957 | 0.092213115 | 0.092719780 | 0.093232044 |
| 3-1/2% | 0.095108696 | 0.095628415 | 0.096153846 | 0.096685083 |
| 3-5/8% | 0.098505435 | 0.099043716 | 0.099587912 | 0.100138122 |
| 3-3/4% | 0.101902174 | 0.102459016 | 0.103021978 | 0.103591160 |
| 3-7/8% | 0.105298913 | 0.105874317 | 0.106456044 | 0.107044199 |
| 4% | 0.108695652 | 0.109289617 | 0.109890110 | 0.110497238 |
| 4-1/8% | 0.112092391 | 0.112704918 | 0.113324176 | 0.113950276 |
| 4-1/4% | 0.115489130 | 0.116120219 | 0.116758242 | 0.117403315 |
| 4-3/8% | 0.118885870 | 0.119535519 | 0.120192308 | 0.120856354 |
| 4-1/2% | 0.122282609 | 0.122950820 | 0.123626374 | 0.124309392 |
| 4-5/8% | 0.125679348 | 0.126366120 | 0.127060440 | 0.127762431 |
| 4-3/4% | 0.129076087 | 0.129781421 | 0.130494505 | 0.131215470 |
| 4-7/8% | 0.132472826 | 0.133196721 | 0.133928571 | 0.134668508 |
| 5% | 0.135869565 | 0.136612022 | 0.137362637 | 0.138121547 |
| 5-1/8% | 0.139266304 | 0.140027322 | 0.140796703 | 0.141574586 |
| 5-1/4% | 0.142663043 | 0.143442623 | 0.144230769 | 0.145027624 |
| 5-3/8% | 0.146059783 | 0.146857923 | 0.147664835 | 0.148480663 |
| 5-1/2% | 0.149456522 | 0.150273224 | 0.151098901 | 0.151933702 |
| 5-5/8% | 0.152853261 | 0.153688525 | 0.154532967 | 0.155386740 |
| 5-3/4% | 0.156250000 | 0.157103825 | 0.157967033 | 0.158839779 |
| 5-7/8% | 0.159646739 | 0.160519126 | 0.161401099 | 0.162292818 |
| 6% | 0.163043478 | 0.163934426 | 0.164835165 | 0.165745856 |
| 6-1/8% | 0.166440217 | 0.167349727 | 0.168269231 | 0.169198895 |
| 6-1/4% | 0.169836957 | 0.170765027 | 0.171703297 | 0.172651934 |
| 6-3/8% | 0.173233696 | 0.174180328 | 0.175137363 | 0.176104972 |
| 6-1/2% | 0.176630435 | 0.177595628 | 0.178571429 | 0.179558011 |
| 6-5/8% | 0.180027174 | 0.181010929 | 0.182005495 | 0.183011050 |
| 6-3/4% | 0.183423913 | 0.184426230 | 0.185439560 | 0.186464088 |
| 6-7/8% | 0.186820652 | 0.187841530 | 0.188873626 | 0.189917127 |
| 7% | 0.190217391 | 0.191256831 | 0.192307692 | 0.193370166 |
| 7-1/8% | 0.193614130 | 0.194672131 | 0.195741758 | 0.196823204 |
| 7-1/4% | 0.197010870 | 0.198087432 | 0.199175824 | 0.200276243 |
| 7-3/8% | 0.200407609 | 0.201502732 | 0.202609890 | 0.203729282 |
| 7-1/2% | 0.203804348 | 0.204918033 | 0.206043956 | 0.207182320 |

**TABLE 2 (Continued)** 85

| | | | | |
|---|---|---|---|---|
| 7-5/8% | 0.207201087 | 0.208333333 | 0.209478022 | 0.210635359 |
| 7-3/4% | 0.210597826 | 0.211748634 | 0.212912088 | 0.214088398 |
| 7-7/8% | 0.213994565 | 0.215163934 | 0.216346154 | 0.217541436 |
| 8% | 0.217391304 | 0.218579235 | 0.219780220 | 0.220994475 |
| 8-1/8% | 0.220788043 | 0.221994536 | 0.223214286 | 0.224447514 |
| 8-1/4% | 0.224184783 | 0.225409836 | 0.226648352 | 0.227900552 |
| 8-3/8% | 0.227581522 | 0.228825137 | 0.230082418 | 0.231353591 |
| 8-1/2% | 0.230978261 | 0.232240437 | 0.233516484 | 0.234806630 |
| 8-5/8% | 0.234375000 | 0.235655738 | 0.236950549 | 0.238259669 |
| 8-3/4% | 0.237771739 | 0.239071038 | 0.240384615 | 0.241712707 |
| 8-7/8% | 0.241168478 | 0.242486339 | 0.243818681 | 0.245165746 |
| 9% | 0.244565217 | 0.245901639 | 0.247252747 | 0.248618785 |
| 9-1/8% | 0.247961957 | 0.249316940 | 0.250686813 | 0.252071823 |
| 9-1/4% | 0.251358696 | 0.252732240 | 0.254120879 | 0.255524862 |
| 9-3/8% | 0.254755435 | 0.256147541 | 0.257554945 | 0.258977901 |
| 9-1/2% | 0.258152174 | 0.259562842 | 0.260989011 | 0.262430939 |
| 9-5/8% | 0.261548913 | 0.262978142 | 0.264423077 | 0.265883978 |
| 9-3/4% | 0.264945652 | 0.266393443 | 0.267857143 | 0.269337017 |
| 9-7/8% | 0.268342391 | 0.269808743 | 0.271291209 | 0.272790055 |
| 10% | 0.271739130 | 0.273224044 | 0.274725275 | 0.276243094 |
| 10-1/8% | 0.275135870 | 0.276639344 | 0.278159341 | 0.279696133 |
| 10-1/4% | 0.278532609 | 0.280054645 | 0.281593407 | 0.283149171 |
| 10-3/8% | 0.281929348 | 0.283469945 | 0.285027473 | 0.286602210 |
| 10-1/2% | 0.285326087 | 0.286885246 | 0.288461538 | 0.290055249 |
| 10-5/8% | 0.288722826 | 0.290300546 | 0.291895604 | 0.293508287 |
| 10-3/4% | 0.292119565 | 0.293715847 | 0.295329670 | 0.296961326 |
| 10-7/8% | 0.295516304 | 0.297131148 | 0.298763736 | 0.300414365 |
| 11% | 0.298913043 | 0.300546448 | 0.302197802 | 0.303867403 |
| 11-1/8% | 0.302309783 | 0.303961749 | 0.305631868 | 0.307320442 |
| 11-1/4% | 0.305706522 | 0.307377049 | 0.309065934 | 0.310773481 |
| 11-3/8% | 0.309103261 | 0.310792350 | 0.312500000 | 0.314226519 |
| 11-1/2% | 0.312500000 | 0.314207650 | 0.315934066 | 0.317679558 |
| 11-5/8% | 0.315896739 | 0.317622951 | 0.319368132 | 0.321132597 |
| 11-3/4% | 0.319293478 | 0.321038251 | 0.322802198 | 0.324585635 |

TABLE 2 (Continued) 86

| | | | | |
|---|---|---|---|---|
| 11-7/8% | 0.322690217 | 0.324453552 | 0.326236264 | 0.328038674 |
| 12% | 0.326086957 | 0.327868852 | 0.329670330 | 0.331491713 |
| 12-1/8% | 0.329483696 | 0.331284153 | 0.333104396 | 0.334944751 |
| 12-1/4% | 0.332880435 | 0.334699454 | 0.336538462 | 0.338397790 |
| 12-3/8% | 0.336277174 | 0.338114754 | 0.339972527 | 0.341850829 |
| 12-1/2% | 0.339673913 | 0.341530055 | 0.343406593 | 0.345303867 |
| 12-5/8% | 0.343070652 | 0.344945355 | 0.346840659 | 0.348756906 |
| 12-3/4% | 0.346467391 | 0.348360656 | 0.350274725 | 0.352209945 |
| 12-7/8% | 0.349864130 | 0.351775956 | 0.353708791 | 0.355662983 |
| 13% | 0.353260870 | 0.355191257 | 0.357142857 | 0.359116022 |
| 13-1/8% | 0.356657609 | 0.358606557 | 0.360576923 | 0.362569061 |
| 13-1/4% | 0.360054348 | 0.362021858 | 0.364010989 | 0.366022099 |
| 13-3/8% | 0.363451087 | 0.365437158 | 0.367445055 | 0.369475138 |
| 13-1/2% | 0.366847826 | 0.368852459 | 0.370879121 | 0.372928177 |
| 13-5/8% | 0.370244565 | 0.372267760 | 0.374313187 | 0.376381215 |
| 13-3/4% | 0.373641304 | 0.375683060 | 0.377747253 | 0.379834254 |
| 13-7/8% | 0.377038043 | 0.379098361 | 0.381181319 | 0.383287293 |
| 14% | 0.380434783 | 0.382513661 | 0.384615385 | 0.386740331 |
| 14-1/8% | 0.383831522 | 0.385928962 | 0.388049451 | 0.390193370 |
| 14-1/4% | 0.387228261 | 0.389344262 | 0.391483516 | 0.393646409 |
| 14-3/8% | 0.390625000 | 0.392759563 | 0.394917582 | 0.397099448 |
| 14-1/2% | 0.394021739 | 0.396174863 | 0.398351648 | 0.400552486 |
| 14-5/8% | 0.397418478 | 0.399590164 | 0.401785714 | 0.404005525 |
| 14-3/4% | 0.400815217 | 0.403005464 | 0.405219780 | 0.407458564 |
| 14-7/8% | 0.404211957 | 0.406420765 | 0.408653846 | 0.410911602 |
| 15% | 0.407608696 | 0.409836066 | 0.412087912 | 0.414364641 |
| 15-1/8% | 0.411005435 | 0.413251366 | 0.415521978 | 0.417817680 |
| 15-1/4% | 0.414402174 | 0.416666667 | 0.418956044 | 0.421270718 |
| 15-3/8% | 0.417798913 | 0.420081967 | 0.422390110 | 0.424723757 |
| 15-1/2% | 0.421195652 | 0.423497268 | 0.425824176 | 0.428176796 |
| 15-5/8% | 0.424592391 | 0.426912568 | 0.429258242 | 0.431629834 |
| 15-3/4% | 0.427989130 | 0.430327869 | 0.432692308 | 0.435082873 |
| 15-7/8% | 0.431385870 | 0.433743169 | 0.436126374 | 0.438535912 |
| 16% | 0.434782609 | 0.437158470 | 0.439560440 | 0.441988950 |

**TABLE 2 (Continued)** 87

| | | | | |
|---|---|---|---|---|
| 16-1/8% | 0.438179348 | 0.440573770 | 0.442994505 | 0.445441989 |
| 16-1/4% | 0.441576087 | 0.443989071 | 0.446428571 | 0.448895028 |
| 16-3/8% | 0.444972826 | 0.447404372 | 0.449862637 | 0.452348066 |
| 16-1/2% | 0.448369565 | 0.450819672 | 0.453296703 | 0.455801105 |
| 16-5/8% | 0.451766304 | 0.454234973 | 0.456730769 | 0.459254144 |
| 16-3/4% | 0.455163043 | 0.457650273 | 0.460164835 | 0.462707182 |
| 16-7/8% | 0.458559783 | 0.461065574 | 0.463598901 | 0.466160221 |
| 17% | 0.461956522 | 0.464480874 | 0.467032967 | 0.469613260 |
| 17-1/8% | 0.465353261 | 0.467896175 | 0.470467033 | 0.473066298 |
| 17-1/4% | 0.468750000 | 0.471311475 | 0.473901099 | 0.476519337 |
| 17-3/8% | 0.472146739 | 0.474726776 | 0.477335165 | 0.479972376 |
| 17-1/2% | 0.475543478 | 0.478142077 | 0.480769231 | 0.483425414 |
| 17-5/8% | 0.478940217 | 0.481557377 | 0.484203297 | 0.486878453 |
| 17-3/4% | 0.482336957 | 0.484972678 | 0.487637363 | 0.490331492 |
| 17-7/8% | 0.485733696 | 0.488387978 | 0.491071429 | 0.493784530 |
| 18% | 0.489130435 | 0.491803279 | 0.494505495 | 0.497237569 |
| 18-1/8% | 0.492527174 | 0.495218579 | 0.497939560 | 0.500690608 |
| 18-1/4% | 0.495923913 | 0.498633880 | 0.501373626 | 0.504143646 |
| 18-3/8% | 0.499320652 | 0.502049180 | 0.504807692 | 0.507596685 |
| 18-1/2% | 0.502717391 | 0.505464481 | 0.508241758 | 0.511049724 |
| 18-5/8% | 0.506114130 | 0.508879781 | 0.511675824 | 0.514502762 |
| 18-3/4% | 0.509510870 | 0.512295082 | 0.515109890 | 0.517955801 |
| 18-7/8% | 0.512907609 | 0.515710383 | 0.518543956 | 0.521408840 |
| 19% | 0.516304348 | 0.519125683 | 0.521978022 | 0.524861878 |
| 19-1/8% | 0.519701087 | 0.522540984 | 0.525412088 | 0.528314917 |
| 19-1/4% | 0.523097826 | 0.525956284 | 0.528846154 | 0.531767956 |
| 19-3/8% | 0.526494565 | 0.529371585 | 0.532280220 | 0.535220994 |
| 19-1/2% | 0.529891304 | 0.532786885 | 0.535714286 | 0.538674033 |
| 19-5/8% | 0.533288043 | 0.536202186 | 0.539148352 | 0.542127072 |
| 19-3/4% | 0.536684783 | 0.539617486 | 0.542582418 | 0.545580110 |
| 19-7/8% | 0.540081522 | 0.543032787 | 0.546016484 | 0.549033149 |
| 20% | 0.543478261 | 0.546448087 | 0.549450549 | 0.552486188 |

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C. Short First Payment Period

In cases where the first interest payment period for a bond or note covers less than a full half-year period (a "short coupon"), the daily interest decimal is multiplied by the number of days from, but not including, the issue date to, and including, the first interest payment date, resulting in the amount of the interest payable per $1,000 par amount. In cases where the par amount of securities is greater than $1,000, the appropriate multiple should be multiplied by the unrounded interest payment amount for $1,000 par amount.

**Example**

A 2-year note paying 8⅜% interest was issued on July 2, 1990, with the first interest payment on December 31, 1990. The number of days in the full half-year period of June 30 to December 31, 1990, was 184 (see Table 1). The number of days for which interest actually accrued was 182 (not including July 2, but including December 31). The daily interest decimal, $0.227581522 (see Table 2, line for 8⅜%, under the column for half-year of 184 days), was multiplied by 182, resulting in a payment of $41.419837004 per $1,000. Because the note was issued in a minimum denomination of $5,000, $41.419837004 was multiplied by 5, resulting in a payment of $207.099185020, or $207.10, for a $5,000 note. For $20,000 of these notes, $41.419837004 would be multiplied by 20, resulting in a payment of $828.39674008 ($828.40).

D. Long First Payment Period

In cases where the first interest payment period for a bond or note covers more than a full half-year period (a "long coupon"), the daily interest decimal is multiplied by the number of days from, but not including, the issue date to, and including, the last day of the fractional period that ends one full half-year before the interest payment date. That amount is added to the regular interest amount for the full half-year ending on the first interest payment date, resulting in the amount of interest payable for $1,000 par amount. In cases where the par amount of securities is greater than $1,000, the appropriate multiple should be applied to the unrounded interest payment amount for $1,000 par amount.

**Example**

A 5-year 2-month note paying 7⅞% interest was issued on December 3, 1990, with the first interest payment due on August 15, 1991. Interest for the regular half-year portion of the payment was computed to be $39.375 per $1,000 par amount. The fractional portion of the payment, from December 3 to February 15, fell in a 184-day half-year (August 15, 1990, to February 15, 1991). Accordingly, the daily interest decimal for 7⅞% was $0.213994565. This decimal, multiplied by 74 (the number of days from but not including December 3, 1990, to and including February 15), resulted in interest for the fractional portion of $15.835597810. When added to $39.375 (the normal interest payment portion ending on August 15, 1991), this produced a first interest payment of $55.210597810, or $55.21 per $1,000 par amount. For $7,000 par amount of these notes, $55.210597810 would be multiplied by 7, resulting in an interest payment of $386.474184670 ($386.47).

E. Accrued Interest

Accrued interest will be payable by the purchaser of a Treasury bond or note when interest accrues prior to the issue date of the security. Because the purchaser receives a full interest payment despite having held the security for only a portion of the interest payment period, the Department is compensated through the payment of accrued interest at settlement.

If accrued interest covers a fractional portion of a full half-year period, the number of days in the full half-year period and the stated interest rate will determine the daily interest decimal to be used in computing the accrued interest. The decimal is multiplied by the number of days for which interest has accrued. If a reopened bond or note has a long first interest payment period (a "long coupon"), and the dated date for the reopened issue is less than six full months before the first interest payment, the accrued interest will fall into two separate half-year periods, and a separate daily interest decimal must be multiplied by the respective number of days in each half-year period during which interest has accrued. All accrued interest computations are rounded to five decimal places for a $1,000 par amount, using normal rounding procedures. Accrued interest for a par amount of securities greater than $1,000 is calculated by applying the appropriate multiple to accrued interest payable for $1,000 par amount, taken to five decimal places.

**Examples**

(1) Involving One Half-Year:

A bond paying interest at a rate of 8¾%, originally issued on August 15, 1990, as a 30-year bond with a first interest payment date of February 15, 1991, was reopened as a 29-year 9-month bond on November 15, 1990. Interest had accrued for 92 days, from August 15 to November 15. The regular interest period from August 15 to February 15, 1991, covered 184 days. Accordingly, the daily interest decimal, $0.237771739, multiplied by 92, resulted in an accrued interest payable of $21.874999988, or $21.87500, for each $1,000 bond purchased. If the bonds have a par amount of $150,000, then 150 is multiplied by $21.87500, resulting in an amount payable of $3,281.25.

(2) Involving Two Half-Years:

A 10¾% bond, originally issued on July 2, 1985, as a 20-year 1-month bond, with a first interest payment date of February 15, 1986, was reopened as a 19-year 10-month bond on November 4, 1985. Interest had accrued for 44 days, from July 2 to August 15, 1985, during a 181-day half-year (February 15 to August 15); and for 81 days, from August 15 to November 4, during a 184-day half-year (August 15, 1985, to February 15, 1986). Accordingly, $0.296961326 was multiplied by 44, and $0.292119565 was multiplied by 81, resulting in products of $13.066298344 and $23.661684765 which, added together, resulted in accrued interest payable of $36.727983109, or $36.72798, for each $1,000 bond purchased. If the bonds have a par amount of $11,000, then 11 is multiplied by $36.72798, resulting in an amount payable of $404.00778 ($404.01).

*II. Formulas for Conversion of Bond and Note Yields to Equivalent Prices* [1]

*Definitions*

P = price per 100 (dollars), rounded to three places, using normal rounding procedures

C = the regular annual interest per $100, payable semiannually, e.g., 10.125 (the decimal equivalent of a 10⅛% interest rate)

i = nominal annual rate of return or yield to maturity, based on semiannual interest payments and expressed in decimals, e.g., .0719

n = number of full semiannual periods from the issue date to maturity, except that, if the issue date is a coupon frequency date, n will be one less than the number of full semiannual periods remaining to maturity. Coupon frequency dates are the two semiannual dates based on the maturity date of each note or bond issue. For example, a security maturing on November 15, 1995, would have coupon frequency dates of May 15 and November 15.

r = (1) number of days from the issue date to the first interest payment (regular or short first payment period), or (2) number of days in fractional portion (or "initial short period") of long first payment period

s = (1) number of days in the full semiannual period ending on the first interest payment date (regular or short first payment period), or (2) number of days in the full semiannual period in which the fractional portion of a long first payment period falls, ending at the onset of the regular portion of the first interest payment

$v^n = 1/[1+(i/2)]^n$ = present value of 1 due at the end of n periods

$a_n = (1-v^n)/(i/2) = v+v^2+v^3+\ldots+v^n$ = present value of 1 per period for n periods

A = accrued interest

A. For bonds and notes with a regular first interest payment period:

Formula:

$$P[1+(r/s)(i/2)] = (C/2)(r/s)+(C/2)a_n+100\,v^n$$

Example:

For an 8¾% 30-year bond, issued May 15, 1990, due May 15, 2020, with interest payments on November 15 and May 15, solve for the price per 100 (P) at a yield of 8.84%.

Definitions:

C = 8.75

i = .0884

r = 184 (May 15 to November 15, 1990)

s = 184 (May 15 to November 15, 1990)

n = 59 (There are 60 full semiannual periods, but n is reduced by 1 because the issue date is a coupon frequency date.)

$v^n = 1/[(1+.0884/2)]^{59}$, or .077940

[1] In the following examples, intermediate rounding is used to allow the reader to follow the calculations. In actual practice, the Department does not round prior to determining the final result.

$a_n = (1 - .077940)/.0442$, or 20.861086

Resolution:

$P[1+(r/s)(i/2)] = (C/2)(r/s) + (C/2)a_n + 100\ v^n$ or

$P[1+(184/184)(.0884/2)] = (8.75/2)(184/184) + (8.75/2)(20.861086) + 100(.077940)$

(1) $P[1+.0442] = 4.375 + 91.267251 + 7.7940$

(2) $P[1.0442] = 103.436251$

(3) $P = 103.436251 \div 1.0442$

(4) $P = 99.057892$

(5) $P = 99.058$

B. For bonds and notes with a short first interest payment period:

Formula:

$P[1+(r/s)(i/2)] = (C/2)(r/s) + (C/2)a_n + 100\ v^n$

Example:

For an 8½% 2-year note, issued April 2, 1990, due March 31, 1992, with interest payments on September 30 and March 31, solve for the price per 100 (P) at a yield of 8.59%.

Definitions:

C = 8.50

i = .0859

n = 3

r = 181 (April 2 to September 30, 1990)

s = 183 (March 31 to September 30, 1990)

$v^n = 1/[(1+.0859/2)]^3$, or .881474

$a_n = (1 - .881474)/.04295$, or 2.759627

Resolution:

$P[1+(r/s)(i/2)] = (C/2)(r/s) + (C/2)a_n + 100\ v^n$ or

$P[1+(181/183)(.0859/2)] = (8.50/2)(181/183) + (8.50/2)(2.759627) + 100(.881474)$

(1) $P[1+.042481] = 4.203552 + 11.728415 + 88.1474$

(2) $P[1.042481] = 104.079367$

(3) $P = 104.079367 \div 1.042481$

(4) $P = 99.838143$

(5) $P = 99.838$

C. For bonds and notes with a long first interest payment period:

Formula:

$P[1+(r/s)(i/2)] = [(C/2)(r/s)]v + (C/2)a_n + 100\ v^n$

Example:

For an 8½% 5-year 2-month note, issued March 1, 1990, due May 15, 1995, with interest payments on November 15 and May 15 (first payment on November 15, 1990), solve for the price per 100 (P) at a yield of 8.53%.

Definitions:

C = 8.50

i = .0853

n = 10

r = 75 (March 1 to May 15, 1990, which is the fractional portion of the first interest payment)

s = 181 (November 15, 1989, to May 15, 1990)

$v = 1/(1+.0853/2)$, or .959095

$v^n = 1/(1+.0853/2)^{10}$, or .658589

$a_n = (1 - .658589)/.04265$, or 8.004947

Resolution:

$P[1+(r/s)(i/2)] = [(C/2)(r/s)]v + (C/2)a_n + 100\ v^n$ or

$P[1+(75/181)(.0853/2)] = [(8.50/2)(75/181)].959095 + (8.50/2)(8.004947) + 100(.658589)$

(1) $P[1+.017673] = 1.689014 + 34.021025 + 65.8589$

(2) $P[1.017673] = 101.568939$

(3) $P = 101.568939 \div 1.017673$

(4) $P = 99.805084$

(5) $P = 99.805$

D. (1) For bonds and notes reopened during a regular interest period where the purchase price includes predetermined accrued interest.

(2) For new bond and note issues accruing interest from the coupon frequency date immediately preceding the issue date, with the interest rate established in the auction being used to determine the accrued interest payable on the issue date.

Formula:

$(P+A)[1+(r/s)(i/2)] = C/2 + (C/2)a_n + 100v^n$

Where $A = [(s-r)/s](C/2)$

Example:

For a 9½% 10-year note, interest accruing from November 15, 1985, issued November 29, 1985, due November 15, 1995, with interest payments on May 15 and November 15, solve for the price per 100 (P) at a yield of 9.54%. Accrued interest is from November 15 to November 29 (14 days).

Definitions:

C = 9.50

i = .0954

n = 19

r = 167 (November 29, 1985, to May 15, 1986)

s = 181 (November 15, 1985, to May 15, 1986)

$v^n = 1/[(1+.0954/2)]^{19}$, or .412570400

$a_n = (1 - .412570)/.0477$, or 12.315094

A = [(181-167)/181](9.50/2), or .367403

Resolution:

$(P+A)[1+(r/s)(i/2)] = C/2 + (C/2)a_n + 100v^n$ or

$(P+.367403)[1+(167/181)(.0954/2)] = (9.50/2) + (9.50/2)(12.315094) + 100(.412570)$

(1) $(P+.367403)[1+.04401\ 1] = 4.75 + 58.496697 + 41.2570$

(2) $(P+.367403)[1.044011] = 104.503697$

(3) $(P+.367403) = 104.503697 \div 1.044011$

(4) $(P+.367403) = 100.098272$

(5) $P = 100.098272 - .367403$

(6) $P = 99.730869$

(7) $P = 99.731$

E. For bonds and notes reopened during the regular portion of a long first payment period:

Formula:

$(P+A)[1+(r/s)(i/2)] = (r'/s'')(C/2) + C/2 + (C/2)a_n + 100v^n$

Where $A = AI' + AI$

$AI' = (r'/s'')(C/2)$

$AI = [(s-r)/s](C/2)$

and r = number of days from the reopening date to the first interest payment date

s = number of days in the semiannual period for the regular portion of the first interest payment period

r' = number of days in the fractional portion (or "initial short period") of the first interest payment period

s'' = number of days in the semiannual period ending with the commencement date of the regular portion of the first interest payment period

Example:

A 10¾% 19-year 9-month bond due August 15, 2005, is issued on July 2, 1985, and reopened on November 4, 1985, with interest payments on February 15 and August 15 (first payment on February 15, 1986), solve for the price per 100(P) at a yield of 10.47%. Accrued interest is calculated from July 2 to November 4.

Definitions:

C = 10.75

i = .1047

n = 39

r = 103 (November 4, 1985, to February 15, 1986)

s = 184 (August 15, 1985, to February 15, 1986)

r' = 44 (July 2 to August 15, 1985)

s'' = 181 (February 15 to August 15, 1985)

$v^n = 1 / [(1+.1047 / 2)]^{39}$, or .136695

$a_n = (1 - .136695)/.05235$, or 16.491022

$AI' = (44/181)(10.75/2)$, or 1.306630

$AI = [(184-103)/184](10.75/2)$, or 2.366168

$A = AI' + AI$, or 3.672798

Resolution:

$(P+A)[1+(r/s)(i/2)] = (r'/s'')(C/2) + C/2 + (C/2)a_n + 100v^n$ or

$(P+3.672798)[1+(103/184)(.1047/2)] = (44/181)(10.75/2) + 10.75/2 + (10.75/2)(16.491022) + 100(.136695)$

(1) $(P+3.672798)[1+.0293\ 05] = 1.306630 + 5.375 + 88.639243 + 13.6695$

(2) $(P+3.672798)[1.029305] = 108.990373$

(3) $(P+3.672798) = 108.990373 \div 1.029305$

(4) $(P+3.672798) = 105.887344$

(5) $P = 105.887344 - 3.672798$

(6) $P = 102.214546$

(7) $P = 102.215$

F. For bonds and notes reopened during a short first payment period:

Formula:

$(P+A)[1+(r/s)(i/2)] = (r''/s)(C/2) + (C/2)a_n + 100v^n$

Where $A = [(r''-r)/s](C/2)$

and r'' = number of days from the original issue date to the first interest payment date

Example:

For a 10½% 8-year note due May 15, 1991, originally issued on May 16, 1983, and reopened on August 15, 1983, with interest payments on November 15 and May 15 (first payment on November 15 1983), solve for the price per 100 (P) at yield of 10.53%. Accrued interest is calculated from May 16 to August 15.

Definitions:

C = 10.50

i = .1053

n = 15

r = 92 (August 15, 1983, to November 15, 1983)

s = 184 (May 15, 1983, to November 15, 1983)

r'' = 183 (May 16, 1983, to November 15, 1983)

$v^n = 1/[(1+.1053/2)]^{15}$, or .463170

$a_n = (1 - .463170)/.05265$, or 10.196201

$A = [(183-92)/184](10.50/2)$, or 2.596467

Resolution:

$(P+A)[1+(r/s)(i/2)] = (r''/s)(C/2) + (C/2)a_n + 100v^n$ or

$(P+2.596467)[1+(92/184)(.1053/2)] = (183/184)(10.50/2) + (10.50/2)(10.196201) + 100(.463170)$

(1) $(P+2.596467)[1+.026325] = 5.221467 + 53.530055 + 46.3170$

(2) $(P+2.596467)[1.026325] = 105.068522$

(3) $(P+2.596467)=105.068522\div1.026325$
(4) $(P+2.596467)=102.373539$
(5) $P=102.373539-2.596467$
(6) $P=99.777072$
(7) $P=99.777$

G. For bonds and notes reopened during the fractional portion (initial short period) of a long first payment period:

Formula:

$(P+A)[1+(r/s)(i/2)]=[(r'/s)(C/2)]v+(C/2)a_n+100v^n$

Where $A=[(r'r)/s](C/2)$
and r=number of days from the reopening date to the end of the short period
r'=number of days in the short period
s=number of days in the semiannual period ending with the end of the short period

Example:

For a 9¾% 6-year 2-month note due December 15, 1994, originally issued on October 15, 1988, and reopened on November 15, 1988, with interest payments on June 15 and December 15 (first payment on June 15, 1989), solve for the price per 100 (P) at a yield of 9.79%. Accrued interest is calculated from October 15 to November 15.

Definitions:

C=9.75
i=.0979
n=12
r=30 (November 15, 1988, to December 15, 1988)
s=183 (June 15, 1988, to December 15, 1988)
r'=61 (October 15, 1988, to December 15, 1988)
$v=1/(1+.0979/2)$, or .953334
$v^n=[1/(1+.0979/2)]^{12}$, or .563563
$a_n=(1-.563563)/.04895$, or 8.915975
$A=[(61-30)/183](9.75/2)$, or .825820

Resolution:

$(P+A)[1+(r/s)(i/2)]=[(r'/s)(C/2)]v+(C/2)_{an}+100v^n$ or
$(P+.825820)[1+(30/183)(.0979/2)]=[(61/183)(9.75/2)](.953334)+(9.75/2)(8.915975)+100(.563563)$
(1) $(P+.825820)[1+.00802 5]=1.549168+43.465378+56.3563$
(2) $(P+.825820)[1.008025]=101.370846$
(3) $(P+.825820)=101.370846\div1.008025$
(4) $(P+.825820)=100.563821$
(5) $P=100.563821-.825820$
(6) $P=99.738001$
(7) $P=99.738$

*III. Computation of Purchase Price, Discount Rate, and Investment Rate (Equivalent Coupon-Equivalent Yield) for Treasury Bills*

A. Conversion of the discount rate to a purchase price for Treasury bills of all maturities:

Formula:

$P=100[(1-dr)/360]$
Where d=discount rate, in decimals
r=number of days remaining to maturity
P=price per 100 (dollars)

Example:

For a bill issued November 24, 1989, due February 22, 1990, at a discount rate of 7.61%, solve for price per 100 (P).

Definitions:

d=.0761
r=90 (November 24, 1989 to February 22, 1990)

Resolution:

$P=100(1-dr/360)$
(1) $P=100[1-(.0761)(90)/360]$
(2) $P=100(1-.019025)$
(3) $P=100(.980975)$
(4) $P=98.0975$
(5) $P=98.098$

**Note:** Purchase prices per $100 are rounded to three decimal places, using normal rounding procedures.

B. Computation of purchase prices and discount amounts based on price per $100, for Treasury bills of all maturities:

1. To determine the purchase price of any bill, divide the par amount by 100 and multiply the resulting quotient by the price per $100.

Example

To compute the purchase price of a $10,000 13-week bill sold at a price of $98.098 per $100, divide the par amount ($10,000) by 100 to obtain the multiple (100). That multiple times 98.098 results in a purchase price of $9,809.80.

2. To determine the discount amount for any bill, subtract the purchase price from the par amount of the bill.

Example

For a $10,000 bill with a purchase price of $9,809.80, the discount amount would be $190.20, or $10,000−$9,809.80.

C. Conversion of prices to discount rates for Treasury bills of all maturities:

Formula:

$$d=\left[\frac{100-P}{100}\times\frac{360}{r}\right]$$

Where P=price per 100 (dollars)
d=discount rate
r=number of days remaining to maturity

Example:

For a 26-week bill issued December 30, 1982, due June 30, 1983, with a price of $95.930, solve for the discount rate (d).

Definitions:

P=95.930
r=182 (December 30, 1982, to June 30, 1983)

Resolution:

$$d=\left[\frac{100-P}{100}\times\frac{360}{r}\right]$$

$$(1)\quad d=\left[\frac{100-95.930}{100}\times\frac{360}{182}\right]$$

(2) $d=[.0407\times1.978022]$
(3) $d=.080506$
(4) $d=8.051\%$

**Note:** Since April 18, 1983, bills have been sold only on a discount rate basis, where the discount rates bid are submitted with two decimals, e.g., 7.32%. In price-basis auctions, discount rates calculated from prices were rounded to three places, using normal rounding procedures.

D. Calculation of investment rate (coupon-equivalent yield) for Treasury bills:

1. For bills of not more than one half-year to maturity:

Formula:

$$i=\left[\frac{100-P}{P}\times\frac{y}{r}\right]$$

Where i=investment rate, in decimals
P=price per 100 (dollars)
r=number of days remaining to maturity
y=number of days in year following the issue date; normally 365 but, if the year following the issue date includes February 29, then y is 366.

Example:

For a cash management bill issued June 1, 1990, due June 21, 1990, with a price of $99.559 (computed from a discount rate of 7.93%), solve for the investment rate (i).

Definitions:

P=99.559
r=20 (June 1, 1990, to June 21, 1990)
y=365

Resolution:

$$i=\left[\frac{100-P}{P}\times\frac{y}{r}\right]$$

$$(1)\quad i=\left[\frac{100-99.559}{99.559}\times\frac{365}{20}\right]$$

(2) $i=[.004430\times18.25]$
(3) $i=.080848$
(4) $i=8.08\%$

2. For bills of more than one half-year to maturity:

Formula: $P[1+(r-y/2)(i/y)](1+i/2)=100$

This formula must be solved by using the quadratic equation, which is:

$ax^2+bx+c=0$

Therefore, rewriting the bill formula in the quadratic equation form gives:

$$\left[\frac{r}{2y}-.25\right]i^2+\left(\frac{r}{y}\right)i+\left(\frac{P-100}{P}\right)=0$$

and solving for "i" produces:

$$i=\frac{-b+\sqrt{b^2-4ac}}{2a}$$

Where i=investment rate in decimals
b=r/y
a=(r/2y)−.25
c=(P−100)/P
P=price per 100 (dollars)
r=number of days remaining to maturity
y=number of days in year following the issue date; normally 365, but if the year following the issue date includes February 29, then y is 366.

Example:

For a 52-week bill issued June 7, 1990, due June 6, 1991, with a price of $92.265 (computed from a discount rate of 7.65%), solve for the investment rate (i).

Definitions:

r=364 (June 7, 1990, to June 6, 1991)
y=365
P=92.265
b=364/365, or .997260
a=(364/730)−.25, or .24863
c=(92.265−100)/92.265, or −.083835

Resolution:

$$i = \frac{-b + \sqrt{b^2 - 4ac}}{2a}$$

$$(1)\ i = \frac{-.997260 + \sqrt{(.997260)^2 - 4[(.24863)(-.083835)]}}{2(.248630)}$$

$$(2)\ i = \frac{-.997260 + \sqrt{.994528 + .083376}}{.497260}$$

(3) i=(−.997260+1.038222)/.497260
(4) i=.040962/.497260
(5) i=.082375 or
(6) i=8.24%

## Exhibit A to Part 356—Sample Announcements of Treasury Offerings to the Public

I. Treasury Quarterly Financing Announcement
II. Treasury Weekly Bill Announcement
III. Treasury Cash Management Bill Announcement

*I. Treasury Quarterly Financing Announcement*

For release when authorized at press conference, May 1, 19XX.

Contact: Office of Financing, 202/219–3350.

Treasury May Quarterly Financing

The Treasury will auction two notes and one bond totaling approximately $37,000 million, to be issued May 15, 19XX. This offering will provide about $18,025 million of new cash and will refund $18,976 million of securities maturing that date.

In addition to the public holdings, Federal Reserve Banks hold $3,662 million of the maturing securities for their own accounts, which may be refunded by issuing additional amounts of the new securities at the average yield of accepted competitive tenders.

The maturing securities held by the public include $1,099 million held by Federal Reserve Banks as agents for foreign and international monetary authorities. Amounts bid for these accounts by Federal Reserve Banks will be added to the offering. Bids for such accounts will be accepted at the average yield of accepted competitive tenders.

The 9¾-year note and 30-year bond being offered today will be eligible for the STRIPS program.

Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D. C.

Details about each of the new securities are given in the attached offering highlights and in the Treasury Department's Uniform Offering Circular.

Attachment

### Highlights of Treasury Offerings May 19XX Quarterly Financing

[May 1, 19XX]

| | | | |
|---|---|---|---|
| Offering amount | $13,500 | $11,750 million | $11,750 million. |
| Description of Offering: | | | |
| Term and type of security. | 3=year notes | 9¾ year notes | 30-year bonds of 20XX. |
| Series | Series S–19XX | Series A–20XX | Bonds of May 20XX. |
| CUSIP number | 912827 A7 7 | 912827 ZX 3 | 912810 EJ 3. |
| Auction date | May 7, 19XX | May 8, 19XX | May 9, 19XX. |
| Issue date | May 15, 19XX | May 15, 19XX | May 15, 19XX. |
| Dated date | May 15, 19XX | February 15, 19XX | May 15, 19XX. |
| Maturity date | May 15, 19XX | February 15, 20XX | May 15, 20XX. |
| Interest rate | Determined based on the average of accepted competitive bids. | 7¾% | Determined based on the average of accepted competitive bids. |
| Yield | Determined at auction | Determined at auction | Determined at auction. |
| Interest payment dates. | November 15 and May 15 | August 15 and February 15 | November 15 and May 15. |
| Minimum bid amount | $5,000 | $1,000 | $1,000. |
| Multiples | $5,000 | $1,000 | $1,000. |
| Accrued interest payable by investor. | None | $19.05387 per $1,000 | None. |
| Premium or discount | Determined at auction | Determined at auction | Determined at auction. |

## Highlights of Treasury Offerings May 19XX Quarterly Financing—Continued

[May 1, 19XX]

| | | | |
|---|---|---|---|
| STRIPS Information: | | | |
| Minimum amount required. | Not applicable | $800,000 | Determined at auction. |
| Corpus CUSIP number | Not applicable | 912820 AZ 0 | 912803 AW 3. |
| New TINT CUSIP number. | Not applicable | Not applicable | 912833 LD 0. |
| New TINT due date | Not applicable | Not applicable | May 15, 20XX. |

The following rules apply to all securities mentioned above:

Submission of Bids:

- Noncompetitive bids: Accepted in full up to $5,000,000 at the weighted average yield of accepted competitive bids.
- Competitive bids: (1) Must be expressed as an annual yield with two decimals, e.g., 7.10%.
  (2) Net long position for each bidder must be reported when the sum of the total bid amount, at all yields, and the net long position is $2 billion or greater.
  (3) The net long position must be determined as of one-half hour prior to the closing time for receipt of competitive tenders.

Maximum recognized bid at a single yield: 35% of offering amount.

Maximum award: 35% of offering amount.

Receipt of Tenders:

- Noncompetitive tenders: Prior to 12:00 noon Eastern time on auction day.
- Competitive tenders: Prior to 1:00 p.m. Eastern time on auction day.

Payment terms: Full payment with tender or by charge to a funds account on issue date.

*II. Treasury Weekly Bill Announcement*

For release at 2:30 p.m., October 9, 19XX.
Contact: Office of Financing, 202/219–3350.

Treasury's Weekly Bill Offering

The Treasury will auction two series of Treasury bills totaling approximately $18,800 million, to be issued October 18, 19XX. This offering will provide about $1,375 million of new cash, as the maturing weekly bills are currently outstanding in the amount of $17,421 million.

Federal Reserve Banks hold $4,294 million of the maturing bills for their own accounts, which may be refunded within the offering amount at the weighted average discount rate of accepted competitive tenders.

Federal Reserve Banks hold $1,104 million as agents for foreign and international monetary authorities, which may be refunded within the offering amount at the weighted average discount rate of accepted competitive tenders. Additional amounts may be issued for such accounts if the aggregate amount of new bids exceeds the aggregate amount of maturing bills.

Tenders for the bills will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC.

Details about each of the new securities are given in the attached offering highlights and in the Treasury Department's Uniform Offering Circular.

Attachment

## Highlights of Treasury Offerings of Weekly Bills

[October 9, 19XX]

| | | |
|---|---|---|
| Offering Amount | $9,400 million | $9,400 million. |
| Description of Offering: | | |
| Term and type of security | 91-day bill | 182-day bill. |
| CUSIP number | 912794 VR 2 | 912794 WE 0. |
| Auction date | October 15, 19XX | October 15, 19XX. |
| Issue date | October 18, 19XX | October 18, 19XX. |
| Maturity date | January 17, 19XX | April 18, 19XX. |
| Original issue date | January 18, 19XX | October 18, 19XX. |
| Currently outstanding | $19,127 million | |
| Minimum bid amount | $10,000 | $10,000. |
| Multiples | $5,000 | $5,000. |

The following rules apply to all securities mentioned above:

Submission of Bids:

- Noncompetitive bids: Accepted in full up to $1,000,000 at the weighted average discount rate of accepted competitive bids.
- Competitive bids: (1) Must be expressed as a discount rate with two decimals, e.g., 7.10%.
  (2) Net long position for each bidder must be reported when the sum of the total bid amount, at all discount rates, and the net long position is $2 billion or greater.
  (3) The net long position must be determined as of one-half hour prior to the closing time for receipt of competitive tenders.

Maximum Recognized Bid at a Single Yield: 35% of public offering.

Maximum Award: 35% of public offering.

| | |
|---|---|
| Receipt of Tenders: | |
| Noncompetitive tenders. | Prior to 12:00 noon Eastern time on auction day. |
| Competitive tenders | Prior to 1:00 p.m. Eastern time on auction day. |
| Payment Terms | Full payment with tender or by charge to a funds account on issue date. |

*III. Treasury Cash Management Bill Announcement*

For Release at 2:30 p.m., August 27, 19XX.
Contact: Office of Financing, 202/219–3350.

Treasury to Auction Cash Management Bills

The Treasury will auction approximately $5,000 million of 16-day Treasury cash management bills to be issued September 3, 19XX.

Competitive tenders will be received at all Federal Reserve Banks and Branches. Noncompetitive tenders will *not* be accepted. Tenders will not be received at the Bureau of the Public Debt, Washington, DC.

Details about the new security are given in the attached offering highlights and in the Treasury Department's Uniform Offering Circular.

Attachment

**Highlights of Treasury Offering of 16-Day Cash Management Bill**

[August 27, 19XX]

| | |
|---|---|
| Offering Amount | $5,000 million |
| Description of Offering: | |
| Term and type of security. | 16-day Cash Management Bill. |
| CUSIP number | 912794 XG 4. |
| Auction date | August 29, 19XX. |
| Issue date | September 3, 19XX. |
| Maturity date | September 19, 19XX. |
| Original issue date | March 21, 19XX. |
| Currently outstanding | $20,125 million. |
| Minimum bid amount | $1,000,000. |
| Multiples | $1,000,000. |
| Minimum to hold amount. | $10,000. |
| Multiples | $5,000. |
| Submission of Bids: | |
| Noncompetitive bids | Not accepted. |
| Competitive bids | (1) Must be expressed as a discount rate with two decimals, e.g., 7.10%.<br>(2) Net long position for each bidder must be reported when the sum of the total bid amount, at all discount rates, and the net long position is $2 billion or greater.<br>(3) The net long position must be determined as of one-half hour prior to the closing time for receipt of competitive tenders. |
| Maximum Recognized Bid at a Single Yield. | 35% of offering amount. |
| Maximum Award | 35% of offering amount. |
| Receipt of Tenders: | |
| Noncompetitive tenders. | Not accepted. |
| Competitive tenders | Prior to 1:00 p.m. Eastern time on auction day. |
| Payment Terms | Full payment with tender or by charge to a funds account on issue date. |

**Exhibit B to Part 356—Sample Autocharge Agreement to Deliver and Charge for Securities Awarded in Department of Treasury Auctions**

Federal Reserve Bank of _____
Attention: (Name of Fiscal Officer)
(Address)
(Address)

To Whom It May Concern:

I. The depository institution ("DI") and the submitting entity ("Submitter"), as identified below, agree that

(a) The Submitter is authorized to submit tenders to the Federal Reserve Bank of _____ ("Bank");

(b) The Bank is authorized to deliver, as provided herein, Treasury securities awarded to the Submitter through the auction process;

(c) The Bank, or other Federal Reserve Bank identified in Section II below, is authorized to charge the DI's funds account for payment of awarded securities that are delivered by the Bank hereunder. Such charge is to be made at the same time the securities are delivered;

(d) The Submitter [ ] is, [ ] is not authorized to submit TREASURY DIRECT tenders. Where such tenders are authorized, the Bank is instructed to deliver awarded securities to the TREASURY DIRECT Book-Entry System and charge the DI's funds account for the securities delivered; and

(e) The Bank [ ] is, [ ] is not authorized to deliver the awarded securities to the DI's securities account at a Federal Reserve Bank other than the Bank.

The above authorizations apply to: [ ] bills; [ ] notes; [ ] bonds.

II. For securities to be delivered to a Federal Reserve Bank other than the Bank receiving the tender, the Submitter must complete the following:

Awarded securities are to be delivered hereunder by the Bank to the DI's securities account at the Federal Reserve Bank of _____.

III. The following wire instructions are to be used by the Bank to deliver securities to the DI:

Wire Instructions: _____

IV. General Provisions.

This agreement is effective on the date it is received by the Bank, although the Bank normally will not act under the agreement until it has acknowledged receipt of such.

The Submitter hereunder is the entity submitting bids to a Bank for its own account or for the account of others. The Sub mitter is responsible to the Treasury for full payment of all securities awarded, including any securities awarded under customer bids submitted by the Submitter.

Any Federal Reserve Bank identified herein is authorized to act on information in any tender in the name of the Submitter that reasonably appears to be valid and genuine. The DI, by executing this agreement,

guarantees the authority and signature of the person signing this agreement on behalf of the Submitter.

This agreement will remain in effect until written notice is received by the Bank from either the DI or the Submitter that the agreement has been terminated, provided that if securities are scheduled to be delivered hereunder, such notice must be received in accordance with the termination procedures hereafter described.

As to termination action by the DI, notice of termination will not be effective unless received in writing by a Fiscal/Securities Department officer by the later of (i) 5:00 p.m. (the Bank's time) on the business day prior to the issue date of the securities scheduled to be delivered hereunder or (ii) if the submitter has authorized the Bank to advise the DI of securities to be delivered, two hours after such advice is sent by the Bank. Such termination action by the DI shall not affect the Submitter's responsibility to make full payment for the securities awarded. A DI may, at any time, waive in writing its right to terminate hereunder.

As to termination action by the Submitter after an auction but prior to delivery of awarded securities, the written notice of termination will not be effective, and this agreement shall remain in full force and effect, unless the Submitter has provided to the Bank, and the latter has acknowledged, a new autocharge agreement executed by a DI having a funds account at a Federal Reserve Bank.

Written notices to be sent hereunder in connection with the termination of this autocharge agreement shall be sent by either the Submitter or the DI to the Bank authorized to receive tenders hereunder.

In the event that this autocharge agreement is terminated, it is the sole responsibility of the party terminating the agreement to notify the other party hereto.

AGREED TO BY _____
(Full DI Name and ABA #)

Signature: _____
Name: _____
Title: _____
Date: _____

AGREED TO BY _____
(Full name of Submitter)

Signature: _____
Name: _____
Title: _____
Date: _____

ACKNOWLEDGED BY: Federal Reserve Bank of _____ ("Bank"):

Signature: _____
Name: _____
Title: _____
Date: _____

DI'S SIGNATURE AND WIRE INSTRUCTIONS VERIFIED BY:
(For use only by Federal Reserve Bank named in Section II above)

Signature: _____
Name: _____
Title: _____
Date: _____
Federal Reserve Bank of _____

Instructions for Completing the Autocharge Agreement

1. Depository Institution: This is the DI whose funds account at a Federal Reserve Bank will be debited, under this autocharge agreement, for the price of Treasury securities awarded at auction to the Submitter. Also, this DI must have a book-entry securities account at the Federal Reserve Bank to which securities will be delivered against payment on settlement day pursuant to the autocharge agreement and the Submitter's tender submission.

2. Submitter: The Submitter must identify the full name of the entity that is submitting bids under this autocharge agreement. The name shown on the autocharge agreement should be the same as that appearing on related tender forms.

3. Bank: This is the Federal Reserve Bank to which the Submitter will be submitting tenders in Treasury auctions.

4. Signature for DI: This is the signature of an officer of the DI having authority to enter into or terminate this autocharge agreement, and whose signature is on file at the Federal Reserve Bank where the DI has a funds account.

5. Signature for Submitter: This is the signature of an officer of the Submitter having authority to enter into or terminate the autocharge agreement.

6. Signature for Bank: This is the signature of an officer of the Bank having authority to acknowledge this autocharge agreement.

BILLING CODE 4810-35-M

## EXHIBIT C TO PART 356

MINIMUM PAR AMOUNTS FOR STRIPS

MINIMUM FACE AMOUNTS WHICH ARE MULTIPLES OF $1000 REQUIRED IN ORDER TO PRODUCE INTEREST PAYMENTS THAT ARE MULTIPLES OF $1000.

| COUPON (%) | MINIMUM FACE ($) | INTEREST PAYMENT ($) | COUPON (%) | MINIMUM FACE ($) | INTEREST PAYMENT ($) | COUPON (%) | MINIMUM FACE ($) | INTEREST PAYMENT ($) |
|---|---|---|---|---|---|---|---|---|
| 0.125 | 1600000.00 | 1000.00 | 6.875 | 320000.00 | 11000.00 | 13.625 | 1600000.00 | 109000.00 |
| 0.250 | 800000.00 | 1000.00 | 7.000 | 200000.00 | 7000.00 | 13.750 | 160000.00 | 11000.00 |
| 0.375 | 1600000.00 | 3000.00 | 7.125 | 1600000.00 | 57000.00 | 13.875 | 1600000.00 | 111000.00 |
| 0.500 | 400000.00 | 1000.00 | 7.250 | 800000.00 | 29000.00 | 14.000 | 100000.00 | 7000.00 |
| 0.625 | 320000.00 | 1000.00 | 7.375 | 1600000.00 | 59000.00 | 14.125 | 1600000.00 | 113000.00 |
| 0.750 | 800000.00 | 3000.00 | 7.500 | 80000.00 | 3000.00 | 14.250 | 800000.00 | 57000.00 |
| 0.875 | 1600000.00 | 7000.00 | 7.625 | 1600000.00 | 61000.00 | 14.375 | 320000.00 | 23000.00 |
| 1.000 | 200000.00 | 1000.00 | 7.750 | 800000.00 | 31000.00 | 14.500 | 400000.00 | 29000.00 |
| 1.125 | 1600000.00 | 9000.00 | 7.875 | 1600000.00 | 63000.00 | 14.625 | 1600000.00 | 117000.00 |
| 1.250 | 160000.00 | 1000.00 | 8.000 | 25000.00 | 1000.00 | 14.750 | 800000.00 | 59000.00 |
| 1.375 | 1600000.00 | 11000.00 | 8.125 | 320000.00 | 13000.00 | 14.875 | 1600000.00 | 119000.00 |
| 1.500 | 400000.00 | 3000.00 | 8.250 | 800000.00 | 33000.00 | 15.000 | 40000.00 | 3000.00 |
| 1.625 | 1600000.00 | 13000.00 | 8.375 | 1600000.00 | 67000.00 | 15.125 | 1600000.00 | 121000.00 |
| 1.750 | 800000.00 | 7000.00 | 8.500 | 400000.00 | 17000.00 | 15.250 | 800000.00 | 61000.00 |
| 1.875 | 320000.00 | 3000.00 | 8.625 | 1600000.00 | 69000.00 | 15.375 | 1600000.00 | 123000.00 |
| 2.000 | 100000.00 | 1000.00 | 8.750 | 160000.00 | 7000.00 | 15.500 | 400000.00 | 31000.00 |
| 2.125 | 1600000.00 | 17000.00 | 8.875 | 1600000.00 | 71000.00 | 15.625 | 64000.00 | 5000.00 |
| 2.250 | 800000.00 | 9000.00 | 9.000 | 200000.00 | 9000.00 | 15.750 | 800000.00 | 63000.00 |
| 2.375 | 1600000.00 | 19000.00 | 9.125 | 1600000.00 | 73000.00 | 15.875 | 1600000.00 | 127000.00 |
| 2.500 | 80000.00 | 1000.00 | 9.250 | 800000.00 | 37000.00 | 16.000 | 25000.00 | 2000.00 |
| 2.625 | 1600000.00 | 21000.00 | 9.375 | 64000.00 | 3000.00 | 16.125 | 1600000.00 | 129000.00 |
| 2.750 | 800000.00 | 11000.00 | 9.500 | 400000.00 | 19000.00 | 16.250 | 160000.00 | 13000.00 |
| 2.875 | 1600000.00 | 23000.00 | 9.625 | 1600000.00 | 77000.00 | 16.375 | 1600000.00 | 131000.00 |
| 3.000 | 200000.00 | 3000.00 | 9.750 | 800000.00 | 39000.00 | 16.500 | 400000.00 | 33000.00 |
| 3.125 | 64000.00 | 1000.00 | 9.875 | 1600000.00 | 79000.00 | 16.625 | 1600000.00 | 133000.00 |
| 3.250 | 800000.00 | 13000.00 | 10.000 | 20000.00 | 1000.00 | 16.750 | 800000.00 | 67000.00 |
| 3.375 | 1600000.00 | 27000.00 | 10.125 | 1600000.00 | 81000.00 | 16.875 | 320000.00 | 27000.00 |
| 3.500 | 400000.00 | 7000.00 | 10.250 | 800000.00 | 41000.00 | 17.000 | 200000.00 | 17000.00 |
| 3.625 | 1600000.00 | 29000.00 | 10.375 | 1600000.00 | 83000.00 | 17.125 | 1600000.00 | 137000.00 |
| 3.750 | 160000.00 | 3000.00 | 10.500 | 400000.00 | 21000.00 | 17.250 | 800000.00 | 69000.00 |
| 3.875 | 1600000.00 | 31000.00 | 10.625 | 320000.00 | 17000.00 | 17.375 | 1600000.00 | 139000.00 |
| 4.000 | 50000.00 | 1000.00 | 10.750 | 800000.00 | 43000.00 | 17.500 | 80000.00 | 7000.00 |
| 4.125 | 1600000.00 | 33000.00 | 10.875 | 1600000.00 | 87000.00 | 17.625 | 1600000.00 | 141000.00 |
| 4.250 | 800000.00 | 17000.00 | 11.000 | 200000.00 | 11000.00 | 17.750 | 800000.00 | 71000.00 |
| 4.375 | 320000.00 | 7000.00 | 11.125 | 1600000.00 | 89000.00 | 17.875 | 1600000.00 | 143000.00 |
| 4.500 | 400000.00 | 9000.00 | 11.250 | 160000.00 | 9000.00 | 18.000 | 100000.00 | 9000.00 |
| 4.625 | 1600000.00 | 37000.00 | 11.375 | 1600000.00 | 91000.00 | 18.125 | 320000.00 | 29000.00 |
| 4.750 | 800000.00 | 19000.00 | 11.500 | 400000.00 | 23000.00 | 18.250 | 800000.00 | 73000.00 |
| 4.875 | 1600000.00 | 39000.00 | 11.625 | 1600000.00 | 93000.00 | 18.375 | 1600000.00 | 147000.00 |
| 5.000 | 40000.00 | 1000.00 | 11.750 | 800000.00 | 47000.00 | 18.500 | 400000.00 | 37000.00 |
| 5.125 | 1600000.00 | 41000.00 | 11.875 | 320000.00 | 19000.00 | 18.625 | 1600000.00 | 149000.00 |
| 5.250 | 800000.00 | 21000.00 | 12.000 | 50000.00 | 3000.00 | 18.750 | 32000.00 | 3000.00 |
| 5.375 | 1600000.00 | 43000.00 | 12.125 | 1600000.00 | 97000.00 | 18.875 | 1600000.00 | 151000.00 |
| 5.500 | 400000.00 | 11000.00 | 12.250 | 800000.00 | 49000.00 | 19.000 | 200000.00 | 19000.00 |
| 5.625 | 320000.00 | 9000.00 | 12.375 | 1600000.00 | 99000.00 | 19.125 | 1600000.00 | 153000.00 |
| 5.750 | 800000.00 | 23000.00 | 12.500 | 16000.00 | 1000.00 | 19.250 | 800000.00 | 77000.00 |
| 5.875 | 1600000.00 | 47000.00 | 12.625 | 1600000.00 | 101000.00 | 19.375 | 320000.00 | 31000.00 |
| 6.000 | 100000.00 | 3000.00 | 12.750 | 800000.00 | 51000.00 | 19.500 | 400000.00 | 39000.00 |
| 6.125 | 1600000.00 | 49000.00 | 12.875 | 1600000.00 | 103000.00 | 19.625 | 1600000.00 | 157000.00 |
| 6.250 | 32000.00 | 1000.00 | 13.000 | 200000.00 | 13000.00 | 19.750 | 800000.00 | 79000.00 |
| 6.375 | 1600000.00 | 51000.00 | 13.125 | 320000.00 | 21000.00 | 19.875 | 1600000.00 | 159000.00 |
| 6.500 | 400000.00 | 13000.00 | 13.250 | 800000.00 | 53000.00 | 20.000 | 10000.00 | 1000.00 |
| 6.625 | 1600000.00 | 53000.00 | 13.375 | 1600000.00 | 107000.00 | | | |
| 6.750 | 800000.00 | 27000.00 | 13.500 | 400000.00 | 27000.00 | | | |

BILLING CODE 4810-35-C

Dated: September 24, 1992.

**Gerald Murphy,**

*Fiscal Assistant Secretary.*

[FR Doc. 92-23585 Filed 9-29-92; 8:45 am]

BILLING CODE 4810-35-M

federal register

Wednesday
September 30, 1992

PART III

# Department of Education

**Business and Education Standards Program; Notice Inviting Applications for New Awards for Fiscal Year 1993; Notice**

## DEPARTMENT OF EDUCATION

[CFDA No.: 84.244]

### Business and Education Standards Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1993

*Note to Applicants*: This notice is a complete application package. Together with the statute authorizing the program and the Education Department General Administrative Regulations (EDGAR), this notice contains all of the information, application forms, and instructions needed to apply for a grant under this competition.

*Purpose of Program*: The Business and Education Standards Program provides financial assistance for organizing and operating business-education-labor technical committees that will develop national standards for competencies in industries and trades. This program is authorized under section 416 of the Carl D. Perkins Vocational and Applied Technology Education Act, 20 U.S.C. 2416, as amended by Public Law 101-392, 104 Stat. 753 (1990).

The Secretary wishes to highlight for potential applicants that the Business and Education Standards Program is an element of AMERICA 2000, the President's education strategy to help America move itself toward the National Education Goals. The Business and Education Standards Program also supports National Education Goal 5 of ensuring that every American possesses the knowledge and skills necessary to compete in a global economy and exercises the rights and responsibilities of citizenship. Specifically, the program addresses Track III of the AMERICA 2000 strategy—transforming America into "A Nation of Students"—by establishing standards for job skills and knowledge through a cooperative effort by business, labor, and education groups, so that workers can see what skills are needed to perform a job and can evaluate their own grasp of those skills.

*Eligible Applicants*: The following entities are eligible for an award under this program:

- Industrial trade associations.
- Labor organizations.
- National joint apprenticeship committees.
- Comparable national organizations, such as educational associations, industry councils, business and industry organizations, and associations of private or national research organizations.

*Deadline for Transmittal of Applications*: November 20, 1992.

*Deadline for Intergovernmental Review*: January 19, 1993.

*Available Funds*: $3,500,000 for the first 18 months (funding for the second 18 months is subject to the availability of funds).

*Estimated Range of Awards*: $450,000 to $550,000 (funding for the first 18 months).

Estimated Number of Awards: 7.

Note.—The Department is not bound by any estimates in this notice.

*Project Period*: Up to 36 months (two 18-month grant cycles).

#### Applicable Regulations

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).

(2) 34 CFR Part 75 (Direct Grant Programs).

(3) 34 CFR Part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR Part 81 (General Education Provisions Act—Enforcement).

(6) 34 CFR Part 82 (New Restrictions on Lobbying).

(7) 34 CFR Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(8) 34 CFR Part 86 (Drug-Free Schools and Campuses).

(b) The regulations for this program in 34 CFR part 421.

#### Priorities

The priority in the notice of final priority for this program, as published elsewhere in this issue of the **Federal Register**, applies to this competition.

#### Selection Criteria

The Secretary uses the following selection criteria to evaluate applications for new grants under the FY 1993 grant competition.

The maximum score for all of these criteria is 100 points.

The maximum score for each criterion is indicated in parentheses. The Secretary assigns the fifteen points reserved in 34 CFR 421.20(b) as follows: 5 points to selection criterion (a)—Program factors—in 34 CFR 421.21(a) for a total of 20 points for that criterion; 5 points to selection criterion (c)—Plan of operation—in 34 CFR 421.21(c) for a total of 20 points for that criterion; and 5 points to selection criterion (d)—Evaluation plan—in 34 CFR 421.21(d) for a total of 15 points for that criterion.

(a) *Program factors.* (20 points) The Secretary reviews each application to assess the quality and effectiveness of the applicant's approach to developing national standards for competencies in industries and trades, including the extent to which the application proposes—

(1) To develop standards for—

(i) The competencies required for actual jobs, including the increased competency requirements created by the changing workplace;

(ii) Major divisions or specialty areas identified within the occupations the applicant proposes to study;

(iii) The minimum hours of study needed to be competent in those divisions or specialty areas;

(iv) Minimum tools and equipment required in those divisions or specialty areas;

(v) Minimum tasks to be included in any course of study purporting to prepare individuals for work in those divisions or specialty areas; and

(vi) Minimum qualifications for instructional staff in those divisions or specialty areas; and

(2) An adequate needs assessment of the program factors described in paragraph (a)(1) of this section as a part of the project.

(b) *Extent of need for the project.* (15 points) The Secretary reviews each application to determine the extent to which the project meets specific needs, including—

(1) The extent of the need for national standards for competencies in the major division or specialty areas identified within the occupations that the applicant proposes to study;

(2) How the applicant identified and documented those needs;

(3) How the standards to be developed will meet those needs, including the need of business for competent entry-level workers in the occupations to be studied; and

(4) The benefits to business, labor, and education that will result from meeting those needs.

(c) *Plan of operation.* (20 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including the extent to which—

(1) The plan of management will be effective, will ensure proper and efficient administration of the program, and includes timelines that show starting and ending dates for all tasks;

(2) The specific procedures proposed will accomplish the project's objectives, including how the procedures for

selecting the business-labor-education technical committees will ensure that the members are knowledgeable about the occupations to be studied and include representatives of business, labor, and education;

(3) The applicant plans to organize and operate the business-labor-education technical committees effectively in developing national standards for competencies in industries and trades;

(4) The development of proposed competencies for major divisions or specialty areas within occupations will be coordinated with education and industrial trade associations, labor organizations, and businesses;

(5) The methods the applicant proposes to use to select project participants, if applicable, will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or disability.

(d) *Evaluation plan.* (15 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the plan includes specific procedures for—

(1) A formative evaluation to help assess and improve the accuracy of standards for competencies; and

(2) A summative evaluation conducted by an independent evaluator.

(e) *Key personnel.* (10 points)

(1) The Secretary reviews each application to determine the extent of the applicant's experience in fields related to the objectives of the project.

(2) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use including—

(i) The qualifications, in relation to project requirements, of the project director, if one is to be used;

(ii) The qualifications, in relation to project requirements, of each of the other key personnel to be used in the project;

(iii) The appropriateness of the time that each person referred to in paragraphs (e)(2) (i) and (ii) of this section will commit to the project; and

(iv) The experience and training of the project director and key personnel in project management.

(f) *Budget and cost effectiveness.* (10 points) The Secretary reviews each application to determine the extent to which—

(1) The budget is adequate to support the project; and

(2) Costs are reasonable in relation to the objectives of the project.

(g) *Dissemination plan.* (10 points) The Secretary reviews each application to determine the quality of the dissemination plan for the project, including—

(1) A clear description of the dissemination procedures;

(2) A description of the types of materials the applicant plans to make available;

(3) Provisions for publicizing the proposed national standards for competencies in industries and trades; and

(4) Provisions for encouraging the adoption and use of the proposed standards by education and training programs.

**Intergovernmental Review of Federal Programs**

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each State under the Executive order. If you want to know the name and address of any State Single Point of Contact, see the list in the appendix to the Department's combined application notice published elsewhere in this issue of the **Federal Register.**

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA #84.244, U.S. Department of Education, room 4518, Switzer Building, 330 C Street SW., 20202–7242.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in this notice.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. Do not send applications to the above address. Instructions for transmittal of applications:

(a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and six copies of the application on or before the deadline date to:

U.S. Department of Education, Application Control Center, Attention: (CFDA #83.244), Washington, DC 20202–4725.

or

(2) Hand deliver the original and six copies of the application by 4:30 p.m. (Washington, DC time) on the deadline date to:

U.S. Department of Education, Application Control Center, Attention: (CFDA #84.244), Room #3633, Regional Office Building #3, 7th and D Streets SW., Washington, DC 20202–4725.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

**Notes.**—(1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgement to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9494.

(3) The applicant must indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted.

**Application Instructions and Forms**

The appendix to this application is divided into five parts, plus a statement regarding estimated public reporting burden and various assurances and certifications. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4–88)).

Part II: Budget Information.

Part III: Budget Narrative.

Part IV: Program Narrative.

Part V: Additional Assurances and Certifications.

a. Assurances—Non-Construction Programs (Standard Form 424B).

b. Certifications regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013) and instructions.

c. Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80–0014, 9/90) and instructions.

**Note.**—ED 80–0014 is intended for the use of grantees and should not be transmitted to the Department.

d. Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions; and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL–A).

All forms and instructions are included as appendix A of this notice. Questions and answers pertaining to this program are included, as appendix B, to assist potential applicants.

All applicants must submit ONE original signed application, including ink signatures on all forms and assurances and SIX copies of the application. Please mark each application as original or copy. Local or State agencies may choose to submit two copies with the original.

No grant may be awarded unless a completed application form has been received.

**FOR FURTHER INFORMATION CONTACT:** Debra J. Nolan, U.S. Department of Education, 400 Maryland Avenue SW. (room 4518—MES), Washington, DC 20202–7242. Telephone: (202) 205–9650. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

**Priority Authority:** 20 U.S.C. 2416.

Dated: September 14, 1992.

**Betsy Brand,**

*Assistant Secretary, Vocational and Adult Education.*

BILLING CODE 4000–01–M

# Appendix A

OMB Approval No. 0348-0043

## APPLICATION FOR FEDERAL ASSISTANCE

| | | |
|---|---|---|
| 2. DATE SUBMITTED | | Applicant Identifier |
| 3. DATE RECEIVED BY STATE | | State Application Identifier |
| 4. DATE RECEIVED BY FEDERAL AGENCY | | Federal Identifier |

1. TYPE OF SUBMISSION:

| Application | Preapplication |
|---|---|
| ☐ Construction | ☐ Construction |
| ☒ Non-Construction | ☐ Non-Construction |

5. APPLICANT INFORMATION

Legal Name:

Organizational Unit:

Address (*give city, county, state, and zip code*):

Name and telephone number of the person to be contacted on matters involving this application (*give area code*)

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

7. TYPE OF APPLICANT: (*enter appropriate letter in box*) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) _____

8. TYPE OF APPLICATION:

☒ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (*specify*):

9. NAME OF FEDERAL AGENCY:

U.S. Department of Education

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 8 4 . 2 4 4

TITLE: Business and Education Standards Program

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (*cities, counties, states, etc.*):

| 13. PROPOSED PROJECT: | | 14. CONGRESSIONAL DISTRICTS OF: | |
|---|---|---|---|
| Start Date | Ending Date | a. Applicant | b. Project |
| | | | |

| 15. ESTIMATED FUNDING: | | |
|---|---|---|
| a. Federal | $ | .00 |
| b. Applicant | $ | .00 |
| c. State | $ | .00 |
| d. Local | $ | .00 |
| e. Other | $ | .00 |
| f. Program Income | $ | .00 |
| g. TOTAL | $ | .00 |

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

| a. Typed Name of Authorized Representative | b. Title | c. Telephone number |
|---|---|---|
| d. Signature of Authorized Representative | | e. Date Signed |

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

**Authorized for Local Reproduction**

## INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item: Entry:

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

Item: Entry:

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

| | A | B | C |
|---|---|---|---|
| 1. Personnel | | | |
| 2. Fringe Benefits (Rate %) | | | |
| 3. Travel | | | |
| 4. Equipment | | | |
| 5. Supplies | | | |
| 6. Contractual | | | |
| 7. Other | | | |
| 8. Total Direct Cost (lines 1 through 7) | | | |
| 9. Indirect Cost (Rate %) | | | |
| 10. Training Costs/Stipends | | | |
| 11. TOTAL, Federal Funds Requested (lines 8 through 10) | | | |

SECTION B - Cost Sharing Summary (if appropriate)

| | A | B | C |
|---|---|---|---|
| 1. Cash Contribution | | | |
| 2. In-Kind Contribution (only costs specifically for this project) | | | |
| 3. TOTAL, Cost Sharing (Rate %) | | | |

NOTE: For FULLY-FUNDED PROJECTS use Column A to record the first 12-month budget period; Column B to record the remaining months of the project; and Column C to record the total.

For MULTI-YEAR PROJECTS use Column A to record the first 12-month budget period; Column B to record the second 12-month budget period; and Column C to record the third 12-month budget period.

SECTION C - Budget Estimates (Federal Funds Only) for Balance of Project

Budget Periods

| Second | Third | Fourth | Fifth |
|---|---|---|---|
| | | | |

INSTRUCTIONS FOR PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

1. Personnel: Show salaries to be paid to project personnel.

2. Fringe Benefits: Indicate the rate and amount of fringe benefits.

3. Travel: Indicate the amount requested for both inter- and intra-State travel of project staff. Include funds for at least one trip for two people to attend a project director's meeting in Washington, D.C.

4. Equipment: Indicate the cost of non-expendable personal property that has a useful life of more than one year and a cost of $300 or more per unit ($5,000 or more if State, Local, or Tribal Government).

5. Supplies: Include the cost of consumable supplies and materials to be used during the project.

6. Contractual: Show the amount to be used for (1) procurement contracts (except those which belong on other lines such as supplies and equipment; and (2) sub-contracts.

7. Other: Indicate all direct costs not clearly covered by lines 1 through 6 above, including consultants.

8. Total, Direct Cost: Show the total for lines 1 through 7.

9. Indirect Costs: Indicate the rate and amount of indirect costs. NOTE: For training grants, the indirect cost rate cannot exceed 8%.

10. Training/Stipend Cost: (if allowable)

11. TOTAL, Federal Funds Requested: Show total for lines 8 through 10.

SECTION B - Cost Sharing Summary

Indicate the actual rate and amount of cost sharing when there is a cost sharing requirement. If cost sharing is required by program regulations, the local share required refers to a percentage of TOTAL PROJECT COST not of Federal funds.

SECTION C - Budget Estimates (Federal Funds Only) for Balance of Project

If the project period exceeds 12 months, include cost estimates for the continuation budget periods, as appropriate. This SECTION does not apply to projects that are full-funded.

NOTE: Grant recipients under the Business and Education Standards Program (CFDA 84.244) are required to provide not less than 50 percent of the total cost of the demonstration project conducted under this program. In other words, the amount shown on Line 3, Section B, must be at least 50 percent of the TOTAL PROJECT COST.

BILLING CODE 4000-01-C

**Instructions for Part III—Budget Narrative**

The Budget Narrative should explain, justify, and, if needed, clarify your budget summary. For each line item (personnel, fringe benefits, travel, etc.) in your budget, explain why it is there and how you computed the costs.

Please limit this section to no more than five pages. Be sure that each page of your application is numbered consecutively.

**Instructions for Part IV—Program Narrative**

Before preparing the Application Narrative, an applicant should read carefully the description of the program, the information regarding priorities, and the selection criteria the Secretary uses to evaluate applications.

The narrative should encompass each function or activity for which funds are being requested and should—

1. Begin with an Abstract; that is, a summary of the proposed project;

2. Describe the proposed project in light of each of the selection criteria in the order in which the criteria are listed in this Notice; and

3. Include any other pertinent information that might assist the Secretary in reviewing the application.

The Secretary strongly requests the applicant to limit the Program Narrative to no more than 30 double-spaced, typed pages (on one side only), although the Secretary will consider applications of greater length.

Applicants may include as an appendix to the Program Narrative supporting documentation, also on 8½"×11" paper, (e.g., letters of support, footnotes, resumes, etc.) or any other pertinent information that might assist the Secretary in reviewing the application.

Applicants are advised that—

(1) Under 34 CFR 75.217 of the Education Department General Administrative Regulations (EDGAR), the Department considers only information contained in the application in ranking applications for funding consideration. Letters of support sent separately from the formal application package are not considered in the review by the technical review panels.

(2) In reviewing applications, the technical review panel evaluates applications solely on the basis of the established technical review criteria. Letters of support contained in the application will strengthen the application only insofar as they contain commitments that pertain to the established technical review criteria, such as commitment and resources.

**Additional Materials: Instructions for Estimated Public Reporting Burden**

Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing that Act, the Department of Education invites comment on the public reporting burden in this collection of information. Public reporting burden for this collection of information is estimated to average 90 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. You may send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, DC 20202–4651; and to the Office of Management and Budget, Paperwork Reduction Project OMB 1830–0013, Washington, DC 20503.

(Information collection approved under OMB control number 1830–0013. Expiration date: February 28, 1995.)

BILLING CODE 4000-01-M

OMB Approval No. 0348-0040

## ASSURANCES — NON-CONSTRUCTION PROGRAMS

**Note:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C.§§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

Standard Form 424B (4-88)
Prescribed by OMB Circular A-102

**Authorized for Local Reproduction**

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program andto purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

| SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL | TITLE |
|---|---|
| APPLICANT ORGANIZATION | DATE SUBMITTED |

## CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

### 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

### 2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 --

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### 3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 --

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about--

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will--

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office

Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted--

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

_____

_____

_____

Check ☐ if there are workplaces on file that are not identified here.

**DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 --

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

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As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

| NAME OF APPLICANT | PR/AWARD NUMBER AND/OR PROJECT NAME |
|---|---|
| PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE | |
| SIGNATURE | DATE |

ED 80-0013

# Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

## Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

## Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

| NAME OF APPLICANT | PR/AWARD NUMBER AND/OR PROJECT NAME |
|---|---|
| PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE | |
| SIGNATURE | DATE |

ED 80-0014, 9/90 (Replaces GCS-009 (REV. 12/88), which is obsolete)

# DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

| 1. Type of Federal Action: | 2. Status of Federal Action: | 3. Report Type: |
|---|---|---|
| ☐ a. contract<br>b. grant<br>c. cooperative agreement<br>d. loan<br>e. loan guarantee<br>f. loan insurance | ☐ a. bid/offer/application<br>b. initial award<br>c. post-award | ☐ a. initial filing<br>b. material change<br>For Material Change Only:<br>year _____ quarter _____<br>date of last report _____ |

| 4. Name and Address of Reporting Entity: | 5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: |
|---|---|
| ☐ Prime ☐ Subawardee<br>Tier _____, *if known:*<br><br>Congressional District, *if known:* | Congressional District, *if known:* |
| 6. Federal Department/Agency: | 7. Federal Program Name/Description:<br><br>CFDA Number, *if applicable:* _____ |
| 8. Federal Action Number, *if known:* | 9. Award Amount, *if known:*<br>$ |
| 10. a. Name and Address of Lobbying Entity<br>*(if individual, last name, first name, MI):* | b. Individuals Performing Services *(including address if different from No. 10a)*<br>*(last name, first name, MI):* |

*(attach Continuation Sheet(s) SF-LLL-A, if necessary)*

| 11. Amount of Payment *(check all that apply)*: | 13. Type of Payment *(check all that apply)*: |
|---|---|
| $ _____ ☐ actual ☐ planned | ☐ a. retainer<br>☐ b. one-time fee<br>☐ c. commission<br>☐ d. contingent fee<br>☐ e. deferred<br>☐ f. other; specify: _____ |
| 12. Form of Payment *(check all that apply)*:<br>☐ a. cash<br>☐ b. in-kind; specify: nature _____<br>value _____ | |

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

*(attach Continuation Sheet(s) SF-LLL-A, if necessary)*

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____
Print Name: _____
Title: _____
Telephone No.: _____ Date: _____

Federal Use Only:

Authorized for Local Reproduction
Standard Form - LLL

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 mintues per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

# DISCLOSURE OF LOBBYING ACTIVITIES
## CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

BILLING CODE 4000-01-C

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Standard Form - LLL-A

**Appendix B**

Potential applicants frequently direct questions to officials of the Department regarding application notices and programmatic and administrative regulations governing various direct grant programs. To assist potential applicants the Department has assembled the following most commonly asked questions.

Q. Can we get extension of the deadline?

A. No. A closing date may be changed only under extraordinary circumstances. Any change must be announced in the **Federal Register** and apply to all applications. Waivers for individual applications cannot be granted regardless of the circumstances.

Q. How many copies of the application should I submit and must they be bound?

A. Our new policy calls for an original and six copies to be submitted. The binding of the application is optional.

Q. We just missed the deadline for the XXX competition. May we submit under another competition?

A. Yes, however, the likelihood of success is not good. A properly prepared application must meet the specifications of the competition to which it is submitted.

Q. I'm not sure which competition is most appropriate for my project. What should I do?

A. We are happy to discuss any questions with you and provide clarification on the unique elements of the various competitions.

Q. Will you help us prepare our application?

A. We are happy to provide general program information. Clearly, it would not be appropriate for staff to participate in the actual writing of an application, but we can respond to specific questions about application requirements, evaluation criteria, and the priorities. Applicants should understand that this previous contact is not required, nor will it in any way influence the success of an application.

Q. When will I find out if I'm going to be funded?

A. You can expect to receive notification within 3 to 4 months of the application closing date, depending on the number of applications received and the number of competitions with closing dates at about the same time.

Q. Once my application has been reviewed by the review panel, can you tell me the outcome?

A. No. Every year we are called by a number of applicants who have legitimate reasons for needing to know the outcome of the review prior to official notification. Some applicants need to make job decisions, some need to notify a local school district, etc. Regardless of the reason, because final funding decisions have not been made at that point, we cannot share information about the review with anyone.

Q. How long should an application be?

A. The Department of Education is making a concerted effort to reduce the volume of paperwork in discretionary program applications. The scope and complexity of projects is too variable to establish firm limits on length. Your application should provide enough information to allow the review panel to evaluate the significance of the project against the criteria of the competition. We recommend that you address all of the selection criteria in an "Program Narrative" of no more than thirty pages in length. Supporting documentation may be included in appendices to the Application Narrative. Some examples:

(1) Staff qualification. These should be brief. They should include the person's title and role in the proposed project and contain only information about his or her qualifications that are relevant to the proposed project. Qualifications of consultants and advisory council members should be provided and be similarly brief.

(2) Assurance of participation of an agency other than the applicant if such participation is critical to the project.

(3) Copies of evaluation instruments proposed to be used in the project in instances where such instruments are not in general use.

Q. Will my application be returned if I am not funded?

A. We no longer return unsuccessful applications. Thus, applicants should retain at least one copy of the application.

Q. Can I obtain copies of reviewers' comments?

A. Upon written request, reviewers' comments will be mailed to unsuccessful applicants.

Q. How should my application be organized?

A. The Application Narrative should be organized to follow the exact sequence of the components in the selection criteria pertaining to the specific program competition for which the application is prepared. In each instance, a table of contents and a one-page abstract summarizing the objectives, activities, project participants, and expected outcomes of the proposed project generally enhance the review of the application.

Q. Is travel allowed under these projects?

A. Travel associated with carrying out the project is allowed (i.e., travel for data collection, etc.). Because we may request the principal investigator or director of funded projects to attend an annual staff development meeting, you may also wish to include a trip or two to Washington, DC in the travel budget. Travel to conferences is sometimes allowed when it is for purposes of dissemination.

Q. If my application receives high scores from the reviewers, does that mean that I will receive funding?

A. Not necessarily. It is often the case that the number of applications scored highly by the reviewers exceeds the dollars available for funding projects under a particular competition. The order of selection, which is based on the scores of all the applications and other relevant factors, determines the applications that can be funded.

Q. What happens during negotiations?

A. During negotiations technical and budget issues may be raised. These are issues that have been identified during the panel and staff reviews that require clarification. Sometimes issues are stated as "conditions." These are issues that have been identified as so critical that the award cannot be made unless those conditions are met. Questions may also be raised about the proposed budget. Generally, these issues are raised because there is inadequate justification or explanation of a particular budget item, or because the budget item seems unimportant to the successful completion of the project. If you are asked to make changes that you feel could seriously affect the project's success, you may provide reasons for not making the changes or provide alternative suggestions. Similarly, if proposed budget reductions will, in your opinion, seriously affect the project activities, you may explain why and provide additional justification for the proposed expenses. An award cannot be made until all negotiation issues have been resolved.

Q. How do I provide an assurance?

A. Except for SF–424B, "Assurances—Non-Construction Programs," simply state in writing that you are meeting a proscribed requirement.

Q. Where can copies of the **Federal Register**, program regulations, and Federal statutes be obtained?

A. Copies of these materials can usually be found at your local library. If not, they can be obtained from the Government Printing Office by writing to: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Telephone: (202) 783–3238. When requesting copies of

regulations or statutes, it is helpful to use the specific name, public law number, or part number. The material referenced in this notice should be referred to as follows:

(1) Carl D. Perkins Vocational Education Act, as amended by the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (Pub. L. 101–392, 104 Stat. 753 (1990)).

(2) The Education Department General Administrative Regulations (EDGAR).

For a free copy (EDGAR), contact the U.S. Department of Education, Grants and Contracts Services, 400 Maryland Avenue, SW. (Room 3653—ROB–3), Washington, DC 20202–4835. Telephone: (202) 708–5580.

[FR Doc. 92–23642 Filed 9–29–92; 8:45 am]

BILLING CODE 4000–01–M

federal register

Wednesday
September 30, 1992

Part IV

# Department of the Interior

National Park Service

National Park System Units in Alaska; Description of Boundaries; Notice

## DEPARTMENT OF THE INTERIOR

### National Park Service

### National Park System Units in Alaska; Description of Boundaries

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice sets out the legal descriptions of the external boundaries of national parks, monuments and preserves (hereinafter parklands) established or expanded in Alaska under sections 201 and 202 of the Alaska National Interest Lands Conservation Act (ANILCA). Also described are the external boundaries of units of the National Wilderness Preservation System established within these parklands under section 701 of ANILCA. Limited descriptions are included for wild rivers established on parklands under section 601. Publication of these legal descriptions is required by section 103 of ANILCA. Generalized location maps are included also.

**DATES:** Pursuant to section 103(b) of ANILCA these boundary descriptions are effective as of December 2, 1980.

**FOR FURTHER INFORMATION CONTACT:** Regional Director, National Park Service (Attn: Land Resources Division), 2525 Gambell Street, room 107, Anchorage, Alaska 99503 (Phone: 907–257–2584), or Director, National Park Service (Attn: Land Resources Division), P.O. Box 37127, Washington, DC 20013–7127 (Phone: 202–343–4828).

**SUPPLEMENTARY INFORMATION:** Under section 103(b) of the Alaska National Interest Lands Conservation Act (ANILCA), Public Law 96–487 (94 Stat. 2371) the Secretary of the Interior was directed to publish legal descriptions and boundary maps for the land status changes effected by ANILCA, including national parklands and their wilderness areas. The official legal descriptions for parklands, and wilderness areas and wild rivers designated therein, are included in this notice. While generalized location maps for these areas are also included in this notice, the 1:250,000 scale maps developed for public use under section 103(b), whose official names and dates are listed below, are incorporated by this notice and are available for inspection at U.S. Geological Survey offices in Alaska, in Denver, Colorado and in Reston, Virginia, and at the National Park Service Regional Office in Anchorage, Alaska (see below for addresses). Limited descriptions of wild and study rivers within parklands are included also, although they are not depicted on the 1:250,000 scale maps.

Twenty-one national parkland units in Alaska were established or expanded by ANILCA, consisting of 8 parks, 2 monuments, 10 preserves and one wild river. Included in these 21 units is one previously existing national park that was expanded and renamed, and two previously existing national monuments that were expanded and redesignated as parks and preserves.

The parklands established or expanded by ANILCA and administered by the National Park Service, with the date of their official maps noted in parentheses, are as follows:

Alagnak Wild River (December, 1983)
Aniakchak National Monument and Preserve (October 1978)
Bering Land Bridge National Preserve (October 1978)
Cape Krusenstern National Monument (October 1979)
Denali National Park and Preserve (July 1980)
Gates of the Arctic National Park and Preserve (July 1980)
Glacier Bay National Park and Preserve (October 1978)
Katmai National Park and Preserve (July 1980)
Kenai Fjords National Park (October 1978)
Kobuk Valley National Park (October 1979)
Lake Clark National Park and Preserve (October 1978)
Noatak National Preserve (July 1980)
Wrangell-St. Elias National Park and Preserve (August 1980)
Yukon-Charley Rivers National Preserve (October 1978)

### Use of National Park System Lands

The legal descriptions that follow are those of external boundaries of the above-listed parklands. State and private land holdings within these boundaries are not identified in the legal descriptions. Inclusion of these lands within the described boundaries should not be interpreted as authorizing public use of such lands. Uses of the public lands within the described boundaries are controlled by the laws and regulations governing administration of units of the National Park System and provisions of ANILCA. Persons desiring information on land status within the described boundaries may contact the Land Resources Division of the Alaska Regional Office of the National Park Service or individual park offices in Alaska.

The term "public lands" as used throughout this Notice is defined by ANILCA as those lands, waters, and interests therein, the title to which is in the United States after December 2, 1980, except:

(A) Land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

(B) Land selections of a Native Corporation made under the Alaska Native Claims Settlement Act, Public Law 92–203 (85 Stat. 688), as amended, which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(C) Lands referred to in section 19(b) of the Alaska Native Claims Settlement Act.

Those lands selected by the State or a Native Corporation within the external boundaries of the national parklands are to be administered by the National Park Service under applicable laws until conveyed by interim conveyance, tentative approval or patent. Those lands selected by, but not ultimately conveyed to, the State or a Native Corporation within the external boundaries of a national parkland, shall become part of that unit.

Many of the boundaries described for Alaska parklands follow natural features, such as ocean coastline, hydrographic divides, banks of rivers, or lakeshores. Where a water body forms a portion of the boundary, general riparian law shall apply to that boundary.

Section 103(a) of ANILCA provides that coastal boundaries of National Park Service units created or expanded by ANILCA do not extend seaward beyond the line of mean high tide to include lands owned by the State of Alaska. However, the official maps of the above-listed parklands depict portions of the ANILCA boundaries as including bays, inlets and other tidal areas within such parklands. The following legal descriptions for each of the parklands, and subsequent map revisions for these parklands, clarify this matter by respectively describing and illustrating that the ANILCA boundaries in coastal areas follow the line of mean high tide. Lands above mean high tide on islands, islets, rocks, reefs or spires in the above-mentioned bays, inlets and other tidal areas are part of the parklands, and are so described and illustrated. The State of Alaska owns the beds of inland navigable water bodies, tidelands and submerged marine lands, except such beds, tidelands and marine lands that were reserved to the United States at the time of Statehood.

All public lands within Federal reservations for defense, navigation, communications and other purposes within the external boundaries of any parkland described are part of that parkland. Rights of holding agencies are set forth in section 1310 of ANILCA.

### Wilderness Units Described

In this notice, legal descriptions of the external boundaries of units of the National Wilderness Preservation System established by ANILCA within national parklands in Alaska can be found after the boundary description for the parkland in which they are located. The wilderness units established by ANILCA, with the date of their official maps noted in parentheses, are as follows:

Denali Wilderness (July 1980)—in Denali National Park
Gates of the Arctic Wilderness (July 1980)—in Gates of the Arctic National Park
Glacier Bay Wilderness (October 1978)—in Glacier Bay National Park
Katmai Wilderness (July 1980)—in Katmai National Park and Preserve
Kobuk Valley Wilderness (October 1979)—in Kobuk Valley National Park
Lake Clark Wilderness (October 1978)—in Lake Clark National Park and Preserve
Noatak Wilderness (July 1980)—in Noatak National Preserve
Wrangell-St. Elias Wilderness (August 1980)—in Wrangell-St. Elias National Park and Preserve

### Use of Wilderness Units

In addition to the laws and regulations governing the use of national parklands, described above, the use of wilderness units is governed by provisions of the Wilderness Act (16 U.S.C. 1131 et seq.) and ANILCA.

### National Wild and Scenic Rivers

ANILCA designated the following national wild rivers in national parklands in Alaska: Aniakchak Wild River in Aniakchak National Monument and Preserve; Alatna, John, Kobuk, Noatak (upper), North Fork of the Koyukuk and Tinayguk Wild Rivers in Gates of the Arctic National Park and Preserve; a portion of the Alagnak Wild River within Katmai National Preserve; the Salmon Wild River in Kobuk Valley National Park; Chilikadrotna, Mulchatna and Tlikakila Wild Rivers in Lake Clark National Park and Preserve; Noatak Wild River in Noatak National Preserve; and Charley Wild River in Yukon-Charley Rivers National Preserve.

The ANILCA descriptions of national wild rivers within national parklands are included in this notice, but they are not depicted on the 1:250,000 scale maps. These limited descriptions can be found following the description of the parkland in which they occur. The rivers and any need for river corridor boundaries have been addressed in the general management plan for each parkland.

In addition to regulations governing use of national parklands, use of these river areas is governed by the Wild and Scenic Rivers Act (16 U.S.C. 1271–1287), as amended by ANILCA.

### Availability of Maps

The maps of the Alaska national parklands included in this notice are generalized depictions of the lands described. Maps at this scale cannot accurately depict the actual boundaries and should be used only as general location references. Persons desiring more detailed information on parkland and wilderness boundaries are directed to maps, at the scale of 1:250,000, which are available for review at the following locations:

National Park Service, Land Resources Division, Room 201, 2525 Gambell Street, Anchorage, Alaska 99503
U.S. Geological Survey, Library—Cartographic Information Center, 952 National Center, Reston, Virginia 22092.

Additionally, these 1:250,000 scale maps are available for sale and review at the following U.S. Geological Survey offices:

U.S. Geological Survey, Alaska, Distribution Section, 4230 University Drive, room 101, Anchorage, Alaska 99503
U.S. Geological Survey, Alaska, Distribution Section, 101 12th Avenue, Fairbanks, Alaska 99701
U.S. Geological Survey, Distribution Branch, Box 25285–0046, Federal Center, Denver, Colorado 80226.

The maps from which the legal descriptions in this notice were written are at the 1:63,360 scale, where available, and reflect greater detail and accuracy than that depicted on the 1:250,000 scale maps prepared for public use. These maps are available for review in the National Park Service Alaska Regional Office in Anchorage, Alaska at the address noted above. A list of the specific maps used to develop these legal descriptions follows the description for each parkland.

The large number of maps (approximately 579) necessary to depict the Alaska national parklands at the 1:63,360 scale precludes their simultaneous immediate reproduction for public use. However, as the U.S. Geological Survey revises individual maps at this scale, the new boundary lines are depicted. These revised maps are available through normal U.S. Geological Survey sales outlets.

Dated: September 4, 1992.

**John M. Morehead,**

*Regional Director, Alaska Region, National Park Service.*

### Conservation System Units Established in Alaska Within the National Park System

### Aniakchak National Monument and Preserve

Section 201(1), Public Law 96–487 (ANILCA):

*Aniakchak National Monument*

Aniakchak National Monument as generally depicted on a map numbered ANIA–90,005, dated October 1978, consists of approximately one hundred and thirty-eight thousand acres of public lands, as defined by the ANILCA, within the following described boundary:

Beginning at the corner of sections 7, 8, 17 and 18, T. 39 S., R. 54 W., Seward Meridian;

Thence northerly, between sections 7 and 8, 5 and 6, along a common boundary with the Aniakchak National Preserve, to the corner of sections 5, 6, 31 and 32, Tps. 38 and 39 S., R. 54 W., Seward Meridian;

Thence easterly between Tps. 38 and 39 S., to the corner of sections 3, 4, 33 and 34, Tps. 38 and 39 S., R. 54 W., Seward Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, to the summit of a ridge, between sections 27 and 28, T. 38 S., R. 54 W., Seward Meridian, approximate elevation 2,060 feet;

Thence on an approximate forward bearing of N. 77° E., to the northerly end of the summit of a mountain, located in section 27, T. 38 S., R. 54 W., Seward Meridian, approximate elevation 2,200 feet;

Thence on an approximate forward bearing of N. 26° E., to the summit of a small mountain, located in section 22, T. 38 S., R. 54 W., Seward Meridian, approximate elevation 1,650 feet;

Thence on an approximate forward bearing of N. 68° W., to the summit of a mountain, located in section 21, T. 38 S., R. 54 W., Seward Meridian, approximate elevation 1,800 feet;

Thence on an approximate forward bearing of N. 55° W., to the summit of a mountain, located in Section 18, T. 38 S., R. 54 W., Seward Meridian, approximate elevation 2,285 feet;

Thence on an approximate forward bearing of N. 65° W., to the summit of a mountain, located in section 12, T. 38 S., R. 55 W., Seward Meridian, approximate elevation 2,400 feet;

Thence on an approximate forward bearing of N. 23° E., to the summit of a mountain, located in section 1, T. 38 S., R. 55 W., Seward Meridian, approximate elevation 2,565 feet;

Thence on an approximate forward bearing of N. 31° W., to the junction of the forks of High Creek, located in the easterly ½ of section 35, T. 37 S., R. 55 W., Seward Meridian;

Thence northerly, along the right bank of High Creek, to the intersection with the Ninth Standard Parallel South, on the south boundary of section 33, T. 36 S., R. 54 W., Seward Meridian;

Thence westerly on the Ninth Standard Parallel South, to the standard corner of T. 36 S., Rs. 54 and 55 W., Seward Meridian;

Thence westerly, departing from the common boundary with the Aniakchak National Preserve, on the Ninth Standard Parallel South, to the closing corner of T. 37 S., Rs. 56 and 57 W., Seward Meridian;

Thence southerly, between Rs. 56 and 57 W., to the corner of Ts. 37 and 38 S., Rs. 56 and 57 W., Seward Meridian;

Thence southerly, along a common boundary with the Alaska Peninsula National Wildlife Refuge, between Rs. 56 and 57 W., to the corner of section 13, 18, 19 and 24, T. 38 S., Rs. 56 and 57 W., Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, to the corner of sections 15, 16, 21 and 22, T. 38 S., R. 57 W., Seward Meridian;

Thence southerly, between sections 21 and 22, 27 and 28, 33 and 34, 3 and 4, 9 and 10, 15 and 16, to the corner of sections 15, 16, 21 and 22, T. 39 S., R. 57 W., Seward Meridian;

Thence easterly, between sections 15 and 22, 14 and 23, 13 and 24, to the corner of sections 13, 18, 19 and 24, T. 39 S., Rs. 56 and 57 W., Seward Meridian;

Thence southerly, between Rs. 56 and 57 W., to the corner of sections 19, 24, 25 and 30, T. 39 S., Rs. 56 and 57 W., Seward Meridian;

Thence easterly, departing from the common boundary with the Alaska Peninsula National Wildlife Refuge, between sections 19 and 30, 20 and 29, 21 and 28, 22 and 27, 23 and 26, 24 and 25, 19 and 30, 20 and 29, 21 and 28, to the corner of sections 21, 22, 27 and 28, T. 39 S., R. 55 W., Seward Meridian;

Thence northerly, between sections 21 and 22, 15 and 16, to the corner of sections 9, 10, 15 and 16, T. 39 S., R. 55 W., Seward Meridian;

Thence easterly, between sections 10 and 15, 11 and 14, 12 and 13, 7 and 18, to the corner of sections 7, 8, 17 and 18, T. 39 S., R. 54 W., Seward Meridian, the place of beginning.

*Aniakchak National Preserve*

Aniakchak National Preserve as generally depicted on a map numbered ANIA–90,005, dated October 1978, consists of approximately three hundred and seventy-six thousand acres of public lands, as defined by the ANILCA, within the following described boundary:

Beginning at the meander corner of sections 25 and 30, at the line of mean high tide of the Pacific Ocean, T. 39 S., Rs. 49 and 50 W., Seward Meridian;

Thence northerly, along a common boundary with the Alaska Peninsula National Wildlife Refuge, between Rs. 49 and 50 W., to the corner of sections 19, 24, 25 and 30, T. 39 S., Rs. 49 and 50 W., Seward Meridian;

Thence westerly, between sections 24 and 25, 23 and 26, to the ¼ section corner of sections 23 and 26, T. 39 S., R. 50 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 23, to the ¼ section corner of sections 14 and 23, T. 39 S., R. 50 W., Seward Meridian;

Thence westerly, between sections 14 and 23, to the corner of sections 14, 15, 22 and 23, T. 39 S., R. 50 W., Seward Meridian;

Thence northerly, between sections 14 and 15, to the corner of sections 10, 11, 14 and 15, T. 39 S., R. 50 W., Seward Meridian;

Thence westerly, between sections 10 and 15, to the ¼ section corner of sections 10 and 15, T. 39 S., R. 50 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 10, to the ¼ section corner of sections 3 and 10, T. 39 S., R. 50 W., Seward Meridian;

Thence westerly, between sections 3 and 10, to the corner of sections 3, 4, 9 and 10, T. 39 S., R. 50 W., Seward Meridian;

Thence northerly, between sections 3 and 4, to the ¼ section corner of sections 3 and 4, T. 39 S., R. 50 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 4, to the center ¼ section corner of section 4, T. 39 S., R. 50 W., Seward Meridian;

Thence approximately due North, to the summit of a mountain, located in the southerly portion of section 28, T. 38 S., R. 50 W., Seward Meridian, approximate elevation 3,271 feet;

Thence northwesterly, along the crest of a ridge between the drainages of Yantarni Creek and Northeast Creek, to the intersection of the section line between sections 7 and 12, T. 38 S., Rs. 50 and 51 W., Seward Meridian;

Thence northerly, between Rs. 50 and 51 W., to a point between sections 31 and 36, T. 37 S., Rs. 50 and 51 W., Seward Meridian, on the crest of a ridge between the drainages of Yantarni Creek and Northeast Creek, approximate elevation 700 feet;

Thence northwesterly, along the crest of a ridge between the drainages of Yantarni Creek, Northeast Creek, Main Creek and Painter Creek to a point between sections 6 and 34, Tps. 36 and 37 S., R. 51 W., Seward Meridian;

Thence northerly and northwesterly, departing from the common boundary with the Alaska Peninsula National Wildlife Refuge, along the crest of a ridge between the drainages of Painter Creek, Old Creek and Pumice Creek, to a point between sections 3 and 34, Tps. 35 and 36 S., R. 52 W., Seward Meridian;

Thence westerly, between Tps. 35 and 36 S., to the corner of Tps. 35 and 36 S., Rs. 54 and 55 W., Seward Meridian;

Thence southerly, between Rs. 54 and 55 W., to the standard corner of T. 36 S., Rs. 54 and 55 W., Seward Meridian;

Thence easterly, on the Ninth Standard Parallel South, along a common boundary with the Aniakchak National Monument, to a point on the right bank of High Creek, on the south of section 33, T. 36 S., R. 54 W., Seward Meridian;

Thence southerly, along the right bank of High Creek, to the junction of the forks of High Creek, located in the easterly ½ of section 35, T. 37 S., R. 55 W., Seward Meridian;

Thence on an approximate forward bearing of S. 31° E., to the summit of a mountain located in section 1, T. 38 S., R. 55 W., Seward Meridian, approximate elevation 2,565 feet;

Thence on an approximate forward bearing of S. 23° W., to the summit of a mountain located in section 12, T. 38 S., R. 55 W., Seward Meridian, approximate elevation 2,400 feet;

Thence on an approximate forward bearing of S. 65° E., to the summit of a mountain located in section 18, T. 38 S., R. 54 W., Seward Meridian, approximate elevation 2,285 feet;

Thence on an approximate forward bearing of S. 55° E., to the summit of a mountain located in section 21, T. 38 S., R. 54 W., Seward Meridian, approximate elevation 1,800 feet;

Thence on an approximate forward bearing of S. 68° E., to the summit of a small mountain located in section 22, T. 38 S., R. 54 W., Seward Meridian, approximate elevation 1,650 feet;

Thence on an approximate forward bearing of S. 26° W., to the northerly end of the summit of a mountain located in section 27, T. 38 S., R. 54 W., Seward Meridian, approximate elevation 2,200 feet;

Thence on an approximate forward bearing of S. 77° W., to the summit of a ridge between sections 27 and 28, T. 38 S., R. 54 W., Seward Meridian, approximate elevation 2,060 feet;

Thence southerly, between sections 27 and 28, 33 and 34, to the corner of sections 3, 4, 33 and 34, Tps. 38 and 39 S., R. 54 W., Seward Meridian;

Thence westerly, between Tps. 38 and 39 S., to the corner of sections 5, 6, 31 and 32, Tps. 38 and 39 S., R. 54 W., Seward Meridian;

Thence southerly, between sections 5 and 6, 7 and 8, to the corner of sections 7, 8, 17 and 18, T. 39 S., R. 54 W., Seward Meridian;

Thence westerly, between sections 7 and 18, 12 and 13, 11 and 14, 10 and 15, to the corner of sections 9, 10, 15 and 16, T. 39 S., R. 55 W., Seward Meridian;

Thence southerly, between sections 15 and 16, 21 and 22, to the corner of sections 21, 22, 27 and 28, T. 39 S., R. 55 W., Seward Meridian;

Thence westerly, between sections 21 and 28, 20 and 29, 19 and 30, 24 and 25, 23 and 26, 22 and 27, 21 and 28, 20 and 29, 19 and 30, to the corner of sections 19, 24, 25 and 30, T. 39 S., Rs. 56 and 57 W., Seward Meridian;

Thence southerly, departing from a common boundary with the Aniakchak National Monument, along a common boundary with the Alaska Peninsula National Wildlife Refuge, between Rs. 56 and 57 W., to the corner of sections 13, 18, 19 and 24, T. 40 S., Rs. 56 and 57 W., Seward Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24, to the corner of sections 13, 18, 19 and 24, T. 40 S., Rs. 55 and 56 W., Seward Meridian;

Thence southerly, between Rs. 55 and 56 W., to the standard corner of T. 40 S., Rs. 55 and 56 W., Seward Meridian;

Thence easterly, on the Tenth Standard Parallel South, to the closing corner of T. 41 S., Rs. 54 and 55 W., Seward Meridian;

Thence southerly, between Rs. 54 and 55 W., to the meander corner of sections 7 and

12, T. 41 S., Rs. 54 and 55 W., Seward Meridian, at the line of mean high tide of Kujulik Bay;

Thence departing from the common boundary with the Alaska Peninsula National Wildlife Refuge, easterly, northerly and southeasterly, along the line of mean high tide of Kujulik Bay, Pacific Ocean, Aniakchak Bay and Amber Bay, to the meander corner of sections 25 and 30, T. 39 S., Rs. 49 and 50 W., Seward Meridian, the place of beginning.

**Units of the National Wild and Scenic Rivers Systems Within the Aniakchak National Monument and Preserve**

Section 601, Public Law 96–487 (ANILCA):

"Aniakchak, Alaska. That portion of the river, including its major tributaries, Hidden Creek, Mystery Creek, Albert Johnson Creek, and North Fork Aniakchak River, within the Aniakchak National Monument and Preserve; to be administered by the Secretary of the Interior."

Note: Pursuant to section 605(d) of ANILCA and as provided for under section 3(b) of the Wild and Scenic Rivers Act, the necessity for any river corridor boundaries for the Aniakchak Wild River and its tributaries within the Aniakchak National Monument and Preserve has been considered during the comprehensive conservation planning process for the monument and preserve. In accordance with the General Management Plan for Aniakchak National Monument and Preserve, approved November 7, 1986, no specific river corridor boundaries are deemed necessary for the Aniakchak River in order to protect the river and its immediate environments. Proposed management of the monument and preserve meets and is compatible with management standards established by the Wild and Scenic Rivers Act.

The following U.S. Geological Survey 1:63,360 Series (Topographic) Quadrangle maps were used in preparing the legal boundary descriptions for Aniakchak National Monument and Preserve:

Bristol Bay, Alaska: (A–1) 1963.

Chignik, Alaska: (C–1) 1963; (D–1) 1963; (D–2) 1963.

Sutwik Island, Alaska: (C–5) 1963; (C–6) 1963; (D–4) 1963; (D–5) 1963; (D–6) 1963.

Ugashik, Alaska: (A–5) 1963; (A–6) 1963.

BILLING CODE 4310–70–F

# ANIAKCHAK NATIONAL MONUMENT AND PRESERVE

PUBLIC LAW 96-487




BILLING CODE 4310-70-C

*Bering Land Bridge National Preserve*

Section 201(2), Public Law 96–487 (ANILCA):

Bering Land Bridge National Preserve as generally depicted on a map numbered BELA–90,005, dated October 1978, consists of approximately two million four hundred and fifty-seven thousand acres of public lands, as defined by the ANILCA, within the following described boundary:

Beginning at a point between sections 21 and 22, T. 2 S., R. 20 W., Kateel River Meridian, on the crest of a ridge, approximate elevation 2,550 feet;

Thence northerly, between sections 21 and 22, 15 and 16, 9 and 10, 3 and 4, to the corner of sections 3, 4, 33 and 34, Tps. 1 and 2 S., R. 20 W., Kateel River Meridian;

Thence westerly, between Tps. 1 and 2 S., to the corner of sections 1, 2, 35 and 36, Tps. 1 and 2 S., R. 21 W., Kateel River Meridian;

Thence northerly, between sections 35 and 36, to the corner of sections 25, 26, 35 and 36, T. 1 S., R. 21 W., Kateel River Meridian;

Thence easterly, between sections 25 and 36, to the corner of sections 25, 30, 31 and 36, T. 1 S., Rs. 20 and 21 W., Kateel River Meridian;

Thence northerly, between Rs. 20 and 21 W., to the corner of sections 19, 24, 25 and 30, T. 1 S., Rs. 20 and 21 W., Kateel River Meridian;

Thence easterly, between sections 19 and 30, to the corner of sections 19, 20, 29 and 30, T. 1 S., R. 20 W., Kateel River Meridian;

Thence northerly, between sections 19 and 20, to the corner of sections 17, 18, 19 and 20, T. 1 S., R. 20 W., Kateel River Meridian;

Thence easterly, between sections 17 and 20, 16 and 21, to the corner of sections 15, 16, 21 and 22, T. 1 S., R. 20 W., Kateel River Meridian;

Thence northerly, between sections 15 and 16, 9 and 10, 3 and 4, to the closing corner of sections 3 and 4, T. 1 S., R. 20 W., Kateel River Meridian;

Thence westerly, along the Kateel River Base Line, to the standard corner of sections 33 and 34, T. 1 N., R. 20 W., Kateel River Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, to the corner of sections 9, 10, 15 and 16, T. 1 N., R. 20 W., Kateel River Meridian;

Thence westerly, between sections 9 and 16, 8 and 17, to the corner of sections 7, 8, 17 and 18, T. 1 N., R. 20 W., Kateel River Meridian;

Thence northerly, between sections 7 and 8, 5 and 6, 31 and 32, 29 and 30, to the corner of sections 19, 20, 29 and 30, T. 2 N., R. 20 W., Kateel River Meridian;

Thence westerly, between sections 19 and 30, to the corner of sections 19, 24, 25 and 30, T. 2 N., Rs. 20 and 21 W., Kateel River Meridian;

Thence northerly, between Rs. 20 and 21., to the corner of sections 7, 12, 13 and 18, T. 2 N., Rs. 20 and 21 W., Kateel River Meridian;

Thence easterly, between sections 7 and 18, to the corner of sections 7, 8, 17 and 18, T. 2 N., R. 20 W., Kateel River Meridian;

Thence northerly, between sections 7 and 8, to the corner of sections 5, 6, 7 and 8, T. 2 N., R. 20 W., Kateel River Meridian;

Thence easterly, between sections 5 and 8, to the corner of sections 4, 5, 8 and 9, T. 2 N., R. 20 W., Kateel River Meridian;

Thence northerly, between sections 4 and 5, to the corner of sections 4, 5, 32 and 33, Tps. 2 and 3 N., R. 20 W., Kateel River Meridian;

Thence easterly, between Tps. 2 and 3 N., to the ¼ section corner of sections 4 and 33, Tps. 2 and 3 N. R. 20 W., Kateel River Meridian;

Thence northerly, on the north and south centerline of section 33, to the ¼ section corner of sections 28 and 33, T. 3 N., R. 20 W., Kateel River Meridian;

Thence easterly, between sections 28 and 33, 27 and 34, to the ¼ section corner of sections 27 and 34, T. 3 N., R. 20 W., Kateel River Meridian;

Thence northerly, on the north and south centerline of section 27, to the ¼ section corner of sections 22 and 27, T. 3 N., R. 20 W., Kateel River Meridian;

Thence easterly, between sections 22 and 27, 23 and 26, to the ¼ section corner of section 23 and 26, T. 3 N., R. 20 W., Kateel River Meridian;

Thence northerly, on the north and south centerline of section 23, to the ¼ section corner of sections 14 and 23, T. 3 N., R. 20 W., Kateel River Meridian;

Thence easterly, between sections 14 and 23, to the corner of sections 13, 14, 23 and 24, T. 3 N., R. 20 W., Kateel River Meridian;

Thence northerly, between sections 13 and 14, 11 and 12, to the ¼ section corner of sections 11 and 12, T. 3 N., R. 20 W., Kateel River Meridian;

Thence easterly, on the east and west centerline of section 12, to the ¼ section corner of sections 7 and 12, T. 3 N., Rs. 19 and 20 W., Kateel River Meridian;

Thence northerly, between Rs. 19 and 20 W., to the closing corner of T. 4 N., Rs. 19 and 20 W., Kateel River Meridian;

Thence westerly, along the First Standard Parallel North, to the standard corner of sections 31 and 32, T. 5 N., R. 19 W., Kateel River Meridian;

Thence northerly, between sections 31 and 32, 29 and 30, 19 and 20, to the corner of sections 17, 18, 19 and 20, T. 5 N., R. 19 W., Kateel River Meridian;

Thence westerly, between sections 18 and 19, 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, to the corner of sections 13, 18, 19 and 24, T. 5 N., Rs. 20 and 21 W., Kateel River Meridian;

Thence southerly, between Rs. 20 and 21 W., to the standard corner of T. 5 N., Rs. 20 and 21 W., Kateel River Meridian;

Thence westerly, along the First Standard Parallel North, to the standard corner of sections 33 and 34, T. 5 N., R. 22 W., Kateel River Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, to the corner of sections 15, 16, 21 and 22, T. 5 N., R. 22 W., Kateel River Meridian;

Thence westerly, between sections 16 and 21, 17 and 20, 18 and 19, to the corner of sections 13, 18, 19 and 24, T. 5 N., Rs. 22 and 23 W., Kateel River Meridian;

Thence northerly, between Rs. 22 and 23 W., to the corner of Tps. 6 and 7 N., Rs. 22 and 23 W., Kateel River Meridian;

Thence easterly, between Tps. 6 and 7 N., to the corner of Tps. 6 and 7 N., Rs. 21 and 22 W., Kateel River Meridian;

Thence northerly, between Rs. 21 and 22 W., to the meander corner between sections 25 and 30, T. 8 N., Rs. 21 and 22 W., Kateel River Meridian, at the line of mean high tide on the southern shore of Kotzebue Sound;

Thence westerly, northwesterly, westerly to the mouth of the Nugnugaluktuk River, easterly, northerly, westerly, southwesterly into Shishmaref Inlet, northerly, westerly, and southwesterly along the line of mean high tide of Kotzebue Sound, Chukchi Sea, Shishmaref Inlet and Cowpack Inlet, to the meander corner of sections 13 and 18, T. 11 N., Rs. 32 and 33 W., including all lands, barrier and offshore islands including Cape Espenberg, lying above the line of mean high tide within 6 miles of the mainland coast between the eastern range line of T. 8 N., R. 22 W. and the western range line of T. 11 N., R. 32 W., Kateel River Meridian;

Thence southerly, between Rs. 32 and 33 W., to the corner of Tps. 9 and 10 N., Rs. 32 and 33 W., Kateel River Meridian;

Thence easterly, between Tps. 9 and 10 N., to the corner of Tps. 9 and 10 N., Rs. 31 and 32 W., Kateel River Meridian;

Thence southerly, between Rs. 31 and 32 W., to the standard corner of T. 9 N., Rs. 31 and 32 W., Kateel River Meridian;

Thence easterly, along the Second Standard Parallel North, to the closing corner of T. 8 N., Rs. 31 and 32 W., Kateel River Meridian;

Thence southerly, between Rs. 31 and 32 W., to the corner of Tps. 7 and 8 N., Rs. 31 and 32 W., Kateel River Meridian;

Thence westerly, between Tps. 7 and 8 N., to the corner of Tps. 7 and 8 N., Rs. 37 and 38 W., Kateel River Meridian;

Thence northerly, between Rs. 37 and 38 W., to the meander corner between sections 13 and 18, T. 8 N., Rs. 37 and 38 W., at the line of mean high tide of the Arctic Lagoon;

Thence, southwesterly, southeasterly, southwesterly, northwesterly and southwesterly, along the line of mean high tide of Arctic Lagoon, Kugrupaga Inlet, Ikpek Lagoon and Chukchi Sea, including all lands, barrier and offshore islands lying above the line of mean high tide and within 6 miles of the mainland coastline and westerly of the eastern range line of T. 8 N., R. 38 W., to the westernmost point of the spit at the northeasterly end of Lopp Lagoon located in section 21, T. 5 N., R. 42 W., Kateel River Meridian;

Thence, southeasterly and southerly, along the line of mean high tide of Lopp Lagoon and the right bank of an unnamed river, to a point on the first Standard parallel North at its intersection with the right bank of the aforementioned unnamed river, on the south boundary of section 35, T. 5 N., R. 42 W., Kateel River Meridian;

Thence easterly, along the First Standard Parallel North, to the closing corner of T. 4 N., Rs. 41 and 42 W., Kateel River Meridian;

Thence southerly, between Rs. 41 and 42 W., to the corner of sections 13, 18, 19 and 24,

T. 4 N., Rs. 41 and 42 W., Kateel River Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24, 18 and 19, 17 and 20, 16 and 21, to the corner of sections 15, 16, 21 and 22, T. 4 N., R. 40 W., Kateel River Meridian;

Thence northerly, between sections 15 and 16, 9 and 10, 3 and 4, to the closing corner of sections 3 and 4, T. 4 N., R. 40 W., Kateel River Meridian;

Thence westerly, along the First Standard Parallel North, to the standard corner of T. 5 N., Rs. 39 and 40 W., Kateel River Meridian;

Thence northerly, between Rs. 39 and 40 W., to the corner of Tps. 5 and 6 N., Rs. 39 and 40 W., Kateel River Meridian;

Thence easterly, between Tps. 5 and 6 N., to the corner of Tps. 5 and 6 N., Rs. 37 and 38 W., Kateel River Meridian;

Thence northerly, between Rs. 37 and 38 W., to the corner of Tps. 6 and 7 N., Rs. 37 and 38 W., Kateel River Meridian;

Thence easterly, between Tps. 6 and 7 N., to the corner of sections 2, 3, 34 and 35, Tps. 6 and 7 N., R. 30 W., Kateel River Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, 14 and 15, 22 and 23, 26 and 27, 34 and 35, 2 and 3, 10 and 11, 14 and 15, to the corner of sections 14, 15, 22 and 23, T. 5 N., R. 30 W., Kateel River Meridian;

Thence easterly, between sections 14 and 23, 13 and 24, to the corner of sections 13, 18, 19 and 24, T. 5 N., Rs. 29 and 30 W., Kateel River Meridian;

Thence southerly, between Rs. 29 and 30 W., to the standard corner of T. 5 N., Rs. 29 and 30 W., Kateel River Meridian;

Thence easterly, along the First Standard Parallel North, to the ¼ section corner of section 6, T. 4 N., R. 27 W., Kateel River Meridian;

Thence southerly, on the north and south centerline of section 6, to the center ¼ section corner of section 6, T. 4 N., R. 27 W., Kateel River Meridian;

Thence easterly, on the east and west centerlines of sections 5 and 6, to the center ¼ section corner of section 5, T. 4 N., R. 27 W., Kateel River Meridian;

Thence northerly, on the north and south centerline of section 5, to the ¼ section corner of section 5, T. 4 N., R. 27 W., Kateel River Meridian;

Thence easterly, along the First Standard Parallel North, to the ¼ section corner of section 4, T. 4 N., R. 27 W., Kateel River Meridian;

Thence southerly, on the north and south centerline of section 4, to the ¼ section corner of sections 4 and 9, T. 4 N., R. 27 W., Kateel River Meridian;

Thence easterly, between sections 4 and 9, to the corner of sections 3, 4, 9 and 10, T. 4 N., R. 27 W., Kateel River Meridian;

Thence southerly, between sections 9 and 10, to the ¼ section corner of sections 9 and 10, T. 4 N., R. 27 W., Kateel River Meridian;

Thence easterly, on the east and west centerlines of sections 10 and 11, to the center ¼ section corner of section 11, T. 4 N., R. 27 W., Kateel River Meridian;

Thence northerly, on the north and south centerline of section 11 to the ¼ section corner of sections 2 and 11, T. 4 N., R. 27 W., Kateel River Meridian;

Thence easterly, between sections 2 and 11, to the corner of sections 1, 2, 11 and 12, T. 4 N., R. 27 W., Kateel River Meridian;

Thence southerly, between sections 11 and 12, 13 and 14, 23 and 24, to the ¼ section corner of sections 23 and 24, T. 4 N., R. 27 W., Kateel River Meridian;

Thence westerly, on the east and west centerlines of sections 23 and 22, to the ¼ section corner of sections 21 and 22, T. 4 N., R. 27 W., Kateel River Meridian;

Thence southerly, between sections 21 and 22, to the corner of sections 21, 22, 27 and 28, T. 4 N., R. 27 W., Kateel River Meridian;

Thence westerly, between sections 21 and 28, to the corner of sections 20, 21, 28 and 29, T. 4 N., R. 27 W., Kateel River Meridian;

Thence southerly, between sections 28 and 29, 32 and 33, to the ¼ section corner of sections 32 and 33, T. 4 N., R. 27 W., Kateel River Meridian;

Thence westerly, on the east and west centerline of section 32, to the ¼ section corner of sections 31 and 32, T. 4 N., R. 27 W., Kateel River Meridian;

Thence southerly, between sections 31 and 32 to the corner of sections 5, 6, 31 and 32, Tps. 3 and 4 N., R. 27 W., Kateel River Meridian;

Thence westerly, between Tps. 3 and 4 N., to the ¼ section corner of sections 1 and 36, Tps. 3 and 4 N., R. 28 W., Kateel River Meridian;

Thence southerly, on the north and south centerline of section 1, to the ¼ section corner of sections 1 and 12, T. 3 N., R. 28 W., Kateel River Meridian;

Thence easterly, between sections 1 and 12, to the corner of sections 1, 6, 7 and 12, T. 3 N., Rs. 27 and 28 W., Kateel River Meridian;

Thence southerly, between Rs. 27 and 28 W., to the ¼ section corner of sections 7 and 12, T. 3 N., Rs. 27 and 28 W., Kateel River Meridian;

Thence easterly, on the east and west centerline of section 7, to the center ¼ section corner of section 7, T. 3 N., R. 27 W., Kateel River Meridian;

Thence southerly, on the north and south centerlines of sections 7 and 18, to the center ¼ section corner of section 18, T. 3 N., R. 27 W., Kateel River Meridian;

Thence westerly, on the east and west centerline of section 18, to the ¼ section corner of sections 13 and 18, T. 3 N., Rs. 27 and 28 W., Kateel River Meridian;

Thence southerly, between Rs. 27 and 28 W., to the ¼ section corner of sections 31 and 36, T. 3 N., Rs. 27 and 28 W., Kateel River Meridian;

Thence easterly, on the east and west centerline of section 31, to the center ¼ section corner of section 31, T. 3 N., R. 27 W., Kateel River Meridian;

Thence southerly, on the north and south centerline of section 31, to the ¼ section corner of sections 6 and 31, Tps. 2 and 3 N., R. 27 W., Kateel River Meridian;

Thence easterly, between Tps. 2 and 3 N., to the ¼ section corner of sections 5 and 32, Tps. 2 and 3 N., R. 27 W., Kateel River Meridian;

Thence southerly, on the north and south centerline of section 5, to the center ¼ section corner of section 5, T. 2 N., R 27 W., Kateel River Meridian;

Thence easterly, on the east and west centerline of section 5, to the ¼ section corner of sections 4 and 5, T. 2 N., R. 27 W., Kateel River Meridian;

Thence southerly, between sections 4 and 5, 8 and 9, to the ¼ section corner of sections 8 and 9, T. 2 N., R. 27 W., Kateel River Meridian;

Thence easterly, on the east and west centerlines of sections 9, 10 and 11, to the center ¼ section corner of section 11, T. 2 N., R. 27 W., Kateel River Meridian;

Thence southerly, on the north and south centerlines of sections 11, 14 and 23, to the center ¼ section corner of section 23, T. 2 N., R. 27 W., Kateel River Meridian;

Thence easterly, on the east and west centerline of section 23 to the ¼ section corner of sections 23 and 24, T. 2 N., R. 27 W., Kateel River Meridian;

*Thence southerly, between sections 23 and 24, to the south-south ⅛₀ corner of sections 23 and 24, T. 2 N., R. 27 W., Kateel River Meridian;

*Thence easterly, on the east and west centerline of the south ½ of the southwest ¼ of section 24 to the south-south center ⅛₀ corner of section 24, T. 2 N., R. 27 W., Kateel River Meridian;

*Thence southerly on the north and south centerline of section 24 to the ¼ section corner of sections 24 and 25, T. 2 N., R. 27 W., Kateel River Meridian;

Thence easterly, between sections 24 and 25, to the corner of sections 19, 24, 25 and 30, T. 2 N., Rs. 26 and 27 W., Kateel River Meridian;

Thence southerly, between Rs. 26 and 27 W., to the standard corner of T. 1 N., Rs. 26 and 27 W., Kateel River Meridian;

Thence on an approximate forward bearing of S. 46½° E., to a small knoll located in the southwesterly portion of section 35, T. 1 S., R. 26 W., Kateel River Meridian, approximate elevation 313 feet;

Thence on an approximate forward bearing of S. 26½° E., to a point on the crest of the ridge located in the southwesterly portion of section 19, T. 2 S., R. 25 W., Kateel River Meridian, approximate elevation 1,790 feet;

Thence southeasterly, northeasterly, easterly, southeasterly and northerly along the crest of the ridge, between the drainages of Ella Creek, Birch Creek, Niukluk River, Pargon River, Minnie Creek, South Fork Kuzitrin River, Boston Creek, Caviar Creek, Fish River, tributaries of the Koyuk River, Wagon Wheel Creek, Lava Creek, and Telephone Creek, to a point between sections 21 and 22, T. 2 S., R. 20 W., Kateel River Meridian, the place of beginning.

* Department of the Interior 1:250,000 scale map issued in 1981, incorrectly depicts this portion of the description.

The following U.S. Geological Survey 1:63,360 Series (Topographic) quadrangle Maps were used in preparing the legal boundary description for the Bering Land Bridge National Preserve:

Bendeleben, Alaska: (A–4) 1950; (B–2) 1950; (B–3) 1950; (B–4) 1950 mr 1988; (B–5) 1950; (C–2) 1950 mr 1979; (C–5) 1950; (D–2) 1950 lr 1976;

(D–3) 1950 lr 1976; (D–5) 1950 lr 1978; (D–6) 1950 mr 1978.

Kotzebue, Alaska: (A–3) 1950; (A–4) 1950, (B–4) 1950; (B–6) 1950 mr 1973; (C–4) 1950 mr 1971; (C–5) 1950 mr 1973; (C–6) 1950 mr 1971.

Shishmaref, Alaska: (A–1) 1950; (A–2) 1950; (A–3) 1950 mr 1973; (A–4) 1950; (B–1) 1950 mr 1973; (B–2) 1950 mr 1963.

Teller, Alaska: (C–4) 1950 mr 1976; (C–5) 1950 mr 1973; (D–1) 1950 mr 1973; (D–2) 1950 mr 1973; (D–3) 1950 lr 1976; (D–4) 1950; (D–5) 1950 mr 1973; (D–6) 1950 mr 1973.

mr—minor revisions
lr—limited revisions

BILLING CODE 4310–70–F

# BERING LAND BRIDGE NATIONAL PRESERVE

## PUBLIC LAW 96-487




BILLING CODE 4310-70-C

*Cape Krusenstern National Monument*

Section 201 (3), Public Law 96–487 (ANILCA):

Cape Krusenstern National Monument as generally depicted on a map numbered CAKR–90,007, dated October 1979, consists of approximately five hundred and sixty thousand acres of public lands, as defined by the ANILCA, within the following described boundary:

Beginning at the meander corner of sections 7 and 12, at the line of mean high tide of Kotzebue Sound, T. 19 N., Rs. 18 and 19 W., Kateel River Meridian;

Thence northerly, between Rs. 18 and 19 W., to a point between sections 1 and 6, T. 20 N., Rs. 18 and 19 W., Kateel River Meridian on the right bank of Mamelak Creek;

Thence northwesterly, along the right bank of Mamelak Creek, to an intersection with the Fifth Standard Parallel North, Kateel River Meridian;

Thence westerly, along the Fifth Standard Parallel North, to the standard corner of T. 21 N., Rs. 18 and 19 W., Kateel River Meridian;

Thence northerly, between Rs. 18 and 19 W., to the ¼ section corner of sections 31 and 36, T. 21 N., Rs. 18 and 19 W., Kateel River Meridian;

Thence westerly, on the east and west centerline of section 36, to the center ¼ section corner of section 36, T. 21 N., R. 19 W., Kateel River Meridian;

Thence northerly, on the north and south centerline of section 36, to the ¼ section corner of sections 25 and 36, T. 21 N., R. 19 W., Kateel River Meridian;

Thence westerly, between sections 25 and 36, 26 and 35, to a point on a ridge between sections 26 and 35, T. 21 N., R. 19 W., Kateel River Meridian;

Thence northwesterly, westerly, northerly and northwesterly along a ridge, to an intersection with the east and west centerline of section 22, T. 21 N., R. 19 W., Kateel River Meridian;

Thence westerly, on the east and west centerlines of sections 22 and 21, to the ¼ section corner of sections 20 and 21, T. 21 N., R. 19 W., Kateel River Meridian;

Thence northerly, between sections 20 and 21, to the corner of sections 16, 17, 20 and 21, T. 21 N., R. 19 W., Kateel River Meridian;

Thence westerly, between sections 17 and 20, to the corner of sections 17, 18, 19 and 20, T. 21 N., R. 19 W., Kateel River Meridian;

Thence northerly, between sections 17 and 18, to the top of a hill between sections 17 and 18, T. 21 N., R. 19 W., Kateel River Meridian, approximate elevation 750 feet;

Thence on an approximate forward bearing of N. 72° W., to the top of a hill in the northerly portion of section 13, T. 21 N., R. 20 W., Kateel River Meridian, approximate elevation 1,070 feet;

Thence on an approximate forward bearing of N. 82° W., to the top of a hill in the northwesterly portion of section 14, T. 21 N., R. 20 W., Kateel River Meridian, approximate elevation 1,215 feet;

Thence on an approximate forward bearing of N. 52° W., to a point on top of a ridge between sections 10 and 11, T. 21 N., R. 20 W., Kateel River Meridian, approximate elevation 1,175 feet;

Thence on an approximate forward bearing of N. 87° W., to a saddle in the southerly portion of section 10, T. 21 N., R. 20 W., Kateel River Meridian, approximate elevation 1,080 feet;

Thence on an approximate forward bearing of N. 76° W., to the top of a hill in the southwesterly portion of section 10, T. 21 N., R. 20 W., Kateel River Meridian, approximate elevation 1,120 feet;

Thence on an approximate forward bearing of N. 68° W., to the top of a hill near the center of section 9, T. 21 N., R. 20 W., Kateel River Meridian, approximate elevation 1,060 feet;

Thence on an approximate forward bearing of N. 16° W., to the top of a hill in the southwesterly portion of section 4, T. 21 N., R. 20 W., Kateel River Meridian, approximate elevation 1,175 feet;

Thence on an approximate forward bearing of N. 38° E., to the top of a hill in the northeasterly portion of section 4, T. 21 N., R. 20 W., Kateel River Meridian, approximate elevation 734 feet;

Thence on an approximate forward bearing of N. 35° W., to the ¼ section corner of sections 4 and 33, Tps. 21 and 22 N., R. 20 W., Kateel River Meridian;

Thence westerly, between Tps. 21 and 22 N., to the corner of Tps. 21 and 22 N., Rs. 20 and 21 W., Kateel River Meridian;

Thence northerly, between Rs. 20 and 21 W., to the corner of Tps. 23 and 24 N., Rs. 20 and 21 W., Kateel River Meridian;

Thence westerly, between Tps. 23 and 24 N., to the corner of sections 1, 2, 35 and 36, Tps. 23 and 24 N., R. 21 W., Kateel River Meridian;

Thence northerly, between sections 35 and 36, to a point on a ridge between sections 35 and 36, near the ¼ section corner of sections 35 and 36, T. 24 N., R. 21 W., Kateel River Meridian, approximate elevation 550 feet;

Thence northwesterly, along a ridge to horizontal control station "Mulgrave 1950" in the southwesterly portion of section 28, T. 24 N., R. 21 W., Kateel River Meridian, approximate elevation 1,056 feet;

Thence on an approximate forward bearing of N. 23° E., to the top of a hill in the southerly portion of section 23, T. 24 N., R. 21 W., Kateel River Meridian, approximate elevation 670 feet;

Thence on an approximate forward bearing of N. 35° W., to the top of a hill in the westerly portion of section 4, T. 24 N., R. 21 W., Kateel River Meridian, approximate elevation 960 feet;

Thence on an approximate forward bearing of N. 27° E., to the top of a hill located near the center of section 24, T. 25 N., R. 21 W., Kateel River Meridian, approximate elevation 1,070 feet;

Thence on an approximate forward bearing of N. 11° W., to the top of a hill in the southwesterly portion of section 13, T. 25 N., R. 21 W., Kateel River Meridian, approximate elevation 912 feet;

Thence on an approximate forward bearing of N. 10° E., to the center ¼ section corner of section 12, T. 25 N., R. 21 W., Kateel River Meridian;

Thence on an approximate forward bearing of N. 27° E., to the E. ⅛ section corner between sections 1 and 12, T. 25 N., R. 21 W., Kateel River Meridian;

Thence on an approximate forward bearing of N. 28° W., to the top of a hill in the southwesterly portion of section 36, T. 26 N., R. 21 W., Kateel River Meridian, approximate elevation 905 feet;

Thence on an approximate forward bearing of N. 15° E., to the top of a hill in the southwesterly portion of section 25, T. 26 N., R. 21 W., Kateel River Meridian, approximate elevation 990 feet;

Thence on an approximate forward bearing of N. 35° E., to the top of a hill in the northerly portion of section 19, T. 26 N., R. 20 W., Kateel River Meridian, approximate elevation 910 feet;

Thence on an approximate forward bearing of N. 15° W., to the top of a hill in the northwesterly portion of section 18, T. 26 N., R. 20 W., Kateel River Meridian, approximate elevation 1,155 feet;

Thence on an approximate forward bearing of N. 7° W., to the top of a hill in the southwesterly portion of section 7, T. 26 N., R. 20 W., Kateel River Meridian, approximate elevation 1,132 feet;

Thence on an approximate forward bearing of N. 35° E., to the top of a hill in the northeasterly portion of section 7, T. 26 N., R. 20 W., Kateel River Meridian, approximate elevation 1,025 feet;

Thence on an approximate forward bearing of N. 16° W., to the top of a hill near the center of section 6, T. 26 N., R. 20 W., Kateel River Meridian, approximate elevation 965 feet;

Thence on an approximate forward bearing of N. 58° W., to the top of a hill in sections 1 and 36, Tps. 26 and 27 N., R. 21 W., Kateel River Meridian, approximate elevation 875 feet;

Thence on an approximate forward bearing of N. 14° W., to the ¼ section corner of sections 25 and 36, T. 27 N., R. 21 W., Kateel River Meridian;

Thence northerly on the north and south centerline of section 25, to the ¼ section corner of sections 24 and 25, T. 27 N., R. 21 W., Kateel River Meridian;

Thence on an approximate forward bearing of N. 36° W., to the top of a hill in the westerly portion of section 24, T. 27 N., R. 21 W., Kateel River Meridian, approximate elevation 1,043 feet;

Thence on an approximate forward bearing of N. 54° E., to the center ¼ section corner of section 18, T. 27 N., R. 20 W., Kateel River Meridian;

Thence on an approximate forward bearing of N. 12° E., to the top of a hill located in the southeasterly portion of section 6, T. 27 N., R. 20 W., Kateel River Meridian, approximate elevation 1,478 feet;

Thence on an approximate forward bearing of N. 72° E., to the top of a hill located in the northeasterly portion of section 4, T. 27 N., R. 20 W., Kateel River Meridian, approximate elevation 1,947 feet;

Thence on an approximate forward bearing of N. 27° E., to the peak of a mountain in the westerly portion of section 34, T. 28 N., R. 20 W., Kateel River Meridian, approximate elevation 1,975 feet;

Thence on an approximate forward bearing of N. 16° E., to the peak of a mountain and horizontal control station "Mulgrave 1954" in the southwesterly portion of section 27, T. 28 N., R. 20 W., Kateel River Meridian, approximate elevation 2,285 feet;

Thence northwesterly and westerly, along the crest of a ridge, to the peak of a mountain near the center of section 28, T. 28 N., R. 20 W., Kateel River Meridian, approximate elevation 1,973 feet;

Thence on an approximate forward bearing of N. 69° W., to the N. 1/16 section corner between sections 28 and 29, T. 28 N., R. 20 W., Kateel River Meridian;

Thence on an approximate forward bearing of S. 80° W., to the top of a hill located in the northerly portion of section 29, T. 28 N., R. 20 W., Kateel River Meridian, approximate elevation 1,225 feet;

Thence on an approximate forward bearing of S. 73° W., to the top of a hill in the northwesterly portion of section 35, T. 28 N., R. 21 W., Kateel River Meridian, approximate elevation 1,032 feet;

Thence on an approximate forward bearing of S. 71° W., to the top of a hill in the northwesterly portion of section 5, T. 27 N., R. 21 W., Kateel River Meridian, approximate elevation 904 feet;

Thence on an approximate forward bearing of N. 78° W., to the corner of Tps. 27 and 28 N., Rs. 21 and 22 W., Kateel River Meridian;

Thence westerly, between Tps. 27 and 28 N., to the corner of Tps. 27 and 28 N., Rs. 23 and 24 W., Kateel River Meridian;

Thence southerly, between Rs. 23 and 24 W., to the corner of sections 1, 6, 7 and 12, T. 27 N., Rs 23 and 24 W., Kateel River Meridian;

Thence westerly, between sections 1 and 12, 2 and 11, to the corner of sections 2, 3, 10 and 11, T. 27 N., R. 24 W., Kateel River Meridian;

Thence southerly, between sections 10 and 11, to the corner of sections 10, 11, 14, and 15, T. 27 N., R. 24 W., Kateel River Meridian;

Thence westerly, between sections 10 and 15, to the corner of sections 9, 10, 15 and 16, T. 27 N., R. 24 W., Kateel River Meridian;

Thence southerly, between sections 15 and 16, 21 and 22, to the corner of sections 21, 22, 27 and 28, T. 27 N., R. 24 W., Kateel River Meridian;

Thence westerly, between sections 21 and 28, 20 and 29, to the corner of sections 19, 20, 29 and 30, T. 27 N., R. 24 W., Kateel River Meridian;

Thence southerly, between sections 29 and 30, 31 and 32, to the corner of sections 5, 6, 31 and 32, Tps. 26 and 27 N., R. 24 W., Kateel River Meridian;

Thence westerly, between Tps. 26 and 27 N., to the corner of Tps. 26 and 27 N., Rs. 24 and 25 W., Kateel River Meridian;

Thence southerly, between Rs. 24 and 25 W., to the meander corner between sections 19 and 24, T. 26 N., Rs. 24 and 25 W., Kateel River Meridian, at the line of mean high tide of the Chukchi Sea;

Thence southeasterly, southerly, easterly, northwesterly and easterly following the line of mean high tide of the Chukchi Sea and Kotzebue Sound, including all lands and islands above the line of mean high tide within T. 19 N., Rs. 19 and 20 W., Kateel River Meridian, to the meander corner between sections 7 and 12, T. 19 N., Rs. 18 and 19 W., Kateel River Meridian, the place of beginning.

The following U.S. Geological survey 1:63,360 Series (Topographic) quadrangle maps were used in preparing the legal boundary description for the Cape Krusenstern National Monument:

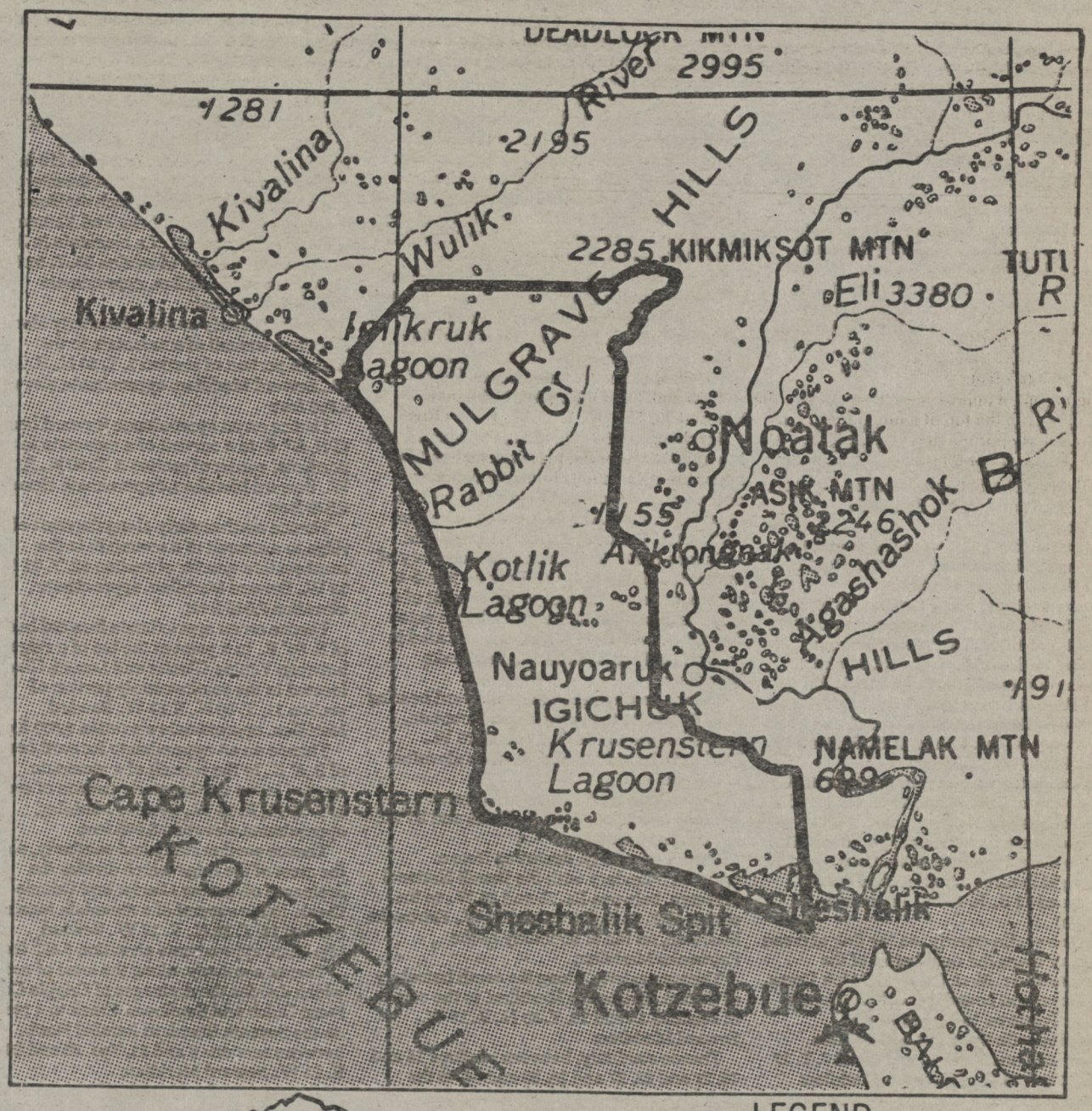
Kotzebue, Alaska: (D–2) 1951.

Noatak, Alaska: (A–2) 1952; (A–3) 1952; (A–4) 1952; (B–3) 1955; (B–4) 1955; (C–3) 1955; (C–4) 1955; (C–5) 1952; (D–3) 1955; (D–4) 1955; (D–5) 1955.

BILLING CODE 4310–70–F

# CAPE KRUSENSTERN NATIONAL MONUMENT

PUBLIC LAW 96-487




BILLING CODE 4310-70-C

**Denali National Park and Preserve**

Section 202(3)(a), Public Law 96–487 (ANILCA):

*Denali National Park*

Denali National Park as generally depicted on a map numbered DENA–90,007, dated July 1980, consists of the former Mount McKinley National Park and an addition of approximately two million four hundred and twenty-six thousand acres of public lands, as defined in the ANILCA, within the following described boundary:

Beginning at the intersection of the northern boundary segment 7–1 or its easterly prolongation, of Mount McKinley National Park as revised by Act of Congress, March 19, 1932 and the line of mean high water of the left bank of the Nenana River, at or near corner No. 7, as described in the official field notes for U.S. Survey 2177, Alaska, located in section 9, T. 13 S., R. 7 W., Fairbanks Meridian;

Thence westerly along the boundary of Mount McKinley National Park as surveyed and described in the official field notes for U.S. Survey No. 2177, Alaska, approximately 26 miles to a point between sections 7 and 12, T. 13 S., Rs. 11 and 12 W., Fairbanks Meridian;

Thence northerly, between Rs. 11 and 12 W., to the closing corner of T. 13 S., Rs. 11 and 12 W., Fairbanks Meridian;

Thence westerly, along the Third Standard Parallel South, to the standard corner of T. 12 S., Rs. 11 and 12 W., Fairbanks Meridian;

Thence northerly, between Rs. 11 and 12 W., to the corner of Tps. 11 and 12 S., Rs. 11 and 12 W., Fairbanks Meridian;

Thence easterly, between Tps. 11 and 12 S., to the corner of Tps. 11 and 12 S., Rs. 8 and 9 W., Fairbanks Meridian;

Thence northerly, between Rs. 8 and 9 W., to the corner of Tps. 10 and 11 S., Rs. 8 and 9 W., Fairbanks Meridian;

Thence westerly, between Tps. 10 and 11 S., to the meander corner of sections 5 and 32, on the right bank of the Kantishna River, Tps., 10 and 11 S., R. 18 W., Fairbanks Meridian;

*Thence southwesterly, on the line of mean high water along the right banks of the Kantishna River, Birch Creek and Hult Creek, along a common boundary with the Denali National Preserve, to a point at the intersection with the east and west line between sections 1 and 12 and 6 and 7, T. 17 S., Rs. 22 and 23 W., Fairbanks Meridian;

*Thence westerly between sections 6 and 7 and 1 and 12 to the summit of a ridge between sections 1 and 12, west of the Foraker River, T. 17 S., R. 23 W., Fairbanks Meridian;

Thence southwesterly, along the crest of a ridge between the Foraker River and tributaries of the Herron River to a summit on the ridge, located in the western half of section 22, T. 17 S., R. 23 W., Fairbanks Meridian, approximate elevation 1,860 feet;

*Thence westerly, southwesterly, westerly and northwesterly along the crest of a ridge to vertical angle benchmark "Castle" located on the summit of a mountain in section 25, T. 17 S., R. 24 W., Fairbanks Meridian, approximate elevation 2,079 feet;

*Thence southerly and southwesterly, along the crest of a ridge between tributaries to Castle Rocks Lake and White Creek to the summit of a mountain located in section 13, T. 18 S., R. 24 W., Fairbanks Meridian, approximate elevation 1,822 feet;

Thence due west to a point at the line of mean high water on the easterly shore of Castle Rocks Lake located in section 15, T. 18 S., R. 24 W., Fairbanks Meridian;

Thence southwesterly, northerly and southwesterly along the line of mean high water of Castle Rocks Lake and the left bank of an unnamed creek, the outlet of Castle Rocks Lake, to a point at the confluence of the unnamed creek and the right bank of the Herron River located in section 20, T. 18 S., R. 24 W., Fairbanks Meridian;

Thence southeasterly, along the right bank of Herron River, to the intersection of line 3–4 of Mount McKinley National Park as surveyed and described in the official field notes for U.S. Survey No. 2177, Alaska, between Mile Posts 40 and 40.943, located in section 10, T. 19 S., R. 24 W., Fairbanks Meridian;

Thence south 68° W., along the boundary of Mount McKinley National Park on line 3–4, approximately 3 miles to corner No. 4 as described in the official field notes for U.S. Survey No. 2177, Alaska, located in section 18, T. 19 S., R. 24 W., Fairbanks Meridian;

Thence S. 17° 48' E., along the boundary of Mount McKinley National Park on line 4–5, approximately 4,400 feet to the summit of a ridge as described in the official field notes for U.S. Survey No. 2177, Alaska, located in section 19, T. 19 S., R. 24 W., Fairbanks Meridian;

Thence on an approximate forward bearing of S. 76° W., to the summit of a mountain, located in section 28, T. 19 S., R. 25 W., Fairbanks Meridian, approximate elevation 1,770 feet;

Thence due west to a point between sections 25 and 30, T. 19 S., Rs. 25 and 26 W., Fairbanks Meridian;

Thence southerly, departing from a common boundary with the Denali National Preserve, between Rs. 25 and 26 W., to the corner of T. 22 S., Rs. 25 and 26 W., Fairbanks Meridian, on the S. boundary of the Fairbanks Meridian;

Thence easterly, along the south boundary of T. 22 S., Fairbanks Meridian, to the corner of sections 15 and 16, T. 33 N., R. 15 W., Seward Meridian;

Thence southerly, between sections 15 and 16, 21 and 22, 27 and 28, 33 and 34, to the standard corner of sections 33 and 34, T. 33 N., R. 15 W., Seward Meridian;

Thence easterly, along the Eighth Standard Parallel North to the closing corner of sections 3 and 4, T. 32 N., R. 15 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, 27 and 28, 33 and 34, 3 and 4, 9 and 10, to a point on the divide between Ripsnorter Creek and Dall Glacier, located between sections 9 and 10, T. 31 N., R. 15 W., Seward Meridian, approximate elevation 7,600 feet;

Thence southerly, along the crest of a ridge which divides the drainage of Dall Glacier and Chedotlothna Glacier, along a common boundary with the Denali National Preserve, to the summit of a mountain located in section 23, T. 31 N., R. 15 W., Seward Meridian, approximate elevation 8,900 feet;

Thence southeasterly, descending a spur ridge to a point on the right side of Dall Glacier located in the northern half of section 36, T. 31 N., R. 15 W., Seward Meridian, approximate elevation 4,940 feet;

Thence on an approximate forward bearing of S. 29° E., to a point on the divide between Dall Glacier and Yentna Glacier located in section 7, T. 30 N., R. 14 W., Seward Meridian, approximate elevation 6,210 feet;

Thence northeasterly and southeasterly, along the crest of a ridge which divides the drainages of the Dall Glacier and Yentna Glacier, to the summit of a mountain in the southeastern quarter of section 35, T. 31 N., R. 14 W., Seward Meridian, approximate elevation 7,290 feet;

Thence easterly and southeasterly along a ridge to a summit of a mountain in the eastern portion of section 1, T. 30 N., R. 14 W., Seward Meridian, approximate elevation 6,830 feet;

Thence on an approximate forward bearing of N. 80° E. to a summit of a mountain in the northeast corner of section 5, T. 30 N., R. 13 W., Seward Meridian, approximate elevation 6,600 feet;

Thence northeasterly along the crest of a ridge to a summit of a mountain in the southeastern quarter of section 32, T. 31 N., R. 13 W., Seward Meridian, approximate elevation 7,046 feet;

Thence on an approximate forward bearing of S. 50° E., to a point at the toe of a ridge between Yentna Glacier and Lacuna Glacier located in the southwesterly portion of section 11, T. 30 N., R 13 W., Seward Meridian, approximate elevation 2,800 feet;

Thence on an approximate forward bearing of S. 8° E., to the summit of a mountain located in the northeasterly portion of section 2, T. 29 N., R. 13 W., Seward Meridian, approximate elevation 5,695 feet;

Thence southeasterly and southerly, along the crest of the ridge which divides the drainages of Yentna Glacier and Cripple Creek, to the summit of a mountain located in Section 12, T. 29 N., R. 13 W., Seward Meridian, approximate elevation 5,482 feet;

Thence southerly, along the crest of a ridge which divides the drainages of Cripple Creek, Stern Gulch and Sunflower Creek to a point on the Seventh Standard Parallel North, between sections 6 and 31, Tps. 28 and 29 N., R. 12 W., Seward Meridian;

Thence easterly, departing from a common boundary with the Denali National Preserve, along the Seventh Standard Parallel North, to the closing corner of T. 28 N., Rs. 11 and 12 W., Seward Meridian;

Thence southerly, between Rs. 11 and 12 W., to the corner of Tps. 27 and 28 N., Rs. 11 and 12 W., Seward Meridian;

Thence easterly, between Tps. 27 and 28 N., to the corner of sections 4, 5, 32 and 33, Tps. 27 and 28 N., R. 10 W., Seward Meridian;

Thence northerly, between sections 32 and 33, 28 and 29, 20 and 21, 16 and 17, 8 and 9, 4 and 5, to the closing corner of sections 4 and 5, T. 28 N., R. 10 W., Seward Meridian;

Thence easterly, along the Seventh Standard Parallel North, to the standard ¼ section corner of section 34, T. 29 N., R. 10 W., Seward Meridian;

Thence northerly, along the north and south centerline of section 34, to the center-south 1/16 section corner of section 34, T. 29 N., R. 10 W., Seward Meridian;

Thence easterly, along the east and west centerline of the southeast ¼ of section 34, to the southeast 1/16 section corner of section 34, T. 29 N., R. 10 W., Seward Meridian;

Thence northerly, along the north and south centerline of the southeast ¼ of section 34, to the center-east 1/16 section corner of section 34, T. 29 N., R. 10 W., Seward Meridian;

Thence easterly, along the east and west centerline of section 34, to the ¼ section corner of sections 34 and 35, T. 29 N., R. 10 W., Seward Meridian;

Thence northerly, between sections 34 and 35, to the corner of sections 26, 27, 34 and 35, T. 29 N., R. 10 W., Seward Meridian;

Thence easterly, between sections 26 and 35, to the ¼ section corner of sections 26 and 35, T. 29 N., R. 10 W., Seward Meridian;

Thence northerly, along the north and south centerline of section 26, to the center ¼ section corner of section 26, T. 29 N., R. 10 W., Seward Meridian;

Thence easterly, along the east and west centerline of section 26, to the ¼ section corner of sections 25 and 26, T. 29 N., R. 10 W., Seward Meridian;

Thence northerly, between sections 25 and 26, 23 and 24, to the south 1/16 section corner of sections 23 and 24, T. 29 N., R. 10 W., Seward Meridian;

Thence easterly, along the east and west centerline of the southwest ¼ of section 24, to the center-south 1/16 corner of section 24, T. 29 N., R. 10 W., Seward Meridian;

Thence northerly, along the north and south centerline of section 24, to the center ¼ section corner of section 24, T. 29 N., R. 10 W., Seward Meridian;

Thence easterly, along the east and west centerline of section 24, to the center-east 1/16 section corner of section 24, T. 29 N., R. 10 W., Seward Meridian;

Thence northerly, along the north and south centerline of the northeast ¼ to the northeast 1/16 section corner of section 24, T. 29 N., R. 10 W., Seward Meridian;

Thence easterly, along the east and west centerline of the northeast ¼ to the north 1/16 section corner of sections 19 and 24, T. 29 N., Rs. 9 and 10 W., Seward Meridian;

Thence northerly, between Rs. 9 and 10 W., to the corner of sections 7, 12, 13 and 18, T. 29 N., Rs. 9 and 10 W., Seward Meridian;

Thence easterly, between sections 7 and 18, to the corner of sections 7, 8, 17 and 18, T. 29 N., R. 9 W., Seward Meridian;

Thence northerly, between sections 7 and 8, to the corner of sections 5, 6, 7 and 8, T. 29 N., R. 9 W., Seward Meridian;

Thence easterly, between sections 5 and 8, to the corner of sections 4, 5, 8 and 9, T. 29 N., R. 9 W., Seward Meridian;

Thence northerly, between sections 4 and 5, to the corner of sections 4, 5, 32 and 33, Tps. 29 and 30 N., R. 9 W., Seward Meridian;

Thence easterly, between Tps. 29 and 30 N., to the corner of Tps. 29 and 30 N., Rs. 5 and 6 W., Seward Meridian;

Thence northerly, between Rs. 5 and 6 W., to the corner of Tps. 31 and 32 N., Rs. 5 and 6 W., Seward Meridian;

Thence easterly, between Tps. 31 and 32 N., to the corner of Tps. 31 and 32 N., Rs. 4 and 5 W., Seward Meridian;

Thence northerly, between Rs. 4 and 5 W., to the closing corner of T. 32 N., Rs. 4 and 5 W., Seward Meridian;

Thence westerly, along the Eighth Standard Parallel North, to the standard corner of T. 33 N., Rs. 4 and 5 W., Seward Meridian;

Thence northerly, between Rs. 4 and 5 W., to the corner of T. 33 N., Rs. 4 and 5 W., Seward Meridian;

Thence easterly, along the north boundary of T. 33 N., R. 4 W., Seward Meridian, to the corner of sections 33 and 34, T. 22 S., R. 13 W., Fairbanks Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, to the summit of a mountain between sections 3 and 4, T. 22 S., R. 13 W., Fairbanks Meridian, approximate elevation 5,643 feet;

Thence northerly, along the crest of the ridge which divides the drainages of Eldridge Glacier, Partin Creek, Shotgun Creek and McCallie Creek, to the summit of a mountain located in section 10, T. 21 S., R. 13 W., Fairbanks Meridian, approximate elevation 6,962 feet;

Thence northeasterly, along the crest of the ridge which divides the drainages of McCallie Creek and Ohio Creek, to the summit of a mountain located in section 1, T. 21 S., R. 13 W., Fairbanks Meridian, approximate elevation 6,208 feet;

Thence northwesterly and northeasterly, descending a spur ridge, to a peak located in the northwest portion of section 31, T. 20 S., R. 12 W., Fairbanks Meridian, approximate elevation 4,930 feet;

Thence northeasterly descending a spur ridge to a point on the east-west centerline of section 29, T. 20 S., R. 12 W., Fairbanks Meridian;

Thence easterly, along the east and west centerline of section 29, to the center ¼ corner of section 29, T. 20 S., R. 12 W., Fairbanks Meridian;

Thence northeasterly, ascending a spur ridge, to the summit of a mountain located in section 16, T. 20 S., R. 12 W., Fairbanks Meridian, approximate elevation 6,500 feet;

Thence northeasterly, along the crest of the ridge which divides the drainages of the West Fork of Chulitna River and Copeland Creek, to the summit of a mountain located in section 12, T. 20 S., R. 12 W., Fairbanks Meridian, approximate elevation 6,100 feet;

Thence easterly, along the crest of the ridge which divides the drainages of the West Fork of Chulitna River and Long Creek, to the summit of a mountain located in section 7, T. 20 S., R. 11 W., Fairbanks Meridian, approximate elevation 5,300 feet;

Thence northeasterly, descending a spur ridge, to the point between sections 6 and 7, T. 20 S., R. 11 W., Fairbanks Meridian;

Thence easterly, between sections 6 and 7, 5 and 8, to a point on the left bank of a ditch located near the ¼ section corner of sections 5 and 8, T. 20 S., R. 11 W., Fairbanks Meridian;

Thence northeasterly, along the left bank of a ditch, to a point between sections 3 and 4, T. 20 S., R. 11 W., Fairbanks Meridian;

Thence northerly, between sections 3 and 4, 33 and 34, 27 and 28, to the meander corner of sections 27 and 28, at the line of mean high water on the right bank of the West Fork of the Chulitna River, T. 19 S., R. 11 W., Fairbanks Meridian;

Thence southeasterly, along the right bank of the West Fork of the Chulitna River, to the meander corner of sections 6 and 31, Tps. 19 and 20 S., R. 10 W., Fairbanks Meridian;

Thence easterly, between Tps. 19 and 20 S., to the closing corner of Tps. 19 and 20 S., Rs. 9 and 10 W., Fairbanks Meridian;

Thence northerly, between Rs. 9 and 10 W., to the corner of Tps. 18 and 19 S., R. 9 W., Fairbanks Meridian;

Thence easterly, between Tps. 18 and 19 S., to the corner of sections 3, 4, 33 and 34, Tps. 18 and 19 S., R. 9 W., Fairbanks Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, to the corner of sections 22 and 27, T. 18 S., R. 9 W., Fairbanks Meridian;

Thence easterly, between sections 22 and 27, to the closing corner of sections 22 and 26, T. 18 S., R. 9 W., Fairbanks Meridian;

Thence northerly, between sections 22 and 26, to the corner of sections 23 and 26, T. 18 S., R. 9 W., Fairbanks Meridian;

Thence easterly, between sections 23 and 26, 24 and 25, to the corner of sections 19, 24, 25 and 30, T. 18 S., Rs. 8 and 9 W., Fairbanks Meridian;

Thence northerly, between Rs. 8 and 9 W., to the corner of sections 13, 18, 19 and 24, T. 18 S., Rs. 8 and 9 W., Fairbanks Meridian;

Thence easterly, between sections 18 and 19, to the corner of sections 17, 18, 19 and 20, T. 18 S., R. 8 W., Fairbanks Meridian;

Thence northerly, between sections 17 and 18, to the corner of sections 7, 8, 17 and 18, T. 18 S., R. 8 W., Fairbanks Meridian;

Thence easterly, between sections 8 and 17, 9 and 16, to the corner of sections 9, 10, 15 and 16, T. 18 S., R. 8 W., Fairbanks Meridian;

Thence northerly, between sections 9 and 10, to the corner of sections 3, 4, 9 and 10, T. 18 S., R. 8 W., Fairbanks Meridian;

Thence easterly, between sections 3 and 10, 2 and 11, to a point 150 feet northwesterly and perpendicular from the centerline of the Alaska Railroad right-of-way, between sections 2 and 11, T. 18 S., R. 8 W., Fairbanks Meridian;

Thence northeasterly, along a line 150 feet north-westerly and perpendicular from the centerline of the Alaska Railroad right-of-way, to a point between sections 1 and 6, T. 18 S., Rs. 7 and 8 W., Fairbanks Meridian;

Thence northerly, between Rs. 7 and 8 W., approximately 2½ miles to an intersection with the north bank of Windy Creek and the southerly boundary of Mount McKinley National Park as surveyed and described in the official field notes for U.S. Survey No. 2177, Alaska, between sections 19 and 24, T. 17 S., Rs. 7 and 8 W., Fairbanks Meridian;

Thence easterly and northerly, along the left banks of Windy Creek, Jack River and Nenana River, at the line of mean high water, to the point at the intersection with the northerly boundary of Mount McKinley National Park, line 7–1 or its easterly prolongation, at or near corner No. 7 as surveyed and described in the official field notes for U.S. Survey No. 2177, Alaska,

located in section 9, T. 13 S., R. 7 W., Fairbanks Meridian, the point of beginning.

*Department of the Interior 1:250,000 scale map issued in 1981, incorrectly depicts this portion of the description.

*Denali National Preserve*

Denali National Preserve as generally depicted on a map numbered DENA–90,007, dated July 1980, consists of approximately one million three hundred and thirty thousand acres of public lands, as defined in the ANILCA, within the following described boundaries:

*North Unit*

Beginning at the meander corner of sections 5 and 32, on the right bank of the Kantishna River, Tps. 10 and 11 S., R. 18 W., Fairbanks Meridian;

*Thence southwesterly, on the line of mean high water along the right banks of Kantishna River, Birch Creek and Hult Creek, along a common boundary with the Denali National Park, to a point at the intersection with the east and west line between sections 1 and 12 and 6 and 7, T. 17 S., Rs. 22 and 23 W., Fairbanks Meridian;

Thence westerly, between sections 6 and 7 and 1 and 12, to the crest of a ridge between sections 1 and 12 west of the Foraker River, T. 17 S., R. 23 W., Fairbanks Meridian;

*Thence southwesterly, along the crest of a ridge between the Foraker River and tributaries of the Herron River to a summit on the ridge, located in the western half of section 22, T. 17 S., R. 23 W., Fairbanks Meridian, approximate elevation 1,860 feet;

*Thence westerly, southwesterly, westerly, and northwesterly along the crest of a ridge, to vertical angle benchmark "Castle" located on the summit of a mountain in section 25, T. 17 S., R. 24 W., Fairbanks Meridian, approximate elevation 2,079 feet;

*Thence southerly and southwesterly, along the crest of the ridge between tributaries to Castle Rocks Lake and White Creek, to the summit of a mountain located in section 13, T. 18 S., R. 24 W., Fairbanks Meridian, approximate elevation 1,822 feet;

Thence due west to a point at the line of mean high water on the easterly shore of Castle Rocks Lake located in section 15, T. 18 S., R. 24 W., Fairbanks Meridian;

Thence, southwesterly, northerly and southwesterly along the line of mean high water of Castle Rocks Lake and the left bank of an unnamed creek, the outlet of Castle Rocks Lake, to a point at the confluence of the unnamed creek and the right bank of Herron River located in section 20, T. 18 S., R. 24 W., Fairbanks Meridian;

Thence southeasterly, along the right bank of Herron River, to the intersection of line 3–4 of Mount McKinley National Park as surveyed and described in the official field notes for U.S. Survey No. 2177, Alaska, between Mile Posts 40 and 40.943, located in section 10, T. 19 S., R. 24 W., Fairbanks Meridian;

Thence S. 68° W., along the boundary of Mount McKinley National Park on line 3–4, approximately 3 miles to corner No. 4 as described in the official field notes for U.S. Survey No. 2177, Alaska, located in section 18, T. 19 S., R. 24 W., Fairbanks Meridian;

Thence S. 17° 48′ E., along the boundary of Mount McKinley National Park on line 4–5, approximately 4,400 feet to the summit of a ridge as described in the official field notes for U.S. Survey No. 2177, Alaska, located in section 19, T. 19 S., R. 24 W., Fairbanks Meridian;

Thence on an approximate forward bearing of S. 76° W., to the summit of a mountain located in section 28, T. 19 S., R. 25 W., Fairbanks Meridian, approximate elevation 1,770 feet;

Thence due west, to a point between sections 25 and 30, T. 19 S., Rs. 25 and 26 W., Fairbanks Meridian;

Thence northerly, departing from a common boundary with the Denali National Park, between Rs. 25 and 26 W., to the corner of Tps. 18 and 19 S., Rs. 25 and 26 W., Fairbanks Meridian;

Thence westerly, between Tps. 18 and 19 S., to the corner of Tps. 18 and 19 S., Rs. 26 and 27 W., Fairbanks Meridian;

Thence northerly, between Rs. 26 and 27 W., to the corner of sections 13, 18, 19 and 24, T. 18 S., Rs. 26 and 27 W., Fairbanks Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, to the corner of sections 13, 18, 19 and 24, T. 18 S., Rs. 27 and 28 W., Fairbanks Meridian;

Thence northerly, between Rs. 27 and 28 W., to the closing corner of T. 17 S., Rs. 27 and 28 W., Fairbanks Meridian;

Thence westerly, along the Fourth Standard Parallel South, to the standard corner of T. 16 S., Rs. 27 and 28 W., Fairbanks Meridian;

Thence northerly, between Rs. 27 and 28 W., to the corner of Tps. 14 and 15 S., Rs. 27 and 28 W., Fairbanks Meridian;

Thence easterly, between Tps. 14 and 15 S., to the corner of sections 4, 5, 32 and 33, Tps. 14 and 15 S., R. 24 W., Fairbanks Meridian;

Thence northerly, between sections 32 and 33, 28 and 29, 20 and 21, 16 and 17, 8 and 9, 4 and 5, 32 and 33, 28 and 29, 20 and 21, 16 and 17, 8 and 9, 4 and 5, to the closing corner of sections 4 and 5, T. 13 S., R. 24 W., Fairbanks Meridian;

Thence easterly, along the Third Standard Parallel South, to the standard corner of sections 33 and 34, T. 12 S., R. 23 W., Fairbanks Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, to the corner of sections 3, 4, 33 and 34, Tps. 10 and 11 S., R. 23 W., Fairbanks Meridian;

Thence easterly, between Tps. 10 and 11 S., to a point on the crest of a ridge between sections 3 and 34, Tps. 10 and 11 S., R. 22 W., Fairbanks Meridian, approximate elevation 900 feet;

Thence on an approximate forward bearing of N. 16° W., to the summit of a ridge between sections 27 and 34, T. 10 S., R. 22 W., Fairbanks Meridian, approximate elevation 1,110 feet;

Thence on an approximate forward bearing of N. 49° W., to the ¼ section corner of sections 27 and 28, T. 10 S., R. 22 W., Fairbanks Meridian;

Thence on an approximate forward bearing of N. 33° E., to the summit of a ridge located in section 22, T. 10 S., R. 22 W., Fairbanks Meridian, approximate elevation 1,045 feet;

Thence on an approximate forward bearing of N. 40° E., to the corner of sections 14, 15, 22 and 23, T. 10 S., R. 22 W., Fairbanks Meridian;

Thence on an approximate forward bearing of N. 27° E., to the corner of sections 1, 2, 11 and 12, T. 10 S., R. 22 W., Fairbanks Meridian;

Thence on an approximate forward bearing of N. 66° E., to the summit of a ridge located in section 1, T. 10 S., R. 22 W., Fairbanks Meridian, approximate elevation 1,515 feet;

Thence on an approximate forward bearing of S. 87° E., to the summit of a ridge located in section 6, T. 10 S., R. 21 W., Fairbanks Meridian, approximate elevation 1,510 feet;

Thence on an approximate forward bearing of S. 56° E., to the corner of sections 5, 6, 7 and 8, T. 10 S., R. 21 W., Fairbanks Meridian;

Thence easterly, between sections 5 and 8, 4 and 9, 3 and 10, 2 and 11, 1 and 12, to the corner of sections 1, 6, 7 and 12, T. 10 S., Rs. 20 and 21 W., Fairbanks Meridian;

Thence southerly, between Rs. 20 and 21 W., to the corner of sections 7, 12, 13 and 18, T. 10 S., Rs. 20 and 21 W., Fairbanks Meridian;

Thence on an approximate forward bearing of S. 66° E., to the summit of a ridge located in section 18, T. 10 S., R. 20 W., Fairbanks Meridian, approximate elevation 852 feet;

Thence on an approximate forward bearing of S. 74° E., to the summit of a ridge located in section 16, T. 10 S., R. 20 W., Fairbanks Meridian, approximate elevation 1,382 feet;

Thence on an approximate forward bearing of S. 27° W., to the summit of a ridge located in section 29, T. 10 S., R. 20 W., Fairbanks Meridian, approximate elevation 1,910 feet;

Thence on an approximate forward bearing of S. 72° E., to vertical angle bench mark "ROOSEVELT" located in section 35, T. 10 S., R. 20 W., Fairbanks Meridian, approximate elevation 1,947 feet;

Thence on an approximate forward bearing of S. 47° E., to the summit of a ridge in section 35, T. 10 S., R. 20 W., Fairbanks Meridian, approximate elevation 1,523 feet;

Thence southeasterly, along the crest of a ridge to a point between sections 2 and 35, Tps. 10 and 11 S., R. 20 W., Fairbanks Meridian;

Thence easterly, between Tps. 10 and 11 S., to the meander corner of sections 5 and 32 on the right bank of the Kantishna River, Tps. 10 and 11 S., R. 18 W., Fairbanks Meridian, the place of beginning.

*Department of the Interior 1:250,000 scale map issued in 1981, incorrectly depicts this portion of the description.

*South Unit*

Beginning at the standard corner of sections 1 and 6, T. 28 N., Rs. 13 and 14 W., Seward Meridian;

Thence southerly, between Rs. 13 and 14 W., to the corner of Tps. 25 and 26 N., Rs. 13 and 14 W., Seward Meridian;

Thence westerly, between Tps. 25 and 26 N., to the corner of Tps. 25 and 26 N., Rs. 19 and 20 W., Seward Meridian;

Thence northerly, between Rs. 19 and 20 W., to the closing corner of T. 28 N., Rs. 19 and 20 W., Seward Meridian;

Thence easterly, along the Seventh Standard Parallel North, to the standard corner of T. 29 N., Rs. 18 and 19 W., Seward Meridian;

Thence northerly, between Rs. 18 and 19 W., to the corner of Tps. 29 and 30 N., Rs. 18 and 19 W., Seward Meridian;

Thence easterly, between Tps. 29 and 30 N., to the corner of Tps. 29 and 30 N., Rs. 16 and 17 W., Seward Meridian;

Thence northerly, between Rs. 16 and 17 W., to the corner of Tps. 30 and 31 N., Rs. 16 and 17 W., Seward Meridian;

Thence easterly, between Tps. 30 and 31 N., to the corner of Tps. 30 and 31 N., Rs. 15 and 16 W., Seward Meridian;

Thence northerly, between Rs. 15 and 16 W., to the corner of sections 13, 18, 19 and 24, T. 31 N., Rs. 15 and 16 W., Seward Meridian;

Thence easterly, between sections 18 and 19, to the corner of sections 17, 18, 19 and 20, T. 31 N., R. 15 W., Seward Meridian;

Thence northerly, between sections 17 and 18, to the corner of sections 7, 8, 17 and 18, T. 31 N., R. 15 W., Seward Meridian;

Thence easterly, between sections 8 and 17, to the corner of sections 8, 9, 16 and 17, T. 31 N., R. 15 W., Seward Meridian;

Thence northerly, between sections 8 and 9 to the corner of sections 4, 5, 8 and 9, T. 31 N., R. 15 W., Seward Meridian;

Thence easterly, between sections 4 and 9, to the corner of sections 3, 4, 9 and 10, T. 31 N., R. 15 W., Seward Meridian;

Thence southerly, along a common boundary with the Denali National Park, between sections 9 and 10 to a point on the divide between Ripsnorter Creek and Dall Glacier located between sections 9 and 10, T. 31 N., R. 15 W., Seward Meridian, approximate elevation 7,600 feet;

Thence southeasterly, along the crest of a ridge which divides the drainages of Dall Glacier and Chedotlothna Glacier, to the summit of a mountain located in section 23, T. 31 N., R. 15 W., Seward Meridian, approximate elevation 8,900 feet;

Thence southeasterly, descending a spur ridge to a point on the right side of Dall Glacier located in the northern half of section 36, T. 31 N., R. 15 W., Seward Meridian, approximate elevation 4,940 feet;

Thence on an approximate forward bearing of S. 29° E., to a point on the divide between Dall Glacier and Yentna Glacier located in section 7, T. 30 N., R. 14 W., Seward Meridian, approximate elevation 6,210 feet;

Thence northeasterly and southeasterly, along the crest of a ridge which divides the drainages of the Dall Glacier and Yentna Glacier, to the summit of a mountain in the southeastern quarter of section 35, T. 31 N., R. 14 W., Seward Meridian, approximate elevation 7,290 feet;

Thence easterly and southeasterly along a ridge to a summit of a mountain in the northeastern quarter of section 1, T. 30 N., R. 14 W., Seward Meridian, approximate elevation 6,830 feet;

Thence on an approximate forward bearing of N. 80° E., to a summit of a mountain in the northeast corner of section 5, T. 30 N., R. 13 W., Seward Meridian, approximate elevation 6,600 feet;

Thence northeasterly, along the crest of a ridge to a summit of a mountain in the southeastern quarter of section 32, T. 31 W., R. 13 W., Seward Meridian, approximate elevation 7,046 feet;

Thence on an approximate forward bearing of S. 50° E., to a point at the toe of a ridge between Yentna Glacier and Lacuna Glacier located in the southwesterly portion of section 11, T. 30 N., R. 13 W., Seward Meridian, approximate elevation 2,800 feet;

Thence on an approximate forward bearing of S. 8° E., to the summit of a mountain located in the northeasterly portion of section 2, T. 29 N., R. 13 W., Seward Meridian, approximate elevation 5,695 feet;

Thence southeasterly and southerly, along the crest of the ridge which divides the drainages of Yentna Glacier and Cripple Creek, to the summit of a mountain located in section 12, T. 29 N., R. 13 W., Seward Meridian, approximate elevation 5,482 feet;

Thence southerly, along the crest of a ridge which divides the drainages of Cripple Creek, Stern Gulch and Sunflower Creek, to a point on the Seventh Standard Parallel North, between sections 6 and 31, Tps. 28 and 29 N., R. 12 W., Seward Meridian;

Thence westerly, departing from the common boundary with the Denali National Park, along the Seventh Standard Parallel North to the closing corner of sections 1 and 6, T. 28 N., Rs. 13 and 14 W., Seward Meridian, the place of beginning.

## Units of the National Wilderness Preservation System Within the Denali National Park

Section 701(1), Public Law 96–487 (ANILCA), as amended by the Alaska Railroad Transfer Act, Public Law 97–468, Title VI:

### *Denali Wilderness*

The Denali Wilderness as generally depicted on a map numbered DENA–90,007, dated July 1980, consists of approximately one million nine hundred thousand acres of public lands, as defined in the ANILCA, within the following described boundaries:

### *North Unit*

Beginning on the Mount McKinley National Park boundary as surveyed and described in the official field notes for U.S. Survey No. 2177, Alaska with its intersection with the line between sections 7 and 12, T. 13 S., Rs. 11 and 12 W., Fairbanks Meridian;

Thence westerly, along line 7-1, as surveyed and described in the official field notes for U.S. Survey No. 2177, Alaska, approximately 16½ miles to Corner No. 1, located in section 8, T. 13 S., R. 14 W., Fairbanks Meridian;

Thence southerly, along line 1-2, as surveyed and described in the official field notes for U.S. Survey No. 2177, Alaska, approximately 23½ miles to Corner No. 2, located in section 23, T. 16 S., R. 15 W., Fairbanks Meridian;

Thence S 84°47' W., along line 2-3, as surveyed and described in the official field notes for U.S. Survey No. 2177, Alaska, approximately 14¼ miles to a point between sections 28 and 29, T. 16 S., R. 17 W., Fairbanks Meridian;

Thence on an approximate forward bearing of S. 56° E., approximately 1¼ miles to the corner of sections 27, 28, 33 and 34, T. 16 S., R. 17 W., Fairbanks Meridian;

Thence southerly, between sections 33 and 34, to the standard corner of sections 33 and 34, T. 16 S., R. 17 W., Fairbanks Meridian;

Thence easterly, along the Fourth Standard Parallel South, to the ¼ section corner of section 4, T. 17 S., R. 17 W., Fairbanks Meridian;

Thence southerly, on the north and south centerline of section 4, to the center ¼ section corner of section 4, T. 17 S., R. 17 W., Fairbanks Meridian;

Thence easterly, on the east and west centerline of section 4, to the ¼ section corner of sections 3 and 4, T. 17 S., R. 17 W., Fairbanks Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, to a point 150 feet northerly of, and on a line perpendicular to, the centerline of the Denali Highway, between sections 9 and 10, T. 17 S., R. 17 W., Fairbanks Meridian;

Thence easterly, on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point in the southeasterly portion of section 10, due North of the east-east 1/64 section corner of sections 10 and 15, T. 17 S., R. 17 W., Fairbanks Meridian;

Thence due North, to a point in the southerly portion of section 10, due West of the south-south 1/64 section corner of sections 10 and 11, T. 17 S., R. 17 W., Fairbanks Meridian;

Thence due East, to a point in the southwesterly portion of section 11, due North of the west 1/16 section corner of sections 11 and 14, T. 17 S., R. 17 W., Fairbanks Meridian;

Thence due South, to a point 150 feet northerly from, and on a line perpendicular to, the centerline of the Denali Highway, in the northwesterly portion of section 14, T. 17 S., R. 17 W., Fairbanks Meridian;

Thence easterly on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point between sections 15 and 16, T. 17 S., R. 16 W., Fairbanks Meridian;

Thence due North, to the south-north 1/64 section corner of sections 15 and 16, T. 17 S., R. 16 W., Fairbanks Meridian;

Thence due East, to the south-north 1/64 section corner of sections 14 and 15, T. 17 S., R. 16 W., Fairbanks Meridian;

Thence due South, to the ¼ section corner of sections 14 and 15, T. 17 S., R. 16 W., Fairbanks Meridian;

Thence due East, to the center ¼ section corner of section 14, T. 17 S., R. 16 W., Fairbanks Meridian;

Thence due South, to a point 150 feet northerly of, and on a line perpendicular to, the centerline of the Denali Highway, in the central portion of section 14, T. 17 S., R. 16 W., Fairbanks Meridian;

Thence easterly, on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point in the northwesterly portion of section 19, 3630 feet due West of the line between sections 19 and 20, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence due North to a point between sections 18 and 19, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence easterly, between sections 18 and 19, 1320 feet to a point between sections 18 and 19, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence due South, to a point 150 feet northerly of, and on a line perpendicular to, the centerline of the Denali Highway, in the northerly portion of section 19, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence northeasterly, on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point in the southeasterly portion of section 3, due North of the east 1/16 section corner of sections 3 and 10, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence due North, to a point in the southeasterly portion of section 3, 2310 feet due North of the line between sections 3 and 10, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence due East, 1650 feet to a point in the westerly portion of section 2, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence due South, to a point 150 feet northerly of, and on a line perpendicular to, the centerline of the Denali Highway, in the southwesterly portion of section 2, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence easterly, on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point in the southerly portion of section 2, 2,310 feet due East of the line between sections 2 and 3, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence due North, to a point in the southerly portion of section 2, due West of the north-south 1/64 section corner of sections 1 and 2, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence due East, to a point 150 feet northerly of, and on a line perpendicular to the centerline of the Denali Highway, in the southeasterly portion of section 2, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence northeasterly, along a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point 990 feet due West of the line between sections 1 and 2, in the southeasterly portion of section 2, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence due North, to a point in the northeasterly portion of section 2, due West of the south-north 1/64 section corner of sections 1 and 2, T. 17 S., R. 14 W. Fairbanks Meridian;

Thence due East, to a point 150 feet northwesterly of, and on a line perpendicular to, the centerline of the Denali Highway, in the northwesterly portion of section 1, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence northeasterly, along a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point in the southerly portion of section 22, due East of the south-south 1/64 section corner of sections 21 and 22, T. 16 S., R. 13 W., Fairbanks Meridian;

Thence due West, to a point 300 feet from, and on a line perpendicular to the centerline of the Denali Highway in the southerly portion of section 22, T. 16 S., R. 13 W., Fairbanks Meridian;

Thence northerly, along a line 300 feet from, and parallel to, the centerline of the Denali Highway, to a point in the northerly portion of section 22, due East of the north 1/16 section corner of sections 21 and 22, T. 16 S., R. 13 W., Fairbanks Meridian;

Thence due West to a point in the northwesterly portion of section 22, due South of the east-west 1/64 section corner of sections 15 and 22, T. 16 S., R. 13 W., Fairbanks Meridian;

Thence due North, to a point in the center portion of section 15, due East of the 1/4 section corner of sections 15 and 16, T. 16 S., R. 13 W., Fairbanks Meridian;

Thence due West, to a point in the westerly portion of section 15, due South of the west 1/16 section corner of sections 10 and 15, T. 16 S., R. 13 W., Fairbanks Meridian;

Thence due North, to the west 1/16 section corner of sections 10 and 15, T. 16 S., R. 13 W., Fairbanks Meridian;

Thence easterly, between sections 10 and 15, to the corner of sections 10, 11, 14, and 15, T. 16 S., R. 13 W., Fairbanks Meridian;

Thence southerly, between sections 14 and 15, 22 and 23, to a point 300 feet northerly of, and on a line perpendicular to, the centerline of the Denali Highway, between sections 22 and 23, T. 16 S., R. 13 W., Fairbanks Meridian;

Thence easterly on a line 300 feet from, and parallel to the centerline of the Denali Highway, to a point in the northeasterly portion of section 23, due South of the east 1/16 section corner of sections 14 and 23, T. 16 S., R. 13 W., Fairbanks Meridian;

Thence due South to a point 150 feet northerly of, and on a line perpendicular to, the centerline of the Denali Highway, in the northeasterly portion of section 23, T. 16 S., R. 13 W., Fairbanks Meridian;

Thence southeasterly and northeasterly, on a line 150 feet from, and parallel to, the centerline of the Denali Highway to a point between sections 13 and 24, T. 15 S., R. 11 W., Fairbanks Meridian;

Thence due West between sections 13 and 24 to a point 1,650 feet due West of the corner of sections 13, 18, 19 and 24, T. 15 S., Rs. 10 and 11 W., Fairbanks Meridian;

Thence due North, approximately 990 feet to a point in the southeasterly portion of section 13, T. 15 S., R. 11 W., Fairbanks Meridian;

Thence due East, to a point on a line 150 feet westerly of, and on a line perpendicular to, the centerline of the Denali Highway, in the southeasterly portion of section 13, T. 15 S., R. 11 W., Fairbanks Meridian;

Thence northerly, easterly, and northwesterly on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point between sections 30 and 31, T. 14 S., R. 10 W., Fairbanks Meridian;

Thence westerly, between sections 30 and 31, 25 and 36, T. 14 S., Rs. 10 and 11 W., to a point at the line of mean high water on the right bank of the Teklanika River, between sections 25 and 36, T. 14 S., R. 11 W., Fairbanks Meridian;

Thence northwesterly, along the right bank of the Teklanika River at the line of mean high water, to a point in the northeasterly portion of section 25, T. 14 S., R. 11 W., due West of the south-north 1/64 section corner of sections 25 and 30, T. 14 S., Rs. 10 and 11 W., Fairbanks Meridian;

Thence due East, to a point 150 feet west of, and on a line perpendicular to the centerline of the Denali Highway, in section 30, T. 14 S., R. 10 W., Fairbanks Meridian;

Thence northerly, southeasterly and northeasterly, on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point in the northwesterly portion of section 10, due South of the west-west 1/64 section corner of sections 3 and 10, T. 14 S., R. 10 W., Fairbanks Meridian;

Thence due North, to a point in the southwesterly portion of section 3, due East of the south-south 1/64 section corner of sections 3 and 4, T. 14 S., R. 10 W., Fairbanks Meridian;

Thence due East to a point in the southerly portion of section 3, due North of the east-west 1/64 corner of sections 3 and 10, T. 14 S., R. 10 W., Fairbanks Meridian;

Thence due South to a point 150 feet from, and on a line perpendicular to, the centerline of the Denali Highway, in the southwesterly portion of section 3, T. 14 S., R. 10 W., Fairbanks Meridian;

Thence northeasterly on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point in the northwesterly portion of section 11, due South of the west-west 1/64 section corner of sections 2 and 11, T. 14 S., R. 9 W., Fairbanks Meridian;

Thence due North to a point between sections 2 and 11, T. 14 S., R. 9 W., Fairbanks Meridian;

Thence easterly, between sections 2 and 11, to the east-west 1/64 section corner of sections 2 and 11, T. 14 S., R. 9 W., Fairbanks Meridian;

Thence due South, to a point 150 feet northerly of, and on a line perpendicular to, the centerline of the Denali Highway, near the center of section 11, T. 14 S., R. 9 W., Fairbanks Meridian;

Thence easterly, on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point 330 feet westerly of the center of an unnamed tributary of Jenny Creek, on a line perpendicular to that tributary, in the southeast portion of section 7, T. 14 S., R. 8 W., Fairbanks Meridian;

Thence northwesterly 990 feet on a line 330 feet from, and parallel to the centerline of the unnamed tributary of Jenny Creek, to a point in the central portion of section 7, T. 14 S., R. 8 W., Fairbanks Meridian;

Thence northeasterly 660 feet crossing at right angles the tributary of Jenny Creek to a point on a line perpendicular to the tributary, in the eastern portion of section 7, T. 14 S., R. 8 W., Fairbanks Meridian;

Thence southeasterly on a line 330 feet from and parallel to the centerline of the unnamed tributary of Jenny Creek, to a point 150 feet northerly of, and on a line perpendicular to, the centerline of the Denali Highway, in the southeastern portion of section 7, T. 14 S., R. 8 W., Fairbanks Meridian;

Thence easterly, on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point on the east-west centerline of section 10, T. 14 S., R. 8 W., Fairbanks Meridian;

Thence due West to a point due South of the east-west 1/64 section corner of sections 3 and 10, T. 14 S., R. 8 W., Fairbanks Meridian;

Thence due North to a point due East of the north 1/16 section corner of sections 9 and 10, T. 14 S., R. 8 W., Fairbanks Meridian;

Thence due East to a point due South of the west-east 1/64 section corner of sections 3 and 10, T. 14 S., R. 8 W., Fairbanks Meridian;

Thence due South to a point 150 feet northerly of, and on a line perpendicular to, the centerline of the Denali Highway, in the northeasterly portion of section 10, T. 14 S., R. 8 W., Fairbanks Meridian;

Thence easterly on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point between sections 7 and 12, T. 14 S., Rs. 7 and 8 W., Fairbanks Meridian;

Thence northerly between Rs. 7 and 8 W., to the corner of sections 25, 30, 31 and 36, T. 13 S., Rs. 7 and 8 W., Fairbanks Meridian;

Thence easterly, between sections 30 and 31, 29 and 32, 28 and 33, to a point on the westerly right-of-way of the Alaska Railroad, between sections 28 and 33, T. 13 S., R. 7 W., Fairbanks Meridian;

Thence northerly, along the westerly right-of-way of the Alaska Railroad to a point on the Mt. McKinley National Park boundary, as surveyed and described in the official field notes for U.S. Survey 2177, Alaska, located in section 8, T. 13 S., R. 7 W., Fairbanks Meridian;

Thence westerly, along the boundary of Mt. McKinley National Park as surveyed and described in the official field notes for U.S. Survey No. 2177, Alaska, to a point between sections 7 and 12, T. 13 S., Rs. 11 and 12 W., Fairbanks Meridian, the place of beginning.

Note: Along the existing (on December 2, 1980) highway through the park, the wilderness boundary begins 150 feet on either side of the center line of the road and 150 feet back from the edge of all existing (on December 2, 1980) turnouts and parking areas (Report of the Committee on Energy and Natural Resources, United States Senate, Report No. 96–413, p. 216). This information supplements and amends, as necessary, the foregoing descriptions.

*South Unit*

Beginning at a point on the old Mt. McKinley National Park boundary on Lake Creek, as described in the Act of Congress dated March 19, 1932, and in the official notes for U.S. Survey No. 2177, located in section 29, T. 16 S., R. 17 W., Fairbanks Meridian;

Thence southwesterly, southeasterly and northeasterly, along the old Mt. McKinley National Park boundary, to a point on the westerly right-of-way of the Alaska Railroad, in the northwesterly portion of section 21, T. 17 S., R. 7 W., Fairbanks Meridian;

Thence northerly along the westerly right-of-way of the Alaska Railroad to the point of intersection with the westerly right-of-way of State Highway 3 between Anchorage and Fairbanks in the southeasterly portion of section 15, T. 14 S., R. 7 W., Fairbanks Meridian;

Thence northwesterly along the westerly right-of-way of State Highway 3 between Anchorage and Fairbanks to the point of intersection with the westerly right-of-way of the Alaska Railroad in the northwesterly portion of section 10, T. 14 S., R. 7 W., Fairbanks Meridian;

Thence northwesterly, along the westerly right-of-way of the Alaska Railroad, to a point at the line of mean high water on the left bank of Hines Creek located in section 4, T. 14 S., R. 7 W., Fairbanks Meridian;

Thence southwesterly, along the line of mean high water on the left bank of Hines Creek, to a point between sections 7 and 12, T. 14 S., Rs. 7 and 8 W., Fairbanks Meridian;

Thence northerly, between Rs. 7 and 8 W., to a point 150 feet southerly of, and on a line perpendicular to, the centerline of the Denali Highway, between sections 7 and 12, T. 14 S., Rs. 7 and 8 W., Fairbanks Meridian;

Thence westerly, on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point at the line of mean high water on the left bank of an unnamed creek near the center of section 11, T. 14 S., R. 9 W., Fairbanks Meridian;

Thence southwesterly and northwesterly, along the left bank of the unnamed creek and the right bank of the Savage River, to a point in section 10 due South of the west-east 1/64 section corner of sections 3 and 10, T. 14 S., R. 9 W., Fairbanks Meridian;

Thence due North, to a point 150 feet southwesterly of, and on a line perpendicular to, the centerline of the Denali Highway, in the northerly portion of section 10, T. 14 S., R. 9 W., Fairbanks Meridian;

Thence northwesterly, on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point at the intersection with the east and west centerlines of the NE 1/4 of the NE 1/4 of section 4 and the NW 1/4 of the NW 1/4 of section 3, T. 14 S., R. 9 W., Fairbanks Meridian;

Thence due West, to a point in the northeasterly portion of section 4, T. 14 S., R. 9 W., due South of the east 1/16 section corner of sections 4 and 33, Tps. 13 and 14 S., R. 9 W., Fairbanks Meridian;

Thence due North, to a point between sections 4 and 33, Tps. 13 and 14 S., R. 9 W., Fairbanks Meridian;

Thence westerly, between Tps. 13 and 14 S., to a point 150 feet easterly of, and on a line perpendicular to, the centerline of the Denali Highway, between sections 4 and 33, Tps. 13 and 14 S., R. 9 W., Fairbanks Meridian;

Thence southwesterly, on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point in the northwesterly portion of section 10, due South of the east-west 1/64 section corner of sections 3 and 10, T. 14 S., R. 10 W., Fairbanks Meridian;

Thence due South, to a point in the northwesterly portion of section 10, due East of the north 1/16 section corner of sections 9 and 10, T. 14 S., R. 10 W., Fairbanks Meridian;

Thence due West, to a point 150 feet easterly of, and on a line perpendicular to, the centerline of the Denali Highway in the northwesterly portion of section 10, T. 14 S., R. 10 W., Fairbanks Meridian;

Thence southwesterly, northwesterly and southerly, on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point in the southerly portion of section 18, 1,650 feet due West of the line between sections 17 and 18, T. 14 S., R. 10 W., Fairbanks Meridian;

Thence due South to a point in the northeasterly portion of section 19, 1,650 feet south of the line between sections 18 and 19, T. 14 S., R. 10 W., Fairbanks Meridian;

Thence due West to a point at the line of mean high water on the right bank of an unnamed creek in the northeasterly portion of section 19, T. 14 S., R. 10 W., Fairbanks Meridian;

Thence northwesterly, along the right bank of the unnamed creek to a point 150 feet easterly of, and on a line perpendicular to, the centerline of the Denali Highway, in the northerly portion of section 19, T. 14 S., R. 10 W., Fairbanks Meridian;

Thence southerly, westerly and southerly, on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point in the southeasterly portion of section 13, T. 15 S., R. 11 W., due West of the south 1/16 section corner of sections 13 and 18, T. 15 S., Rs. 10 and 11 W., Fairbanks Meridian;

Thence due East to a point at the line of mean high water on the left bank of Igloo Creek in the southeasterly portion of section 13, T. 15 S., R. 11 W., Fairbanks Meridian;

Thence southerly, along the left bank of Igloo Creek, to a point 150 feet easterly of, and on a line perpendicular to, the centerline of the Denali Highway, in the southeasterly portion of section 13, T. 15 S., R. 11 W., Fairbanks Meridian;

Thence southwesterly and westerly, on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point between sections 1 and 6, T. 16 S. Rs. 11 and 12 W., Fairbanks Meridian;

Thence due South, between sections 1 and 6 to a point at the line of mean high water on the left bank of an unnamed creek, near the center 1/4 corner of sections 1 and 6, T. 16 S., Rs. 11 and 12 W., Fairbanks Meridian;

Thence westerly, along the left bank of the unnamed creek to a point in the easterly portion of section 1, T. 16 S., R. 12 W., due North of the east 1/16 section corner of sections 1 and 12, T. 16 S., R. 12 W., Fairbanks Meridian;

Thence due South, to a point in the easterly portion of section 1, T. 16 S., R. 12 W., due West of the north-south 1/64 section corner of sections 1 and 6, T. 16 S., Rs. 11 and 12 W., Fairbanks Meridian;

Thence due West to a point 150 feet easterly of, and on a line perpendicular to, the centerline of the Denali Highway, in the southwesterly portion of section 1, T. 16 S., R. 12 W., Fairbanks Meridian;

Thence southerly and southwesterly, on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point in the northwesterly portion of section 23, due South of the west 1/16 section corner of sections 14 and 23, T. 16 S., R. 13 W., Fairbanks Meridian;

Thence due South 150 feet to a point 300 feet from the centerline of the Denali Highway, in the northwesterly portion of section 23, T. 16 S., R. 13 W., Fairbanks Meridian;

Thence westerly and southerly, on a line 300 feet from, and parallel to, the centerline of the Denali Highway, to a point in the southerly portion of section 22, due West of the south-south 1/64 corner of sections 22 and 23, T. 16 S., R. 13 W., Fairbanks Meridian;

Thence due West to a point 150 feet easterly of, and on a line perpendicular to, the centerline of the Denali Highway, in the southerly portion of section 22, T. 16 S., R. 13 W., Fairbanks Meridian;

Thence southerly and southwesterly, on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point in the westerly portion of section 1, T. 17 S., R. 14 W., 990 feet due East of the line between sections 1 and 2, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence due South, to a point in the southwesterly portion of section 1, due East of the north-south 1/64 section corner of sections 1 and 2, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence due West, to a point 150 feet southerly of, and on a line perpendicular to, the centerline of the Denali Highway, in the southeasterly portion of section 2, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence southwesterly, on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point in the southeasterly portion of section 2, 990 feet due West of the line between sections 1 and 2, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence due South, to a point in the southeasterly portion of section 2, due West of the south-south 1/64 section corner of sections 1 and 2, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence due West, 1,980 feet to a point in the southern portion of section 2, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence due North, to a point 150 feet southerly of, and on a line perpendicular to, the centerline of the Denali Highway, in the southerly portion of section 2, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence westerly, on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point in the southwesterly portion of section 2, 330 feet east of the line between sections 2 and 3, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence due South to a point between sections 2 and 11, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence due West, between sections 2 and 11, and 3 and 10, to the east 1/16 section corner of sections 3 and 10, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence due North, to a point 150 feet southerly of, and on a line perpendicular to, the centerline of the Denali Highway, in the southeasterly portion of section 3, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence westerly and southwesterly, on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point in the northerly portion of section 19, 2,310 feet due West of the line between sections 19 and 20, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence due South to a point on the east-west centerline of section 19, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence westerly, 1,320 feet along the east and west centerline of section 19, to a point in the western portion of section 19, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence due North, to a point 150 feet southerly of, and on a line perpendicular to, the centerline of the Denali Highway, in the northwesterly portion of section 19, T. 17 S., R. 14 W., Fairbanks Meridian;

Thence westerly, on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point in the easterly portion of section 21, due North of the east-east 1/64 section corner, between sections 21 and 28, T. 17 S., R. 15 W., Fairbanks Meridian;

Thence due South to a point at the line of mean high water on the left bank of an unnamed creek in the southeasterly portion of section 21, T. 17 S., R. 15 W., Fairbanks Meridian;

Thence southwesterly and westerly, along the left bank of the unnamed creek to a point in the southwesterly portion of section 21, due North of the east-west 1/64 section corner of sections 21 and 28, T. 17 S., R. 15 W., Fairbanks Meridian;

Thence due North to a point in the westerly portion of section 21, on the east-west centerline of section 21, T. 17 S., R. 15 W., Fairbanks Meridian;

Thence easterly along the east-west centerline of section 21 to a point 150 feet southwesterly of, and on a line perpendicular to, the centerline of the Denali Highway near the center of section 21, T. 17 S., R. 15 W., Fairbanks Meridian;

Thence westerly, on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point due North of the east 1/16 section corner of sections 15 and 22, T. 17 S., R. 16 W., Fairbanks Meridian;

Thence due South to a point due West of the south-south 1/64 section corner of sections 14 and 15, T. 17 S., R. 16 W., Fairbanks Meridian;

Thence due West to the south-south 1/64 section corner of sections 15 and 16, T. 17 S., R. 16 W., Fairbanks Meridian;

Thence northerly between sections 15 and 16 to a point 150 feet southerly of, and on a line perpendicular to, the centerline of the Denali Highway between sections 15 and 16, T. 17 S., R. 16 W., Fairbanks Meridian;

Thence westerly, on a line 150 feet from, and parallel to, the centerline of the Denali Highway, to a point between sections 8 and 9, T. 17 S., R. 17 W., Fairbanks Meridian;

Thence southerly, between sections 8 and 9, to the corner of sections 8 and 9, 16 and 17, T. 17 S., R. 17 W., Fairbanks Meridian;

Thence westerly, between sections 8 and 17, 7 and 18, to the corner of sections 7, 12, 13 and 18, T. 17 S., Rs. 17 and 18 W., Fairbanks Meridian;

Thence northerly, between Rs. 17 and 18 W., to the closing corner of T. 17 S., Rs. 17 and 18 W., Fairbanks Meridian;

Thence easterly, along the Fourth Standard Parallel South, approximately 200 feet to the standard west 1/16 section corner of section 32, T. 16 S., R. 17 W., Fairbanks Meridian;

Thence northerly, along the north and south centerlines of the west 1/2 of sections 32 and 29 to a point at the centerline of Lake Creek, in the westerly portion of section 29, T. 16 S., R. 17 W., Fairbanks Meridian;

Thence northwesterly and northeasterly, along the centerline of Lake Creek, to a point on the old Mt. McKinley National Park boundary, in section 29, T. 16 S., R. 17 W., Fairbanks Meridian, the place of beginning.

**Note:** Along the existing (on December 2, 1980) highway through the park, the wilderness boundary begins 150 feet on either side of the center line of the road and 150 feet back from the edge of all existing (on December 2, 1980) turnouts and parking areas (Report of the Committee on Energy and Natural Resources, United States Senate, Report No. 96-413, p. 216). This information supplements and amends, as necessary, the foregoing descriptions.

The following U.S. Geological Survey 1:63,360 Series (Topographic) Quadrangle Maps were used in preparing the legal boundary descriptions for the Denali National Park and Preserve and Denali Wilderness:

Healy, Alaska: (A-5) 1950 mr 1977; (A-6) 1949 mr 1975; (B-4) 1949 mr 1971; (B-5) 1950 mr 1972; (B-6) 1954 mr 1963; (C-4) 1950 mr 1970; (C-5) 1953 mr 1966; (C-6) 1954 mr 1965; (D-4) 1950 lr 1973; (D-5) 1951 mr 1973; (D-6) 1954 mr 1965.

Kantishna River, Alaska: (A-3) 1953 mr 1972; (A-4) 1953 mr 1972.

Mt. McKinley, Alaska: (A-1) 1954; (A-2) 1954; (A-3) 1954; (A-5) 1952 mr 1970; (B-1) 1954 mr 1963; (B-2) 1954 mr 1973; (B-3) 1954 mr 1963; (B-4) 1953 mr 1963; (B-5) 1953 mr 1964; (B-6) 1958; (C-1) 1954 mr 1974; (C-2) 1954 mr 1967; (C-4) 1953 mr 1965; (C-5) 1953 mr 1963; (C-6) 1958; (D-1) 1954 mr 1962; (D-2) 1954 mr 1963; (D-3) 1952 mr 1967; (D-4) 1953 mr 1968; (D-5) 1953 mr 1964.

Talkeetna, Alaska: (B-3) 1954 mr 1971; (B-4) 1954 lr 1976; (B-5) 1958; (B-6) 1958; (C-1) 1958 mr 1974; (C-2) 1958 lr 1977; (C-3) 1958; (C-4) 1958 mr 1973; (C-5) 1958; (C-6) 1958; (D-1) 1958 mr 1971; (D-3) 1958 mr 1973; (D-4) 1958 mr 1976; (D-5) 1958.

mr—minor revisions
lr—limited revisions

BILLING CODE 4310-70-F

# DENALI NATIONAL PARK AND PRESERVE

## PUBLIC LAW 96-487






LEGEND

PARK

PRESERVE

WILDERNESS

0 25 MILES

BILLING CODE 4310-70-C

**Gates of the Arctic National Park and Preserve**

Section 201(4)(a), Public Law 96–487 (GAAR):

*Gates of the Arctic National Park*

Gates of the Arctic National Park as generally depicted on a map numbered GAAR–90,011, dated July 1980, consists of approximately seven million fifty-two thousand acres of public lands, as defined by the ANILCA, within the following described boundaries:

*Unit Number 1*

Beginning at the corner of sections 19, 24, 25 and 30, T. 20 N., Rs. 18 and 19 E., Kateel River Meridian;

Thence easterly, between sections 19 and 30, 20 and 29, 21 and 28, 22 and 27, along a common boundary with the Gates of the Arctic National Preserve, to the summit of a ridge located in sections 22 and 27, T. 20 N., R. 19 E., Kateel River Meridian, approximate elevation 4,000 feet;

Thence southeasterly, northeasterly, easterly and southeasterly, along the crest of a ridge, to a high point on the ridge located in the westerly portion of section 5, T. 19 N., R. 20 E., Kateel River Meridian, approximate elevation 2,900 feet;

Thence on an approximate forward bearing of S. 14° E., to the summit of a mountain located in section 17, T. 19 N., R. 20 E., Kateel River Meridian, approximate elevation 2,577 feet;

*Thence on an approximate forward bearing of S. 14° E., to the corner of sections 20, 21, 28 and 29, T. 19 N., R. 20 E., Kateel River Meridian;

*Thence on an approximate forward bearing of east to a point on the left bank of the Kobuk River at the center of the confluence of the outlet stream from Walker Lake with the Kobuk River, in section 19, T. 19 N., R. 21 E., Kateel River Meridian;

Thence northeasterly, along the left bank of the Kobuk River and Kichaiakaka Creek to a point between sections 1 and 36, Tps. 19 and 20 N., R. 22 E., Kateel River Meridian;

Thence easterly between Tps. 19 and 20 N., to the corner of Tps. 19 and 20 N., Rs. 22 and 23 E., Kateel River Meridian;

Thence easterly, departing from the common boundary with the Gates of the Arctic National Preserve, between Tps. 19 and 20 N., to the corner of sections 3, 4, 33 and 34, Tps. 19 and 20 N., R. 23 E., Kateel River Meridian;

Thence northerly between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, to the closing corner of sections 3 and 4, T. 20 N., R. 23 E., Kateel River Meridian;

Thence easterly, along the Fifth Standard Parallel North, to the standard corner of T. 21 N., Rs. 23 and 24 E., Kateel River Meridian;

Thence northerly, between Rs. 23 and 24 E., to the corner of Tps. 21 and 22 N., Rs. 23 and 24 E., Kateel River Meridian;

Thence easterly, between Tps. 21 and 22 N., to the corner of sections 3, 4, 33 and 34, Tps. 21 and 22 N., R. 25 E., Kateel River Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, to the corner of sections 3, 4, 33 and 34, Tps. 22 and 23 N., R. 25 E., Kateel River Meridian;

Thence easterly, between Tps. 22 and 23 N., to the corner of Tps. 22 and 23 N., R. 26 E., on the boundary of the Kateel River Meridian;

Thence southerly, between Kateel River and Fairbanks Meridians, to the corner of sections 18 and 19, T. 29 N., R. 24 W., Fairbanks Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, 16 and 21, to the corner of sections 15, 16, 21 and 22, T. 29 N., R. 24 W., Fairbanks Meridian;

Thence northerly, between sections 15 and 16, 9 and 10, 3 and 4, 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, to the corner of sections 3, 4, 33 and 34, Tps. 30 and 31 N., R. 24 W., Fairbanks Meridian;

Thence westerly, between Tps. 30 and 31 N., to the corner of Tps. 30 and 31 N., R. 24 W., on the boundary of the Fairbanks Meridian;

Thence northerly, between Fairbanks and Kateel River Meridians, to the corner of Tps. 31 and 32 N., R. 24 W., Fairbanks Meridian;

Thence easterly, between Tps. 31 and 32 N., to the corner of Tps. 31 and 32 N., Rs. 18 and 19 W., Fairbanks Meridian;

Thence northerly, between Rs. 18 and 19 W., to the closing corner of T. 32 N., Rs. 18 and 19 W., Fairbanks Meridian;

Thence easterly, along the Eighth Standard Parallel North, to the closing corner of T. 32 N., Rs. 17 and 18 W., Fairbanks Meridian;

Thence southerly, between Rs. 17 and 18 W., to the corner of Tps. 31 and 32 N., Rs. 17 and 18 W., Fairbanks Meridian;

Thence easterly, between Tps. 31 and 32 N., to the corner of Tps. 31 and 32 N., Rs. 16 and 17 W., Fairbanks Meridian;

Thence southerly, between Rs. 16 and 17 W., to the corner of Tps. 29 and 30 N., Rs. 16 and 17 W., Fairbanks Meridian;

Thence easterly, between Tps. 29 and 30 N., to the corner of Tps. 29 and 30 N., Rs. 15 and 16 W., Fairbanks Meridian;

Thence southerly, between Rs. 15 and 16 W., to the standard corner of T. 29 N., Rs. 15 and 16 W., Fairbanks Meridian;

Thence westerly, along the Seventh Standard Parallel North, to the closing corner of T. 28 N., Rs. 16 and 17 W., Fairbanks Meridian;

*Thence southerly, between Rs. 16 and 17 W., to the meander corner of sections 31 and 36 at the line of mean high water on the right bank of the most northerly interconnecting waterway of the Koyukuk River, T. 26 N., Rs. 16 and 17 W., Fairbanks Meridian;

*Thence northeasterly, along the line of mean high water on the right bank of the most northerly interconnecting waterways of the Middle Fork of the Koyukuk River, closing the mouth of the North Fork Koyukuk River, to the meander corner of sections 13 and 14, T. 26 N., R. 14 W., Fairbanks Meridian;

Thence northerly, between sections 13 and 14, to the north ⅛ section corner of sections 13 and 14, T. 26 N., R. 14 W., Fairbanks Meridian;

Thence easterly, along the east and west centerline of the northwest ¼ of section 13, to the northwest ⅛ section corner of section 13, T. 26 N., R. 14 W., Fairbanks Meridian;

Thence northerly, along the north and south centerlines of the northwest ¼ of section 13, and the southwest ¼ of section 12, to the center-west ⅛ section corner of section 12, T. 26 N., R. 14 W., Fairbanks Meridian;

Thence easterly, on the east and west centerline of section 12, to the center ¼ section corner of section 12, T. 26 N., R. 14 W., Fairbanks Meridian;

Thence northerly, along the north and south centerlines of sections 12, 1 and 36, to the ¼ section corner of sections 25 and 36, T. 27 N., R. 14 W., Fairbanks Meridian;

Thence easterly, between sections 25 and 36, to the corner of sections 25, 30, 31 and 36, T. 27 N., Rs. 13 and 14 W., Fairbanks Meridian;

Thence northerly, between Rs. 13 and 14 W., to the corner of sections 19, 24, 25 and 30, T. 27 N., Rs. 13 and 14 W., Fairbanks Meridian;

Thence easterly, between sections 19 and 30, to the corner of sections 19, 20, 29 and 30, T. 27 N., R. 13 W., Fairbanks Meridian;

Thence on an approximate forward bearing of N. 30° E., to the summit of a low point on Twelvemile Mountain located in the southwest portion of section 20, T. 27 N., R. 13 W., Fairbanks Meridian, approximate elevation 2,200 feet;

Thence on an approximate forward bearing of N. 9° E., to a summit of Twelvemile Mountain located in the westerly portion of section 20, T. 27 N., R. 13 W., Fairbanks Meridian, approximate elevation 2,950 feet;

Thence on an approximate forward bearing of N. 3° E., to a summit of Twelvemile Mountain located in the northwesterly portion of section 20, T. 27 N., R. 13 W., Fairbanks Meridian, approximate elevation 3,100 feet;

Thence on an approximate forward bearing of N. 60° E., to the summit of Twelvemile Mountain located in the northerly portion of section 20, T. 27 N., R. 13 W., Fairbanks Meridian, approximate elevation 3,180 feet;

Thence on an approximate forward bearing of N. 36° E., to a summit of Twelvemile Mountain located in the southeasterly portion of section 17, T. 27 N., R. 13 W., Fairbanks Meridian, approximate elevation 3,100 feet;

Thence on an approximate forward bearing of N. 6° E., to the summit of a low point on Twelvemile Mountain located in the easterly portion of section 17, T. 27 N., R. 13 W., Fairbanks Meridian, approximate elevation 2,600 feet;

Thence on an approximate forward bearing of N. 48° W., to the center-north ⅛ section corner of section 17, T. 27 N., R. 13 W., Fairbanks Meridian;

Thence northerly, on the north and south centerline of section 17, to the ¼ section corner of sections 8 and 17, T. 27 N., R. 13 W., Fairbanks Meridian;

Thence westerly, between sections 8 and 17, 7 and 18, 12 and 13, to the corner of sections 11, 12, 13 and 14, T. 27 N., R. 14 W., Fairbanks Meridian;

Thence northerly, between sections 11 and 12, to the ¼ section corner of sections 11 and 12, T. 27 N., R. 14 W., Fairbanks Meridian;

Thence on an approximate forward bearing of N. 25° W., to the summit of a mountain

located in the southerly portion of section 2, T. 27 N., R. 14 W., Fairbanks Meridian, approximate elevation 3,125 feet;

Thence northerly and northeasterly, along the crest of a ridge between the drainages of the North and Middle Forks of the Koyukuk River, to the summit of a mountain located in section 8, T. 30 N., R. 12 W., Fairbanks Meridian, approximate elevation 3,150 feet;

Thence on an approximate forward bearing of N. 27° E., to the ¼ section corner of sections 5 and 8, T. 30 N., R. 12 W., Fairbanks Meridian;

Thence northerly, on the north and south centerlines of sections 5 and 32, to the center ¼ section corner of section 32, T. 31 N., R. 12 W., Fairbanks Meridian;

Thence on an approximate forward bearing of N. 16° E., to the summit of a mountain located in the southerly portion of section 29, T. 31 N., R. 12 W., Fairbanks Meridian, approximate elevation 3,020 feet;

Thence northeasterly, along the crest of a ridge between the drainages of Washington Creek, Canyon Creek, Glacier River and the Middle Fork of the Koyukuk River, to the summit of a mountain located in the southerly portion of section 2, T. 31 N., R. 12 W., Fairbanks Meridian, approximate elevation 3,150 feet;

Thence on an approximate forward bearing of S. 69° E., to the junction of Hammond River and Canyon Creek located in the easterly portion of section 12, T. 31 N., R. 12 W., Fairbanks Meridian;

Thence on an approximate forward bearing of S. 82° E., to the summit of a mountain located in the easterly portion of section 7, T. 31 N., R. 11 W., Fairbanks Meridian, approximate elevation 2,738 feet;

Thence southeasterly and northerly, along the crest of a ridge, to the summit of a mountain located in the northerly portion of section 11, T. 31 N., R. 11 W., Fairbanks Meridian, approximate elevation 3,065 feet;

Thence on an approximate forward bearing of N. 32° E., to the summit of a mountain located in section 36, T. 32 N., R. 11 W., Fairbanks Meridian, approximate elevation 3,033 feet;

Thence northerly, along the crest of a ridge between the drainages of Vi Creek, Hammond River, Kalhabuk Creek and the Middle Fork of the Koyukuk River, to the northerly point of the crest of a ridge located in section 5, T. 33 N., R. 10 W., Fairbanks Meridian, approximate elevation 4,100 feet;

Thence on an approximate forward bearing of N. 2° W., on a line passing at midpoint between two lakes in section 32, to the crest of a ridge located near the center of section 29, T. 34 N., R. 10 W., Fairbanks Meridian, approximate elevation 3,200 feet;

Thence northwesterly, northerly and northeasterly along the crest of a ridge between drainages of Dietrich and Hammond Rivers, to the summit of a mountain located in the northwesterly portion of section 31, T. 35 N., R. 10 W., Fairbanks Meridian, approximate elevation 3,110 feet;

Thence on an approximate forward bearing of N. 9° E., to the summit of a mountain located in sections 18 and 19, T. 35 N., R. 10 W., Fairbanks Meridian, approximate elevation 4,010 feet;

Thence northerly, along the crest of a ridge between the Dietrich River drainage and Big Jim and Trembley Creeks, to the summit of a mountain located in the southwesterly portion of section 29, T. 36 N., R. 10 W., Fairbanks Meridian, approximate elevation 4,130 feet;

Thence on an approximate forward bearing of N. 8° E., to the summit of a mountain located near the center of section 17, T. 36 N., R. 10 W., Fairbanks Meridian, approximate elevation 4,230 feet;

Thence northerly, along the crest of a ridge, between the drainages of Dietrich River and Kuyuktuvuk Creek, to a point of intersection with the Continental Divide, located near the center of section 31, T. 15 S., R. 10 E., Umiat Meridian, approximate elevation 6,000 feet;

Thence southwesterly, along the Continental Divide, along a common boundary with the Gates of the Arctic National Preserve, to a point on a ridge where the Continental Divide bears southerly, located in the northerly portion of section 2, T. 16 S., R. 9 E., Umiat Meridian, approximate elevation 6,300;

Thence northwesterly, along the crest of a ridge, to a point between sections 12 and 13, T. 15 S., R. 8 E., Umiat Meridian, approximate elevation 4,650 feet;

Thence on an approximate forward bearing of N. 65° W., to the most southerly point on the shore of an unnamed lake located in the Oolah Valley in section 11, T. 15 S., R. 8 E., Umiat Meridian;

Thence on an approximate forward bearing of N. 59° W., to the summit of a mountain located in section 4, T. 15 S., R. 8 E., Umiat Meridian, approximate elevation 6,323 feet;

Thence northwesterly, along the crest of a ridge between the drainages of Itkillik and Nanushuk Rivers, to the summit of a mountain located near the center of section 26, T. 14 S., R. 6 E., Umiat Meridian, approximate elevation 7,118 feet;

Thence on an approximate forward bearing of N. 70° W., to an easterly summit of Marshmallow Mountain located in the easterly portion of section 20, T. 14 S., R. 6 E., Umiat Meridian, approximate elevation 6,570 feet;

Thence westerly, along the crest of Marshmallow Mountain, to a westerly summit of Marshmallow Mountain located in the northerly portion of section 24, T. 14 S., R. 5 E., Umiat Meridian, approximate elevation 6,972 feet.

Thence on an approximate forward bearing of S. 71° W., to the easterly point of the summit of a mountain located in the northerly portion of section 28, T. 14 S., R. 5 E., Umiat Meridian, approximate elevation 6,500 feet.

Thence southwesterly, northwesterly, and northeasterly, along the crest of a ridge, between the Alapah Creek, Anaktuvuk River, Itikmalakpak Creek and the Kayak Creek drainages and northwesterly on a spur ridge, to a point between sections 1 and 36, Tps. 13 and 14 S., R. 4 E., Umiat Meridian;

Thence westerly, departing from the common boundary with the Gates of the Arctic National Preserve, between Tps. 13 and 14 S., to the corner of Tps. 13 and 14 S., Rs. 1 and 2 E., Umiat Meridian;

Thence northerly, between Rs. 1 and 2 E., to the corner of sections 25, 30, 31 and 36, T. 13 S., Rs. 1 and 2 E., Umiat Meridian;

Thence westerly, between sections 25 and 36, 26 and 35, 27 and 34, 28 and 33, 29 and 32, 30 and 31, 25 and 36, 26 and 35, 27 and 34, 28 and 33, 29 and 32, 30 and 31, to the corner of sections 25, 30, 31 and 36, T. 13 S., Rs. 1 and 2 W., Umiat Meridian;

Thence northerly, between Rs. 1 and 2 W., to the closing corner of T. 13 S., Rs. 1 and 2 W., Umiat Meridian;

Thence westerly, along the Third Standard Parallel South, to the standard corner of T. 12 S., Rs. 1 and 2 W., Umiat Meridian;

Thence northerly, between Rs. 1 and 2 W., to the corner of sections 13, 18, 19 and 24, T. 12 S., Rs. 1 and 2 W., Umiat Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, to the corner of sections 13, 18, 19 and 24, T. 12 S., Rs. 2 and 3 W., Umiat Meridian;

Thence southerly, between Rs. 2 and 3 W., to the corner of sections 25, 30, 31 and 36, T. 12 S., Rs. 2 and 3 W., Umiat Meridian;

Thence westerly, between sections 25 and 36, to the corner of sections 25, 26, 35 and 36, T. 12 S., R. 3 W., Umiat Meridian;

Thence southerly, between sections 35 and 36 to the standard corner of sections 35 and 36, T. 12 S., R. 3 W., Umiat Meridian;

Thence westerly, along the Third Standard Parallel South, to the standard corner of sections 34 and 35, T. 12 S., R. 4 W., Umiat Meridian;

Thence northerly, between sections 34 and 35, 26 and 27, 22 and 23, to the corner of sections 14, 15, 22 and 23, T. 12 S., R. 4 W., Umiat Meridian;

Thence westerly, between sections 15 and 22, 16 and 21, 17 and 20, 18 and 19, to the corner of sections 13, 18, 19 and 24, T. 12 S., Rs. 4 and 5 W., Umiat Meridian;

Thence northerly, between Rs. 4 and 5 W., to the corner of sections 13, 18, 19 and 24, T. 11 S., Rs. 4 and 5 W., Umiat Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, 13 and 24, 14 and 23, 15 and 22, to the corner of sections 15, 16, 21 and 22, T. 11 S., R. 7 W., Umiat Meridian;

Thence southerly, between sections 21 and 22, 27 and 28, 33 and 34, to the corner of sections 3, 4, 33 and 34, Tps. 11 and 12 S., R. 7 W., Umiat Meridian;

Thence westerly, between Tps. 11 and 12 S., to the corner of Tps. 11 and 12 S., Rs. 7 and 8 W., Umiat Meridian;

Thence southerly, between Rs. 7 and 8 W., to the corner of sections 19, 24, 25 and 30, T. 12 S., Rs. 7 and 8 W., Umiat Meridian;

Thence westerly, between sections 24 and 25, 23 and 26, 22 and 27, 21 and 28, 20 and 29, 19 and 30, 24 and 25, 23 and 26, 22 and 27, 21 and 28, 20 and 29, 19 and 30, 24 and 25, 23 and 26, 22 and 27, 21 and 28, 20 and 29, 19 and 30, to the corner of sections 19, 24, 25 and 30, T. 12 S., Rs. 10 and 11 W., Umiat Meridian;

Thence southerly, between Rs. 10 and 11 W., to the corner of T. 12 S., Rs. 10 and 11 W., on the boundary of the Umiat Meridian;

Thence westerly, between the Umiat and Kateel River Meridians, to the closing corner of T. 34 N., Rs. 18 and 19 E., Kateel River Meridian;

Thence southerly, between Rs. 18 and 19 E., to the corner of sections 19, 24, 25 and 30, T. 34 N., Rs. 18 and 19 E., Kateel River Meridian;

Thence westerly, between sections 24 and 25, 23 and 26, 22 and 27, 21 and 28, 20 and 29, 19 and 30, 24 and 25, 23 and 26, 22 and 27, 21 and 28, 20 and 29, 19 and 30, 24 and 25, 23 and 26, 22 and 27, 21 and 28, 20 and 29, 19 and 30, to the corner of sections 19, 24, 25 and 30, T. 34 N., Rs. 15 and 16 E., Kateel River Meridian;

Thence northerly, between Rs. 15 and 16 E., to the closing corner of T. 34 N., Rs. 15 and 16 E., on the boundary of the Kateel River Meridian;

Thence westerly, between the Kateel River and Umiat Meridians, to a point of intersection between the western portion of section 10, T. 34 N., R. 14 E., Kateel River Meridian and section 27, T. 12 S., R. 16 W., Umiat Meridian, with a line projected due north of a peak located in the western portion of section 26, T. 30 N., R. 14 E., Kateel River Meridian, approximate elevation 4,640 feet;

Thence due south to a peak located along the crest of a divide between the drainages of the Nigu and Noatak Rivers in the western portion of section 26, T. 30 N., R. 14 E., Kateel River Meridian, approximate elevation 4,640 feet;

Thence westerly, northerly and northwesterly, along the crest of a divide between the drainages of the Nigu and Noatak Rivers to a summit of a mountain located on a ridge at the junction with a spur ridge located in section 3, T. 30 N., R. 13 E., Kateel River Meridian, approximate elevation 3,250 feet;

Thence southwesterly and westerly, along the crest of a ridge between the drainages of Midas Creek and Mountain Creek, along a common boundary with the Noatak National Preserve, to the summit of a mountain located in section 21, T. 30 N., R. 12 E., Kateel River Meridian, approximate elevation 4,021 feet;

Thence on an approximate forward bearing of S. 87° W., to the summit of a hill located in section 24, T. 30 N., R. 11 E., Kateel River Meridian, approximate elevation 3,473 feet;

Thence northwesterly, along the crest of a ridge to the summit of a mountain located in sections 14 and 15, T. 30 N., R. 11 E., Kateel River Meridian, approximate elevation 4,100 feet;

Thence on an approximate forward bearing of S. 28° W., to the summit of a mountain located in section 22, T. 30 N., R. 11 E., Kateel River Meridian, approximate elevation 3,202 feet;

Thence southwesterly, along the crest of a ridge between Douglas Creek and a tributary of the Noatak River, to the summit of a mountain, located in sections 12 and 13, T. 29 N., R. 10 E., Kateel River Meridian, approximate elevation 3,657 feet;

Thence due south, to a point on the right bank of Douglas Creek located in section 24, T. 29 N., R. 10 E., Kateel River Meridian;

Thence southerly, along the right bank of Douglas Creek, to a point on the right bank of Douglas Creek at the junction of the Noatak River and Douglas Creek located in the northern portion of section 2, T. 28 N., R. 10 E., Kateel River Meridian;

Thence on an approximate forward bearing of S. 24° W., to the summit of a mountain located in section 22, T. 28 N., R. 10 E., Kateel River Meridian, approximate elevation 3,439 feet;

Thence on an approximate forward bearing of S. 51° W., to the summit of a small mountain located in sections 28 and 29, T. 28 N., R. 10 E., Kateel River Meridian, approximate elevation 2,441 feet;

Thence easterly, southerly and westerly, along the divide between the drainages of Kavachurak Creek and Tunukuchiak Creek and Ambler River, to the summit of a mountain located in section 22, T. 26 N., R. 9 E., Kateel River Meridian, approximate elevation 4,298 feet;

Thence northerly, along the crest of the spur ridge to the summit of a mountain located in section 15, T. 26 N., R. 9 E., Kateel River Meridian, approximate elevation 3,980 feet;

Thence on an approximate forward bearing of N. 37° W., to the summit of a mountain located in section 5, T. 26 N., R. 9 E., Kateel River Meridian, approximate elevation 4,625 feet;

Thence southwesterly, along the divide between the drainages of the Ambler and Noatak Rivers, to the summit of a mountain located in sections 23 and 24, T. 26 N., R. 8 E., Kateel River Meridian, approximate elevation 4,508 feet;

Thence on an approximate forward bearing of S. 11° W., to the summit of a mountain located in section 35, T. 26 N., R. 8 E., Kateel River Meridian, approximate elevation 4,720 feet;

Thence easterly, southerly, easterly and southerly along the divide between the Ambler and Imelyak Rivers to the summit of a ridge located in the southern half of section 19, T. 25 N., R. 9 E., Kateel River Meridian, approximate elevation 3,600 feet;

Thence southerly, departing from the common boundary with the Noatak National Preserve, along the divide between tributaries of the Ambler River, to a point between sections 9 and 16, T. 24 N., R. 9 E., Kateel River Meridian, approximate elevation 2,800 feet;

Thence easterly, between sections 9 and 16, 10 and 15, 11 and 14, to the crest of a ridge between sections 11 and 14, T. 24 N., R. 9 E., Kateel River Meridian, approximate elevation 2,600 feet;

Thence northeasterly, along the crest of a ridge between the drainages of tributaries of the Ambler River to the summit of a mountain located in the northwesterly portion of section 4, T. 24 N., R. 10 E., Kateel River Meridian, approximate elevation 3,609 feet;

Thence on an approximate forward bearing of east, to the summit of a mountain located in the northwesterly portion of section 2, T. 24 N., R. 10 E., Kateel River Meridian, approximate elevation 4,499 feet;

Thence northeasterly, along the crest of a ridge between the drainages of Ulaneak Creek, Ambler and Ipnelivik Rivers, to the summit of a mountain located in section 27, T. 25 N., R. 11 E., Kateel River Meridian, approximate elevation 5,040 feet;

Thence on an approximate forward bearing of S. 28° E., to the summit of a mountain located in sections 34 and 35, T. 25 N., R. 11 E., Kateel River Meridian, approximate elevation 4,600 feet;

Thence southerly, along the crest of a ridge between the drainages of Ipnelivik River and Ulaneak Creek, to the summit of a mountain located in sections 25 and 26, T. 24 N., R. 11 E., Kateel River Meridian, approximate elevation 4,600 feet;

Thence on an approximate forward bearing of S. 60° E., to the summit of a mountain located in section 31, T. 24 N., R. 12 E., Kateel River Meridian, approximate elevation 5,076 feet;

Thence southerly, easterly and northeasterly, along the crest of a ridge, to the summit of a mountain between sections 5 and 32, Tps. 23 and 24 N., R. 12 E., Kateel River Meridian, approximate elevation 4,500 feet;

Thence easterly, between Tps. 23 and 24 N., to the summit of a mountain between sections 4 and 33, Tps. 23 and 24 N., R. 12 E., Kateel River Meridian, approximate elevation 4,926 feet;

Thence southerly, along the crest of a ridge, between the drainages of Kogoluktuk River, to the summit of a mountain located in sections 34 and 35, T. 23 N., R. 12 E., Kateel River Meridian, approximate elevation 4,160 feet;

Thence on an approximate forward bearing of S. 20° E., to the summit of a mountain located in section 11, T. 22 N., R. 12 E., Kateel River Meridian, approximate elevation 3,292 feet;

Thence southerly, easterly and southeasterly, along the crest of a ridge between the drainages of Kogoluktuk River and Ivik Creek, to a point between sections 2 and 35, Tps. 21 and 22 N., R. 13 E., Kateel River Meridian;

Thence easterly, between Tps. 21 and 22 N., to the corner of Tps. 21 and 22 N., Rs. 18 and 19 E., Kateel River Meridian;

Thence southerly, between Rs. 18 and 19 E., to the standard corner of T. 21 N., Rs 18 and 19 E., Kateel River Meridian;

Thence westerly, along the Fifth Standard Parallel North, to the closing corner of T. 20 N., Rs. 18 and 19 E., Kateel River Meridian;

Thence southerly, between Rs. 18 and 19 E., to the corner of sections 19, 24, 25 and 30, T. 20 N., Rs. 18 and 19 E., Kateel River Meridian, the place of beginning.

* Department of the Interior 1:250,000 scale map issued in 1981, incorrectly depicts this portion of the description.

*Unit Number 2*

Beginning at the corner of sections 13, 18, 19 and 24, T. 11 S., Rs. 2 and 3 W., Umiat Meridian;

Thence northerly, between Rs. 2 and 3 W., to the corner of Tps. 9 and 10 S., Rs. 2 and 3 W., Umiat Meridian;

Thence westerly, between Tps. 9 and 10 S., to the corner of Tps. 9 and 10 S., Rs. 3 and 4 W., Umiat Meridian;

Thence northerly, between Rs. 3 and 4 W., to the corner of sections 13, 18, 19 and 24, T. 9 S., Rs. 3 and 4 W., Umiat Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, 13 and 24, 14 and 23, 15 and 22, to the corner of sections 15, 16, 21 and 22, T. 9 S., R. 5 W., Umiat Meridian;

Thence southerly, between sections 21 and 22, 27 and 28, 33 and 34, 3 and 4, 9 and 10, 15 and 16, to the corner of sections 15, 16, 21 and 22, T. 10 S., R. 5 W., Umiat Meridian;

Thence easterly, between sections 15 and 22, 14 and 23, 13 and 24, to the corner of

sections 13, 18, 19 and 24, T. 10 S., Rs. 4 and 5 W., Umiat Meridian;

Thence southerly, between Rs. 4 and 5 W., to the corner of Tps. 10 and 11 S., Rs. 4 and 5 W., Umiat Meridian;

Thence easterly, between Tps. 10 and 11 S., to the corner of sections 4, 5, 32 and 33, Tps. 10 and 11 S., R. 4 W., Umiat Meridian;

Thence southerly, between sections 4 and 5, 8 and 9, 16 and 17, to the corner of sections 16, 17, 20 and 21, T. 11 S., R. 4 W., Umiat Meridian;

Thence easterly, between sections 16 and 21, 15 and 22, 14 and 23, 13 and 24, 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24, to the corner of sections 13, 18, 19 and 24, T. 11 S., Rs. 2 and 3 W., Umiat Meridian, the place of beginning.

*Gates of the Arctic National Preserve*

Gates of the Arctic National Preserve as generally depicted on a map numbered GAAR–90,011, dated July 1980, consists of approximately nine hundred thousand acres of public lands, as defined by the ANILCA, within the following described boundaries:

*Unit Number 1*

Beginning at the corner of sections 19, 24, 25 and 30, T. 20 N., Rs. 18 and 19 E., Kateel River Meridian;

Thence easterly, between sections 19 and 30, 20 and 29, 21 and 28, 22 and 27, along a common boundary with the Gates of the Arctic National Park, to the summit of a ridge located in sections 22 and 27, T. 20 N., R. 19 E., Kateel River Meridian, approximate elevation 4,000 feet;

Thence southeasterly, northeasterly, easterly and southeasterly along the crest of a ridge, to a high point on a ridge located in the westerly portion of section 5, T. 19 N., R. 20 E., Kateel River Meridian, approximate elevation 2,900 feet;

*Thence on an approximate forward bearing of S. 14° E., to the summit of a mountain located in section 17, T. 19 N., R. 20 E., Kateel River Meridian, approximate elevation 2,577 feet;

*Thence on an approximate forward bearing of S. 14° E., to the corner of sections 20, 21, 28 and 29, T. 19 N., R. 20 E., Kateel River Meridian;

*Thence on an approximate forward bearing of east to a point on the left bank of the Kobuk River at the center of the confluence of the outlet stream from Walker Lake with the Kobuk River, in section 19, T. 19 N., R. 21 E., Kateel River Meridian;

Thence northeasterly, along the left bank of the Kobuk River and Kichaiakaka Creek, to a point between sections 1 and 36, Tps. 19 and 20 N., R. 22 E., Kateel River Meridian;

Thence easterly, between Tps. 19 and 20 N., to the corner of Tps. 19 and 20 N., Rs. 22 and 23 E., Kateel River Meridian;

Thence southerly, departing from the common boundary with the Gates of the Arctic National Park, between Rs. 22 and 23 E., to the corner of Tps. 17 and 18 N., Rs. 22 and 23 E., Kateel River Meridian;

Thence westerly, between Tps. 17 and 18 N., to the corner of Tps. 17 and 18 N., Rs. 20 and 21 E., Kateel River Meridian;

Thence southerly, between Rs. 20 and 21 E., to the standard corner of T. 17 N., Rs. 20 and 21 E., Kateel River Meridian;

Thence westerly, along the Fourth Standard Parallel North, to the closing corner of T. 16 N., Rs. 20 and 21 E., Kateel River Meridian;

Thence southerly, between Rs. 20 and 21 E., to the corner of Tps. 14 and 15 N., Rs. 20 and 21 E., Kateel River Meridian;

Thence westerly, between Tps. 14 and 15 N., to the corner of Tps. 14 and 15 N., Rs. 14 and 15 E., Kateel River Meridian;

Thence northerly, between Rs. 14 and 15 E., to the closing corner of T. 16 N., Rs. 14 and 15 E., Kateel River Meridian;

Thence westerly, along the Fourth Standard Parallel North, to the standard corner of T. 17 N., Rs. 13 and 14 E., Kateel River Meridian;

Thence northerly, between Rs. 13 and 14 E., to the corner of Tps. 17 and 18 N., Rs. 13 and 14 E., Kateel River Meridian;

Thence easterly, between Tps. 17 and 18 N., to the corner of Tps. 17 and 18 N., Rs. 14 and 15 E., Kateel River Meridian;

Thence northerly, between Rs. 14 and 15 E., to the corner of Tps. 18 and 19 N., Rs. 14 and 15 E., Kateel River Meridian;

Thence easterly, between Tps. 18 and 19 N., to the corner of Tps. 18 and 19 N., Rs. 15 and 16 E., Kateel River Meridian;

Thence southerly, between Rs. 15 and 16 E., to the corner of Tps. 17 and 18 N., Rs. 15 and 16 E., Kateel River Meridian;

Thence easterly, between Tps. 17 and 18 N., to the corner of Tps. 17 and 18 N., Rs. 18 and 19 E., Kateel River Meridian;

Thence northerly between Rs. 18 and 19 E., to the corner of sections 19, 24, 25 and 30, T. 20 N., Rs. 18 and 19 E., Kateel River Meridian, the place of beginning.

*Unit Number 2*

Beginning at a point on the Continental Divide, at the junction of ridges, located near the center of section 31, T. 15 S., R. 10 E., Umiat Meridian, approximate elevation 6,000 feet;

Thence southwesterly, along the Continental Divide, along a common boundary with the Gates of the Arctic National Park, to a point on a ridge where the Continental Divide bears southerly, located in the northerly portion of section 2, T. 16 S., R. 9 E., Umiat Meridian, approximate elevation 6,300 feet;

Thence northwesterly, along the crest of a ridge to a point between sections 12 and 13, T. 15 S., R. 8 E., Umiat Meridian, approximate elevation 3,650 feet;

Thence on an approximate forward bearing of N. 65° W., to the most southerly point on the shore of an unnamed lake located in the Oolah Valley in Section 11, T. 15 S., R. 8 E., Umiat Meridian;

Thence on an approximate forward bearing of N. 59° W., to the summit of a mountain located in section 4, T. 15 S., R. 8 E., Umiat Meridian, approximate elevation 6,323 feet;

Thence northwesterly, along the crest of a ridge between the drainages of Itkillik and Nanushuk Rivers, to the summit of a mountain located near the center of section 26, T. 14 S., R. 6 E., Umiat Meridian, approximate elevation 7,118 feet;

Thence on an approximate forward bearing of N. 70° W., to an easterly summit of Marshmallow Mountain located in the easterly portion of section 20, T. 14 S., R. 6 E., Umiat Meridian, approximate elevation 6,570 feet;

Thence westerly, along the crest of Marshmallow Mountain to a westerly summit of Marshmallow Mountain located in the northerly portion of section 24, T. 14 S., R. 5 E., Umiat Meridian, approximate elevation 6,972 feet;

Thence on an approximate forward bearing of S. 71° W., to the easterly point of the summit of a mountain located in the northerly portion of section 28, T. 14 S., R. 5 E., Umiat Meridian, approximate elevation 6,500 feet;

Thence southwesterly, northwesterly, and northeasterly, along the crest of a ridge between the Alapah Creek, Anaktuvuk River, and Itikmalakpak Creek and the Kayak Creek drainages and northwesterly on a spur ridge, to a point between sections 1 and 36, Tps. 13 and 14 S., R. 4 E., Umiat Meridian;

Thence easterly, departing from the common boundary with the Gates of the Arctic National Park, between Tps. 13 and 14 S., to the corner of Tps. 13 and 14 S., Rs. 4 and 5 E., Umiat Meridian;

Thence northerly, between Rs. 4 and 5 E., to the corner of sections 13, 18, 19 and 24, T. 13 S., Rs. 4 and 5 E., Umiat Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, to the corner of sections 16, 17, 20 and 21, T. 13 S., R. 5 E., Umiat Meridian;

Thence northerly, between sections 16 and 17, 8 and 9, 4 and 5, to the closing corner of sections 4 and 5, T. 13 S., R. 5 E., Umiat Meridian;

Thence easterly, along the Third Standard Parallel South, to the closing corner of T. 13 S., Rs. 5 and 6 E., Umiat Meridian;

Thence southerly, between Rs. 5 and 6 E., to the corner of sections 13, 18, 19 and 24, T. 13 S., Rs. 5 and 6 E., Umiat Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24, 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24, to the corner of sections 13, 18, 19 and 24, T. 13 S., Rs. 7 and 8 E., Umiat Meridian;

Thence northerly, between Rs. 7 and 8 E., to the closing corner of T. 13 S., Rs. 7 and 8 E., Umiat Meridian;

Thence easterly, along the Third Standard Parallel South, to the standard corner of T. 12 S., Rs. 8 and 9 E., Umiat Meridian;

Thence northerly, between Rs. 8 and 9 E., to the corner of Tps. 11 and 12 S., Rs. 8 and 9 E., Umiat Meridian;

Thence easterly, between Tps. 11 and 12 S., to a point on the crest of a ridge between sections 6 and 31, Tps. 11 and 12 S., R. 11 E., Umiat Meridian, approximate elevation 4,650 feet;

Thence southerly, along the crest of a ridge between the drainages of Atigun and Itkillik Rivers, to the summit of a mountain located in the southerly portion of section 18, T. 12 S., R. 11 E., Umiat Meridian, approximate elevation 5,156 feet;

Thence on an approximate forward bearing of S. 35° E., to the summit of a mountain located near the center of section 20, T. 12 S.,

R. 11 E., Umiat Meridian, approximate elevation 4,950 feet;

Thence southeasterly and southwesterly, between the drainages of Atigun and Itkillik Rivers, to the point of intersection with the Continental Divide located at a high point on the ridge in the easterly portion of section 20, T. 15 S., R. 10 E., Umiat Meridian, approximate elevation 6,480 feet;

Thence southwesterly, along the Continental Divide, to a high point on the Continental Divide at the junction of ridges located near the center of section 31, T. 15 S., R. 10 E., Umiat Meridian, approximate elevation 6,000 feet, the place of beginning.

**Units of the National Wilderness Preservation System Within the Gates of the Arctic National Park**

Section 701 (2), Public Law 96–487 (ANILCA):

*Gates of the Arctic Wilderness*

The Gates of the Arctic Wilderness as generally depicted on a map numbered GAAR–90,011, dated July 1980, consists of approximately seven million and fifty-two thousand acres of public lands, as defined in the ANILCA, within the following described boundaries:

*Unit Number 1*

Beginning at the corner of sections 19, 24, 25 and 30, T. 20 N., Rs. 18 and 19 E., Kateel River Meridian;

Thence easterly, between sections 19 and 30, 20 and 29, 21 and 28, 22 and 27, to the summit of a ridge located in sections 22 and 27, T. 20 N., R. 19 E., Kateel River Meridian, approximate elevation 4,000 feet;

Thence southeasterly, northeasterly, easterly and southeasterly, along the crest of a ridge, to a high point on the ridge located in the westerly portion of section 5, T. 19 N., R. 20 E., Kateel River Meridian, approximate elevation 2,900 feet;

*Thence on an approximate forward bearing of S. 14° E., to the summit of a mountain located in section 17, T. 19 N., R. 20 E., Kateel River Meridian, approximate elevation 2,577 feet;

*Thence on an approximate forward bearing of S. 14° E., to the corner of sections 20, 21, 28 and 29, T. 19 N., R. 20 E., Kateel River Meridian;

*Thence on an approximate forward bearing of east, to a point on the left bank of the Kobuk River at the confluence of the outlet stream from Walker Lake with the Kobuk River, in section 19, T. 19 N., R. 21 E., Kateel River Meridian;

Thence northeasterly, along the left bank of the Kobuk River and Kichaiakaka Creek, to a point between sections 1 and 36, Tps. 19 and 20 N., R. 22 E., Kateel River Meridian;

Thence easterly, between Tps. 19 and 20 N., to the corner of sections 3, 4, 33 and 34, Tps. 19 and 20 N., R. 23 E., Kateel River Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, to the closing corner of sections 3 and 4, T. 20 N., R. 23 E., Kateel River Meridian;

Thence easterly, along the Fifth Standard Parallel North, to the standard corner of T. 21 N., Rs. 23 and 24 E., Kateel River Meridian;

Thence northerly, between Rs. 23 and 24 E., to the corner of Tps. 21 and 22 N., Rs. 23 and 24 E., Kateel River Meridian;

Thence easterly, between Tps. 21 and 22 N., to the corner of sections 3, 4, 33 and 34, Tps. 21 and 22 N., R. 25 E., Kateel River Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, to the corner of sections 3 and 4, 33 and 34, Tps. 22 and 23 N., R. 25 E., Kateel River Meridian;

Thence easterly, between Tps. 22 and 23 N., to the corner of Tps. 22 and 23 N., R. 26 E., on the boundary of the Kateel River Meridian;

Thence southerly, between Kateel River and Fairbanks Meridians, to the corner of sections 18 and 19, T. 29 N., R. 24 W., Fairbanks Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, 16 and 21, to the corner of sections 15, 16, 21 and 22, T. 29 N., R. 24 W., Fairbanks Meridian;

Thence northerly, between sections 15 and 16, 9 and 10, 3 and 4, 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, to the corner of sections 3, 4, 33 and 34, Tps. 30 and 31 N., R. 24 W., Fairbanks Meridian;

Thence westerly, between Tps. 30 and 31 N., to the corner of Tps. 30 and 31 N., R. 24 W., on the boundary of the Fairbanks Meridian;

Thence northerly, between Fairbanks and Kateel River Meridians, to the corner of Tps. 31 and 32 N., R. 24 W., Fairbanks Meridian;

Thence easterly, between Tps. 31 and 32 N., to the corner of Tps. 31 and 32 N., R. 18 and 19 W., Fairbanks Meridian;

Thence northerly, between Rs. 18 and 19 W., to the closing corner of T. 32 N., Rs. 18 and 19 W., Fairbanks Meridian;

Thence easterly, along the Eighth Standard Parallel North, to the closing corner of T. 32 N., Rs. 17 and 18 W., Fairbanks Meridian;

Thence southerly, between Rs. 17 and 18 W., to the corner of Tps. 31 and 32 N., Rs. 17 and 18 W., Fairbanks Meridian;

Thence easterly, between Tps. 31 and 32 N., to the corner of Tps. 31 and 32 N., Rs. 16 and 17 W., Fairbanks Meridian;

Thence southerly, between Rs. 16 and 17 W., to the corner of Tps. 29 and 30 N., Rs. 16 and 17 W., Fairbanks Meridian;

Thence easterly, between Tps. 29 and 30 N., to the corner of Tps. 29 and 30 N., Rs. 15 and 16 W., Fairbanks Meridian;

Thence southerly, between Rs. 15 and 16 W., to the standard corner of T. 29 N., Rs. 15 and 16 W., Fairbanks Meridian;

Thence westerly, along the Seventh Standard Parallel North, to the closing corner of T. 28 N., Rs. 16 and 17 W., Fairbanks Meridian;

*Thence southerly, between Rs. 16 and 17 W., to the meander corner of sections 31 and 36 at the line of mean high water on the right bank of the most northerly interconnecting waterway of the Koyukuk River, T. 26 N., Rs. 16 and 17 W., Fairbanks Meridian;

*Thence northeasterly, along the line of mean high water on the right bank of the most northerly interconnecting waterways of the Middle Fork of the Koyukuk River, closing the mouth of the North Fork Koyukuk River, to the meander corner of sections 13 and 14, T. 26 N., R. 14 W., Fairbanks Meridian;

Thence northerly, between sections 13 and 14, to the north 1/16 section corner of sections 13 and 14, T. 26 N., R. 14 W., Fairbanks Meridian;

Thence easterly, along the east and west centerline of the northwest ¼ of section 13, to the northwest 1/16 section corner of section 13, T. 26 N., R. 14 W., Fairbanks Meridian;

Thence northerly, along the north and south centerlines of the northwest ¼ of section 13, and the southwest ¼ of section 12, to the center-west 1/16 section corner of section 12, T. 26 N., R. 14 W., Fairbanks Meridian;

Thence easterly, on the east and west centerline of section 12, to the center ¼ section corner of section 12, T. 26 N., R. 14 W., Fairbanks Meridian;

Thence northerly, along the north and south centerlines of sections 12, 1 and 36, to the ¼ section corner of sections 25 and 36, T. 27 N., R. 14 W., Fairbanks Meridian;

Thence easterly, between sections 25 and 36, to the corner of sections 25, 30, 31 and 36, T. 27 N., Rs. 13 and 14 W., Fairbanks Meridian;

Thence northerly, between Rs. 13 and 14 W., to the corner of sections 19, 24, 25 and 30, T. 27 N., Rs. 13 and 14 W., Fairbanks Meridian;

Thence easterly, between sections 19 and 30, to the corner of sections 19, 20, 29 and 30, T. 27 N., R. 13 W., Fairbanks Meridian;

Thence on an approximate forward bearing of N. 30° E., to the summit of a low point on Twelvemile Mountain located in the southwest portion of section 20, T. 27 N., R. 13 W., Fairbanks Meridian, approximate elevation 2,200 feet;

Thence on an approximate forward bearing of N. 9° E., to a summit of Twelvemile Mountain located in the westerly portion of section 20, T. 27 N., R. 13 W., Fairbanks Meridian, approximate elevation of 2,950 feet;

Thence on an approximate forward bearing of N. 3° E., to a summit of Twelvemile Mountain located in the northwesterly portion of section 20, T. 27 N., R. 13 W., Fairbanks Meridian, approximate elevation 3,100 feet;

Thence on an approximate forward bearing of N. 60° E., to the summit of Twelvemile Mountain located in the northerly portion of section 20, T. 27 N., R. 13 W., Fairbanks Meridian, approximate elevation 3,180 feet;

Thence on an approximate forward bearing of N. 36° E., to a summit of Twelvemile Mountain located in the southeasterly portion of section 17, T. 27 N., R. 13 W., Fairbanks Meridian, approximate elevation 3,100 feet;

Thence on an approximate forward bearing of N. 6° E., to the summit of a low point on Twelvemile Mountain located in the easterly portion of section 17, T. 27 N., R. 13 W., Fairbanks Meridian, approximate elevation 2,600 feet;

Thence on an approximate forward bearing of N. 48° W., to the center-north 1/16 section corner of section 17, T 27 N., R. 13 W., Fairbanks Meridian;

Thence northerly, on the north and south centerline of section 17, to the ¼ section corner of sections 8 and 17, T. 27 N., R. 13 W., Fairbanks Meridian;

Thence westerly, between sections 8 and 17, 7 and 18, 12 and 13, to the corner of sections 11, 12, 13 and 14, T. 27 N., R. 14 W., Fairbanks Meridian;

Thence northerly, between sections 11 and 12, to the ¼ section corner of sections 11 and 12, T. 27 N., R. 14 W., Fairbanks Meridian;

Thence on an approximate forward bearing of N. 25° W., to the summit of a mountain located in the southerly portion of section 2, T. 27 N., R. 14 W., Fairbanks Meridian, approximate elevation 3,125 feet;

Thence northerly and northeasterly, along the crest of a ridge between the drainages of the North and Middle Forks of the Koyukuk River, to the summit of a mountain located in section 8, T. 30 N., R. 12 W., Fairbanks Meridian, approximate elevation 3,150 feet;

Thence on an approximate forward bearing of N. 27° E., to the ¼ section corner of sections 5 and 8, T. 30 N., R. 12 W., Fairbanks Meridian;

Thence northerly, on the north and south centerlines of sections 5 and 32, to the center ¼ section corner of section 32, T. 31 N., R. 12 W., Fairbanks Meridian;

Thence on an approximate forward bearing of N. 16° E., to the summit of a mountain located in the southerly portion of section 29, T. 31 N., R. 12 W., Fairbanks Meridian, approximate elevation 3,020 feet;

Thence northeasterly, along the crest of a ridge between the drainages of Washington Creek, Canyon Creek, Glacier River and the Middle Fork of the Koyukuk River, to the summit of a mountain located in the southerly portion of section 2, T. 31 N., R. 12 W., Fairbanks Meridian, approximate elevation 3,150 feet;

Thence on an approximate forward bearing of S. 69° E., to the junction of Hammond River and Canyon Creek located in the easterly portion of section 12, T. 31 N., R. 12 W., Fairbanks Meridian;

Thence on an approximate forward bearing of S. 82° E., to the summit of a mountain located in the easterly portion of section 7, T. 31 N., R. 11 W., Fairbanks Meridian, approximate elevation 2,738 feet;

Thence southeasterly and northerly, along the crest of a ridge, to the summit of a mountain located in the northerly portion of section 11, T. 31 N., R. 11 W., Fairbanks Meridian, approximate elevation 3,065 feet;

Thence on an approximate forward bearing of N. 32° E., to the summit of a mountain located in section 36, T. 32 N., R. 11 W., Fairbanks Meridian, approximate elevation 3,033 feet;

Thence northerly, along the crest of a ridge between the drainages of Vi Creek, Hammond River, and Kalhabuk Creek and the Middle Fork of the Koyukuk River, to the northerly point of the crest of a ridge located in section 5, T. 33 N., R. 10 W., Fairbanks Meridian, approximate elevation 4,100 feet;

Thence on an approximate forward bearing of N. 2° W., on a line passing at midpoint between two lakes in section 32, to the crest of a ridge located near the center of section 29, T. 34 N., R. 10 W., Fairbanks Meridian, approximate elevation 3,200 feet;

Thence northwesterly, northerly and northeasterly along the crest of a ridge between the drainages of Dietrich and Hammond Rivers, to the summit of a mountain located in the northwesterly portion of section 31, T. 35 N., R. 10 W., Fairbanks Meridian, approximate elevation 3,110 feet;

Thence on an approximate forward bearing of N. 9° E., to the summit of a mountain located in sections 18 and 19, T. 35 N., R. 10 W., Fairbanks Meridian, approximate elevation 4,010 feet;

Thence northerly, along the crest of a ridge between the Dietrich River drainage and Big Jim and Trembley Creeks, to the summit of a mountain located in the southwesterly portion of section 29, T. 36 N., R. 10 W., Fairbanks Meridian, approximate elevation 4,130 feet;

Thence on an approximate forward bearing of N. 8° E., to the summit of a mountain located near the center of section 17, T. 36 N., R. 10 W., Fairbanks Meridian, approximate elevation 4,230 feet;

Thence northerly, along the crest of a ridge, between the drainages of Dietrich River and Koyuktuvuk Creek, to a point of intersection with the Continental Divide, located near the center of section 31, T. 15 S., R. 10 E., Umiat Meridian, approximate elevation 6,000 feet;

Thence southwesterly, along the Continental Divide, to a point on a ridge where the Continental Divide bears southerly, located in the northerly portion of section 2, T. 16 S., R. 9 E., Umiat Meridian, approximate elevation 6,300 feet;

Thence northwesterly, along the crest of a ridge, to a point between sections 12 and 13, T. 15 S., R. 8 E., Umiat Meridian, approximate elevation 3,650 feet;

Thence on an approximate forward bearing of N. 65° W., to the most southerly point on the shore of an unnamed lake located in the Oolah Valley in section 11, T. 15 S., R. 8 E., Umiat Meridian;

Thence on an approximate forward bearing of N. 59° W., to the summit of a mountain located in section 4, T. 15 S., R. 8 E., Umiat Meridian, approximate elevation 6,323 feet;

Thence northwesterly, along the crest of a ridge between the drainages of Itkillik and Nanushuk Rivers, to the summit of a mountain located near the center of section 26, T. 14 S., R. 6 E., Umiat Meridian, approximate elevation 7,118 feet;

Thence on an approximate forward bearing of N. 70° W., to an easterly summit of Marshmallow Mountain located in the easterly portion of section 20, T. 14 S., R. 6 E., Umiat Meridian, approximate elevation 6,570 feet;

Thence westerly, along the crest of Marshmallow Mountain, to a westerly summit of Marshmallow Mountain located in the northerly portion of section 24, T. 14 S., R. 5 E., Umiat Meridian, approximate elevation 6,972 feet;

Thence on an approximate forward bearing of S. 71° W., to the easterly point of the summit of a mountain located in the northerly portion of section 28, T. 14 S., R. 5 E., Umiat Meridian, approximate elevation 6,500 feet;

Thence southwesterly, northwesterly and northeasterly, along the crest of a ridge between the Alapah Creek, Anaktuvuk River and Itikmalapak Creek and the Kayak Creek drainages and northwesterly on a spur ridge, to a point between sections 1 and 36, Tps. 13 and 14 S., R. 4 E., Umiat Meridian;

Thence westerly between Tps. 13 and 14 S., to the corner of sections 3, 4, 33 and 34, Tps. 13 and 14 S., R. 4 E., Umiat Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, 27 and 28, 33 and 34, to the corner of sections 3, 4, 33 and 34, Tps. 14 and 15 S., R. 4 E., Umiat Meridian;

Thence westerly, between Tps. 14 and 15 S., to the corner of sections 5, 6, 31 and 32, Tps. 14 and 15 S., R. 4 E., Umiat Meridian;

Thence southerly, between sections 5 and 6, 7 and 8, 17 and 18, to the corner of sections 17, 18, 19 and 20, T. 15 S., R. 4 E., Umiat Meridian;

Thence easterly, between sections 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24, to the corner of sections 13, 18, 19 and 24, T. 15 S., Rs. 4 and 5 E., Umiat Meridian;

Thence southerly, between Rs. 4 and 5 E., to the corner of Tps. 15 and 16 S., Rs. 4 and 5 E., Umiat Meridian;

Thence westerly, between Tps. 15 and 16 S., to the corner of sections 4, 5, 32 and 33, Tps. 15 and 16 S., R. 4 E., Umiat Meridian;

Thence southerly, between sections 4 and 5, 8 and 9, 16 and 17, to the corner of sections 16, 17, 20 and 21, T. 16 S., R. 4 E., Umiat Meridian;

Thence westerly, between sections 17 and 20, 18 and 19, to the corner of sections 13, 18, 19 and 24, T. 16 S., Rs. 3 and 4 E., Umiat Meridian;

Thence southerly, between Rs. 3 and 4 E., to the corner of sections 25, 30, 31 and 36, T. 16 S., Rs. 3 and 4 E., Umiat Meridian;

Thence westerly, between sections 25 and 36, 26 and 35, 27 and 34, 28 and 33, 29 and 32, 30 and 31, to the corner of sections 25, 30, 31 and 36, T. 16 S., Rs. 2 and 3 E., Umiat Meridian;

Thence northerly, between Rs. 2 and 3 E., to the corner of sections 7, 12, 13 and 18, T. 16 S., Rs. 2 and 3 E., Umiat Meridian;

Thence westerly, between sections 12 and 13, 11 and 14, 10 and 15, to the corner of sections 9, 10, 15 and 16, T. 16 S., R. 2 E., Umiat Meridian;

Thence southerly, between sections 15 and 16, 21 and 22, 27 and 28, 33 and 34, to the corner of sections 3, 4, 33 and 34, Tps. 16 and 17 S., R. 2 E., Umiat Meridian;

Thence westerly, between Tps. 16 and 17 S., to the corner of Tps. 16 and 17 S., Rs. 1 and 2 E., Umiat Meridian;

Thence northerly, between Rs. 1 and 2 E., to the corner of sections 1, 6, 7 and 12, T. 16 S., Rs. 1 and 2 E., Umiat Meridian;

Thence westerly, between sections 1 and 12, 2 and 11, to the corner of sections 2, 3, 10 and 11, T. 16 S., R. 1 E., Umiat Meridian;

Thence southerly, between sections 10 and 11, to the corner of sections 10, 11, 14 and 15, T. 16 S., R. 1 E., Umiat Meridian;

Thence westerly, between sections 10 and 15, to the corner of sections 9, 10, 15 and 16, T. 16 S., R. 1 E., Umiat Meridian;

*Thence southerly, between sections 15 and 16, and 21 and 22, to the corner of sections 21, 22, 27 and 28, T. 16 S., R. 1 E., Umiat Meridian;

*Thence westerly, between sections 21 and 28, to the corner of sections 20, 21, 28 and 29, T. 16 S., R. 1 E., Umiat Meridian;

*Thence northerly, between sections 20 and 21, to the corner of sections 16, 17, 20 and 21, T. 16 S., R. 1 E., Umiat Meridian;

*Thence westerly, between sections 17 and 20, to the corner of sections 17, 18, 19 and 20, T. 16 S., R. 1 E., Umiat Meridian;

*Thence southerly, between sections 19 and 20, to the corner of sections 19, 20, 29 and 30, T. 16 S., R. 1 E., Umiat Meridian;

Thence westerly, between sections 19 and 30, to the corner of sections 19, 24, 25 and 30, T. 16 S., Rs. 1 E. and 1 W., Umiat Meridian;

Thence southerly, between Rs. 1 E. and 1 W., to the corner of sections 25, 30, 31 and 36, T. 16 S., Rs. 1 E. and 1 W., Umiat Meridian;

Thence westerly, between sections 25 and 36, to the corner of sections 25, 26, 35 and 36, T. 16 S., R. 1 W., Umiat Meridian;

Thence southerly, between sections 35 and 36, to the corner of sections 1, 2, 35 and 36, Tps. 16 and 17 S., R. 1 W., Umiat Meridian;

Thence westerly, between Tps. 16 and 17 S., to the corner of sections 2, 3, 34 and 35, Tps. 16 and 17 S., R. 1 W., Umiat Meridian;

Thence southerly, between sections 2 and 3, to the corner of sections 2 and 3, on the boundary of the Umiat Meridian, T. 17 S., R. 1 W.;

Thence westerly, between the Umiat and Fairbanks Meridians, to the corner of sections 4 and 5, T. 17 S., R. 1 W., Umiat Meridian;

Thence northerly, between sections 4 and 5, and 32 and 33, to the corner of sections 28, 29, 32 and 33, Tps. 16 S., R. 1 W., Umiat Meridian;

Thence westerly, between sections 29 and 32, and 30 and 31, to the corner of sections 25, 30, 31 and 36, Tps. 16 S., Rs. 1 and 2 W., Umiat Meridian;

Thence northerly, between Rs. 1 and 2 W., to the corner of sections 1, 6, 7 and 12, T. 16 S., Rs. 1 and 2 W., Umiat Meridian;

Thence easterly, between sections 6 and 7, 5 and 8, 4 and 9, and 3 and 10, to the corner of sections 2, 3, 10 and 11, T. 16 S., R. 1 W., Umiat Meridian;

Thence northerly, between sections 2 and 3, 34 and 35, 26 and 27, to the corner of sections 22, 23, 26 and 27, T. 15 S., R. 1 W., Umiat Meridian;

Thence westerly, between sections 22 and 27, 21 and 28, to the corner of sections 20, 21, 28 and 29, T. 15 S., R. 1 W., Umiat Meridian;

Thence northerly, between sections 20 and 21, to the corner of sections 16 and 17, 20 and 21, T. 15 S., R. 1 W., Umiat Meridian;

Thence westerly, between sections 17 and 20, 18 and 19, to the corner of sections 13, 18, 19 and 24, T. 15 S., Rs. 1 and 2 W., Umiat Meridian;

Thence northerly, between Rs. 1 and 2 W., to the corner of sections 7, 12, 13 and 18, T. 15 S., Rs. 1 and 2 W., Umiat Meridian;

Thence westerly, between sections 12 and 13, 11 and 14, 10 and 15, 9 and 16, 8 and 17, to the corner of sections 7, 8, 17 and 18, T. 15 S., R. 2 W., Umiat Meridian;

Thence northerly, between sections 7 and 8, 5 and 6, to the corner of sections 5, 6, 31 and 32, Tps. 14 and 15 S., R. 2 W., Umiat Meridian;

Thence westerly, between Tps. 14 and 15 S., to the corner of sections 4, 5, 32 and 33, Tps. 14 and 15 S., R. 4 W., Umiat Meridian;

Thence northerly, between sections 32 and 33, 28 and 29, 20 and 21, to the corner of sections 16, 17, 20 and 21, T. 14 S., R. 4 W., Umiat Meridian;

Thence easterly, between sections 16 and 21, 15 and 22, to the corner of sections 14, 15, 22 and 23, T. 14 S., R. 4 W., Umiat Meridian;

Thence northerly, between sections 14 and 15, 10 and 11, 2 and 3, 34 and 35, 26 and 27, 22 and 23, 14 and 15, 10 and 11, 2 and 3, to the closing corner of sections 2 and 3, T. 13 S., R. 4 W., Umiat Meridian;

Thence westerly, along the Third Standard Parallel South, to the standard corner of sections 34 and 35, T. 12 S., R. 4 W., Umiat Meridian;

Thence northerly, between sections 34 and 35, 26 and 27, 22 and 23, to the corner of sections 14, 15, 22 and 23, T. 12 S., R. 4 W., Umiat Meridian;

Thence westerly, between sections 15 and 22, 16 and 21, 17 and 20, 18 and 19, to the corner of sections 13, 18, 19 and 24, T. 12 S., Rs. 4 and 5 W., Umiat Meridian;

Thence northerly, between Rs. 4 and 5 W., to the corner of sections 13, 18, 19 and 24, T. 11 S., Rs. 4 and 5 W., Umiat Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, 13 and 24, 14 and 23, 15 and 22, to the corner of sections 15, 16, 21 and 22, T. 11 S., R. 7 W., Umiat Meridian;

Thence southerly, between sections 21 and 22, 27 and 28, 33 and 34, to the corner of sections 3, 4, 33 and 34, Tps. 11 and 12 S., R. 7 W., Umiat Meridian;

Thence westerly, between Tps. 11 and 12 S., to the corner of Tps. 11 and 12 S., Rs. 7 and 8 W., Umiat Meridian;

Thence southerly, between Rs. 7 and 8 W., to the corner of sections 19, 24, 25 and 30, T. 12 S., Rs. 7 and 8 W., Umiat Meridian;

Thence westerly, between sections 24 and 25, 23 and 26, 22 and 27, 21 and 28, 20 and 29, 19 and 30, 24 and 25, 23 and 26, 22 and 27, 21 and 28, 20 and 29, 19 and 30, 24 and 25, 23 and 26, 22 and 27, 21 and 28, 20 and 29, 19 and 30, to the corner of sections 19, 24, 25 and 30, T. 12 S., Rs. 10 and 11 W., Umiat Meridian;

Thence southerly, between Rs. 10 and 11 W., to the corner of T. 12 S., Rs. 10 and 11 W., on the boundary of the Umiat Meridian;

Thence westerly, between the Umiat and Kateel River Meridians, to the closing corner of T. 34 N., Rs. 18 and 19 E., Kateel River Meridian;

Thence southerly, between Rs. 18 and 19 E., to the corner of sections 19, 24, 25 and 30, T. 34 N., Rs. 18 and 19 E., Kateel River Meridian;

Thence westerly, between sections 24 and 25, 23 and 26, 22 and 27, 21 and 28, 20 and 29, 19 and 30, 24 and 25, 23 and 26, 22 and 27, 21 and 28, 20 and 29, 19 and 30, 24 and 25, 23 and 26, 22 and 27, 21 and 28, 20 and 29, 19 and 30, to the corner of sections 19, 24, 25 and 30, T. 34 N., Rs. 15 and 16 E., Kateel River Meridian;

Thence northerly, between Rs. 15 and 16 E., to the closing corner of T. 34 N., Rs. 15 and 16 E., on the boundary of the Kateel River Meridian;

Thence westerly, between the Kateel River and Umiat Meridians, to a point of intersection between the western portion of section 10, T. 34 N., R. 14 E., Kateel River Meridian and section 27, T. 12 S., R. 16 W., Umiat Meridian with a line projected due north of a peak located in the western portion of section 26, T. 30 N., R. 14 E., Kateel River Meridian, approximate elevation 4,640 feet;

Thence due south to a peak located along the crest of a divide between the drainages of the Nigu and Noatak Rivers in the western portion of section 26, T. 30 N., R. 14 E., Kateel River Meridian, approximate elevation 4,640 feet;

Thence westerly, northerly and northwesterly along the crest of a divide between the drainages of the Nigu and Noatak Rivers to a summit of a mountain located on a ridge at the junction with a spur ridge located in section 3, T. 30 N., R. 13 E., Kateel River Meridian, approximate elevation 3,250 feet;

Thence southwesterly and westerly, along the crest of a ridge between the drainages of Midas Creek and Mountain Creek, to the summit of a mountain located in section 21, T. 30 N., R. 12 E., Kateel River Meridian, approximate elevation 4,021 feet;

Thence on an approximate forward bearing of S. 87° W., to the summit of a hill located in section 24, T. 30 N., R. 11 E., Kateel River Meridian, approximate elevation 3,473 feet;

Thence northwesterly, along the crest of a ridge, to the summit of a mountain located in sections 14 and 15, T. 30 N., R. 11 E., Kateel River Meridian, approximate elevation 4,100 feet;

Thence on an approximate forward bearing of S. 28° W., to the summit of a mountain located in section 22, T. 30 N., R. 11 E., Kateel River Meridian, approximate elevation 3,202 feet;

Thence southwesterly, along the crest of the ridge between Douglas Creek and a tributary of the Noatak River, to the summit of a mountain located in sections 12 and 13, T. 29 N., R. 10 E., Kateel River Meridian, approximate elevation 3,657 feet;

Thence due south, to a point on the right bank of Douglas Creek located in section 24, T. 29 N., R. 10 E., Kateel River Meridian;

Thence southerly, along the right bank of Douglas Creek, to a point on the right bank of Douglas Creek at the junction of the Noatak River and Douglas Creek located in the northern portion of Section 2, T. 28 N., R. 10 E., Kateel River Meridian;

Thence on an approximate forward bearing of S. 24° W., to the summit of a mountain located in section 22, T. 28 N., R. 10 E., Kateel River Meridian, approximate elevation 3,439 feet;

Thence on an approximate bearing of S. 51° W., to the summit of a small mountain located in sections 28 and 29, T. 28 N., R. 10 E., Kateel River Meridian, approximate elevation 2,441 feet;

Thence easterly, southerly and westerly, along the divide between the drainages of Kavachurak Creek and Tunukuchiak Creek and Ambler River, to the summit of a mountain located in section 22, T. 26 N., R. 9 E., Kateel River Meridian, approximate elevation 4,298 feet;

Thence northerly, along the crest of the spur ridge to the summit of a mountain

located in section 15, T. 26 N., R. 9 E., Kateel River Meridian, approximate elevation 3,980 feet;

Thence on an approximate forward bearing of N. 37° W., to the summit of a mountain located in section 5, T. 26 N., R. 9 E., Kateel River Meridian, approximate elevation 4,625 feet;

Thence southwesterly, along the divide between the drainages of Ambler and Noatak Rivers, to the summit of a mountain located in sections 23 and 24, T. 26 N., R. 8 E., Kateel River Meridian, approximate elevation 4,508 feet;

Thence on an approximate forward bearing of S. 11° W., to the summit of a mountain located in section 35, T. 26 N., R. 8 E., Kateel River Meridian, approximate elevation 4,720 feet;

Thence easterly, southerly, easterly and southerly, along the divide between the drainages of Ambler and Imelyak Rivers, and between tributaries of the Ambler River, to a point between sections 9 and 16, T. 24 N., R. 9 E., Kateel River Meridian, approximate elevation 2,800 feet;

Thence easterly, between sections 9 and 16, 10 and 15, 11 and 14, to the crest of a ridge between sections 11 and 14, T. 24 N., R. 9 E., Kateel River Meridian, approximate elevation 2,600 feet;

Thence northeasterly, along the crest of a ridge between the drainages of tributaries of the Ambler River to the summit of a mountain located in the northwesterly portion of section 4, T. 24 N., R. 10 E., Kateel River Meridian, approximate elevation 3,609 feet;

Thence on an approximate forward bearing of east, to the summit of a mountain located in the northwesterly portion of section 2, T. 24 N., R. 10 E., Kateel River Meridian, approximate elevation 4,499 feet;

Thence northeasterly, along the crest of a ridge between the drainages of Ulaneak Creek, Ambler and Ipnelivik Rivers, to the summit of a mountain located in section 27, T. 25 N., R. 11 E., Kateel River Meridian, approximate elevation 5,040 feet;

Thence on an approximate forward bearing of S. 28° E., to the summit of a mountain located in sections 34 and 35, T. 25 N., R. 11 E., Kateel River Meridian, approximate elevation 4,600 feet;

Thence southerly, along the crest of a ridge between the drainages of Ipnelivik River and Ulaneak Creek, to the summit of a mountain located in sections 25 and 26, T. 24 N., R. 11 E., Kateel River Meridian, approximate elevation 4,600 feet;

Thence on an approximate forward bearing of S. 60° E., to the summit of a mountain located in section 31, T. 24 N., R. 12 E., Kateel River Meridian, approximate elevation 5,076 feet;

Thence southerly, easterly and northeasterly, along the crest of a ridge, to the summit of a mountain between sections 5 and 32, Tps. 23 and 24 N., R. 12 E., Kateel River Meridian, approximate elevation 4,500 feet;

Thence easterly, between Tps. 23 and 24 N., to the summit of a mountain between sections 4 and 33, Tps. 23 and 24 N., R. 12 E., Kateel River Meridian, approximate elevation 4,926 feet;

Thence southerly, along the crest of a ridge, between the drainages of Kogoluktuk River, to the summit of a mountain located in sections 34 and 35, T. 23 N., R. 12 E., Kateel River Meridian, approximate elevation 4,160 feet;

Thence on an approximate forward bearing of S. 20° E., to the summit of a mountain located in section 11, T. 22 N., R. 12 E., Kateel River Meridian, approximate elevation 3,292 feet;

Thence southerly, easterly and southeasterly, along the crest of a ridge between the drainages of Kogoluktuk River and Ivik Creek, to a point between sections 2 and 35, Tps. 21 and 22 N., R. 13 E., Kateel River Meridian;

Thence easterly, between Tps. 21 and 22 N., to the corner of Tps. 21 and 22 N., Rs. 18 and 19 E., Kateel River Meridian;

Thence southerly, between Rs. 18 and 19 E., to the standard corner of T. 21 N., Rs. 18 and 19 E., Kateel River Meridian;

Thence westerly, along the Fifth Standard Parallel North, to the closing corner of T. 20 N., Rs. 18 and 19 E., Kateel River Meridian;

Thence southerly, between Rs. 18 and 19 E., to the corner of sections 19, 24, 25 and 30, T. 20 N., Rs. 18 and 19 E., Kateel River Meridian, the place of beginning.

*Department of the Interior 1:250,000 scale map issued in 1981, incorrectly depicts this portion of the description.

*Unit Number 2*

Beginning at the corner of sections 13, 18, 19 and 24, T. 11 S., Rs. 2 and 3 W., Umiat Meridian;

Thence northerly, between Rs. 2 and 3 W., to the corner of Tps. 9 and 10 S., Rs. 2 and 3 W., Umiat Meridian;

Thence westerly, between Tps. 9 and 10 S., to the corner of Tps. 9 and 10 S., Rs. 3 and 4 W., Umiat Meridian;

Thence northerly, between Rs. 3 and 4 W., to the corner of sections 13, 18, 19 and 24, T. 9 S., Rs. 3 and 4 W., Umiat Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, 13 and 24, 14 and 23, 15 and 22, to the corner of sections 15, 16, 21 and 22, T. 9 S., R. 5 W., Umiat Meridian;

Thence southerly, between sections 21 and 22, 27 and 28, 33 and 34, 3 and 4, 9 and 10, 15 and 16, to the corner of sections 15, 16, 21 and 22, T. 10 S., R. 5 W., Umiat Meridian;

Thence easterly, between sections 15 and 22, 14 and 23, 13 and 24, to the corner of sections 13, 18, 19 and 24, T. 10 S., Rs. 4 and 5 W., Umiat Meridian;

Thence southerly, between Rs. 4 and 5 W., to the corner of Tps. 10 and 11 S., Rs. 4 and 5 W., Umiat Meridian;

Thence easterly, between Tps. 10 and 11 S., to the corner of sections 4, 5, 32 and 33, Tps. 10 and 11 S., R. 4 W., Umiat Meridian;

Thence southerly, between sections 4 and 5, 8 and 9, 16 and 17, to the corner of sections 16, 17, 20 and 21, T. 11 S., R. 4 W., Umiat Meridian;

Thence easterly, between sections 16 and 21, 15 and 22, 14 and 23, 13 and 24, 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24 to the corner of sections 13, 18, 19 and 24, T. 11 S., Rs. 2 and 3 W., Umiat Meridian, the place of beginning.

*Unit Number 3*

Beginning at the corner of sections 19, 24, 25 and 30, T. 15 S., Rs. 1 E., and 1 W., Umiat Meridian;

Thence easterly, between sections 19 and 30, 20 and 29, to the corner of sections 20, 21, 28 and 29, T. 15 S., R. 1 E., Umiat Meridian;

Thence northerly, between sections 20 and 21, 16 and 17, 8 and 9, 4 and 5, to the corner of sections 4, 5, 32 and 33, Tps. 14 and 15 S., R. 1 E., Umiat Meridian;

Thence easterly, between Tps. 14 and 15 S., to the corner of sections 5, 6, 31 and 32, Tps. 14 and 15 S., R. 2 E., Umiat Meridian;

Thence northerly, between sections 31 and 32, 29 and 30, 19 and 20, 17 and 18, 7 and 8, 5 and 6, to the corner of sections 5, 6, 31 and 32, Tps. 13 and 14 S., R. 2 E., Umiat Meridian;

Thence westerly, between Tps. 13 and 14 S., to the corner of Tps. 13 and 14 S., Rs. 1 and 2 E., Umiat Meridian;

Thence northerly, between Rs. 1 and 2 E., to the corner of sections 25, 30, 31 and 36, T. 13 S., Rs. 1 and 2 E., Umiat Meridian;

Thence westerly, between sections 25 and 36, 26 and 35, 27 and 34, 28 and 33, 29 and 32, 30 and 31, 25 and 36, 26 and 35, 27 and 34, 28 and 33, 29 and 32, 30 and 31, to the corner of sections 25, 30, 31 and 36, T. 13 S., Rs. 1 and 2 W., Umiat Meridian;

Thence northerly, between Rs. 1 and 2 W., to the closing corner of T. 13 S., Rs. 1 and 2 W., Umiat Meridian;

Thence westerly, along the Third Standard Parallel South, to the standard corner of T. 12 S., Rs. 1 and 2 W., Umiat Meridian;

Thence northerly, between Rs. 1 and 2 W., to the corner of sections 13, 18, 19 and 24, T. 12 S., Rs. 1 and 2 W., Umiat Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, to the corner of sections 13, 18, 19 and 24, T. 12 S., Rs. 2 and 3 W., Umiat Meridian;

Thence southerly, between Rs. 2 and 3 W., to the corner of sections 25, 30, 31 and 36, T. 12 S., Rs. 2 and 3 W., Umiat Meridian;

Thence westerly, between sections 25 and 36, to the corner of sections 25, 26, 35 and 36, T. 12 S., R. 3 W., Umiat Meridian;

Thence southerly, between sections 35 and 36, to the standard corner of sections 35 and 36, T. 12 S., R. 3 W., Umiat Meridian;

Thence easterly, along the Third Standard Parallel South, to the closing corner of sections 1 and 2, T. 13 S., R. 3 W., Umiat Meridian;

Thence southerly, between sections 1 and 2, to the corner of sections 1, 2, 11 and 12, T. 13 S., R. 3 W., Umiat Meridian;

Thence westerly, between sections 2 and 11, 3 and 10, to the corner of sections 3, 4, 9 and 10, T. 13 S., R. 3 W., Umiat Meridian;

Thence southerly, between sections 9 and 10, 15 and 16, 21 and 22, 27 and 28, 33 and 34, 3 and 4, to the corner of sections 3, 4, 9 and 10, T. 14 S., R. 3 W., Umiat Meridian;

Thence westerly, between sections 4 and 9, 5 and 8, to the corner of sections 5, 6, 7 and 8, T. 14 S., R. 3 W., Umiat Meridian;

Thence southerly, between sections 7 and 8, 17 and 18, 19 and 20, to the corner of sections 19, 20, 29 and 30, T. 14 S., R. 3 W., Umiat Meridian;

Thence easterly, between sections 20 and 29, 21 and 28, 22 and 27, 23 and 26, 24 and 25, 19 and 30, 20 and 29, to the corner of sections 20, 21, 28 and 29, T. 14 S., R. 2 W., Umiat Meridian;

Thence southerly, between sections 28 and 29, 32 and 33, to the corner of sections 4, 5, 32 and 33, Tps. 14 and 15 S., R. 2 W., Umiat Meridian;

Thence easterly, between Tps. 14 and 15 S., to the corner of Tps. 14 and 15 S., Rs. 1 and 2 W., Umiat Meridian;

Thence southerly, between Rs. 1 and 2 W., to the corner of sections 1, 6, 7 and 12, T. 15 S., Rs. 1 and 2 W., Umiat Meridian;

Thence easterly, between sections 6 and 7, 5 and 8, 4 and 9, 3 and 10, to the corner of sections 2, 3, 10 and 11, T. 15 S., R. 1 W., Umiat Meridian;

Thence southerly, between sections 10 and 11, to the corner of sections 10, 11, 14 and 15, T. 15 S., R. 1 W., Umiat Meridian;

Thence easterly, between sections 11 and 14, 12 and 13, to the corner of sections 7, 12, 13 and 18, T. 15 S., Rs. 1 E. and 1 W., Umiat Meridian;

Thence southerly, between Rs. 1 E. and 1 W., to the corner of sections 19, 24, 25 and 30, T. 15 S., Rs. 1 E. and 1 W., Umiat Meridian, the place of beginning.

## Units of the National Wild and Scenic Rivers System Within the Gates of the Arctic National Park and Preserve

Section 601, Public Law 96–487 (ANILCA):

"Alatna, Alaska.—The main stem within the Gates of the Arctic National Park; to be administered by the Secretary of the Interior."

"John, Alaska.—That portion of the river within the Gates of the Arctic National Park; to be administered by the Secretary of the Interior."

"Kobuk, Alaska.—That portion within the Gates of the Arctic National Park and Preserve; to be administered by the Secretary of the Interior."

"Noatak, Alaska.—The river from its source in the Gates of the Arctic National Park to its confluence with the Kelly River in the Noatak National Preserve; to be administered by the Secretary of the Interior."

"North Fork of the Koyukuk, Alaska.—That portion within the Gates of the Arctic National Park; to be administered by the Secretary of the Interior."

"Tinayguk, Alaska.—That portion within the Gates of the Arctic National Park; to be administered by the Secretary of the Interior."

Note: Pursuant to section 605(d) of ANILCA and as provided for under section 3(b) of the Wild and Scenic Rivers Act, the necessity for any river corridor boundaries for the preceding named rivers within the Gates of the Arctic National Park and Preserve has been considered during the comprehensive conservation planning process for the park and preserve. In accordance with the General Management Plan for Gates of the Arctic National Park and Preserve, approved November 7, 1986, no specific river corridor boundaries are deemed necessary for the preceding named rivers in order to protect the rivers and their immediate environments. Proposed management of the park and preserve meets and is compatible with management standards established by the Wild and Scenic Rivers Act.

The following U.S. Geological Survey 1:63,360 Series (Topographic) Quadrangle Maps were used in preparing the legal boundary descriptions for the Gates of the Arctic National Park and Preserve and Gates of the Arctic Wilderness:

Ambler River, Alaska: (B–1) pe 1990; (B–2) pe 1990; (C–1) pe 1990; (C–2) pe 1990; (D–1) pe 1990; (D–2) pe 1990.

Chandalar, Alaska: (C–6) 1971 pr 1975; (D–6) 1971 pr 1975.

Chandler Lake, Alaska: (A–1) 1971; (A–2) 1971; (A–3) 1971; (A–4) pe 1986; (A–5) pe 1986; (B–1) 1971; (B–2) 1971; (B–3) pe 1987; (B–4) pe 1987; (B–5) pe 1987; (C–5) pe 1987.

Hughes, Alaska: (C–3) pe 1986; (C–4) pe 1986; (C–5) pe 1986; (C–6) pe 1986; (D–2) pe 1986; (D–3) pe 1986; (D–4) pe 1986; (D–5) pe 1986; (D–6) pe 1986.

Killik River, Alaska: (A–5) 1984; (B–1) pe 1986; (B–2) pe 1986; (B–3) pe 1986; (B–4) pe 1986; (B–5) 1984; (C–1) pe 1986.

Phillip Smith Mountain, Alaska: (A–5) 1971 pr 1975; (B–5) 1971 pr 1975.

Survey Pass, Alaska: (A–2) pe 1986; (A–3) pe 1986; (A–4) pe 1986; (B–1) pe 1986; (B–2) pe 1986; (B–4) pe 1990; (B–5) pe 1990; (B–6) pe 1990; (D–6) 1984.

Wiseman, Alaska: (A–1) 1970 pr 1975; (A–2) 1970; (A–3) 1970; (B–1) 1971 pr 1975; (B–2) 1971; (B–3) 1971; (B–6) pe 1986; (C–1) 1971; (C–3) 1971; (C–4) 1971; (C–5) 1971; (C–6) pe 1986.

pe—provisional edition
mr—minor revisions
pr—photorevised

BILLING CODE 4310–70–F

# GATES OF THE ARCTIC NATIONAL PARK AND PRESERVE

## PUBLIC LAW 96-487


BASE LINE
NORTH SLOPE
GOLVILLE
BROOKS RANGE
ARCTIC
CIRCLE
ALATNA HILLS
LOCKWOOD HILLS
SCHWATKA MTNS
SHUBLIK MOUNTAINS
WHITE MTNS
PHILIP SMITH MTNS
ENDICOTT MTNS
Nakaktuk Lakes
Evansville
Bettles
Coldfoot
Wiseman
Lake Oolbuk
Caribou Ba
Nutuvukti
Okokmilaga
Killik
Chandler
Anaktuvuk
Tuluga
Ayiyak
Itkillik
Galbraith L
Toolik
Oksrukuyik
Kurupa
Ipnavik
Tukuto
Nigtun
Rough
Rivulik
Survey Pass
Mt Doonerak
Frigid Crags
Wild
Koyukuk
Alatna
Siruk
Hawkridge
Bonanza Cr
Jim
Caribou
Mosquito Fk
South Fork
Middle Fork
Prospect Cr
Sixtymile
Malamute Fk
Myrtle Cr
Glacier
Amber
Cosmos Mtn
Okpilak
Aichilik
Ignikuk
Hunt Fk
East Fk
West Fk
Okokmilaga
Kurupa
Oolamnagavik
Angoyaovik Pass
Nakaktuk Pass
Survey Pass
Howard Pass
Howard Hills
Birthday Pass
Igalik
Awuna
Ipnavik
Tukuto

**Glacier Bay National Park and Preserve**

Section 202(1), Public Law 96–487 (ANILCA):

*Glacier Bay National Park*

Glacier Bay National Park as generally depicted on a map numbered GLBA–90,004, dated October 1978, consists of the former Glacier Bay National Monument and an addition of approximately five hundred and twenty-three thousand acres of public lands, as defined in the ANILCA, within the following described boundary:

Beginning at the line of mean high tide on the easterly shore of the Gulf of Alaska and on the right bank of the mouth of Sea Otter Creek in section 16, T. 35 S., R. 45 E., Copper River Meridian;

Thence due west, 3 miles to a point on the line demarking the Territorial Sea of the United States of America;

Thence southeasterly and easterly, along the line demarking the Territorial Sea of the United States in those places where the Territorial Sea line is appropriate, in the Gulf of Alaska, Cross Sound and Icy Strait, and along the median line in North Inian Pass and North Passage to a point on the line in the Territorial Sea as projected from the median line of North Passage to the median line of Icy Passage, due south from the meander corner of sections 20 and 21, T. 40 S., R. 58 E., Copper River Meridian;

Thence northerly, through the Territorial Sea and between sections 20 and 21, 16 and 17, 8 and 9, to the corner of sections 4, 5, 8 and 9, T. 40 S., R. 58 E., Copper River Meridian;

Thence easterly, between sections 4 and 9, to the corner of sections 3, 4, 9 and 10, T. 40 S., R. 58 E., Copper River Meridian;

Thence northerly, between sections 3 and 4, to the corner of sections 3, 4, 33 and 34, Tps. 39 and 40 S., R. 58 E., Copper River Meridian;

Thence easterly, between Tps. 39 and 40 S., to the corner of sections 1, 2, 35 and 36, Tps. 39 and 40 S., R. 58 E., Copper River Meridian;

Thence northerly, between sections 35 and 36, 25 and 26, to the ¼ section corner of sections 25 and 26, T. 39 S., R. 58 E., Copper River Meridian;

Thence easterly, on the east and west centerline of section 25, to the center ¼ corner of section 25, T. 39 S., R. 58 E., Copper River Meridian;

Thence southeasterly, in a straight line, to the south corner of sections 31 and 32, T. 39 S., R. 59 E., Copper River Meridian;

Thence easterly, between Tps. 39 and 40 S., to the corner of sections 2, 3, 34 and 35, Tps. 39 and 40 S., R. 59 E., Copper River Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, and continuing due south to a point on the median line in Icy Passage between the mainland and Pleasant Island;

Thence southeasterly and northerly, along the median line of Icy Passage and Excursion Inlet, to a point on a straight line between the special meander corner on the east and west centerline of section 10 on the east shore of Excursion Inlet, and the special meander corner on the east and west conterline of section 9 on the west shore of Excursion Inlet, T. 39 S., R. 60 E., Copper River Meridian;

Thence easterly, in a straight line to the special meander corner on the east and west centerline of section 10, on the east shore of Excursion Inlet, T. 39 S., R. 60 E., Copper River Meridian;

Thence northerly, along the mean high tide line of Excursion Inlet to triangulation station "End," in the westerly portion of section 10, T. 39 S., R. 60 E., Copper River Meridian;

Thence on an approximate forward bearing of N. 76° E., to the summit of a ridge in the northwesterly portion of section 11, T. 39 S., R. 60 E., Copper River Meridian, approximate elevation 3,150 feet;

Thence easterly along a crest of a ridge to the summit of a mountain in the northeast ¼ of section 10, T. 39 S., R. 61 E., Copper River Meridian, approximate elevation 4,800 feet;

Thence northwesterly along the crest of the Chilkat Range separating the Lynn Canal drainages from the Excursion River and Glacier Bay drainages, to the summit of a mountain in the southwest ¼ of section 9, T. 36 S., R. 58 E., Copper River Meridian, approximate elevation 5,110 feet;

Thence northerly and northeasterly along the crest of the Chilkat Range, crossing Endicott Gap, to the summit of a mountain in the south ½ of section 26, T. 34 S., R. 59 E., Copper River Meridian, approximate elevation 4,605 feet;

Thence northwesterly, northeasterly, northwesterly, and northerly along the crest of the Chilkat Range to the summit of a mountain in the east ½ of section 7, T. 32 S., R. 58 E., Copper River Meridian, approximate elevation 6,000 feet;

Thence northwesterly along the crest of the Takhinsha Mountains separating the drainages of the Takhin River and Tsirku River from the Glacier Bay drainages, to the summit of Mt. Harris in the northeast ¼ of section 21, T. 30 S., R. 53 E., Copper River Meridian, approximate elevation 6,392 feet;

Thence southwesterly, westerly, southwesterly and westerly along the International Boundary between the United States of America and Canada, to the summit of Mt. Fairweather in the south ½ of section 1, T. 35 S., R. 47 E., Copper River Meridian, approximate elevation 15,300 feet;

Thence northerly and northwesterly, along the International Boundary between the United States of America and Canada, to the crest of a ridge in the southeasterly portion of section 14, T. 28 S., R. 43 E., Copper River Meridian, approximate elevation 4,200 feet;

Thence southwesterly, along a common boundary with the Tongass National Forest, on the crest of a ridge, to the summit of a peak in the northerly portion of section 8, T. 29 S., R. 43 E., Copper River Meridian, approximate elevation 1,810 feet;

Thence on an approximate forward bearing of S. 45° W., to the summit of a peak in the westerly portion of section 4, T. 30 S., R. 42 E., Copper River Meridian, approximate elevation 3,755 feet;

Thence southwesterly, southerly, and southeasterly, on the crest of a ridge (the Brabazon Range), to the summit of a low peak in the southeast portion of section 29, T. 31 S., R. 43 E., Copper River Meridian, approximate elevation 2,345 feet;

Thence on an approximate forward bearing of S. 36° E., to the most southeasterly point of land at the line of mean high water, in the northeasterly portion of section 4, T. 32 S., R. 43 E., Copper River Meridian;

Thence due south to a point at the line of mean high water on the left bank of the Alsek River in the northeasterly portion of section 9, T. 32 S., R. 43 E., Copper River Meridian;

Thence easterly, departing from a common boundary with the Tongass National Forest, along the left bank of the Alsek River, along a common boundary with the Glacier Bay National Preserve, to the special meander corner on the north and south centerline of section 10, T. 32 S., R. 43 E., Copper River Meridian;

Thence southerly, on the north and south centerline of section 10 to a point on the left bank of Doame River in the southerly portion of section 10, T. 32 S., R. 43 E., Copper River Meridian;

Thence southerly, along the left bank of the Doame River, the westerly shores of Lower Doame Lake and two unnamed lakes, to the most southwesterly point of the unnamed lake in the northeasterly portion of section 34, T. 32 S., R. 43 E., Copper River Meridian;

Thence on an approximate forward bearing of S. 28° E., to the summit of a peak in the southwesterly portion of section 35, T. 32 S., R. 43 E., Copper River Meridian, approximate elevation 2,810 feet;

Thence southerly, southwesterly and northwesterly, along the crest of a ridge and a spur ridge, to a point in a saddle at the headwaters of an unnamed creek in the southeasterly portion of section 1, T. 33 S., R. 43 E., Copper River Meridian, approximate elevation 1,800 feet;

*Thence westerly, descending to and along the right bank of an unnamed creek and the left bank of Doame River, to a point between sections 7 and 12, T. 33 S., Rs. 42 and 43 E., Copper River Meridian;

*Thence southerly between Rs. 42 and 43 E., to a point at the line of mean high tide of the Gulf of Alaska, T. 33 S., Rs. 42 and 43 E., Copper River Meridian;

Thence southeasterly, departing from the common boundary with the Glacier Bay National Preserve, along the line of mean high tide of the easterly shore of the Gulf of Alaska, including any coastal islands above the line of mean high tide, to the right bank of the mouth of Sea Otter Creek in section 16, T. 35 S., R. 45 E., Copper River Meridian, the place of beginning.

*Department of the Interior 1:250,000 scale map issued in 1981, incorrectly depicts this portion of the description.

*Glacier Bay National Preserve*

Glacier Bay National Preserve as generally depicted on a map numbered GLBA–90,004, dated October 1978, consists of approximately fifty-seven thousand acres of public lands, as defined in the ANILCA, within the following described boundary:

Beginning at the special meander corner at the line of mean high water, on the north and

south centerline of section 10, on the left bank of the Alsek River, T. 32 S., R. 43 E., Copper River Meridian;

Thence southerly, on the north and south centerline of section 10, along a common boundary with the Glacier Bay National Park, to a point on the left bank of Doame River in the southerly portion of section 10, T. 32 S., R. 43 E., Copper River Meridian;

Thence southerly, along the left bank of the Doame River, the westerly shores of Lower Doame Lake and two unnamed lakes to the most southwesterly point of the unnamed lake in the northeasterly portion of section 34, T. 32 S., R. 43 E., Copper River Meridian;

Thence on an approximate forward bearing of S. 28° E., to the summit of a peak in the southwesterly portion of section 35, T. 32 S., R. 43 E., Copper River Meridian, approximate elevation 2,810 feet;

Thence southerly, southwesterly and northwesterly, along the crest of a ridge and a spur ridge, to a point in a saddle at the headwaters of an unnamed creek in the southeasterly portion of section 1, T. 33 S., R. 43 E., Copper River Meridian, approximate elevation 1,800 feet;

*Thence westerly, descending to and along the right bank of an unnamed creek and the left bank of Doame River, to a point between sections 7 and 12, T. 33 S., Rs. 42 and 43 E., Copper River Meridian;

*Thence southerly between Rs. 42 and 43 E., to a point at the line of mean high tide of the Gulf of Alaska, T. 33 S., Rs. 42 and 43 E., Copper River Meridian;

Thence northwesterly, departing from a common boundary with the Glacier Bay National Park, along the line of mean high tide of the eastern shore of the Gulf of Alaska and along the line of mean high tide of the Doame and East Alsek Rivers, including any coastal barrier or offshore islands above the line of mean high tide, to a point on the eastern shore of and at the mouth of Dry Bay in section 24, T. 32 S., R. 40 E., Copper River Meridian;

Thence northeasterly (generally) and easterly along the line of mean high tide of the eastern shore of Dry Bay and the line of mean high water of the left bank of the Alsek River, along a common boundary with the Tongass National Forest, closing the mouths of any rivers or creeks, to a point in section 9 due south of the most southeasterly point of land in the northeasterly portion of section 4, T. 32 S., R. 43 E., Copper River Meridian;

Thence easterly, departing from a common boundary with the Tongass National Forest, along the line of mean high water of the left bank of the Alsek River, to the special meander corner on the north and south centerline of section 10, T. 32 S., R. 43 E., Copper River Meridian, the place of beginning.

*Department of the Interior 1:250,000 scale map issued in 1981, incorrectly depicts this portion of the description.

**Units of the National Wilderness Preservation System Within the Glacier Bay National Park**

Section 701 (3), Public Law 96–487 (ANILCA):

*Glacier Bay Wilderness*

The Glacier Bay Wilderness as generally depicted on a map numbered GLBA–90,004, dated October 1978, consists of approximately two million seven hundred and seventy thousand acres of public lands as defined in the ANILCA, within the following described boundaries:

*Unit Number 1*

Beginning at the line of mean high tide on the easterly shore of the Gulf of Alaska and on the right bank of the mouth of Sea Otter Creek in section 16, T. 35 S., R. 45 E., Copper River Meridian;

*Thence southeasterly, easterly, northerly, northeasterly, southeasterly, easterly and northerly, along the line of mean high tide of the eastern shore of the Gulf of Alaska, Lituya Bay, the Gulf of Alaska, Cross Sound, Taylor Bay, North Inian Pass, and Dundas Bay, to the meander corner of sections 24 and 25, on the southerly shore of Dundas Bay, T. 40 S., R. 54 E., Copper River Meridian;

*Thence on an approximate forward bearing of N. 9° E., across Dundas Bay to the meander corner of sections 13 and 18, on the northerly shore of Dundas Bay, T. 40 S., Rs. 54 and 55 E., Copper River Meridian;

Thence easterly and northerly, along the line of mean high tide of Dundas Bay and the right bank of the Dundas River to the meander corner of sections 9 and 10, T. 40 S., R. 55 E., Copper River Meridian;

Thence due east to the left bank of the Dundas River in the southwesterly portion of section 10, T. 40 S., R. 55 E., Copper River Meridian;

Thence southerly, northeasterly, northerly and northwesterly, along the line of mean high tide along the left bank of the Dundas River, the shores of the Dundas Bay, Icy Strait, Sitakaday Narrows, Berg Bay, Whidbey Passage, Geikie Inlet and Glacier Bay to the most easterly point of land in the southeasterly portion of section 13, T. 36 S., R. 53 E., Copper River Meridian;

*Thence on an approximate forward bearing of N. 31° E., across Hugh Miller Inlet to the most southeasterly point of an island within the portions of sections 1, 7 and 12, T. 36 S., Rs. 53 and 54 E., Copper River Meridian;

Thence northwesterly, along the line of mean high tide of the northeasterly shore of the island to the meander corner of sections 1 and 2, T. 36 S., R. 53 E., Copper River Meridian;

Thence northerly, between sections 1 and 2, to the meander corner of sections 1 and 2 on Gilbert Peninsula, T. 36 S., R. 53 E., Copper River Meridian;

Thence easterly, northerly, northwesterly, westerly, northeasterly, easterly and southeasterly, along the line of mean high tide of Glacier Bay, Johns Hopkins Inlet and Tarr Inlet, closing the mouth of the north end of Scidmore Bay, the northwesterly end of Tarr Inlet and along the International Boundary between the United States of America and Canada, to the meander corner of sections 20 and 29, T. 34 S., R. 53 E., Copper River Meridian;

*Thence on an approximate forward bearing of N. 50° E., across Rendu Inlet to the meander corner of sections 20 and 21, T. 34 S., R. 53 E., Copper River Meridian;

Thence southeasterly, northerly, easterly, southerly, southeasterly, northerly, easterly and southerly, along the line of mean high tide of Glacier Bay, Queen Inlet, Tidal Inlet, and Muir Inlet, to the most westerly point of land known as Point George in the northerly portion of section 10, T. 35 S., R. 56 E., Copper River Meridian;

Thence on an approximate forward bearing of S. 15° E., across Adams Inlet to the left bank of the mouth of a creek draining Dirt Glacier in the northeasterly portion of section 15, T. 35 S., R. 56 E., Copper River Meridian;

Thence southeasterly, along the line of mean high tide of Glacier Bay, to the meander corner of sections 7 and 18, T. 38 S., R. 58 E., Copper River Meridian;

Thence on an approximate forward bearing of N. 80° W., to the most easterly point of an unnamed island in the southeasterly portion of section 12, T. 38 S., R. 57 E., Copper River Meridian;

Thence northwesterly, along the northeasterly shore of the island at the line of mean high tide to the most northerly point of the same island in section 12, T. 38 S., R. 57 E., Copper River Meridian;

Thence on an approximate forward bearing of N. 45° W., to the most northeasterly point of an unnamed island in the northwesterly portion of section 12, T. 38 S., R. 57 E., Copper River Meridian;

Thence westerly, along the northerly shore of the unnamed island to the most westerly point of same island in the northeasterly portion of section 11, T. 38 S., R. 57 E., Copper River Meridian;

Thence on an approximate forward bearing of S. 30° W., to the most northwesterly point of an unnamed island in the southeasterly portion of section 11, T. 38 S., R. 57 E., Copper River Meridian;

Thence southwesterly along the westerly shore of an unnamed island along the line of mean high tide to the most southwesterly point of the same island in the southeasterly portion of section 11, T. 38 S., R. 57 E., Copper River Meridian;

Thence on an approximate forward bearing of S. 25° W., to a point on the northerly shore of Strawberry Island due north of horizontal control station "Soon" in the northerly portion of section 4, T. 39 S., R. 57 E., Copper River Meridian;

Thence southwesterly, southerly and easterly, along the westerly and southerly shores of Strawberry Island, at the line of mean high tide, to a point due south of horizontal control station "Berry" in the northerly portion of section 9, T. 39 S., R. 57 E., Copper River Meridian;

Thence on an approximate forward bearing of S. 8° E., to a point on the westerly shore of Young Island, due west of horizontal control station "Coal" in the northeasterly portion of section 21, T. 39 S., R. 57 E., Copper River Meridian;

Thence southerly and southeasterly, along the westerly shore of Young Island at the line of mean high tide, to a point due south of horizontal control station "Best" in the

easterly portion of section 27, T. 39 S., R. 57 E., Copper River Meridian;

Thence on an approximate forward bearing of S. 58° E., to the most westerly point of Lester Island, due west of horizontal control station "Poor" in the southwesterly portion of section 26, T. 39 S., R. 57 E., Copper River Meridian;

Thence southeasterly, northeasterly and easterly, along the southerly shore of Lester Island at the line of mean high tide, to the most southern tip of land on the Lester Island near the center of section 29, T. 39 S., R. 58 E., Copper River Meridian;

Thence on an approximate forward bearing of S. 80° E., to the special meander corner on the east and west centerline of section 29, T. 39 S., R. 58 E., Copper River Meridian;

Thence easterly, on the east and west centerlines of sections 29, 28, 27, 26 and 25 to the center ¼ section corner of section 25, T. 39 S., R. 58 E., Copper River Meridian;

Thence southeasterly, in a straight line to the south corner of sections 31 and 32, T. 39 S., R. 59 E., Copper River Meridian;

Thence easterly, between Tps. 39 and 40 S., to the corner of sections 2, 3, 34 and 35, Tps. 39 and 40 S., R. 59 E., Copper River Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, to the meander corner of sections 10 and 11, T. 40 S., R. 59 E., Copper River Meridian;

Thence southeasterly, northerly, northwesterly and southeasterly, along the line of mean high tide of Icy Passage, Excursion Inlet and Sawmill Bay to a point on the Glacier Bay National Park boundary at triangulation station "End", on the east side of the northern end of Excursion Inlet in the westerly portion of section 10, T. 39 S., R. 60 E., Copper River Meridian;

Thence on an approximate forward bearing of N. 76° E., to the summit of a ridge in the westerly portion of section 11, T. 39 S., R. 60 E., Copper River Meridian, approximate elevation 3,150 feet;

Thence easterly, along a crest of a ridge to the summit of a mountain in the northeast ¼ of section 10, T. 39 S., R. 61 E., Copper River Meridian, approximate elevation 4,800 feet;

Thence northwesterly, along the crest of the Chilkat Range separating the Lynn Canal drainages from the Excursion River and Glacier Bay drainages, to the summit of a mountain in the southwest ¼ of section 9, T. 36 S., R. 58 E., Copper River Meridian, approximate elevation 5,110 feet;

Thence northerly and northeasterly, along the crest of the Chilkat Range, crossing Endicott Gap to the summit of a mountain in the south ½ of section 26, T. 34 S., R. 59 E., Copper River Meridian, approximate elevation 4,605 feet;

Thence northwesterly, northeasterly, northwesterly, and northerly, along the crest of the Chilkat Range to the summit of a mountain in the east ½ of section 7, T. 32 S., R. 58 E., Copper River Meridian, approximate elevation 6,000 feet;

Thence northwesterly along the crest of the Takhinsha Mountains separating the drainages of the Takhin River and Tsirku River from the Glacier Bay drainages, to the summit of Mt. Harris in the northeast ¼ of section 21, T. 30 S., R. 53 E., Copper River Meridian, approximate elevation 6,392 feet;

Thence southwesterly, westerly, southwesterly, and westerly, along the International Boundary between the United States of America and Canada, to the summit of Mt. Fairweather in the south ½ of section 1, T. 35 S., R. 47 E., Copper River Meridian, approximate elevation 15,300 feet;

Thence northerly and northwesterly, along the International Boundary between the United States of America and Canada, to the crest of a ridge in the southeasterly portion of section 14, T. 28 S., R. 43 E., Copper River Meridian, approximate elevation 4,200 feet;

Thence southwesterly, on the crest of a ridge to the summit of a peak in the northerly portion of section 8, T. 29 S., R. 43 E., Copper River Meridian, approximate elevation 1,810 feet;

Thence on an approximate forward bearing of S. 45° W., to the summit of a peak in the westerly portion of section 4, T. 30 S., R. 42 E., Copper River Meridian, approximate elevation 3,755 feet;

Thence southwesterly, southerly, and southeasterly, on the crest of a ridge (the Brabazon Range), to the summit of a low peak in the southeasterly portion of section 29, T. 31 S., R. 43 E., Copper River Meridian, approximate elevation 2,345 feet;

Thence on an approximate forward bearing of N. 62° E., to the most southerly tip of land on the left bank of the Alsek River, in the northeasterly portion of section 28, T. 31 S., R. 43 E., Copper River Meridian;

Thence northerly, easterly and southerly, along the line of mean high water of an unnamed lake formed by the Alsek River, to the meander corner of sections 2 and 11, T. 32 S., R. 43 E., Copper River Meridian;

Thence easterly, between sections 2 and 11, to the corner of sections 1, 2, 11 and 12, T. 32 S., R. 43 E., Copper River Meridian;

Thence southerly, between sections 11 and 12, to the north ⅛ section corner of sections 11 and 12, T. 32 S., R. 43 E., Copper River Meridian;

Thence easterly, on the east and west centerline of the northwest ¼ of section 12, to the center-north ⅛ section corner of section 12, T. 32 S., R. 43 E., Copper River Meridian;

Thence southerly, on the north and south centerline of section 12, to the ¼ section corner of sections 12 and 13, T. 32 S., R. 43 E., Copper River Meridian;

Thence westerly, between sections 12 and 13, to the corner of sections 11, 12, 13 and 14, T. 32 S., R. 43 E., Copper River Meridian;

Thence southerly, between sections 13 and 14, to the ¼ section corner of sections 13 and 14, T. 32 S., R. 43 E., Copper River Meridian;

Thence westerly, on the east and west centerline of section 14, to the special meander corner on the easterly shore of Lower Doame Lake, T. 32 S., R. 43 E., Copper River Meridian;

Thence southerly and westerly, along the line of mean high water of Lower Doame Lake, to the left bank of Doame River in the southwesterly portion of section 14, T. 32 S., R. 43 E., Copper River Meridian;

Thence southerly, along the left bank of the Doame River and the westerly shores of two unnamed lakes, to the most southwesterly point of the unnamed lake in the northeasterly portion of section 34, T. 32 S., R. 43 E., Copper River Meridian;

Thence on an approximate forward bearing of S. 28° E., to the summit of a peak in the southwesterly portion of section 35, T. 32 S., R. 43 E., Copper River Meridian, approximate elevation 2,810 feet;

Thence southerly, southwesterly, and northwesterly, along the crest of a ridge and a spur ridge, to a point in a saddle at the headwaters of an unnamed creek in the southeasterly portion of section 1, T. 33 S., R. 43 E., Copper River Meridian, approximate elevation 1,800 feet;

*Thence westerly, descending to and along the right bank of an unnamed creek and the left bank of Doame River, to a point between sections 7 and 12, T. 33 S., Rs. 42 and 43 E., Copper River Meridian;

*Thence southerly between Rs. 42 and 43 E., to a point at the line of mean high tide of the Gulf of Alaska, T. 33 S., Rs. 42 and 43 E., Copper River Meridian;

Thence southeasterly, along the line of mean high tide of the easterly shore of the Gulf of Alaska, including any coastal islands above the line of mean high tide, to the right bank of the mouth of Sea Otter Creek in section 16, T. 35 S., R. 45 E., Copper River Meridian, the place of beginning.

The Glacier Bay Wilderness No. 1 includes all islands above the line of mean high tide within the Glacier Bay National Park Boundary, with the exception of Cenotaph Island located in Lituya Bay within portions of sections 23, 24, 25 and 26, T. 37 S., R. 47 E., Copper River Meridian and an unnamed island located in Glacier Bay within portions of sections 5, 6, 7 and 8, T. 36 S., R. 54 E., Copper River Meridian.

*Department of the Interior 1:250,000 scale map issued in 1981, incorrectly depicts this portion of the description.

*Unit Number 2*

Beginning at the meander corner of sections 20 and 21 at the line of mean high tide of Icy Strait, T. 40 S., R. 58 E., Copper River Meridian;

Thence northerly, between sections 20 and 21, 16 and 17, 8 and 9, 4 and 5, to the south ⅛ section corner of sections 4 and 5, T. 40 S., R. 58 E., Copper River Meridian;

Thence westerly, on the east and west centerlines of the southeast ¼ and southwest ¼ of section 5 and the southeast ¼ of section 6, to the special meander corner of section 6 at the line of mean high tide of Glacier Bay, T. 40 S., R. 58 E., Copper River Meridian;

Thence southerly and easterly, along the line of mean high tide of Glacier Bay and Icy Strait to the meander corner of sections 20 and 21, T. 40 S., R. 58 E., Copper River Meridian, the place of beginning.

The following U.S. Geological Survey 1:63,360 Series (Topographic) Quadrangle maps were used in preparing the legal boundary descriptions for Glacier Bay National Park and Preserve and Glacier Bay Wilderness areas:

Juneau, Alaska: (B–4) 1949 mr 1972; (B–5) 1950 mr 1966; (B–6) 1948 mr 1967; (C–4) 1949 mr 1966; (C–5) 1948 mr 1973; (C–6) 1950 mr 1966; (D–5) 1949 mr 1962; (D–6) 1949 mr 1972.

Mt. Fairweather, Alaska: (A–2) 1948 mr 1962; (A–3) 1961; (B–1) 1948 mr 1966; (B–2) 1948 mr 1971; (B–3) 1961; (B–4) 1961; (C–1) 1948 mr 1973; (C–2) 1948 mr 1973; (C–5) 1961; (C–6) 1961; (D–1) 1948 mr 1972; (D–2) 1948 mr 1972; (D–3) 1961; (D–4) 1961; (D–5) 1961; (D–6) 1961; (D–7) 1961.

Skagway, Alaska: (A–3) 1954 mr 1972; (A–4) 1961 mr 1972; (A–5) 1961; (A–6) 1961; (A–7) 1961; (B–4) 1954 mr 1972; (B–8) 1961.

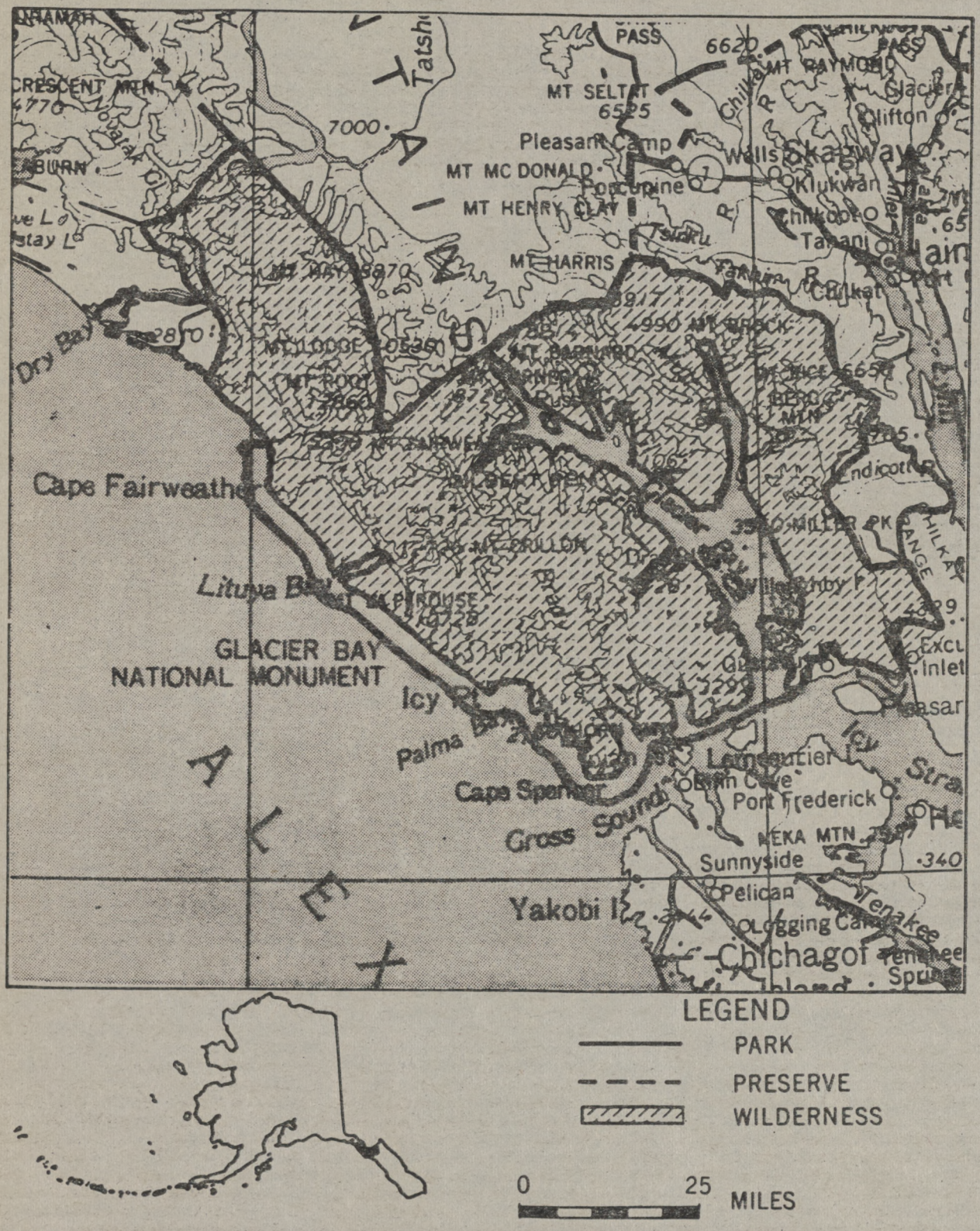
Yakutat, Alaska: (A–1) 1959; (A–2) 1959 mr 1973; (B–1) 1959; (B–2) 1959 mr 1973.

mr—minor revisions

BILLING CODE 4310-70-F

# GLACIER BAY NATIONAL PARK AND PRESERVE

PUBLIC LAW 96-487




BILLING CODE 4310-70-C

**Katmai National Park and Preserve**

Section 202(1), Public Law 96–487 (ANILCA):

*Katmai National Park*

Katmai National Park as generally depicted on a map numbered KATM–90,007, dated July 1980, consists of the former Katmai National Monument and an addition of approximately one million and thirty-seven thousand acres of public lands, as defined in the ANILCA, within the following described boundary:

Beginning at vertical angle bench mark "Kubugakli" located in the southeasterly portion of section 6, T. 27 S., R. 35 W., Seward Meridian, approximate elevation 139 feet;

Thence S. 40° E., along a common boundary with the Becharof National Wildlife Refuge, to the line of mean high tide of Shelikof Strait;

Thence departing from the common boundary with the Becharof National Wildlife Refuge, northeasterly, northwesterly, westerly and southwesterly, along the line of mean high tide line of Shelikof Strait and Kamishak Bay, and including all offshore islands, islets and rocks in front of and within five statute miles of the mainland coastline, but excluding those islands, islets and rocks on the west side of Akunwarvik Bay, to a point on the right bank of the Kamishak River at its mouth, located in the westerly portion of section 29, T. 13 S., R. 29 W., Seward Meridian;

Thence southerly, along the right bank of the Kamishak River, to the point between sections 5 and 32, Tps. 13 and 14 S., R. 29 W., Seward Meridian;

Thence westerly, between Tps. 13 and 14 S., to the corner of Tps. 13 and 14 S., Rs. 31 and 32 W., Seward Meridian;

Thence southerly, between Rs. 31 and 32 W., to the corner of Tps. 14 and 15 S., Rs. 31 and 32 W., Seward Meridian;

Thence westerly, between Tps. 14 and 15 S., to the corner of Tps. 14 and 15 S., Rs. 32 and 33 W., Seward Meridian;

Thence northerly, between Rs. 32 and 33 W., to the crest of a ridge between sections 1 and 6, T. 13 S., Rs. 32 and 33 W., Seward Meridian, approximate elevation 4,000 feet;

Thence northwesterly, along the crest of a ridge between the Battle Lake and Paint River drainages, to the junction of ridges located in the southerly portion of section 31, T. 12 S., R. 32 W., Seward Meridian, approximate elevation 3,425 feet;

Thence westerly and northerly, along the crest of a ridge between the Battle Lake and Moraine Creek drainages, and along a common boundary with the Katmai National Preserve, to a point on the east and west centerline of section 27, T. 12 S., R. 33 W., Seward Meridian, approximate elevation 2,925 feet;

Thence westerly, on the east and west centerlines of sections 27 and 28, to the intersection of a ridge in sections 28 and 29, T. 12 S., R. 33 W., Seward Meridian, approximate elevation 1,800 feet;

Thence westerly, along the crest of a ridge between the headwaters of Moraine Creek, an unnamed creek draining into the Battle Lake drainage and the Battle Lake drainages, to the summit of a mountain in sections 30 and 25, T. 12 S., Rs. 33 and 34 W., Seward Meridian, approximate elevation 3,450 feet;

Thence northwesterly, along the crest of a ridge between the Battle Lake drainage and an unnamed river which flows into the stream which is the outlet to Battle Lake through sections 25, 24, 23, 22 and 15 to a point on the right bank of an unnamed river which flows into the stream which is the outlet to Battle Lake located in the northwest ¼ of the southwest ¼ of section 15, T. 12 S., R. 34 W., Seward Meridian;

Thence southwesterly, along the right bank of the unnamed creek and the west shore of a small lake to the most westerly point on the west shore of the unnamed lake located in the northwest ¼ of section 21, T. 12 S., R. 34 W., Seward Meridian;

Thence on an approximate bearing of S. 1° W., to a point which is the most westerly point on the western shore of a small unnamed lake in the northwest ¼ of section 28, T. 12 S., R. 34 W., Seward Meridian;

Thence southerly, easterly and northerly along the shore of the small unnamed lake to a point on the shore intersecting with a ridge in the northeast ¼ of the northwest ¼ of section 28, T. 12 S., R. 34 W., Seward Meridian;

Thence southeasterly, southwesterly, westerly, southerly and southwesterly along a spur ridge and the crest of an unnamed ridge between the Battle Lake, Kulik Lake, Kukaklek Lake and Nonvianuk Lake drainages, to the summit of a mountain located in sections 28 and 33, T. 13 S., R. 35 W., Seward Meridian, approximate elevation 2,788 feet;

Thence on an approximate bearing of S. 18° E., to the headwaters of an unnamed creek located near the center of section 33, T. 13 S., R. 35 W., Seward Meridian;

Thence southerly and westerly, along the right bank of an unnamed creek and the line of mean high water of the easterly and southerly shores of Nonvianuk Lake closing the mouths of the stream draining the Kulik Lake and other streams to the most northerly point of land in section 5, T. 14 S., R. 37 W., Seward Meridian;

Thence due south, to a point between sections 8 and 17, T. 14 S., R. 37 W., Seward Meridian;

Thence westerly, between sections 8 and 17, 7 and 18, 12 and 13, 11 and 14, 10 and 15, 9 and 16, to the corner of sections 8, 9, 16 and 17, T. 14 S., R. 38 W., Seward Meridian;

Thence northerly, between sections 8 and 9, to the ¼ section corner of sections 8 and 9, T. 14 S., R. 38 W., Seward Meridian;

*Thence westerly on the east and west centerlines of sections 8 and 7 to the ¼ section corner of sections 7 and 12, T. 14 S., Rs. 38 and 39 W., Seward Meridian;

*Thence northerly between sections 7 and 12 to a point on the right bank of an unnamed stream which is a tributary to American Creek between sections 7 and 12, T. 14 S., Rs. 38 and 39 W., Seward Meridian;

*Thence northwesterly and southwesterly along the right bank of the unnamed stream which is a tributary to American Creek, to a junction of unnamed streams which are tributaries to American Creek, located near the southern boundary of the southeast ¼ of section 22, T. 14 S., R. 39 W., Seward Meridian;

*Thence on an approximate forward bearing of S. 45° W., to a junction of unnamed streams which are tributaries to American Creek, located near the eastern boundary of the southeast ¼ of section 28, T. 14 S., R. 39 W., Seward Meridian;

*Thence northwesterly, southwesterly and southerly along the left bank of the unnamed stream which is a tributary to American Creek, to a point located N. 53° E. of the summit of a mountain located in sections 1, 6, 7 and 12, T. 15 S., Rs. 39 and 40 W., Seward Meridian, approximate elevation 2,175 feet;

*Thence on a bearing of S. 53° W., to the summit of a mountain located in sections 1, 6, 7 and 12, T. 15 S., Rs. 39 and 40 W., Seward Meridian, approximate elevation 2,175 feet;

*Thence along the crest of a ridge between the drainage of King Salmon Creek and tributaries of the Alagnak River to the summit of Sugarloaf Mountain located in section 9, T. 15 S., R. 40 W., Seward Meridian, approximate elevation 2,085 feet;

*Thence on an approximate forward bearing of S. 14° W., departing from the common boundary with the Katmai National Preserve, to the summit of a mountain located in the northeast ¼ of section 20, T. 15 S., R. 40 W., Seward Meridian, approximate elevation 1,770 feet;

*Thence on an approximate forward bearing of S. 42° W., to the summit of a mountain located in the northwest ¼ of section 1, T. 16 S., R. 41 W., Seward Meridian, approximate elevation 720 feet;

*Thence on an approximate forward bearing of S. 42° W., to a junction of unnamed creeks which are tributaries to King Salmon Creek, located in the easterly portion of section 16, T. 16 S., R. 41 W., Seward Meridian;

Thence on an approximate forward bearing of S. 55° W., to the top of a hill located in the northerly portion of section 21, T. 16 S., R. 41 W., Seward Meridian, approximate elevation 790 feet;

Thence on an approximate forward bearing of N. 75° W., to the corner of sections 16, 17, 20 and 21, T. 16 S., R. 41 W., Seward Meridian;

Thence northerly, between sections 16 and 17, to the ¼ section corner of section 16 and 17, T. 16 S., R. 41 W., Seward Meridian;

Thence westerly, on the east and west centerlines of sections 17 and 18, to the ¼ section corner of sections 13 and 18, T. 16 S., Rs. 41 and 42 W., Seward Meridian;

Thence northerly, between Rs. 41 and 42 W., to the corner of sections 7, 12, 13 and 18, T. 16 S., Rs. 41 and 42 W., Seward Meridian;

Thence westerly, between sections 12 and 13, to the corner of sections 11, 12, 13 and 14, T. 16 S., R. 42 W., Seward Meridian;

Thence northerly, between sections 11 and 12, to the ¼ section corner of sections 11 and 12, T. 16 S., R. 42 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 11, 1 mile to the ¼ section corner of sections 10 and 11, T. 16 S., R. 42 W., Seward Meridian;

Thence northerly, between sections 10 and 11, to the north 1/16 section corner of sections 10 and 11, T. 16 S., R. 42 W., Seward Meridian;

Thence westerly, on the east and west centerline of the north half of section 10, to the north 1/16 section corner of sections 9 and 10, T. 16 S., R. 42 W., Seward Meridian;

Thence southerly, between sections 9 and 10, to the 1/4 section corner of sections 9 and 10, T. 16 S., R. 42 W., Seward Meridian;

Thence westerly, on the east and west centerlines of sections 9 and 8, to the center-east 1/16 section corner of section 8, T. 16 S., R. 42 W., Seward Meridian;

Thence southerly, on the north and south centerline of the southeast 1/4 to the southeast 1/16 section corner of section 8, T. 16 S., R. 42 W., Seward Meridian;

Thence westerly, on the east and west centerline of the south half of section 8, to the south 1/16 section corner of sections 7 and 8, T. 16 S., R. 42 W., Seward Meridian;

Thence southerly, between sections 7 and 8, 17 and 18, to the corner of sections 17, 18, 19 and 20, T. 16 S., R. 42 W., Seward Meridian;

Thence westerly, between sections 18 and 19, to the corner of sections 13, 18, 19 and 24, T. 16 S., Rs. 42 and 43 W., Seward Meridian;

Thence southerly, between Tps. 42 and 43 W., to the north 1/16 section corner of sections 19 and 24, T. 16 S., Rs. 42 and 43 W., Seward Meridian;

Thence westerly, on the east and west centerlines of the north half of section 24 and the northeast 1/4 of section 23, to the center-north 1/16 section corner of section 23, T. 16 S., R. 43 W., Seward Meridian;

Thence southerly, on the north and south centerline of section 23, to the center 1/4 section corner of section 23, T. 16 S., R. 43 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 23, to the 1/4 section corner of sections 22 and 23, T. 16 S., R. 43 W., Seward Meridian;

Thence southerly, between sections 22 and 23, to the south 1/16 section corner of sections 22 and 23, T. 16 S., R. 43 W., Seward Meridian;

Thence westerly, on the east and west centerline of the southeast 1/4 of section 22, to the center-south 1/16 section corner of section 22, T. 16 S., R. 43 W., Seward Meridian;

Thence southerly, on the north and south centerline of section 22, to the 1/4 section corner of sections 22 and 27, T. 16 S., R. 43 W., Seward Meridian;

Thence westerly, between sections 22 and 27, to the corner of sections 21, 22, 27 and 28, T. 16 S., 43 W., Seward Meridian;

Thence southerly, between sections 27 and 28, to the 1/4 section corner of sections 27 and 28, T. 16 S., R. 43 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 28, to the center 1/4 section corner of section 28, T. 16 S., R. 43 W., Seward Meridian;

Thence southerly, on the north and south centerline of section 28, to the 1/4 section corner of sections 28 and 33, T. 16 S., R. 43 W., Seward Meridian;

Thence westerly, between sections 28 and 33, to the corner of sections 28, 29, 32 and 33, T. 16 S., R. 43 W., Seward Meridian;

Thence southerly, between sections 32 and 33, to the standard corner of sections 32 and 33, T. 16 S., R. 43 W., Seward Meridian;

Thence westerly, on the Fourth Standard Parallel South, to the closing 1/4 section corner of section 2, T. 17 S., R. 44 W., Seward Meridian;

Thence southerly, on the north and south centerline of section 2, to the center 1/4 section corner of section 2, T. 17 S., R. 44 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 2, to the 1/4 section corner of sections 2 and 3, T. 17 S., R. 44 W., Seward Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, 14 and 15, to the corner of sections 14, 15, 22 and 23, T. 17 S., R. 44 W., Seward Meridian;

Thence westerly, between sections 15 and 22, to the 1/4 section corner of sections 15 and 22, T. 17 S., R. 44 W., Seward Meridian;

Thence southerly, on the north and south centerlines of sections 22, 27 and 34, to the 1/4 section corner of sections 3 and 34, Tps. 17 and 18 S., R. 44 W., Seward Meridian;

Thence easterly, between Tps. 17 and 18 S., to the corner of sections 2, 3, 34 and 35, Tps. 17 and 18 S., R. 44 W., Seward Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, 14 and 15, to the corner of sections 14, 15, 22 and 23, T. 18 S., R. 44 W., Seward Meridian;

Thence easterly, between sections 14 and 23, 13 and 24, to the corner of sections 13, 18, 19 and 24, T. 18 S., Rs. 43 and 44 W., Seward Meridian;

Thence southerly, between Rs. 43 and 44 W., to the corner of Ts. 18 and 19 S., Rs. 43 and 44 W., Seward Meridian;

Thence southerly, along a common boundary with the Becharof National Wildlife Refuge, between Rs. 43 and 44 W., to the 1/4 section corner of sections 1 and 6, T. 19 S., Rs. 43 and 44 W., Seward Meridian;

Thence on an approximate forward bearing of S. 89° E., to the vertical angle bench mark "Contact" located in section 4, T. 19 S., R. 42 W., Seward Meridian, approximate elevation 1,156 feet;

Thence on an approximate forward bearing of S. 18° W., to the summit of a mountain located in sections 29 and 32, T. 19 S., R. 42 W., Seward Meridian, approximate elevation 1,125 feet;

Thence on an approximate forward bearing of S. 2° W., to vertical angle bench mark "Granite" located on a mountain in sections 2 and 11, T. 21 S., R. 43 W., Seward Meridian, approximate elevation 1,683 feet;

Thence on an approximate forward bearing of S. 30° E., to vertical angle bench mark horizontal control station "Red" located in the southeasterly portion of section 2, T. 23 S., R. 42 W., Seward Meridian, approximate elevation 1,721 feet;

Thence on an approximate forward bearing of S. 40° E., to vertical angle bench mark horizontal control station "Gert" located in the southwesterly portion of section 20, T. 23 S., R. 41 W., Seward Meridian, approximate elevation 1,141 feet;

Thence on an approximate forward bearing of S. 78° E., to the confluence of the King Salmon River, Takayofa Creek, and Contact Creek, located in the southeasterly portion of section 20, T. 23 S., R. 41 W., Seward Meridian;

Thence on an approximate forward bearing of S. 45° E., to the intersection of a ridge and the line between sections 13 and 18, T. 24 S., Rs. 40 and 41 W., Seward Meridian, approximate elevation 1,100 feet;

Thence southeasterly and easterly, along the crest of a ridge between the drainages of the King Salmon River and streams flowing into Becharof Lake, to a point between sections 14 and 23, T. 25 S., R. 38 W., Seward Meridian;

Thence easterly, between sections 14 and 23, 13 and 24, 18 and 19, 17 and 20, 16 and 21, to the corner of sections 15, 16, 21 and 22, T. 25 S., R. 37 W., Seward Meridian;

Thence on an approximate forward bearing of S. 32° E., to the summit of a mountain located in section 22, T. 25 S., R. 37 W., Seward Meridian, approximate elevation 2,267 feet;

Thence southerly along the crest of a ridge between the drainages of streams flowing into Becharof Lake and streams flowing into Shelikof Strait to the summit of a small mountain in the northwest 1/4 of section 22, T. 26 S., R. 37 W., Seward Meridian, approximate elevation 1,746 feet;

Thence easterly and southeasterly, along the crest of a ridge to a point N. 40° W., of vertical angle bench mark "Kubugakli", located in section 6, T. 27 S., R. 35 W., Seward Meridian, approximate elevation 1,150 feet;

Thence S. 40° E., to vertical angle bench mark "Kubugakli", the point of beginning.

Included within the Katmai National Park are those lands, waters, islands, islets and rocks within the foregoing National Park boundary above the line of mean high tide.

*Department of the Interior 1:250,000 scale map issued in 1981, incorrectly depicts this portion of the description.

*Katmai National Preserve*

Katmai National Preserve as generally depicted on a map numbered KATM–90,007, dated July 1980, consists of approximately three hundred and eight thousand acres of public lands, as defined in the ANILCA, within the following described boundary:

Beginning at a point located at the junction of ridges between the headwaters of the Crevice Creek, Moraine Creek and Battle Lake drainages, located in the southerly portion of section 31, T. 12 S., R. 32 W., Seward Meridian, approximate elevation 3,425 feet;

Thence westerly and northerly, along the crest of a ridge between the Battle Lake and Moraine Creek drainages, along a common boundary with the Katmai National Park, to a point on the east and west centerline of section 27, T. 12 S., R. 33 W., Seward Meridian, approximate elevation 2,925 feet;

Thence westerly, on the east and west centerlines of sections 27 and 28, to the intersection of a ridge in sections 28 and 29, T. 12 S., R. 33 W., Seward Meridian, approximate elevation 1,800 feet;

Thence westerly, along the crest of a ridge between the headwaters of Moraine Creek,

an unnamed creek draining into the Battle Lake drainage and the Battle Lake drainages, to the summit of a mountain in sections 30 and 25, T. 12 S., Rs. 33 and 34 W., Seward Meridian, approximate elevation 3,450 feet;

Thence northwesterly, along the crest of a ridge between the Battle Lake drainage and an unnamed river which flows into the stream which is the outlet to Battle Lake through sections 25, 24, 23, 22 and 15 to a point on the right bank of an unnamed river which flows into the stream which is the outlet to Battle Lake located in the northwest ¼ of the southwest ¼ of section 15, T. 12 S., R. 34 W., Seward Meridian;

Thence southwesterly, along the right bank of the unnamed creek and the west shore of a small lake, to the most westerly point on the west shore of the unnamed lake located in the northwest ¼ of section 21, T. 12 S., R. 34 W., Seward Meridian;

Thence on an approximate forward bearing of S. 1° W., to a point which is the most westerly point on the western shore of a small unnamed lake in the northwest ¼ of section 28, T. 12 S., R. 34 W., Seward Meridian;

Thence southerly, easterly and northerly along the shore of the small unnamed lake to a point on the shore intersecting with a ridge in the northeast ¼ of the northwest ¼ of section 28, T. 12 S., R. 34 W., Seward Meridian;

Thence southeasterly, southwesterly, westerly, southerly and southwesterly, along a spur ridge and the crest of an unnamed ridge between the Battle Lake, Kulik Lake, Kukaklek Lake and Nonvianuk Lake drainages, to the summit of a mountain located in sections 28 and 33, T. 13 S., R. 35 W., Seward Meridian, approximate elevation 2,788 feet;

Thence on an approximate forward bearing of S. 18° E., to the headwaters of an unnamed creek located near the center of section 33, T. 13 S., R. 35 W., Seward Meridian;

Thence southerly and westerly, along the right bank of an unnamed creek and the line of mean high water of the easterly and southerly shores of Nonvianuk Lake closing the mouths of the stream draining Kulik Lake and other streams to the most northerly point of land in section 5, T. 14 S., R. 37 W., Seward Meridian;

Thence due south to a point between sections 8 and 17, T. 14 S., R. 37 W., Seward Meridian;

Thence westerly, between sections 8 and 17, 7 and 18, 12 and 13, 11 and 14, 10 and 15, 9 and 16, to the corner of sections 8, 9, 16 and 17, T. 14 S., R. 38 W., Seward Meridian;

Thence northerly, between sections 8 and 9, to the ¼ section corner of sections 8 and 9, T. 14 S., R. 38 W., Seward Meridian;

*Thence westerly on the east and west centerlines of sections 8 and 7 to the ¼ section corner of sections 7 and 12, T. 14 S., Rs. 38 and 39 W., Seward Meridian;

*Thence northerly between sections 7 and 12 to a point on the right bank of an unnamed stream which is a tributary to American creek between sections 7 and 12, T. 14 S., Rs. 38 and 39 W., Seward Meridian;

*Thence northwesterly and southwesterly along the right bank of the unnamed stream, which is a tributary to American Creek, to a junction of unnamed streams which are tributaries to American Creek, located near the southern boundary of the southeast ¼ of section 22, T. 14 S., R. 39 W., Seward Meridian;

*Thence on an approximate forward bearing of S. 45° W., to a junction of unnamed streams which are tributaries to American Creek, located near the eastern boundary of the southeast ¼ of section 28, T. 14 S., R. 39 W., Seward Meridian;

*Thence northwesterly, southwesterly, and southerly, along the left bank of the unnamed stream which is a tributary to American Creek, to a point located N. 53° E., of the summit of a mountain located in sections 1, 6, 7 and 12, T. 15 S., Rs. 39 and 40 W., Seward Meridian, approximate elevation 2,175 feet;

*Thence on a bearing of S. 53° W., to the summit of a mountain located in sections 1, 6, 7 and 12, T. 15 S., Rs. 39 and 40 W., Seward Meridian, approximate elevation 2,175 feet;

*Thence along the crest of a ridge between the drainage of King Salmon Creek and tributaries of the Alagnak River to the summit of Sugarloaf Mountain located in section 9, T. 15 S., R. 40 W., Seward Meridian, approximate elevation 2,085 feet;

*Thence on an approximate forward bearing of N. 88° W., departing from the common boundary with the Katmai National Park, to the summit of a small mountain located in section 8, T. 15 S., R. 40 W., Seward Meridian, approximate elevation 1,657 feet;

*Thence on an approximate forward bearing of N. 44° W., to the summit of a mountain located in section 36, T. 14 S., R. 41 W., Seward Meridian, approximate elevation 2,442 feet;

Thence on an approximate forward bearing of N. 25° E., to the summit of a mountain located in the northerly portion of section 17, T. 14 S., R. 40 W., Seward Meridian, approximate elevation 1,160 feet;

Thence on an approximate forward bearing of N. 48° W., to the corner of sections 1, 6, 7 and 12, T. 14 S., Rs. 40 and 41 W., Seward Meridian;

Thence northerly, between Rs. 40 and 41 W., to a point on the left bank of the Alagnak River at the line of mean high water between sections 31 and 36, T. 13 S., Rs. 40 and 41 W., Seward Meridian;

Thence easterly and northeasterly, along the left bank of the Alagnak River and the line of mean high water, to a point between sections 33 and 34, T. 12 S., R. 38 W., Seward Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, to the corner of sections 9, 10, 15 and 16, T. 12 S., R. 38 W., Seward Meridian;

Thence easterly, between sections 10 and 15, to the corner of sections 10, 11, 14 and 15, T. 12 S., R. 38 W., Seward Meridian;

Thence northerly, between sections 10 and 11, to the corner of sections 2, 3, 10 and 11, T. 12 S., R. 38 W., Seward Meridian;

Thence easterly, between sections 2 and 11, to the corner of sections 1, 2, 11 and 12, T. 12 S., R. 38 W., Seward Meridian;

Thence northerly, between sections 1 and 2, to the corner of sections 1, 2, 35 and 36, Tps. 11 and 12 S., R. 38 W., Seward Meridian;

Thence on an approximate forward bearing of N. 60° E., to the summit of a mountain located in the northerly portion of section 31, T. 11 S., R. 37 W., Seward Meridian, approximate elevation 1,310 feet;

Thence on an approximate forward bearing of N. 52° E., to vertical angle bench mark "Kal" located in the southeasterly portion of section 30, T. 11 S., R. 37 W., Seward Meridian, approximate elevation 1,346 feet;

Thence on an approximate forward bearing of N. 33° E., to the summit of a mountain in section 16, T. 11 S., R. 37 W., Seward Meridian, approximate elevation 970 feet;

Thence on an approximate forward bearing of N. 45° E., to the corner of sections 9, 10, 15 and 16, T. 11 S., R. 37 W., Seward Meridian;

Thence easterly, between sections 10 and 15, to the corner of sections 10, 11, 14 and 15, T. 11 S., R. 37 W., Seward Meridian;

Thence northerly, between sections 10 and 11, to the corner of sections 2, 3, 10 and 11, T. 11 S., R. 37 W., Seward Meridian;

Thence easterly, between sections 2 and 11, to the corner of sections 1, 2, 11 and 12, T. 11 S., R. 37 W., Seward Meridian;

Thence northerly, between sections 1 and 2, to the corner of sections 1, 2, 35 and 36, Tps. 10 and 11 S., R. 37 W., Seward Meridian;

Thence easterly, between Tps. 10 and 11 S., to the corner of Tps. 10 and 11, R. 36 and 37 W., Seward Meridian;

Thence northerly, between Rs. 36 and 37 W., to the corner of sections 25, 30, 31 and 36, T. 10 S., Rs. 36 and 37 W., Seward Meridian;

Thence easterly, between sections 30 and 31, 29 and 32, 28 and 33, 27 and 34, 26 and 35, 25 and 36, 30 and 31, 29 and 32, 28 and 33, to the corner of sections 27, 28, 33 and 34, T. 10 S., R. 35 W., Seward Meridian;

Thence southerly, between sections 33 and 34, to the ¼ section corner of sections 33 and 34, T. 10 S., R. 35 W., Seward Meridian;

Thence easterly, on the east and west centerlines of sections 34 and 35, to the ¼ section corner of sections 35 and 36, T. 10 S., R. 35 W., Seward Meridian;

Thence southerly, between sections 35 and 36, 1 and 2, to the ¼ section corner of sections 1 and 2, T. 11 S., R. 35 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 1, to the ¼ section corner of sections 1 and 6, T. 11 S., Rs. 34 and 35 W., Seward Meridian;

Thence southerly, between Rs. 34 and 35 W., to the corner of sections 1, 6, 7 and 12, T. 11 S., Rs. 34 and 35 W., Seward Meridian;

Thence easterly, between sections 6 and 7, to the ¼ section corner of sections 6 and 7, T. 11 S., R. 34 W., Seward Meridian;

Thence southerly, on the north and south centerline of section 7, to the ¼ section corner of sections 7 and 18, T. 11 S., R. 34 W., Seward Meridian;

Thence easterly, between sections 7 and 18, 8 and 17, 9 and 16, to the corner of sections 9, 10, 15 and 16, T. 11 S., R. 34 W., Seward Meridian;

Thence northerly, between sections 9 and 10, to the ¼ section corner of sections 9 and 10, T. 11 S., R. 34 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 10, to the center ¼ section corner of section 10, T. 11 S., R. 34 W., Seward Meridian;

Thence northerly, on the north and south centerlines of sections 10 and 3, to the center ¼ section corner of section 3, T. 11 S., R. 34 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 3, to the ¼ section corner of sections 2 and 3, T. 11 S., R. 34 W., Seward Meridian;

Thence northerly, between sections 2 and 3, to the corner of sections 2, 3, 34 and 35, Tps. 10 and 11 S., R. 34 W., Seward Meridian;

Thence easterly, between Tps. 10 and 11 S., to the corner of sections 1, 2, 35 and 36, Tps. 10 and 11 S., R. 34 W., Seward Meridian;

Thence northerly, between sections 35 and 36, to the ¼ section corner of sections 35 and 36, T. 10 S., R. 34 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 36, to the center ¼ section corner of section 36, T. 10 S., R. 34 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 36, to the ¼ section corner of sections 25 and 36, T. 10 S., R. 34 W., Seward Meridian;

Thence easterly, between sections 25 and 36, 30 and 31, 29 and 32, 28 and 33, 27 and 34, 26 and 35, 25 and 36, 30 and 31, 29 and 32, to the ¼ section corner of sections 29 and 32, T. 10 S., R. 32 W., Seward Meridian;

Thence southerly, on the north and south centerlines of sections 32 and 5, to a point on a ridge between the Emerald Lake and the Mirror Lake drainages, located in the northerly portion of section 5, T. 11 S., R. 32 W., Seward Meridian, approximate elevation 2,025 feet;

Thence southeasterly, southerly, westerly and southerly, between the Mirror Lake, Spectacle Lake and Moraine Creek and the Gibraltar Lake and Paint River drainages, to the junction of ridges between the headwaters of the Crevice Creek, Moraine Creek, and Battle Lake drainages, located in the southerly portion of section 31, T. 12 S., R. 32 W., Seward Meridian, the place of beginning.

*In Department of the Interior 1:250,000 scale map issued in 1981, incorrectly depicts this portion of the description.

**Units of the National Wilderness Preservation System Within the Katmai National Park and Preserve**

Section 701 (4), Public Law 96–487 (ANILCA):

*Katmai Wilderness*

The Katmai Wilderness as generally depicted on a map numbered KATM–90,007, dated July 1980, consists of approximately three million four hundred and seventy-three thousand acres of public lands, as defined in the ANILCA, within the following described boundaries:

Beginning at vertical angle bench mark "Kubugakli" located in the southeasterly portion of section 6, T. 27 S., R. 35 W., Seward Meridian, approximate elevation 139 feet;

Thence S. 40° E. to the line of mean high tide of Shelikof Strait;

Thence northeasterly, northerly, and westerly, along the line of mean high tide of Shelikof Strait to a point on the east and west centerline of section 17 on the westerly shore of Amalik Bay, T. 24 S., R. 32 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 17, to the ¼ section corner of sections 17 and 18, T. 24 S., R. 32 W., Seward Meridian;

Thence southerly, between sections 17 and 18, to the corner of sections 17, 18, 19 and 20, T. 24 S., R. 32 W., Seward Meridian;

Thence westerly, between sections 18 and 19, 13 and 24, to the ¼ section corner of sections 13 and 24, T. 24 S., R. 33 W., Seward Meridian;

Thence northerly on the north and south centerline of section 13, to the center ¼ section corner of section 13, T. 24 S., R. 33 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 13, to the ¼ section corner of sections 13 and 14, T. 24 S., R. 33 W., Seward Meridian;

Thence northerly, between sections 13 and 14, 11 and 12, 1 and 2, to the corner of sections 1, 2, 35 and 36, Tps. 23 and 24 S., R. 33 W., Seward Meridian;

Thence easterly, between Tps. 23 and 24 S., to the corner of Tps. 23 and 24 S., Rs. 32 and 33 W., Seward Meridian;

Thence southerly, between Rs. 32 and 33 W., to the ¼ section corner of sections 1 and 6, T. 24 S., Rs. 32 and 33 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 6, to the center ¼ section corner of section 6, T. 24 S., R. 32 W., Seward Meridian;

Thence southerly, on the north and south centerline of section 6, to the ¼ section corner of sections 6 and 7, T. 24 S., R. 32 W., Seward Meridian;

Thence easterly, between sections 6 and 7, 5 and 8, to the corner of sections 4, 5, 8 and 9, T. 24 S., R. 32 W., Seward Meridian;

Thence southerly, between sections 8 and 9, to the meander corner of sections 8 and 9, T. 24 S., R. 32 W., Seward Meridian, at the line of mean high tide of Shelikof Strait;

Thence northeasterly, along the line of mean high tide of Shelikof Strait to a point on the north and south centerline of section 34, T. 21 S., R. 30 W., Seward Meridian;

Thence southerly, on the north and south centerline of sections 34 and 3, to the center ¼ section corner of section 3, T. 22 S., R. 30 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 3, to the ¼ section corner of sections 3 and 4, T. 22 S., R. 30 W., Seward Meridian;

Thence southerly, between sections 3 and 4, to the corner of sections 3, 4, 9 and 10, T. 22 S., R. 30 W., Seward Meridian;

Thence westerly, between sections 4 and 9, to the ¼ section corner of sections 4 and 9, T. 22 S., R. 30 W., Seward Meridian;

Thence southerly, on the north and south centerline of section 9, to the center ¼ section corner of section 9, T. 22 S., R. 30 W., Seward Meridian;

Thence westerly, on the east and west centerline of sections 9 and 8, to the center ¼ section corner of section 8, T. 22 S., R. 30 W., Seward Meridian;

Thence southerly, on the north and south centerline of section 8, to the ¼ section corner of sections 8 and 17, T. 22 S., R. 30 W., Seward Meridian;

Thence westerly, between sections 8 and 17, to the corner of sections 7, 8, 17 and 18, T. 22 S., R. 30 W., Seward Meridian;

Thence southerly, between sections 17 and 18, to the ¼ section corner of sections 17 and 18, T. 22 S., R. 30 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 18, to the special meander corner on the east and west centerline of section 18, T. 22 S., R. 30 W., Seward Meridian, at the line of mean high tide in Kukak Bay;

Thence southwesterly and northeasterly, along the line of mean high tide of Kukak Bay and Shelikof Strait to a point located N. 28° E. of the corner of sections 31, 32, 5 and 6, Tps. 13 and 14 S., R. 26 W., Seward Meridian, on the line of mean high tide of Shelikof Strait;

Thence S. 28° W., to the corner of sections 31, 32, 5 and 6, Tps. 13 and 14 S., R. 26 W., Seward Meridian;

Thence westerly, between Tps. 13 and 14 S., to the corner of Tps. 13 and 14 S., Rs. 31 and 32 W., Seward Meridian;

Thence southerly, between Rs. 31 and 32 W., to the corner of Tps. 14 and 15 S., Rs. 31 and 32 W., Seward Meridian;

Thence westerly, between Tps. 14 and 15 S., to the corner of Tps. 14 and 15 S., Rs. 32 and 33 W., Seward Meridian;

Thence southerly, between Rs. 32 and 33 W., to a point on the crest of a ridge between the McNeil River and Kulik Lake drainages, between sections 1 and 6, T. 15 S., Rs. 32 and 33 W., Seward Meridian, approximate elevation 4,100 feet;

Thence on an approximate forward bearing of S. 86° E., to the summit of a mountain in the southwesterly portion of section 6, T. 15 S., R. 32 W., Seward Meridian, approximate elevation 4,515 feet;

Thence on an approximate forward bearing of S. 10° E., to the summit of a mountain in the easterly portion of section 30, T. 15 S., R. 32 W., Seward Meridian, approximate elevation 4,485 feet;

Thence southeasterly, southwesterly and northwesterly, along the crest of a ridge to the summit of a mountain located near the east and west centerline of the west ½ of section 31, T. 15 S., R. 32 W., Seward Meridian, approximate elevation 4,100 feet;

Thence on an approximate forward bearing of S. 80° W., approximately 7,300 feet to the summit of a hill located in section 35, T. 15 S., R. 33 W., Seward Meridian, approximate elevation 2,860 feet;

Thence southerly and northwesterly, along the crest of a ridge between the headwater streams of Kulik Lake to a point on the summit of a ridge located in the northeasterly portion of section 5, T. 16 S., R. 33 W., Seward Meridian, approximate elevation 3,633 feet;

Thence on an approximate forward bearing of S. 70° W., to the summit of a mountain located in the southeasterly portion of section 2, T. 16 S., R. 34 W., Seward Meridian, approximate elevation 4,500 feet;

Thence westerly and northerly, along the crest of a ridge between headwaters streams of the Kulik Lake drainage to the summit of a mountain located in the northerly portion of

section 27, T. 15 S., R. 34 W., Seward Meridian, approximate elevation 4,550 feet;

Thence on an approximate forward bearing of S. 80° W., to the junction of unnamed creeks located in the northwesterly portion of section 28, T. 15 S., R. 34 W., Seward Meridian;

Thence on an approximate forward bearing of N. 56° W., to the summit of a mountain located in section 20, T. 15 S., R. 34 W., Seward Meridian, approximate elevation 4,370 feet;

Thence on an approximate forward bearing of N. 1° W., to the summit of a mountain located in the southerly portion of section 5, T. 15 S., R. 34 W., Seward Meridian, approximate elevation 4,265 feet;

Thence northerly, along the crest of a ridge and a spur ridge between the Kulik Lake and American Creek drainages to a point on the southerly shore of Kulik Lake and the mouth of an unnamed creek located in the northwesterly portion of section 18, T. 14 S., R. 34 W., Seward Meridian;

Thence westerly, along the southerly shore of Kulik Lake, to a point between sections 14 and 15, T. 14 S., R. 35 W., Seward Meridian;

Thence southerly, between sections 14 and 15, to the ¼ section corner of sections 14 and 15, T. 14 S., R. 35 W., Seward Meridian;

Thence westerly, along the east and west centerlines of section 15 and 16, to the special meander corner on the easterly shore of Nonvianuk Lake located in the easterly portion of section 16, T. 14 S., R. 35 W., Seward Meridian;

Thence southerly and westerly in general, along the southern shore of Nonvianuk Lake to the Nonvianuk River; thence along the left bank of the Nonvianuk River to the Alagnak River; thence along the left bank of the Alagnak River to a point between sections 31 and 36, T. 13 S., Rs. 40 and 41 W., Seward Meridian;

Thence southerly, between Rs. 40 and 41 W., to the corner of section 1, 6, 7 and 12, T. 14 S., Rs 40 and 41 W., Seward Meridian;

Thence on an approximate forward bearing of S. 46° E., to the summit of a mountain located in the northerly portion of section 17, T. 14 S., R. 40 W., Seward Meridian, approximate elevation 1,160 feet;

Thence on an approximate forward bearing of S. 25° W., to the summit of a mountain located in section 36, T. 14 S., R. 41 W., Seward Meridian, approximate elevation 2,442 feet;

*Thence on an approximate forward bearing of S. 44° E., to the summit of a small mountain located in section 8, T. 15 S., R. 40 W., Seward Meridian, approximate elevation 1,657 feet;

*Thence on an approximate forward bearing of S. 88° E., to the summit of Sugarloaf Mountain located in section 9, T. 15 S., R. 40 W., Seward Meridian, approximate elevation 2,085 feet;

*Thence on an approximate forward bearing of S. 14° W., to the summit of a mountain located in the northeast ¼ of section 20, T. 15 S., R. 40 W., Seward Meridian, approximate elevation 1,770 feet;

*Thence on an approximate forward bearing of S. 42° W., to the summit of a mountain located in the northwest ¼ of section 1, T. 16 S., R. 41 W., Seward Meridian, approximate elevation 720 feet;

*Thence on an approximate forward bearing of S. 42° W., to a junction of unnamed creeks which are tributaries to King Salmon Creek, located in the easterly portion of section 16, T. 16 S., R. 41 W., Seward Meridian;

Thence on an approximate forward bearing of S. 55° W., to the top of a hill located in the northerly portion of section 21, T. 16 S., R. 41 W., Seward Meridian, approximate elevation 790 feet;

Thence on an approximate forward bearing of N. 75° W., to the corner of sections 16, 17, 20 and 21, T. 16 S., R. 41 W., Seward Meridian;

Thence southerly, between sections 20 and 21, 28 and 29, to the corner of sections 28, 29, 32 and 33, T. 16 S., R. 41 W., Seward Meridian;

Thence easterly, between sections 28 and 33, to the corner of sections 27, 28, 33 and 34, T. 16 S., R. 41 W., Seward Meridian;

Thence southerly, between sections 33 and 34, to the standard corner of sections 33 and 34, T. 16 S., R. 41 W., Seward Meridian;

Thence easterly, along the Fourth Standard Parallel south, to the closing corner of sections 5 and 6, T. 17 S., R. 41 W., Seward Meridian;

Thence southerly, between sections 5 and 6, to the north 1/16 section corner of sections 5 and 6, T. 17 S., R. 41 W., Seward Meridian;

Thence easterly, on the east and west centerline of the north ½ of section 5, to the north 1/16 section corner of sections 4 and 5, T. 17 S., R. 41 W., Seward Meridian;

Thence southerly, between sections 4 and 5, to the ¼ section corner of sections 4 and 5, T. 17 S., R. 41 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 4, to the ¼ section corner of sections 3 and 4, T. 17 S., R. 41 W., Seward Meridian;

Thence southerly, between sections 3 and 4, to the south 1/16 section corner of sections 3 and 4, T. 17 S., R. 41 W., Seward Meridian;

Thence easterly, on the east and west centerlines of the south ½ of section 3, to the south 1/16 section corner of sections 2 and 3, T. 17 S., R. 41 W., Seward Meridian;

Thence southerly, between sections 2 and 3, to the corner of sections 2, 3, 10 and 11, T. 17 S., R. 41 W., Seward Meridian;

Thence easterly, between sections 2 and 11, to the west 1/16 section corner of sections 2 and 11, T. 17 S., R. 41 W., Seward Meridian;

Thence southerly, along the north and south centerline of the west ½ of section 11, to a point on the north shore of the North Arm of Naknek Lake located in the southerly portion of section 11, T. 17 S., R. 41 W., Seward Meridian;

Thence southeasterly, along the northerly shore of the North Arm of Naknek Lake to the most southerly point of mainland in section 2, T. 18 S., R. 38 W., Seward Meridian;

Thence on an approximate forward bearing of S. 63° W., to the most easterly point of an island in the North Arm of Naknek Lake located in section 9, T. 18 S., R. 38 W., Seward Meridian;

Thence on an approximate forward bearing of S. 26° W., to the most northerly point on the mainland on the southern shore of Naknek Lake in section 16, T. 18 S., R. 38 W., Seward Meridian;

Thence westerly and southeasterly and westerly along the southerly shore of the North Arm of Naknek Lake and the shore of the Iliuk Arm of Naknek Lake closing the mouth of the Savonoski River and all other streams to a point on the left bank of Margot Creek located in section 33, T. 19 S., R. 38 W., Seward Meridian;

Thence southerly, along the left bank of Margot Creek to a point between sections 6 and 7, T. 20 S., R. 38 W., Seward Meridian;

Thence westerly, between sections 6 and 7, to a point 300 feet easterly of, and parallel to, the centerline of an existing road, located between sections 6 and 7, T. 20 S., R. 38 W., Seward Meridian;

Thence southeasterly, 300 feet from, and parallel to, the centerline of an existing road, to a point 300 feet from, and parallel to, the centerline of the road at its terminus;

Thence on a curve to the right, maintaining a radius of 300 feet from the terminus of the centerline of the road and parking area to a point 300 feet from, and parallel to, the centerline of the road at its terminus;

Thence southwesterly and northwesterly, 300 feet from, and parallel to, the centerline of an existing road, to a point on the east and west centerline of the southeast ¼ of section 7, T. 19 S., R. 39 W., Seward Meridian;

Thence westerly, on the east and west centerline of the south ½ of section 7, to a point on the easterly shore of Lake Brooks located in section 7, T. 19 S., R. 39 W., Seward Meridian;

Thence northerly, along the easterly shore of Lake Brooks, closing the stream which is the outlet of Lake Brooks, to a point between sections 7 and 12, T. 19 S., Rs. 39 and 40 W., Seward Meridian;

Thence northerly, between Rs. 39 and 40 W., to the south 1/16 section corner of sections 31 and 36, T. 18 S., Rs. 39 and 40 W., Seward Meridian;

Thence easterly, on the east and west centerlines of the south ½ of section 31 and the south ½ of section 32 to a point on the western shore of the Iliuk Arm of Naknek Lake located in section 32, T. 18 S., R. 39 W., Seward Meridian;

Thence westerly, northerly and southwesterly, along the shore of Naknek Lake and the left bank of the Naknek River to a point between sections 7 and 12, T. 18 S., Rs. 43 and 44 W., Seward Meridian;

Thence southerly, between Rs. 43 and 44 W., to the ¼ section corner of sections 1 and 6, T. 19 S., Rs. 43 and 44 W., Seward Meridian;

Thence on an approximate forward bearing of S. 89° E., to vertical angle bench mark "Contact" located in section 4, T. 19 S., R. 42 W., Seward Meridian, approximate elevation 1,156 feet;

Thence on an approximate forward bearing of S. 18° W., to the summit of a mountain located in sections 29 and 32, T. 19 S., R. 42 W., Seward Meridian, approximate elevation 1,125 feet;

Thence on an approximate forward bearing of S. 2° W., to vertical angle bench mark "Granite" located on a mountain in sections 11 and 2, T. 21 S., R. 43 W., Seward Meridian, approximate elevation 1,683 feet;

Thence on an approximate forward bearing of S. 30° E., to vertical angle bench mark "Red" located in the southeasterly portion of section 2, T. 23 S., R. 42 W., Seward Meridian, approximate elevation 1,721 feet;

Thence on an approximate forward bearing of S. 40° E., to vertical angle bench mark horizontal control station "Gert" located in the southwesterly portion of section 20, T. 23 S., R. 41 W., Seward Meridian, approximate elevation 1,141 feet;

Thence on an approximate forward bearing of S. 78° E., to the confluence of the King Salmon River, Takayofa Creek and Contact Creek located in the southeasterly portion of section 20, T. 23 S., R. 41 W., Seward Meridian;

Thence on an approximate forward bearing of S. 45° E., to the intersection of a ridge and the line between sections 13 and 18, T. 24 S., Rs. 40 and 41 W., Seward Meridian, approximate elevation 1,100 feet;

Thence southeasterly and easterly, along the crest of a ridge between the drainages of the King Salmon River and streams flowing into Becharof Lake, to a point between sections 14 and 23, T. 25 S., R. 38 W., Seward Meridian;

Thence easterly, between sections 14 and 23, 13 and 24, 18 and 19, 17 and 20, 16 and 21, to the corner of sections 15, 16, 21 and 22, T. 25 S., R. 37 W., Seward Meridian;

Thence on an approximate forward bearing of S. 32° E., to the summit of a mountain located in section 22, T. 25 S., R. 37 W., Seward Meridian, approximate elevation 2,267 feet;

Thence southerly, along the crest of a ridge between the drainages of streams flowing into Becharof Lake and streams flowing into Shelikof Strait, to the summit of a small mountain in the northwest ¼ of section 22, T. 26 S., R. 37 W., Seward Meridian, approximate elevation 1,746 feet;

Thence easterly and southeasterly, along the crest of a ridge to a point N. 40° W., of vertical angle bench mark "Kubugakli", located in section 6, T. 27 S., R. 35 W., Seward Meridian, approximate elevation 1,150 feet;

Thence S. 40° E., to vertical angle bench mark "Kubugakli", the point of beginning.

Included within the Katmai National Wilderness Area are all lands and waters in the foregoing wilderness boundary, except as specifically excluded below, in addition to all islands in the North Arm of Naknek Lake, all islands in Lake Coville and all islands, islets and rocks above the line of mean high tide, seaward within Katmai National Park, except those islands located in sections 26 (south ½), 32 and 33, T. 21 S., R. 30 W., Seward Meridian, sections 4, 5, 6 and 7, T. 22 S., R. 30 W., Seward Meridian, sections 1, 11 (east ½) and 12, T. 22 S., R. 31 W., Seward Meridian, sections 7, 8, 17 (northwest ¼) and 18, T. 24 S., R. 32 W., Seward Meridian, and section 12, T. 24 S., R. 33 W., Seward Meridian;

The following lands and waters are excluded from wilderness at Lake Coville:

Beginning at the corner of sections 1, 2, 11 and 12, T. 17 S., R. 38 W., Seward Meridian;

Thence westerly, between sections 2 and 11, to a point on the easterly shore of Lake Coville, between sections 2 and 11, T. 17 S., R. 38 W., Seward Meridian;

Thence northwesterly and southeasterly, along the shore of Lake Coville to the most northeasterly point of land on the south shore of the body of water separating Lake Coville and Lake Grosvenor in the west-central portion of section 12, T. 17 S., R. 38 W., Seward Meridian, on the westerly shore of Lake Grosvenor;

Thence due north, approximately 300 feet to a point at the line of mean high water on the northwesterly shore of Lake Grosvenor located in the west-central portion of section 12, T. 17 S., R. 38 W., Seward Meridian;

Thence northeasterly, along the shore of Lake Grosvenor, to a point between sections 1 and 12, T. 17 S., R. 38 W., Seward Meridian;

Thence westerly, between sections 1 and 12, to the corner of sections 1, 2, 11 and 12, T. 17 S., R. 38 W., Seward Meridian, the place of beginning.

*In Department of the Interior 1:250,000 scale map issued in 1981, incorrectly depicts this portion of the description.

## Units of the National Wild and Scenic Rivers Systems Within the Katmai National Preserve

Section 601, Public Law 96–487 (ANILCA):

"Alagnak, Alaska.—That segment of the main stem and the major tributary to the Alagnak, the Nonvianuk River, within Katmai National Preserve; to be administered by the Secretary of the Interior."

Note: Pursuant to section 605(d) of ANILCA and as provided for under section 3(b) of the Wild and Scenic Rivers Act, the necessity for any river corridor boundaries for the Alagnak Wild River and its major tributary the Nonvianuk River, within the Katmai National Preserve, has been considered during the comprehensive conservation planning process for the preserve. In accordance with the General Management Plan for Katmai National Park and Preserve, approved November 7, 1986, no specific river corridor boundaries are deemed necessary for the Alagnak and Nonvianuk Rivers in order to protect the rivers and their immediate environments. Proposed management of the preserve meets and is compatible with management standards established by the Wild and Scenic Rivers Act. Boundaries for that portion of the Alagnak Wild River lying outside the Katmai National Preserve and designated by section 603, ANILCA, have been determined in a separate and complementary study and were published in the Federal Register, December 7, 1983, Volume 48, Number 236, Page 54,907.

The following U.S. Geological Survey 1:63,360 Series (Topographic) Quadrangle Maps were used in preparing the legal boundary descriptions for the Katmai National Park and Preserve and Katmai Wilderness:

Afognak, Alaska: (C–5) 1951 mr 1973; (C–6) 1951 mr 1973; (D–4) 1951 mr 1966; (D–5) 1951 mr 1972; (D–6) 1951 mr 1968.

Dillingham, Alaska: (A–1) 1951 mr 1973; (A–2) 1952 mr 1973.

Iliamna, Alaska: (A–1 and A–2) 1951 mr 1958; (A–3) 1951 mr 1968; (A–4) 1952 mr 1966; (A–5) 1952 mr 1966; (A–6) 1951 mr 1968; (A–7) 1951 mr 1969; (A–8) 1952 mr 1966; (B–5) 1954 mr 1966; (B–6) 1954 mr 1966; (B–7) 1951 mr 1968.

Karluk, Alaska: (D–4) 1951 mr 1973; (D–5) 1951 mr 1973.

Mt. Katmai, Alaska: (A–1) 1951 mr 1973; (A–2) 1951 mr 1966; (A–3) 1951 lr 1977; (A–4) 1951 mr 1984; (A–5) 1951 mr 1984; (A–6) 1951 lr 1975; (B–1) 1951–1977; (B–2) 1951 mr 1966; (B–5) 1953 mr 1966; (B–6) 1953 mr 1966; (C–4) 1951 mr 1965; (C–5) 1953 mr 1967; (C–6) 1951 mr 1971; (D–2) 1951 mr 1973; (D–3) 1951 mr 1972; (D–4) 1951 mr 1965; (D–5) 1951 mr 1972; (D–6) 1951 mr 1970.

Naknek, Alaska: (A–1) 1951 mr 1973; (B–1) 1951; (C–1) 1951 mr 1970; (C–2) 1952 mr 1973; (D–1) 1951 mr 1970; (D–2) 1952 mr 1969.

mr—minor revisions
lr—limited revisions

BILLING CODE 4310-70-F

# KATMAI NATIONAL PARK AND PRESERVE

## PUBLIC LAW 96-487






LEGEND

PARK

PRESERVE

WILDERNESS

WILD & SCENIC RIVERS

0 25 MILES

BILLING CODE 4310-70-C

**Kenai Fjords National Park**

Section 201(5), Public Law 96–487 (ANILCA):

*Kenai Fjords National Park*

Kenai Fjords National Park as generally depicted on a map numbered KEFJ–90,007, dated October 1978, consists of approximately five hundred and sixty-seven thousand acres of public lands, as defined in the ANILCA, within the following described boundary:

Beginning at the point between sections 13 and 18, T. 3 S., Rs. 1 and 2 W., Seward Meridian, at the line of mean high tide on Resurrection Bay, the Gulf of Alaska;

Thence northerly, between Rs. 1 and 2 W., to the closing corner of T. 1 S., Rs. 1 and 2 W., Seward Meridian;

Thence westerly, along the Seward Baseline, to the standard corner of T. 1 N., Rs. 1 and 2 W., Seward Meridian;

Thence northerly, between Rs. 1 and 2 W., to the thread of the Resurrection River (center of the main channel), T. 1 N., Rs. 1 and 2 W., Seward Meridian;

Thence northwesterly, along the thread of the Resurrection River and a common boundary with the Chugach National Forest, to the confluence of the Resurrection River with an unnamed stream flowing easterly into the Resurrection River and a point common with the Kenai National Wildlife Refuge boundary, located in section 34, T. 3 N., R. 3 W., Seward Meridian;

Thence on an approximate forward bearing of S. 30° W., departing from the common boundary with the Chugach National Forest, along a common boundary with the Kenai National Wildlife Refuge, to vertical angle bench mark "Menker", located in section 9, T. 2 N., R. 3 W., Seward Meridian, approximate elevation 3,205 feet;

Thence on an approximate forward bearing of S. 17° E., to the summit of a mountain located in the southwesterly portion of section 15, T. 2 N., R. 3 W., Seward Meridian, approximate elevation 5,107 feet;

Thence on an approximate forward bearing of S. 2° E., to the summit of a mountain located in the southwesterly portion of section 10, T. 1 N., R. 3 W., Seward Meridian, approximate elevation 5,300 feet;

Thence on an approximate forward bearing of S. 65° W., over Harding Ice Field, to the summit of a mountain located in section 9, T. 1 S., R. 5 W., Seward Meridian, approximate elevation 5,355 feet;

Thence on an approximate forward bearing of S. 18½° E., over Harding Ice Field, to the summit of a mountain located in section 25, T. 2 S., R. 5 W., Seward Meridian, approximate elevation 5,244 feet;

Thence on an approximate forward bearing of S. 47° W., over Harding Ice Field, to the summit of a mountain located in section 4, T. 4 S., R. 6 W., Seward Meridian, approximate elevation 5,873 feet;

Thence on an approximate forward bearing of S. 4° W., across Chernoff Glacier, to the summit of a mountain located in sections 5, 6, 31 and 32, Tps. 5 and 6 S., R. 6 W., Seward Meridian, approximate elevation 5,375 feet;

Thence N. 49½° W., to a point between Tps. 5 and 6 S., R. 6 W., Seward Meridian;

Thence westerly, between Tps. 5 and 6 S., to the corner of sections 4, 5, 32 and 33, Tps. 5 and 6 S., R. 8 W., Seward Meridian;

Thence southerly, between sections 4 and 5, to the corner of sections 4, 5, 8 and 9, T. 6 S., R. 8 W., Seward Meridian;

Thence westerly, between sections 5 and 8, 6 and 7, to the corner of sections 1, 6, 7 and 12, T. 6 S., Rs. 8 and 9 W., Seward Meridian;

Thence southerly, between Rs. 8 and 9 W., to the corner of sections 19, 24, 25 and 30, T. 6 S., Rs. 8 and 9 W., Seward Meridian;

Thence westerly, between sections 24 and 25, 23 and 26, 22 and 27, to the corner of sections 21, 22, 27 and 28, T. 6 S., R. 9 W., Seward Meridian;

Thence southerly, between sections 27 and 28, 33 and 34, 3 and 4, 9 and 10, to the corner of sections 9, 10, 15 and 16, T. 7 S., R. 9 W., Seward Meridian;

Thence westerly, between sections 9 and 16, to the corner of sections 8, 9, 16 and 17, T. 7 S., R. 9 W., Seward Meridian;

Thence southerly, between sections 16 and 17, 20 and 21, 28 and 29, 32 and 33, 4 and 5, to the corner of sections 4, 5, 8 and 9, T. 8 S., R. 9 W., Seward Meridian;

Thence westerly, between sections 5 and 8, to the corner of sections 5, 6, 7 and 8, T. 8 S., R. 9 W., Seward Meridian;

Thence southerly, between sections 7 and 8, 17 and 18, to the corner of sections 17, 18, 19 and 20, T. 8 S., R. 9 W., Seward Meridian;

Thence westerly, between sections 18 and 19, 13 and 24, 14 and 23, 15 and 22, to the corner of sections 15, 16, 21 and 22, T. 8 S., R. 10 W., Seward Meridian;

Thence southerly, between sections 21 and 22, 27 and 28, 33 and 34, to the standard corner of sections 33 and 34, T. 8 S., R. 10 W., Seward Meridian;

Thence easterly, departing from the common boundary with the Kenai National Wildlife Refuge, on the Second Standard Parallel South, to the standard corner of sections 34 and 35, T. 8 S., R. 9 W., Seward Meridian;

Thence on an approximate forward bearing of S. 34° E., to the vertical angle bench mark "Shoulder" on the summit of a mountain in the southwest portion of section 2, T. 9 S., R. 9 W., Seward Meridian, approximate elevation 3,255 feet;

Thence southwesterly, along the crest of a ridge between the Petrof Glacier basin and Nuka Passage to the summit of a mountain located near the center of section 28, T. 9 S., R. 9 W., Seward Meridian, approximate elevation 1,036 feet;

Thence on an approximate forward bearing of S. 53° W., to the corner of sections 28, 29, 32 and 33, T. 9 S., R. 9 W., Seward Meridian;

Thence southerly, between sections 32 and 33, to a point on the line of mean high tide on the left bank of an unnamed river flowing southeasterly into Nuka Passage, between sections 32 and 33, T. 9 S., R. 9 W., Seward Meridian;

Thence northeasterly along the line of mean high tide of the unnamed river and the Gulf of Alaska, to a point between sections 13 and 18, T. 3 S., Rs. 1 and 2 W., Seward Meridian, the point of beginning.

The Kenai Fjords National Park also includes all of Nuka Island above the line of mean high tide.

The following U.S. Geological Survey 1:63,360 Series (Topographic) Quadrangle Maps were used in preparing the legal boundary description for the Kenai Fjords National Park:

Blying Sound, Alaska: (C–7) 1952; (C–8) 1951 mr 1963; (D–7) 1951 mr 1972; (D–8) 1951 mr 1963.

Kenai, Alaska: (A–1) 1951 mr 1971.

Seldovia, Alaska: (B–1) 1953 mr 1973; (B–2) 1951 mr 1971; (B–3) 1951 mr 1971; (C–1) 1953; (C–2) 1953; (C–3) 1951 mr 1973; (D–1) 1951 mr 1979.

Seward, Alaska: (A–7) 1950 mr 1975; (A–8) 1951 mr 1973; (B–8) 1951 mr 1976.

mr—minor revisions

BILLING CODE 4310–70–F

# KENAI FJORDS NATIONAL PARK

PUBLIC LAW 96-487




BILLING CODE 4310-70-C

**Kobuk Valley National Park**

Section 201 (6), Public Law 96–487 (ANILCA):

*Kobuk Valley National Park*

Kobuk Valley National Park as generally depicted on a map numbered KOVA—90,009, dated october 1979, consists of approximately one million seven hundred and ten thousand acres of public lands, as defined in the ANILCA, within the following described boundary:

Beginning at the corner of sections 3, 4, 33 and 34, Tps. 18 and 19 N., R. 3 E., Kateel River Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, departing from a common boundary with the Selawik National Wildlife Refuge, to the corner of sections 3, 4, 33 and 34, Tps. 19 and 20 N., R. 3 E.,-Kateel River Meridian;

Thence easterly, between Tps. 19 and 20 N., to the corner of sections 1, 2, 35 and 36, Tps. 19 and 20 N., R. 3 E., Kateel River Meridian;

Thence northerly, between sections 35 and 36, 25 and 26, 23 and 24, 13 and 14, to the corner of sections 11, 12, 13 and 14, T. 20 N., R. 3 E., Kateel River Meridian;

Thence westerly, between sections 11 and 14, 10 and 15, 9 and 16, 8 and 17, to the corner of sections 7, 8, 17 and 18, T. 20 N., R. 3 E., Kateel River Meridian;

Thence northerly, between sections 7 and 8, 5 and 6, to the closing corner of sections 5 and 6, T. 20 N., R. 3 E., Kateel River Meridian;

Thence westerly, along the Fifth Standard Parallel North, to the standard corner of T. 21 N., Rs. 2 and 3 E., Kateel River Meridian;

Thence northerly, between Rs. 2 and 3 E., to the corner of Tps. 21 and 22 N., Rs. 2 and 3 E., Kateel River Meridian;

Thence easterly, between Tps. 21 and 22 N., to a point due north of vertical angle bench mark "Jade", located in section 3, T. 21 N., R. 3 E., Kateel River Meridian, elevation 3,333 feet;

Thence due south to vertical angle bench mark "Jade", located in section 3, T. 21 N., R. 3 E., Kateel River Meridian, elevation 3,333 feet;

Thence easterly, along the crest of the Jade Mountains, between the drainages of Nuna Creek and Jade Creek and an unnamed tributary of the Kobuk River to the summit of a peak located in the southeasterly portion of section 5, T. 21 N., R. 4 E., Kateel River Meridian, approximate elevation 2,850 feet;

Thence on an approximate forward bearing of N. 30° E., to the summit of a small peak between Miluet Creek and Nuna Creek, located in the northern ½ of section 27, T. 22 N., R. 4 E., Kateel River Meridian, approximate elevation 1,825 feet;

Thence northerly, along the crest of a ridge between Miluet Creek and Nuna Creek to the summit of a mountain located in section 8, T. 23 N., R. 5 E., Kateel River Meridian, approximate elevation 3,515 feet;

Thence northwesterly along the crest of the Baird Mountains between the drainages of the Kobuk River and Noatak River, along a common boundary with the Noatak National Preserve, to the summit of a mountain located in the southwesterly portion of section 26, T. 25 N., R. 4 E., Kateel River Meridian, approximate elevation 3,000 feet;

Thence westerly along the crest of the Baird Mountains between the drainages of the Kobuk River and Noatak River to the summit of a mountain in sections 19 and 30, T. 25 N., R. 2 E., Kateel River Meridian, approximate elevation 3,522 feet;

Thence northwesterly and southwesterly along the crest of the Baird Mountains between the drainages of the Kobuk River and Noatak River to the summit of a mountain in section 14, T. 25 N., R. 2 W., Kateel River Meridian, approximate elevation 3,229 feet;

Thence northwesterly along the crest of the Baird Mountains between the drainages of the Kobuk River and the Noatak River to the summit of a mountain in section 33, T. 29 N., R. 5 W., Kateel River Meridian, approximate elevation 2,528 feet;

Thence southwesterly along the crest of the Baird Mountains between the drainages of the Kobuk River and the Noatak River to the summit of a mountain in sections 8 and 17, T. 25 N., R. 7 W., Kateel River Meridian, approximate elevation 3,200 feet;

Thence southerly, departing from the common boundary with the Noatak National Preserve, along the crest of a ridge between the drainages of the Squirrel River and the Salmon River, to the summit of a mountain located in the northwesterly portion of section 22, T. 25 N., R. 7 W., Kateel River Meridian, approximate elevation 2,750 feet;

Thence on an approximate forward bearing of S. 28° W., to the summit on the toe ridge in the southeasterly portion of section 21, T. 25 N., R. 7 W., Kateel River Meridian, approximate elevation 2,000 feet;

Thence on an approximate forward bearing of S. 38° E., to the summit of a mountain located in sections 34 and 35, T. 25 N., R. 7 W., Kateel River Meridian, approximate elevation 2,881 feet;

Thence southerly and southeasterly, along the crest of a ridge between the drainages of tributaries of the Squirrel River and Salmon River and Kallarichuk River, to the summit of a mountain in the northwesterly portion of section 35, T. 21 N., R. 7 W., Kateel River Meridian, approximate elevation 2,890 feet;

Thence southeasterly, along the crest of a ridge between tributaries of the Kallarichuk River to the easterly summit of a mountain located in section 11, T. 20 N., R. 6 W., Kateel River Meridian, approximate elevation 1,285 feet;

Thence on an approximate forward bearing of S. 40° E., to the corner of sections 13, 18, 19 and 24, T. 20 N., Rs. 5 and 6 W., Kateel River Meridian;

Thence southerly, between Rs. 5 and 6 W., to the ¼ corner of sections 25 and 30, T. 19 N., Rs. 5 and 6 W., Kateel River Meridian;

Thence southerly, along a common boundary with the Selawik National Wildlife Refuge, between Rs. 5 and 6 W., to a point on the crest of a ridge of the Waring Mountains located between sections 13 and 18, T. 18 N., Rs. 5 and 6 W., Kateel River Meridian, approximate elevation 900 feet;

Thence easterly, southeasterly and northeasterly, along the crest of the ridge and the crest of the Waring Mountains between the drainages of the Kobuk and Selawik Rivers, to the summit of a mountain located in the northwesterly portion of section 28, T. 18 N., R. 3 W., Kateel River Meridian, approximate elevation 975 feet;

Thence on an approximate forward bearing of S. 85° E., to the summit of a mountain located in the northerly portion of section 27, T. 18 N., R. 3 W., Kateel River Meridian, approximate elevation 800 feet;

Thence northeasterly, southerly, and easterly along the crest of the Waring Mountains, between the drainages of the Kobuk River and the Selawik River to the summit of a mountain located in section 24, T. 18 N., R. 2 W., Kateel River Meridian, approximate elevation 1,050 feet;

Thence on an approximate forward bearing of N. 30° E., to the summit of a mountain located in the northerly portion of section 18, T. 18 N., R. 1 W., Kateel River Meridian, approximate elevation 900 feet;

Thence northerly, easterly and southerly, along the crest of the Waring Mountains, between the drainages of the Kobuk River and Selawik River to the summit of a mountain located in the easterly portion of section 9, T. 18 N., R. 1 W., Kateel River Meridian, approximate elevation 950 feet;

Thence on an approximate forward bearing of S. 80° E., to the summit of a mountain located in sections 10 and 11, T. 18 N., R. 1 W., Kateel River Meridian, approximate elevation 1,150 feet;

Thence easterly and southeasterly, along the crest of the Waring Mountains between the drainages of the Kobuk River and the Selawik River to the summit of a ridge located in the northwesterly portion of section 12, T. 18 N., R. 2 E., Kateel River Meridian, approximate elevation 1,550 feet;

Thence on an approximate forward bearing of S. 40° E., to the corner of sections 7, 12, 13 and 18, T. 18 N., Rs. 2 and 3 E., Kateel River Meridian;

Thence southerly, between Rs. 2 and 3 E., to the south 1/16 section corner of sections 13 and 18, T. 18 N., Rs. 2 and 3 E., Kateel River Meridian;

Thence easterly, on the east and west centerline of the southwest ¼ of section 18 to the center south 1/16 section corner of section 18, T. 18 N., R. 3 E., Kateel River Meridian;

Thence northerly, on the north and south centerlines of sections 18 and 7, to the center ¼ section corner of section 7, T. 18 N., R. 3 E. Kateel River Meridian;

Thence easterly, on the east and west centerline of section 7, to the ¼ section corner of sections 7 and 8, T. 18 N., R. 3 E., Kateel River Meridian;

Thence northerly, between sections 7 and 8, to the corner of sections 5, 6, 7 and 8, T. 18 N., R. 3 E., Kateel River Meridian;

Thence on an approximate forward bearing of N. 50° E., to the summit of a mountain located in section 5, T. 18 N., R. 3 E., Kateel River Meridian, approximate elevation 1,215 feet;

Thence on an approximate forward bearing of S. 45° E., to the summit of a ridge located in the westerly portion of section 4, T. 18 N., R. 3 E., Kateel River Meridian, approximate elevation 1,050 feet;

Thence on an approximate forward bearing of N. 60° E., to the corner of sections 3, 4, 33

and 34, Tps. 18 and 19 N., R. 3 E., Kateel River Meridian, to the place of beginning.

**Units of the National Wilderness Preservation System Within the Kobuk Valley National Park**

Section 701(5), Public Law 96–487 (ANILCA):

*Kobuk Valley Wilderness*

The Kobuk Valley Wilderness as generally depicted on a map numbered KOVA–90,009, dated October 1979, consists of approximately one hundred and ninety thousand acres of public lands, as defined in the ANILCA, within the following described boundary:

Beginning at the corner of sections 3, 4, 33 and 34, Tps. 18 and 19 N., R. 3 E., Kateel River Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, to the corner of sections 15, 16, 21 and 22, T. 19 N., R. 3 E., Kateel River Meridian;

Thence westerly, between sections 16 and 21, 17 and 20, 18 and 19, 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, to the corner of sections 13, 18, 19 and 24, T. 19 N., Rs. 1 and 2 E., Kateel River Meridian;

Thence northerly, between Rs. 1 and 2 E., to the corner of Tps. 19 and 20 N., Rs. 1 and 2 E., Kateel River Meridian;

Thence westerly, between Tps. 19 and 20 N., to the corner of Tps. 19 and 20 N., Rs 1 E. and 1 W., Kateel River Meridian;

Thence northerly, between Rs. 1 E. and 1 W., to a point between sections 31 and 36, T. 21 N., Rs. 1 E. and 1 W., Kateel River Meridian, on the left bank of the Kobuk River;

Thence southwesterly, along the line of mean high water on the left bank of the Kobuk River, to the left bank of the unnamed creek at its confluence with the Kobuk River, located in the southern portion of section 15, T. 20 N., R. 2 W., Kateel River Meridian;

Thence southerly, along the left bank of the unnamed creek to a point between sections 22 and 27, T. 20 N., R. 2 W., Kateel River Meridian;

Thence westerly, between sections 22 and 27, 21 and 28, 20 and 29, 19 and 30, to the corner of sections 19, 24, 25 and 30, T. 20 N., Rs. 2 and 3 W., Kateel River Meridian;

Thence southerly, between Rs. 2 and 3 W., to the corner of Tps. 18 and 19 N., Rs. 2 and 3 W., Kateel River Meridian;

Thence westerly, between Tps. 18 and 19 N., to the corner of Tps. 18 and 19 N., Rs. 5 and 6 W., Kateel River Meridian;

Thence southerly, between Rs. 5 and 6 W., to a point on the crest of a ridge of the Waring Mountains located between sections 13 and 18, T. 18 N., Rs. 5 and 6 W., Kateel River Meridian, approximate elevation 900 feet;

Thence easterly, southeasterly and northeasterly, along the crest of the ridge and the crest of the Waring Mountains between the drainages of the Kobuk and Selawik Rivers to the summit of a mountain located in the northwesterly portion of section 28, T. 18 N., R. 3 W., Kateel River Meridian, approximate elevation 975 feet;

Thence on an approximate forward bearing of S. 85° E., to the summit of a mountain located in the northerly portion of section 27, T. 18 N., R. 3 W., Kateel River Meridian, approximate elevation 800 feet;

Thence northeasterly, southerly, and easterly, along the crest of the Waring Mountains between the drainages of the Kobuk and Selawik Rivers to the summit of a mountain located in section 24, T. 18 N., R. 2 W., Kateel River Meridian, approximate elevation 1,050 feet;

Thence on an approximate forward bearing of N. 30° E., to the summit of a mountain located in the northerly portion of section 18, T. 18 N., R. 1 W., Kateel River Meridian, approximate elevation 900 feet;

Thence northerly, easterly and southerly, along the crest of the Waring Mountains, between the drainages of the Kobuk River and Selawik River to the summit of a mountain located in the easterly portion of section 9, T. 18 N., R. 1 W., Kateel River Meridian, approximate elevation 950 feet;

Thence on an approximate forward bearing of S. 80° E., to the summit of a mountain located in sections 10 and 11, T. 18 N., R. 1 W., Kateel River Meridian, approximate elevation 1,150 feet;

Thence easterly and southeasterly, along the crest of the Waring Mountains between the drainages of the Kobuk River and the Selawik River to the summit of a ridge located in the northwesterly portion of section 12, T. 18 N., R. 2 E., Kateel River Meridian, approximate elevation 1,550 feet;

Thence on an approximate forward bearing of S. 40° E., to the corner of sections 7, 12, 13 and 18, T. 18 N., Rs. 2 and 3 E., Kateel River Meridian;

Thence southerly between Rs. 2 and 3 E., to the south 1/16 section corner of sections 13 and 18, T. 18 N., Rs. 2 and 3 E., Kateel River Meridian;

Thence easterly, on the east and west centerline of the southwest 1/4 of section 18 to the center south 1/16 section corner of section 18, T. 18 N., R. 3 E., Kateel River Meridian;

Thence northerly, on the north and south centerlines of sections 18 and 7, to the center 1/4 section corner of section 7, T. 18 N., R. 3 E., Kateel River Meridian;

Thence easterly, on the east and west centerline of section 7, to the 1/4 section corner of sections 7 and 8, T. 18 N., R 3 E., Kateel River Meridian;

Thence northerly, between sections 7 and 8, to the corner of sections 5, 6, 7 and 8, T. 18 N., R. 3 E., Kateel River Meridian;

Thence on an approximate forward bearing of N. 50° E., to the summit of a mountain located in section 5, T. 18 N., R. 3 E., Kateel River Meridian, approximate elevation 1,215 feet;

Thence on an approximate forward bearing of S. 45° E., to the summit of a ridge located in the westerly portion of section 4, T. 18 N., R. 3 E., Kateel River Meridian, approximate elevation 1,050 feet;

Thence on an approximate forward bearing of N. 60° E., to the corner of sections 3, 4, 33 and 34, Tps. 18 and 19 N., R. 3 E., Kateel River Meridian, the place of beginning.

**Units of the National Wild and Scenic Rivers System Within the Kobuk Valley National Park**

Section 601, Public Law 96–487 (ANILCA):

"Salmon, Alaska.—That portion within the Kobuk Valley National Park; to be administered by the Secretary of the Interior."

**Note:** Pursuant to section 605(d) of ANILCA and as provided for under section 3(b) of the Wild and Scenic Rivers Act, the necessity for any river corridor boundaries for the Salmon Wild River within the Kobuk Valley National Park has been considered during the comprehensive conservation planning process for the park. In accordance with the General Management Plan for Kobuk Valley National Park, approved November 7, 1986, no specific river corridor boundaries are deemed necessary for the Salmon Wild River in order to protect the river and its immediate environments. Proposed management of the park meets and is compatible with management standards established by the Wild and Scenic Rivers Act.

The following U. S. Geological Survey 1:63,360 Series (Topographic) quadrangle maps were used in preparing the legal boundary descriptions for the Kobuk Valley National Park and the Kobuk Valley Wilderness Area:

Ambler River, Alaska: (A–5) 1955 mr 1971; (A–6) 1955 mr 1967; (B–4) pe 1990; (B–5) pe 1990; (C–4) pe 1990; (C–5) pe 1990; (C–6) pe 1990.

Baird Mountains, Alaska: (A–1) 1955 mr 1964; (A–2) 1955 mr 1964; (A–3) 1955; (B–3) 1955; (C–1) pe 1990; (C–3) 1955; (D–1) pe 1990; (D–2) pe 1990; (D–3) 1955.

Selawik, Alaska: (D–1) 1955 mr 1967; (D–2) 1955 mr 1973.

Shungnak, Alaska: (D–5) 1955 mr 1973; (D–6) 1955 mr 1973.

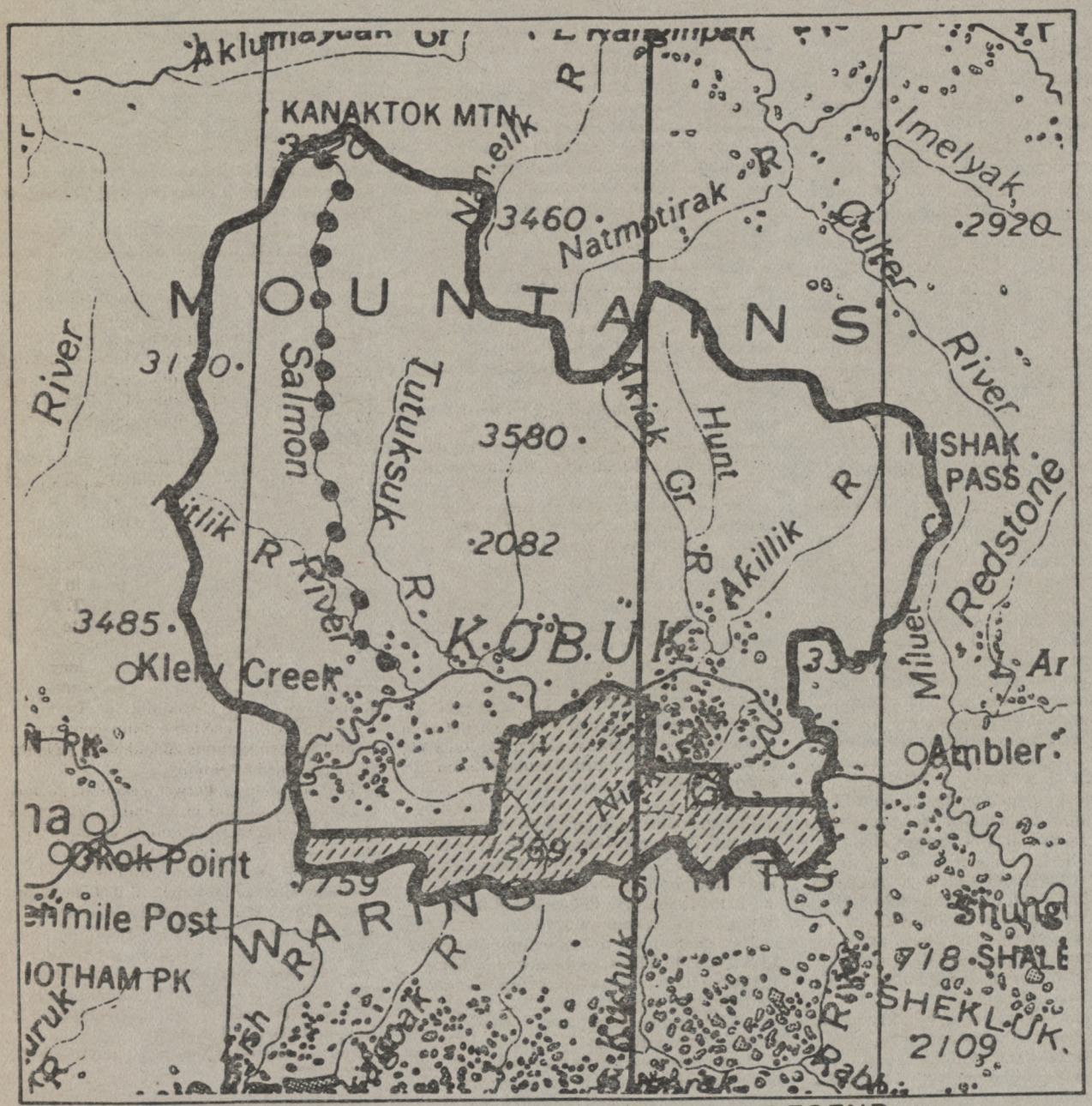
mr—minor revisions

pe—provisional edition

BILLING CODE 4310-70-F

# KOBUK VALLEY NATIONAL PARK

PUBLIC LAW 96-487




BILLING CODE 4310-70-C

**Lake Clark National Park and Preserve**

Section 201(7)(a), Public Law 96–487 (ANILCA):

*Lake Clark National Park*

Lake Clark National Park as generally depicted on a map numbered LACL–90,008, dated October 1978, consists of approximately two million four hundred thirty-nine thousand acres of public lands, as defined in the ANILCA, within the following described boundary:

Beginning at the meander corner of sections 3 and 34, Tps. 2 and 3 N., R. 18 W., Seward Meridian, at the line of mean high tide on Cook Inlet:

Thence westerly, between Tps. 2 and 3 N., to the corner of sections 5, 6, 31 and 32, Tps. 2 and 3 N., R. 18 W., Seward Meridian;

Thence northerly, between sections 31 and 32, to the corner of sections 29, 30, 31 and 32, T. 3 N., R. 18 W., Seward Meridian;

Thence westerly, between sections 30 and 31, to the corner of sections 25, 30, 31 and 36, T. 3 N., Rs. 18 and 19 W., Seward Meridian;

Thence northerly, between Rs. 18 and 19 W., to the ¼ section corner of sections 19 and 24, T. 3 N., Rs. 18 and 19 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 24, to the ¼ section corner of sections 23 and 24, T. 3 N., R. 19 W., Seward Meridian;

Thence northerly, between sections 23 and 24, 13 and 14, 11 and 12, 1 and 2, 35 and 36, 25 and 26, 23 and 24, 13 and 14, 11 and 12, 1 and 2, to the closing corner of sections 1 and 2, T. 4 N., R. 19 W., Seward Meridian;

Thence westerly, on the First Standard Parallel North, to the standard corner of T. 5 N., Rs. 18 and 19 W., Seward Meridian;

Thence northerly, between Rs. 18 and 19 W., to the corner of Tps. 5 and 6 N., Rs. 18 and 19 W., Seward Meridian;

Thence easterly, between Tps. 5 and 6 N., to the corner of sections 3, 4, 33 and 34, Tps. 5 and 6 N., R. 18 W., Seward Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, 33 and 34, 27 and 28, 21 and 22, to the corner of sections 15, 16, 21 and 22, T. 8 N., R. 18 W., Seward Meridian;

Thence westerly, between sections 16 and 21, 17 and 20, 18 and 19, 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, to the corner of sections 13, 18, 19 and 24, T. 8 N., Rs. 19 and 20 W., Seward Meridian;

Thence northerly, between Rs. 19 and 20 W., to the closing corner of T. 8 N., Rs. 19 and 20 W., Seward Meridian;

Thence easterly, on the Second Standard Parallel North, to the standard corner of T. 9 N., Rs. 17 and 18 W., Seward Meridian;

Thence northerly, between Rs. 17 and 18 W., to the corner of sections 13, 18, 19 and 24, T. 9 N., Rs. 17 and 18 W., Seward Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24, to the corner of sections 13, 18, 19 and 24, T. 9 N., Rs. 16 and 17 W., Seward Meridian;

Thence northerly, between Rs. 16 and 17 W., to the corner of Tps. 9 and 10 N., Rs. 16 and 17 W., Seward Meridian;

Thence westerly, between Tps. 9 and 10 N., to the corner of Tps. 9 and 10 N., Rs. 20 and 21 W., Seward Meridian;

Thence northerly, between Rs. 20 and 21 W., to the closing corner of T. 12 N., Rs. 20 and 21 W., Seward Meridian;

Thence westerly, on the Third Standard Parallel North, to the standard corner of T. 13 N., Rs. 20 and 21 W., Seward Meridian;

Thence northerly, between Rs. 20 and 21 W., to the closing corner of T. 16 N., Rs. 20 and 21 W., Seward Meridian;

Thence westerly, on the Fourth Standard Parallel North, to the closing corner of T. 16 N., Rs. 23 and 24 W., Seward Meridian;

Thence southerly, between Rs. 23 and 24 W., to the crest of a ridge between sections 19 and 24, T. 16 N., Rs. 23 and 24 W., Seward Meridian, approximate elevation 6,400 feet;

Thence easterly, northeasterly and southeasterly, along a common boundary with the Lake Clark National Preserve, along the crest of a ridge, between the Stony River and South Fork of the Kuskokwim River drainages, to the summit of a peak in the westerly portion of section 20, T. 16 N., R. 23 W., Seward Meridian, approximate elevation 6,686 feet;

Thence on an approximate forward bearing of N. 81° E., to the summit of a peak in the westerly portion of section 21, T. 16 N., R. 23 W., Seward Meridian, approximate elevation 6,515 feet;

Thence southerly, easterly and southwesterly, along the crest of a ridge, between the Stony River and South Fork of the Kuskokwim River and Chilligan River drainages, to a point between sections 32 and 33, T. 16 N., R. 23 W., Seward Meridian;

Thence southerly, between sections 32 and 33, to the corner of sections 4, 5, 32 and 33, Tps. 15 and 16 N., R. 23 W., Seward Meridian;

Thence easterly, between Tps. 15 and 16 N., to the crest of a ridge between the Stony River and Chilligan River drainages, between sections 3 and 34, Tps. 15 and 16 N., R. 23 W., Seward Meridian, approximate elevation 5,000 feet;

Thence easterly, southerly, southwesterly and southeasterly, along the crest of a ridge, between the Stony River, Necons River and Chilligan River drainages, to the summit of a peak in the northwesterly portion of section 35, T. 15 N., R. 23 W., Seward Meridian, approximate elevation 7,375 feet;

Thence on an approximate forward bearing of S. 71° E., to a point at the most northerly end of an unnamed lake in the southerly portion of section 36, T. 15 N., R. 23 W., Seward Meridian;

Thence on an approximate forward bearing of S. 63° E., to the summit of a peak in the northwesterly portion of section 6, T. 14 N., R. 22 W., Seward Meridian, approximate elevation 5,277 feet;

Thence southeasterly, southwesterly and southeasterly, along the crest of a ridge, between the Necons River, Merrill River, Chilligan River and Igitna River drainages, to the summit of a peak in the westerly portion of section 24, T. 13 N., R. 23 W., Seward Meridian, approximate elevation 5,310 feet;

Thence on an approximate forward bearing of S. 42° E., to a point on the northeasterly end of a small unnamed lake on Merrill Pass, in the southerly portion of section 24, T. 13 N., R. 23 W., Seward Meridian;

Thence on an approximate forward bearing of S. 12° E., to the summit of a peak in the easterly portion of section 25, T. 13 N., R. 23 W., Seward Meridian, approximate elevation 5,290 feet;

Thence southwesterly, westerly and southerly, along the crest of a ridge, between the Merrill River, Necons River, Telaquana River, Another River, and Neacola River drainages, to the summit of a peak in the southerly portion of section 22, T. 10 N., R. 24 W., Seward Meridian, approximate elevation 6,300 feet;

Thence on an approximate forward bearing of N. 77° E., to the summit of a peak in the westerly portion of section 24, T. 10 N., R. 24 W., Seward Meridian, approximate elevation 3,960 feet;

Thence southerly and westerly, along the crest of a ridge, between the Telaquana River and Neacola River drainages, to the summit of a peak in the central portion of section 2, T. 9 N., R. 24 W., Seward Meridian; approximate elevation 6,410 feet;

Thence on an approximate forward bearing of South, to the summit of a peak in the southerly portion of section 11, T. 9 N., R. 24 W., Seward Meridian; approximate elevation 6,220 feet;

Thence southerly and westerly, along the crest of a ridge, to the summit of a peak in the westerly portion of section 14, T. 9 N., R. 24 W., Seward Meridian; approximate elevation 5,800 feet;

Thence on an approximate forward bearing of S. 20° E., to the summit of a peak in the southeasterly portion of section 23, T. 9 N., R. 24 W., Seward Meridian, approximate elevation 5,655 feet;

Thence southerly and westerly, along the crest of a ridge, between the Telaquana River, Trail Creek, Tlikakila River, Twin Lakes and Turquoise Lake drainages, to a point between sections 26 and 35, T. 9 N., R. 26 W., Seward Meridian;

Thence westerly, between sections 26 and 35, 27 and 34, 28 and 33, 29 and 32, 30 and 31, 25 and 36, 26 and 35, 27 and 34, 28 and 33, to the crest of a ridge between the Summit Creek and Turquoise Lake drainages, between sections 28 and 33, T. 9 N., R. 27 W., Seward Meridian, approximate elevation 3,295 feet;

Thence southwesterly, along the crest of a ridge, between the Summit Creek and Turquoise Lake drainages, to a point on the east and west centerline of section 33, T. 9 N., R. 27 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 33, to the ¼ section corner of sections 32 and 33, T. 9 N., R. 27 W., Seward Meridian;

Thence southerly, between sections 32 and 33, to the standard corner of sections 32 and 33, T. 9 N., R. 27 W., Seward Meridian;

Thence westerly, on the Second Standard Parallel North, to the closing corner of T. 8 N., Rs. 27 and 28 W., Seward Meridian;

Thence southerly, between Rs. 27 and 28 W., to the crest of a ridge between the Chilikadrotna River and College Creek drainages between sections 1 and 6, T. 5 N Rs. 27 and 28 W., Seward Meridian, approximate elevation 3,700 feet;

Thence easterly, along the crest of a ridge, between the Chilikadrotna River and College Creek drainages, to the summit of a peak in the central portion of section 11, T. 5 N., R. 27 W., Seward Meridian, approximate elevation 4,281 feet;

Thence on an approximate forward bearing of S. 20° E., to the summit of a peak in the southwesterly portion of section 31, T. 5 N., R. 26 W., Seward Meridian, approximate elevation 4,211 feet;

Thence easterly, along the crest of a ridge, between the Portage Lake and Kijik River drainages, to the summit of a peak in the southerly portion of section 33, T. 5 N., R. 26 W., Seward Meridian, approximate elevation 4,150 feet;

Thence on an approximate forward bearing of South, to the summit of a peak in the southwesterly portion of section 8, T. 4 N., R. 26 W., Seward Meridian, approximate elevation 4,800 feet;

Thence southerly and westerly, along the crest of a ridge, between the Kijik River and other Lake Clark drainages, to the saddle in the ridge northeasterly of the headwaters of Portage Creek in the northerly portion of section 28, T. 4 N., R. 27 W., Seward Meridian, approximate elevation 3,150 feet;

Thence southwesterly, to the headwaters of Portage Creek in the northerly portion of section 28, T. 4 N., R. 27 W., Seward Meridian;

Thence southwesterly and southerly, along the right bank of Portage Creek, to the mouth of Portage Creek on the shore of Lake Clark at the line of mean high water in section 17, T. 3 N., R. 27 W., Seward Meridian;

Thence southwesterly, along the line of mean high water of Lake Clark, to the right bank at the mouth of the most easterly unnamed creek in section 10, T. 2 N., R. 29 W., Seward Meridian;

Thence on an approximate forward bearing of S. 35° E., crossing Lake Clark, to the most southwesterly point of Tommy Island, in section 24, T. 2 N., R. 29 W., Seward Meridian;

Thence southeasterly, along the shore of Tommy Island, to the most southerly point of Tommy Island, in section 25, T. 2 N., R. 29 W., Seward Meridian;

Thence on an approximate forward bearing of S. 30° E., crossing Lake Clark, to a point on the left bank at the mouth of Tommy Creek on the southeast shore of Lake Clark at the line of mean high water in section 25, T. 2 N., R. 29 W., Seward Meridian;

Thence southerly, along the shore of Lake Clark, along the line of mean high water, to the left bank at the mouth of an unnamed creek on the southeast shore of Lake Clark, in the northeasterly portion of section 36, T. 2 N., R. 29 W., Seward Meridian;

Thence on an approximate forward bearing of S. 12° E., to the summit of a peak in the southeasterly portion of section 1, T. 1 N., R. 29 W., Seward Meridian, approximate elevation 3,904 feet;

Thence on an approximate forward bearing of S. 40° W., to the summit of a peak in the northwesterly portion of section 27, T. 1 N., R. 29 W., Seward Meridian, approximate elevation 3,460 feet;

Thence on an approximate forward bearing of S. 1° E., to the summit of a peak in the southerly portion of section 27, T. 1 N., R. 29 W., Seward Meridian, approximate elevation 3,400 feet;

Thence on an approximate forward bearing of S. 50° W., to the summit of a peak in the central portion of section 33, T. 1 N., R. 29 W., Seward Meridian, approximate elevation 4,140 feet;

Thence southerly, easterly, southeasterly and southerly, along the crest of the divide between the Tazimina River and the Tanalian River, Takoka Creek, Brooks Creek and Pile River drainages, to the summit of a peak in the easterly portion of section 27, T. 2 S., R. 26 W., Seward Meridian, approximate elevation 4,750 feet;

Thence on an approximate forward bearing of S. 45° E., departing from the common boundary with the Lake Clark National Preserve, to the summit of a peak in the southwesterly portion of section 6, T. 3 S., R. 25 W., approximate elevation 4,500 feet;

Thence easterly, northeasterly and southerly, along the crest of a ridge, between the tributaries of the Pile River and the tributaries of the Iliamna River drainages, to the summit of a peak in the easterly portion of section 2, T. 3 S., R. 25 W., Seward Meridian, approximate elevation 4,300 feet;

Thence on an approximate forward bearing of S. 50° E., to the summit of a peak in the central portion of section 17, T. 3 S., R. 24 W., Seward Meridian, approximate elevation 3,350 feet;

Thence northeasterly and southeasterly, along the crest of a ridge between the Iliamna River, Iniskin River, Clearwater Creek, and Chinitna River and the Holland Creek and Tooie Creek drainages, to the summit of a peak in the southwesterly portion of section 5, T. 4 S., R. 23 W., Seward Meridian, approximate elevation 2,507 feet;

Thence southerly, along the crest of a ridge, between the Marsh Creek and an unnamed creek drainages, to a point between sections 5 and 8, T. 4 S., R. 23 W., Seward Meridian;

Thence easterly, between sections 5 and 8, 4 and 9, to the meander corner of sections 4 and 9, T. 4 S., R. 23 W., Seward Meridian, at the line of mean high tide of Chinitna Bay;

Thence easterly, northerly, northwesterly, southeasterly and northeasterly, along the line of mean high tide of Chinitna Bay, Cook Inlet and Tuxedni Bay, including the islands in sections 5, 6, 7 and 8, T. 2 S., R. 19 W., in sections 1, 2 and 12, T. 2 S., R. 20 W., in sections 25, 26 and 36, T. 2 N., R. 20 W., in sections 30 and 31, T. 2 N., R. 19 W., and within T. 2 N., Rs. 21 and 22 W., and T. 3 N., R. 21 W., Seward Meridian, to the meander corner of sections 3 and 34, Tps. 2 and 3 N., R. 18 W., Seward Meridian, the place of beginning.

Lake Clark National Park includes only those lands, islands, islets, rocks and spires above the line of mean high tide.

*Lake Clark National Preserve*

Lake Clark National Preserve as generally depicted on a map numbered LACL–90,008, dated October 1978, consists of approximately one million two hundred and fourteen thousand acres of public lands, as defined in the ANILCA, within the following described boundary:

Beginning at the summit of a peak in the easterly portion of section 27, T. 2 S., R. 26 W., Seward Meridian, approximate elevation 4,750 feet;

Thence southerly and westerly, departing from a common boundary with the Lake Clark National Park, along the crest of a ridge, between the Pile River and Tazimina Lakes drainages, to the summit of a peak in the northwesterly portion of section 36, T. 2 S., R. 27 W., Seward Meridian, approximate elevation 4,480 feet;

Thence on an approximate forward bearing of N. 74° W., to the summit of a peak in the southwesterly portion of section 27, T. 2 S., R. 27 W., Seward Meridian, approximate elevation 4,500 feet;

Thence southerly and westerly, along the crest of a ridge, between the Pile River and Tazimina River drainages, to the summit of a peak in the northerly portion of section 18, T. 3 S., R. 27 W., Seward Meridian, approximate elevation 4,055 feet;

Thence on an approximate forward bearing of N. 83° W., to the summit of a peak in the northeasterly portion of section 14, T. 3 S., R. 28 W., Seward Meridian, approximate elevation 3,800 feet;

Thence northerly and westerly, along the crest of a ridge, between the Canyon Creek and Tazimina River drainages, to the summit of a peak in the northwesterly portion of section 31, T. 2 S., R. 28 W., Seward Meridian, approximate elevation 4,320 feet;

Thence on an approximate forward bearing of N. 69° W., to the summit of a peak in the northwesterly portion of section 26, T. 2 S., R. 29 W., Seward Meridian, approximate elevation 1,852 feet;

Thence on an approximate forward bearing of N. 75° W., to the meander corner of sections 21 and 22, T. 2 S., R. 29 W., Seward Meridian, at the line of mean high water of Chekok Lake;

Thence on an approximate forward bearing of N. 66° W., to the summit of a peak in the northwesterly portion of section 20, T. 2 S., R. 29 W., Seward Meridian, approximate elevation 3,508 feet;

Thence southwesterly, along the crest of the divide between the Chekok Creek and Tazimina River drainages, to a point on the crest of a ridge between sections 20 and 29, T. 3 S., R. 30 W., Seward Meridian;

Thence westerly, between sections 20 and 29, 19 and 30, 24 and 25, 23 and 26, 22 and 27, 21 and 28, to the ¼ section corner of sections 21 and 28, T. 3 S., R. 31 W., Seward Meridian;

Thence southerly, along the north and south centerline of section 28, to the center ¼ section corner of section 28, T. 3 S., R. 31 W., Seward Meridian;

Thence westerly, along the east and west centerlines of sections 28 and 29, to the center ¼ section corner of section 29, T. 3 S., R. 31 W., Seward Meridian;

Thence southerly, along the north and south centerlines of sections 29, 32 and 5, to a point on the crest of a ridge on Roadhouse Mountain, in the northerly portion of section 5, T. 4 S., R. 31 W., Seward Meridian, approximate elevation 2,925 feet;

Thence southwesterly and northwesterly, along the top of Roadhouse Mountain, to the summit of a peak in the easterly portion of

section 1, T. 4 S., R. 32 W., Seward Meridian, approximate elevation 2,800 feet;

Thence on an approximate forward bearing of N. 43° W., to the confluence of unnamed creeks which are tributaries to Alexcy Lake, in the northerly portion of section 35, T. 3 S., R. 32 W., Seward Meridian;

Thence westerly, along the left bank of an unnamed creek, which is a tributary to Alexcy Lake and along said creek to a point at the mouth of the creek on the easterly shore of Alexcy Lake in the easterly portion of section 28, T. 3 S., R. 32 W., Seward Meridian;

Thence northerly and westerly, along the line of mean high water of Alexcy Lake, to the meander corner of sections 21 and 28, T. 3 S., R. 32 W., Seward Meridian;

Thence westerly, between sections 21 and 28, to the corner of sections 20, 21, 28 and 29, T. 3 S., R. 32 W., Seward Meridian;

Thence northerly, between sections 20 and 21, to the corner of sections 16, 17, 20 and 21, T. 3 S., R. 32 W., Seward Meridian;

Thence westerly, between sections 17 and 20, to the corner of sections 17, 18, 19 and 20, T. 3 S., R. 32 W., Seward Meridian;

Thence northerly, between sections 17 and 18, to the ¼ section corner of sections 17 and 18, T. 3 S., R. 32 W., Seward Meridian;

Thence westerly, along the east and west centerline of section 18, to the center-west 1/16 section corner of section 18, T. 3 S., R. 32 W., Seward Meridian;

Thence northerly, along the north and south centerline of the northwest ¼ of section 18, the southwest ¼ and the northwest ¼ of sections 7 and 6, to the northwest 1/16 section corner of section 6, T. 3 S., R. 32 W., Seward Meridian;

Thence westerly, along the east and west centerline of the northwest ¼ of section 6, to the special meander corner on the east and west centerline of the northwest ¼ of section 6, on the southeast shore of Sixmile Lake, T. 3 S., R. 32 W., Seward Meridian;

Thence northeasterly and northerly, along the line of mean high water of Sixmile Lake, to the special meander corner on the east and west centerline of section 10, on the east shore of the channel between Lake Clark and Sixmile Lake located in the easterly portion of section 10, T. 2 S., R. 32 W., Seward Meridian;

Thence westerly, along the east and west centerlines of sections 10 and 9, to the center ¼ section corner of section 9, T. 2 S., R. 32 W., Seward Meridian;

Thence northerly, along the north and south centerline of section 9, to the ¼ section corner of sections 4 and 9, T. 2 S., R. 32 W., Seward Meridian;

Thence westerly, between sections 4 and 9, to the corner of sections 4, 5, 8 and 9, T. 2 S., R. 32 W., Seward Meridian;

Thence northerly, between sections 4 and 5, to the ¼ section corner of sections 4 and 5, T. 2 S., R. 32 W., Seward Meridian;

Thence westerly, along the east and west centerlines of sections 5 and 6, to a point on the top of a spur ridge, on the east and west centerline of section 6, T. 2 S., R. 32 W., Seward Meridian, approximate elevation 1,300 feet;

Thence northwesterly and southwesterly, along a spur ridge and the crest of Hoknede Mountain to the summit of a peak in the northwesterly portion of section 11, T. 2 S., R. 33 W., Seward Meridian, approximate elevation 2,410 feet;

Thence on an approximate forward bearing of S. 40° W., to the ¼ section corner of sections 10 and 11, T. 2 S., R. 33 W., Seward Meridian;

Thence westerly, along the east and west centerline of section 10, to the ¼ section corner of sections 9 and 10, T. 2 S., R. 33 W., Seward Meridian;

Thence northerly, between sections 9 and 10, to the corner of sections 3, 4, 9 and 10, T. 2 S., R. 33 W., Seward Meridian;

Thence westerly, between sections 4 and 9, to the ¼ section corner of sections 4 and 9, T. 2 S., R. 33 W., Seward Meridian;

Thence northerly, along the north and south centerline of section 4, to the ¼ section corner of sections 4 and 33, Tps. 1 and 2 S., R. 33 W., Seward Meridian;

Thence westerly, between Tps. 1 and 2 S., to the corner of sections 5, 6, 31 and 32, Tps. 1 and 2 S., R. 33 W., Seward Meridian;

Thence northerly, between sections 31 and 32, 29 and 30, 19 and 20, 17 and 18, 7 and 8, to the corner of sections 5, 6, 7 and 8, T. 1 S., R. 33 W., Seward Meridian;

Thence easterly, between sections 5 and 8, to the corner of sections 4, 5, 8 and 9, T. 1 S., R. 33 W., Seward Meridian;

Thence northerly, between sections 4 and 5, to the ¼ section corner of sections 4 and 5, T. 1 S., R. 33 W., Seward Meridian;

Thence easterly, along the east and west centerlines of sections 4, 3, 2 and 1, to the ¼ section corner of section 1 and 6, T. 1 S., Rs. 32 and 33 W., Seward Meridian;

Thence on an approximate forward bearing of S. 57° E., to the summit of a peak in the westerly portion of section 6, T. 1 S., R. 32 W., Seward Meridian, approximate elevation 1,540 feet;

Thence easterly and northeasterly, along the crest of a ridge, between the Chulitna River and other Lake Clark drainages, to the northeasterly summit of a hill in the northeasterly portion of section 25, T. 1 N., R. 32 W., Seward Meridian, approximate elevation 2,200 feet;

Thence on an approximate forward bearing of N. 58° E., to the corner of sections 19, 24, 25 and 30, T. 1 N., Rs. 31 and 32 W., Seward Meridian;

Thence northerly, between Rs. 31 and 32 W., to a point on a spur ridge, between sections 19 and 24, T. 2 N., Rs. 31 and 32 W., Seward Meridian, approximate elevation 1,000 feet;

Thence northeasterly, along a spur ridge and the crest of a ridge, between drainages of the Koksetna River and tributaries of the Chulitna River, to a point between sections 33 and 34, T. 3 N., R. 31 W., Seward Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, to the closing corner of sections 3 and 4, T. 4 N., R. 31 W., Seward Meridian;

Thence easterly, along the First Standard Parallel North, to the standard corner of T. 5 N., Rs. 29 and 30 W., Seward Meridian;

Thence northerly, between Rs. 29 and 30 W., to the corner of Tps. 6 and 7 N., Rs. 29 and 30 W., Seward Meridian;

Thence easterly, between Tps. 6 and 7 N., to the corner of Tps. 6 and 7 N., Rs. 28 and 29 W., Seward Meridian;

Thence northerly, between Rs. 28 and 29 W., to the corner of Tps. 7 and 8 N., Rs. 28 and 29 W., Seward Meridian;

Thence westerly, between Tps. 7 and 8 N., to the corner of Tps. 7 and 8 N., Rs. 29 and 30 W., Seward Meridian;

Thence northerly, between Rs. 29 and 30 W., to the closing corner of T. 8 N., Rs. 29 and 30 W., Seward Meridian;

Thence westerly, along the Second Standard Parallel North, to the standard corner of T. 9 N., Rs. 29 and 30 W., Seward Meridian;

Thence northerly, between Rs. 29 and 30 W., to the corner of Tps. 10 and 11 N., Rs. 29 and 30 W., Seward Meridian;

Thence easterly, between Tps. 10 and 11 N., to the corner of Tps. 10 and 11 N., Rs. 28 and 29 W., Seward Meridian;

Thence northerly, between Rs. 28 and 29 W., to the corner of Tps. 11 and 12 N., Rs. 28 and 29 W., Seward Meridian;

Thence easterly, between Tps. 11 and 12 N., to the corner of Tps. 11 and 12 N., Rs. 26 and 27 W., Seward Meridian;

Thence northerly, between Rs. 26 and 27 W., to the closing corner of T. 12 N., Rs. 26 and 27 W., Seward Meridian;

Thence westerly, along the Third Standard Parallel North, to the standard corner of T. 13 N., Rs. 26 and 27 W., Seward Meridian;

Thence northerly, between Rs. 26 and 27 W., to the corner of Tps. 13 and 14 N., Rs. 26 and 27 W., Seward Meridian;

Thence easterly, between Tps. 13 and 14 N., to the corner of Tps. 13 and 14 N., Rs. 24 and 25 W., Seward Meridian;

Thence northerly, between Rs. 24 and 25 W., to the corner of Tps. 14 and 15 N., Rs. 24 and 25 W., Seward Meridian;

Thence easterly, between Tps. 14 and 15 N., to the corner of Tps. 14 and 15 N., Rs. 23 and 24 W., Seward Meridian;

Thence northerly, between Rs. 23 and 24 W., to a point on the crest of a ridge, between sections 19 and 24, T. 16 N., Rs. 23 and 24 W., Seward Meridian, approximate elevation 6,400 feet;

Thence easterly, northeasterly and southeasterly, along a common boundary with the Lake Clark National Park, along the crest of a ridge, between the Stony River and South Fork of the Kuskokwim River drainages to the summit of a peak in the westerly portion of section 20, T. 16 N., R. 23 W., Seward Meridian, approximate elevation 6,686 feet;

Thence on an approximate forward bearing of N. 81° E., to the summit of a peak in the westerly portion of section 21, T. 16 N., R. 23 W., Seward Meridian, approximate elevation 6,515 feet;

Thence southerly, easterly and southwesterly, along the crest of a ridge, between the Stony River and South Fork of the Kuskokwim River and Chilligan River drainages, to a point between sections 32 and 33, T. 16 N., R. 23 W., Seward Meridian;

Thence southerly, between sections 32 and 33, to the corner of sections 4, 5, 32 and 33, Tps. 15 and 16 N., R. 23 W., Seward Meridian;

Thence easterly, between Tps. 15 and 16 N., to the crest of a ridge between the Stony River and Chilligan River drainages, between sections 3 and 34, Tps. 15 and 16 N., R. 23 W., Seward Meridian, approximate elevation 5,000 feet;

Thence easterly, southerly, southwesterly and southeasterly, along the crest of a ridge, between the Stony River, Necons River and Chilligan River drainages, to the summit of a peak in the northwesterly portion of section 35, T. 15 N., R. 23 W., Seward Meridian, approximate elevation 7,375 feet;

Thence on an approximate forward bearing of S. 71° E., to a point at the most northerly end of an unnamed lake in the southerly portion of section 36, T. 15 N., R. 23 W., Seward Meridian;

Thence on an approximate forward bearing of S. 63° E., to the summit of a peak in the northwesterly portion of section 6, T. 14 N., R. 22 W., Seward Meridian, approximate elevation 5,277 feet;

Thence southeasterly, southwesterly and southeasterly, along the crest of a ridge, between the Necons River, Merrill River, Chilligan River and Igitna River drainages, to the summit of a peak in the westerly portion of section 24, T. 13 N., R. 23 W., Seward Meridian, approximate elevation 5,310 feet;

Thence on an approximate forward bearing of S. 42° E., to a point on the northeasterly end of a small unnamed lake on Merrill Pass, in the southerly portion of section 24, T. 13 N., R. 23 W., Seward Meridian;

Thence on an approximate forward bearing of S. 12° E., to the summit of a peak in the easterly portion of section 25, T. 13 N., R. 23 W., Seward Meridian, approximate elevation 5,290 feet;

Thence southwesterly, westerly and southerly, along the crest of a ridge, between the Merrill River, Necons River, Telaquana River, Another River and Neacola River drainages, to the summit of a peak in the southerly portion of section 22, T. 10 N., R. 24 W., Seward Meridian, approximate elevation 6,300 feet;

Thence on an approximate forward bearing of N. 77° E., to the summit of a peak in the westerly portion of section 24, T. 10 N., R. 24 W., Seward Meridian, approximate elevation 3,960 feet;

Thence southerly and westerly, along the crest of a ridge, between the Telaquana River and Neacola River drainages, to the summit of a peak in the central portion of section 2, T. 9 N., R. 24 W., Seward Meridian, approximate elevation 6,410 feet;

Thence on an approximate forward bearing of South, to the summit of a peak in the southerly portion of section 11, T. 9 N., R. 24 W., Seward Meridian, approximate elevation 6,220 feet;

Thence southerly and westerly, along the crest of a ridge, to the summit of a peak in the westerly portion of section 14, T. 9 N., R. 24 W., Seward Meridian, approximate elevation 5,800 feet;

Thence on an approximate forward bearing of S. 20° E., to the summit of a peak in the southeasterly portion of section 23, T. 9 N., R. 24 W., Seward Meridian, approximate elevation 5,655 feet;

Thence southerly and westerly, along the crest of a ridge, between the Telaquana River, Trail Creek, Tlikakila River, Twin Lakes and Turquoise Lake drainages to a point between sections 26 and 35, T. 9 N., R. 26 W., Seward Meridian;

Thence westerly, between sections 26 and 35, 27 and 34, 28 and 33, 29 and 32, 30 and 31, 25 and 36, 26 and 35, 27 and 34, 28 and 33, to the crest of a ridge between the Summit Creek and Turquoise Lake drainages, between sections 28 and 33, T. 9 N., R. 27 W., Seward Meridian, approximate elevation 3,295 feet;

Thence southwesterly, along the crest of a ridge, between the Summit Creek and Turquoise Lake drainages, to a point on the east and west centerline of section 33, T. 9 N., R. 27 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 33, to the ¼ section corner of sections 32 and 33, T. 9 N., R. 27 W., Seward Meridian;

Thence southerly, between sections 32 and 33, to the standard corner of sections 32 and 33, T. 9 N., R. 27 W., Seward Meridian;

Thence westerly, on the Second Standard Parallel North, to the closing corner of T. 8 N., Rs. 27 and 28 W., Seward Meridian;

Thence southerly, between Rs. 27 and 28 W., to the crest of a ridge between the Chilikadrotna River and College Creek drainages, between sections 1 and 6, T. 5 N., Rs. 27 and 28 W., Seward Meridian, approximate elevation 3,700 feet;

Thence easterly, along the crest of a ridge, between the Chilikadrotna River and College Creek drainages, to the summit of a peak in the central portion of section 11, T. 5 N., R. 27 W., Seward Meridian, approximate elevation 4,281 feet;

Thence on an approximate forward bearing of S. 20° E., to the summit of a peak in the southwesterly portion of section 31, T. 5 N., R. 26 W., Seward Meridian, approximate elevation 4,211 feet;

Thence easterly, along the crest of a ridge, between the Portage Lake and Kijik River drainages, to the summit of a peak in the southerly portion of section 33, T. 5 N., R. 26 W., Seward Meridian, approximate elevation 4,150 feet;

Thence on an approximate forward bearing of South, to the summit of a peak in the southwesterly portion of section 8, T. 4 N., R. 26 W., Seward Meridian, approximate elevation 4,800 feet;

Thence southerly and westerly, along the crest of a ridge, between the Kijik River and other Lake Clark drainages, to the saddle in the ridge northeasterly of the headwaters of Portage Creek, in the northerly portion of section 28, T. 4 N., R. 27 W., Seward Meridian, approximate elevation 3,150 feet;

Thence southwesterly to the headwaters of Portage Creek in the northerly portion of section 28, T. 4 N., R. 27 W., Seward Meridian;

Thence southwesterly and southerly, along the right bank of Portage Creek, to the mouth of Portage Creek on the shore of Lake Clark at the line of mean high water in section 17, T. 3 N., R. 27 W., Seward Meridian;

Thence southwesterly, along the line of mean high water of Lake Clark, to the right bank at the mouth of the most easterly unnamed creek in section 10, T. 2 N., R. 29 W., Seward Meridian;

Thence on an approximate forward bearing of S. 35° E., crossing Lake Clark, to the most southwesterly point of Tommy Island, in section 24, T. 2 N., R. 29 W., Seward Meridian;

Thence southeasterly, along the shore of Tommy Island, to the most southerly point of Tommy Island, in section 25, T. 2 N., R. 29 W., Seward Meridian;

Thence on an approximate forward bearing of S. 30° E., crossing Lake Clark, to a point on the left bank of the mouth of Tommy Creek on the southeast shore of Lake Clark at the line of mean high water in section 25, T. 2 N., R. 29 W., Seward Meridian;

Thence southerly, along the shore of Lake Clark along the line of mean high water, to the left bank at the mouth of an unnamed creek on the southeast shore of Lake Clark in the northeasterly portion of section 36, T. 2 N., R. 29 W., Seward Meridian;

Thence on an approximate forward bearing of S. 12° E., to the summit of a peak in the southeasterly portion of section 1, T. 1 N., R. 29 W., Seward Meridian, approximate elevation 3,904 feet;

Thence on an approximate forward bearing of S. 40° W., to the summit of a peak in the northwesterly portion of section 27, T. 1 N., R. 29 W., Seward Meridian, approximate elevation 3,460 feet;

Thence on an approximate forward bearing of S. 1° E., to the summit of a peak in the southerly portion of section 27, T. 1 N., R. 29 W., Seward Meridian, approximate elevation 3,400 feet;

Thence on an approximate forward bearing of S. 50° W., to the summit of a peak in the central portion of section 33, T. 1 N., R. 29 W., Seward Meridian, approximate elevation 4,140 feet;

Thence southerly, easterly, southeasterly and southerly, along the crest of the divide between the Tazimina River and the Tanalian River, Takoka Creek, Brooks Creek and Pile River drainages, to the summit of a peak in the easterly portion of section 27, T. 2 S., R. 26 W., Seward Meridian, approximate elevation 4,750 feet, the place of beginning.

**Units of the National Wilderness Preservation System Within the Lake Clark National Park and Preserve**

Section 701(6), Public Law 96–478 (ANILCA):

*Lake Clark Wilderness*

The Lake Clark Wilderness as generally depicted on a map numbered LACL—90,008, dated October 1978, consists of approximately two million four hundred and seventy thousand acres of public lands, as defined in the ANILCA, within the following described boundary:

Beginning at the standard corner of sections 34 and 35, T. 9 N., R. 18 W., Seward Meridian;

Thence northerly, between sections 34 and 35, 26 and 27, to the crest of a ridge between sections 26 and 27, T. 9 N., R. 18 W., Seward Meridian, approximate elevation 5,500 feet;

Thence northeasterly and northerly, along the crest of a ridge, to a point between sections 10 and 11, T. 9 N., R. 18 W., Seward Meridian;

Thence northerly, between sections 10 and 11, 2 and 3, to the corner of sections 2, 3, 34 and 35, Tps. 9 and 10 N., R. 18 W., Seward Meridian;

Thence westerly, between Tps. 9 and 10 N., to the corner of Tps. 9 and 10 N., Rs. 20 and 21 W., Seward Meridian;

Thence northerly, between Rs. 20 and 21 W., to the closing corner of T. 12 N., Rs. 20 and 21 W., Seward Meridian;

Thence westerly, on the Third Standard Parallel North, to the standard corner of T. 13 N., Rs. 20 and 21 W., Seward Meridian;

Thence northerly, between Rs. 20 and 21 W., to a point on the summit of a ridge, between the Skwentna River and Chilligan River drainages, between sections 13 and 18, T. 16 N., Rs. 20 and 21 W., Seward Meridian;

Thence southwesterly and northwesterly, along the crest of a ridge, between the Skwentna River and Chilligan River drainages, to the summit of a peak in the southerly portion of section 11, T. 16 N., R. 21 W., Seward Meridian, approximate elevation 5,810 feet;

Thence on an approximate forward bearing of N. 24° E., to the summit of a peak in the southwesterly portion of section 1, T. 16 N. R. 21 W., Seward Meridian, approximate elevation 6,310 feet;

Thence on an approximate forward bearing of N. 57° W., to the summit of a peak in the northeasterly portion of section 3, T. 16 N., R. 21 W., Seward Meridian, approximate elevation 5,565 feet;

Thence westerly and southerly, along the crest of a ridge, between the Styx River, the South Fork of the Kuskokwim River and Chilligan River drainages, to the summit of a peak in the southeasterly portion of section 8, T. 16 N., R. 22 W., Seward Meridian, approximate elevation 5,208 feet;

Thence on an approximate forward bearing of N. 88° W., to the summit of a peak in the southwesterly portion of section 8, T. 16 N., R. 22 W., Seward Meridian, approximate elevation 7,570 feet;

Thence southwesterly, along the crest of a ridge, between the South Fork of the Kuskokwim River and Chilligan River drainages, to the summit of a peak in the northeasterly portion of section 23, T. 16 N., R. 23 W., Seward Meridian, approximate elevation 6,660 feet;

Thence on an approximate forward bearing of S. 61° W., to the summit of a peak in the northerly portion of section 27, T. 16 N., R. 23 W., Seward Meridian, approximate elevation 6,200 feet;

Thence southwesterly, along the crest of a ridge, between the South Fork of the Kuskokwim River and Chilligan River drainages, to a point between sections 32 and 33, T. 16 N., R. 23 W., Seward Meridian;

Thence southerly, between sections 32 and 33, to the corner of sections 4, 5, 32 and 33, Tps. 15 and 16 N., R. 23 W., Seward Meridian;

Thence easterly, between Tps. 15 and 16 N., to the crest of a ridge, between the Stony River and Chilligan River drainages, between sections 3 and 34, Tps. 15 and 16 N., R. 23 W., Seward Meridian, approximate elevation 5,000 feet;

Thence southeasterly and southwesterly, along the crest of a ridge, between the Stony River, Chilligan River and Necons River drainages, to horizontal control station "Merrill" in the southerly portion of section 28, T. 13 N., R. 25 W., Seward Meridian, approximate elevation 4,080 feet;

Thence on an approximate forward bearing of S. 7° W., to a point on the right bank of the most westerly channel of the Necons River at its confluence with Two Lakes in section 7, T. 12 N., R. 25 W., Seward Meridian;

Thence southeasterly along the northerly shore of Two Lakes, to the southernmost point between sections 16 and 17 on the shore of Two Lakes, T. 12 N., R. 25 W., Seward Meridian;

Thence on an approximate forward bearing of S. 73° E., to the summit of a peak located in the southwesterly portion of section 15, T. 12 N., R. 25 W., Seward Meridian, approximate elevation 5,520 feet;

Thence southerly and westerly, along the crest of a ridge, between the Tlikakila River and Two Lakes drainages, to the summit of a peak in the northwesterly portion of section 4, T. 11 N., R. 25 W., Seward Meridian, approximate elevation 5,500 feet, this position being at the headwaters of a creek which is a tributary to the Necons River;

Thence westerly, northerly, westerly and southwesterly, through a ravine, along the left bank of an unnamed creek and along the left bank of the Necons River, to a point between sections 7 and 8, T. 11 N., R. 26 W., Seward Meridian;

Thence southerly, between sections 7 and 8, 17 and 18, 19 and 20, 29 and 30, 31 and 32, to the corner of sections 5, 6, 31 and 32, Tps. 10 and 11 N., R. 26 W., Seward Meridian;

Thence easterly, between Tps. 10 and 11 N., to the crest of a ridge, between the Necons River and Lake Telaquana drainages, between sections 6 and 31, Tps. 10 and 11 N., R. 25 W., Seward Meridian;

Thence southeasterly, along the crest of a ridge, between the Necons River and Lake Telaquana drainages, to the summit of a peak in the southeasterly portion of section 5, T. 10 N., R. 25 W., Seward Meridian, approximate elevation 5,000 feet;

Thence southerly, through a ravine and along the left bank of an unnamed creek, to a point at the mouth of the unnamed creek, on the shore of Telaquana Lake, in the northerly portion of section 17, T. 10 N., R. 25 W., Seward Meridian;

Thence southerly and westerly, along the shore of Telaquana Lake, to a point between sections 19 and 24, T. 10 N., Rs. 25 and 26 W., Seward Meridian;

Thence southerly, between Rs. 25 and 26 W., to the ¼ section corner of sections 31 and 36, T. 10 N., Rs. 25 and 26 W., Seward Meridian;

Thence westerly, along the east and west centerline of section 36, to the ¼ section corner of sections 35 and 36, T. 10 N., R. 26 W., Seward Meridian;

Thence on an approximate forward bearing of S. 40° W., to the summit of a peak in the southerly portion of section 35, T. 10 N., R. 26 W., Seward Meridian, approximate elevation 3,205 feet;

Thence on an approximate forward bearing of S. 11° W., to the summit of a peak in sections 2 and 11, T. 9 N., R. 26 W., Seward Meridian, approximate elevation 3,420 feet;

Thence on an approximate forward bearing of N. 85° W., to the summit of a peak in the southerly portion of section 3, T. 9 N., R. 26 W., Seward Meridian, approximate elevation 3,296 feet;

Thence on an approximate forward bearing of N. 62° W., to the summit of a peak in the westerly portion of section 4, T. 9 N., R. 26 W., Seward Meridian, approximate elevation 3,107 feet;

Thence on an approximate forward bearing of S. 89° W., to the summit of a peak in the westerly portion of section 2, T. 9 N., R. 27 W., Seward Meridian, approximate elevation 3,218 feet;

Thence on an approximate forward bearing of S. 65° W., to the ¼ section corner of sections 2 and 3, T. 9 N., R. 27 W., Seward Meridian;

Thence westerly, along the east and west centerlines of sections 3, 4 and 5, to the center ¼ section corner of section 5, T. 9 N., R. 27 W., Seward Meridian;

Thence southerly, along the north and south centerlines of sections 5, 8, 17, 20, 29 and 32, to the standard ¼ section corner of section 32, T. 9 N., R. 27 W., Seward Meridian;

Thence easterly, along the Second Standard Parallel South, to the closing corner of T. 8 N., Rs. 27 and 28 W., Seward Meridian;

Thence southerly, between Rs. 27 and 28 W., to a point between sections 25 and 30, T. 7 N., Rs. 27 and 28 W., Seward Meridian, on the right bank of the Chilikadrotna River;

Thence southeasterly and northeasterly, along the right bank of Chilikadrotna River and the northwesterly shore of Twin Lakes, to a point on the right bank of an unnamed creek near the line between sections 28 and 29, T. 7 N., R. 27 W., Seward Meridian;

Thence northeasterly, along the right bank of the unnamed creek, to a point between sections 22 and 27, T. 7 N., R. 27 W., Seward Meridian;

Thence easterly and southeasterly, along a spur ridge and the crest of a ridge, to the summit of a peak in the southerly portion of section 25, T. 7 N., R. 27 W., Seward Meridian, approximate elevation 5,363 feet;

Thence on an approximate forward bearing of S. 53° E., to the confluence of two unnamed creeks, in the northerly portion of section 31, T. 7 N., R. 26 W., Seward Meridian;

Thence southwesterly and southeasterly, along the left bank of an unnamed creek, to a point on the shore of Twin Lakes, in the southeasterly portion of section 6, T. 6 N., R. 26 W., Seward Meridian;

Thence southwesterly, along the northerly shore of the east lake of Twin Lakes and the channel connecting Twin Lakes, to a point at the most westerly end of the channel connecting Twin Lakes, in the northwesterly portion of section 7, T. 6 N., R. 26 W., Seward Meridian;

Thence southwesterly, closing the mouth of the channel and along the southerly shore of the west lake of Twin Lakes, to a point on the right bank of an unnamed creek, in the northwesterly portion of section 7, T. 6 N., R. 26 W., Seward Meridian;

Thence southerly, along the right bank of an unnamed creek, to the confluence of two unnamed creeks, in the northerly portion of section 19, T. 6 N., R. 26 W., Seward Meridian;

Thence on an approximate forward bearing of West, to the summit of a peak, in the northeasterly portion of section 24, T. 6 N., R. 27 W., Seward Meridian, approximate elevation 4,420 feet;

Thence southwesterly and northwesterly, along the divide between the drainages of Twin Lakes and unnamed tributaries of the Chilikadrotna River to the summit of a peak in the easterly portion of section 9, T. 6 N., R. 27 W., Seward Meridian, approximate elevation 4,040 feet;

Thence on an approximate forward bearing of N. 48° W., to the summit of a peak in the southwesterly portion of section 4, T. 6 N., R. 27 W., Seward Meridian, approximate elevation 3,710 feet;

Thence northwesterly along the crest of the divide between the drainages of Twin Lakes and unnamed tributaries of the Chilikadrotna River to a point between sections 31 and 36, T. 7 N., Rs. 27 and 28 W., Seward Meridian;

Thence southerly, between Rs. 27 and 28 W., to a point on the right bank of College Creek, between sections 7 and 12, T. 5 N., Rs. 27 and 28 W., Seward Meridian;

Thence westerly and southerly, along the right bank of College Creek, to a point on the left bank of an unnamed creek which is a tributary of Lachbuna Lake in the easterly portion of section 26, T. 5 N., R. 28 W., Seward Meridian;

Thence on an approximate forward bearing of S. 6° E., to the summit of a peak in the southeasterly portion of section 35, T. 5 N., R. 28 W., Seward Meridian, approximate elevation 3,966 feet;

Thence southerly, along the crest of a ridge, to the summit of a peak in the southeasterly portion of section 35, T. 5 N., R. 28 W., Seward Meridian, approximate elevation 3,900 feet;

Thence on an approximate forward bearing of S. 30° E., to the summit of a peak in the westerly portion of section 11, T. 4 N., R. 28 W., Seward Meridian, approximate elevation 3,600 feet;

Thence southerly and easterly, along the crest of a ridge, to the summit of a peak in the southerly portion of section 12, T. 4 N., R. 28 W., Seward Meridian, approximate elevation 4,050 feet;

Thence on an approximate forward bearing of S. 2° E., to the summit of a peak in the southerly portion of section 13, T. 4 N., R. 28 W., Seward Meridian, approximate elevation 3,890 feet;

Thence on an approximate forward bearing of S. 5° E., to the summit of a peak in the northeasterly portion of section 25, T. 4 N., R. 28 W., Seward Meridian, approximate elevation 3,965 feet;

Thence on an approximate forward bearing of N. 83° E., to the summit of a peak in the northerly portion of section 29, T. 4 N., R. 27 W., Seward Meridian, approximate elevation 4,345 feet;

Thence northeasterly and southeasterly, along the crest of a ridge, between the Portage Creek, and other unnamed tributaries to Lake Clark and Kijik River drainages, to the summit of a peak, in the northeasterly portion of section 24, T. 4 N., R. 27 W., Seward Meridian, approximate elevation 4,900 feet;

Thence southerly and westerly, along the crest of a ridge and a spur ridge, to a point between sections 26 and 35, T. 4 N., R. 27 W., Seward Meridian;

Thence westerly, between sections 26 and 35, to the left bank of an unnamed creek between sections 26 and 35, T. 4 N., R. 27 W., Seward Meridian;

Thence southerly and westerly, along the left bank of the unnamed creek, to a point at the line of mean high water on the shore of Lake Clark in the southwesterly portion of section 2, T. 3 N., R. 27 W., Seward Meridian;

Thence easterly and northerly, along the shore of Lake Clark at the line of mean high water, to a point between sections 32 and 33, T. 4 N., R. 26 W., Seward Meridian;

Thence southerly across Lake Clark to a point between sections 4 and 5 on the southern shore of Lake Clark at the line of mean high water, T. 3 N., R. 26 W., Seward Meridian;

Thence southerly, along the shore of Lake Clark along the line of mean high water, to the left bank at the mouth of an unnamed creek on the southeast shore of Lake Clark in the northeasterly portion of section 36, T. 2 N., R. 29 W., Seward Meridian;

Thence on an approximate forward bearing of S. 12° E., to the summit of a peak in the southeasterly portion of section 1, T. 1 N., R. 29 W., Seward Meridian, approximate elevation 3,904 feet;

Thence on an approximate forward bearing of S. 40° W., to the summit of a peak in the northwesterly portion of section 27, T. 1 N., R. 29 W., Seward Meridian, approximate elevation 3,460 feet;

Thence on an approximate forward bearing of S. 1° E., to the summit of a peak in the southerly portion of section 27, T. 1 N., R. 29 W., Seward Meridian, approximate elevation 3,400 feet;

Thence on an approximate forward bearing of S. 50° W., to the summit of a peak in the central portion of section 33, T. 1 N., R. 29 W., Seward Meridian, approximate elevation 4,140 feet;

Thence southerly, easterly, southeasterly and southerly, along the crest of the divide between the Tazimina River and the Tanalian River, Takoka Creek, Brooks Creek and Pile River drainages, to the summit of a peak in the easterly portion of section 27, T. 2 S., R. 26 W., Seward Meridian, approximate elevation 4,750 feet;

Thence on an approximate forward bearing of S. 45° E., to the summit of a peak in the southwesterly portion of section 6, T. 3 S., R. 25 W., Seward Meridian, approximate elevation 4,500 feet;

Thence easterly, northeasterly and southerly, along the crest of a ridge, between the tributaries of the Pile River and the tributaries of the Iliamna River drainages, to the summit of a peak in the easterly portion of section 2, T. 3 S., R. 25 W., Seward Meridian, approximate elevation 4,300 feet;

Thence on an approximate forward bearing of S. 50° E., to the summit of a peak in the central portion of section 17, T. 3 S., R. 24 W., Seward Meridian, approximate elevation 3,350 feet;

Thence northeasterly and southeasterly, along the crest of a ridge between the Iliamna River, Iniskin River, Clearwater Creek and Chinitna River and the Holland Creek and Tooie Creek drainages, to the summit of a peak in the southwesterly portion of section 5, T. 4 S., R. 23 W., Seward Meridian, approximate elevation 2,507 feet;

Thence on an approximate forward bearing of N. 11° E., to the summit of a peak in the central portion of section 32, T. 3 S., R. 23 W., Seward Meridian, approximate elevation 1,806 feet;

Thence on an approximate forward bearing of N. 30° E., to the summit of Brown Mountain, in the southeasterly portion of section 16, T. 3 S., R. 23 W., Seward Meridian, approximate elevation 3,405 feet;

Thence on an approximate forward bearing of N. 80° E., to the summit of a peak in the easterly portion of section 14, T. 3 S., R. 23 W., Seward Meridian, approximate elevation 3,200 feet;

Thence on an approximate forward bearing of S. 62° E., to the summit of a peak in the easterly portion of section 19, T. 3 S., R. 22 W., Seward Meridian, approximate elevation 2,800 feet;

Thence easterly, along the crest of a ridge, between the East Glacier Creek and Horn Creek drainages, to the summit of a peak in the northwesterly portion of section 25, T. 3 S., R. 22 W., Seward Meridian, approximate elevation 2,270 feet;

Thence on an approximate forward bearing of N. 40° E., to the summit of a peak in the northeasterly portion of section 18, T. 3 S., R. 21 W., Seward Meridian, approximate elevation 3,140 feet;

Thence northerly, along the crest of a ridge between Hickerson Lake and East Glacier Creek drainages, to the summit of a peak in the southeasterly portion of section 36, T. 2 S., R. 22 W., Seward Meridian, approximate elevation 2,350 feet;

Thence on an approximate forward bearing of N. 45° E., to the summit of a peak in the northeasterly portion of section 29, T. 2 S., R. 21 W., Seward Meridian, approximate elevation 2,350 feet;

Thence southeasterly and easterly, along the crest of a ridge, between the Red Glacier and Hickerson Lake and Shelter Creek drainages, to the summit of a peak in the northeasterly portion of section 2, T. 3 S., R. 21 W., Seward Meridian, approximate elevation 3,130 feet;

Thence on an approximate forward bearing of N. 40° E., to the summit of Lenore Hill in the northerly portion of section 30, T. 2 S., R. 20 W., Seward Meridian, approximate elevation 3,302 feet;

Thence northerly, along the crest of a ridge, to the summit of a peak in the westerly portion of section 7, T. 2 S., R. 20 W., Seward Meridian, approximate elevation 3,310 feet;

Thence on an approximate forward bearing of N. 68° W., to the summit of a peak in the northeasterly portion of section 11, T. 2 S., R. 21 W., Seward Meridian, approximate elevation 1,990 feet;

Thence on an approximate forward bearing of N. 76° W., to the summit of a peak in the southwesterly portion of section 3, T. 2 S., R.

21 W., Seward Meridian, approximate elevation 2,100 feet;

Thence westerly and northerly, along the crest of a ridge, between the Red Glacier and Red Creek and Latteral Glacier drainages, to the summit of a peak in the northerly portion of section 5, T. 2 S., R. 21 W., Seward Meridian, approximate elevation 2,745 feet;

Thence on an approximate forward bearing of N. 32° W., to the summit of a peak in the easterly portion of section 24, T. 1 S., R. 22 W., Seward Meridian, approximate elevation 3,615 feet;

Thence on an approximate forward bearing of N. 19° W., to the summit of a peak in the southwesterly portion of section 12, T. 1 S., R. 22 W., Seward Meridian, approximate elevation 3,085 feet;

Thence on an approximate forward bearing of N. 2° E., to the summit of a peak in the southerly portion of section 30, T. 1 N., R. 21 W., Seward Meridian, approximate elevation 4,302 feet;

Thence westerly, northerly and easterly, along the crest of a ridge, between the Johnson Glacier, Tuxedni Glacier and Tuxedni River and Open Creek drainages, to the summit of a peak in the easterly portion of section 28, T. 2 N., R. 21 W., Seward Meridian, approximate elevation 1,440 feet;

Thence on an approximate forward bearing of N. 48° E. to a point on the southern shore of Tuxedni Bay, at the line of mean high tide, located in the northeastern portion of section 28, T. 2 N., R. 21 W., Seward Meridian;

Thence northwesterly and southeasterly along the line of mean high tide of Tuxedni Bay, to a point S. 48° W. of the summit of a hill in the northerly portion of section 23, T. 2 N., R. 21 W., Seward Meridian, approximate elevation 840 feet, said point in the northwesterly portion of section 23, T. 2 N., R. 21 W., Seward Meridian;

Thence on an approximate forward bearing of N. 48° E. to the summit of a hill, in the northerly portion of section 23, T. 2 N., R. 21 W., Seward Meridian, approximate elevation 840 feet;

Thence on an approximate forward bearing of N. 10° W., to the summit of a low hill, near the center of section 14, T. 2 N., R. 21 W., Seward Meridian, approximate elevation 1,650 feet;

Thence on an approximate forward bearing of N. 57° E., to the summit of a low hill, near the center of section 14, T. 2 N., R. 21 W., Seward Meridian, approximate elevation 1,550 feet;

Thence northeasterly, along the crest of a ridge, to the summit of a hill in the northeasterly portion of section 14, T. 2 N., R. 21 W., Seward Meridian, approximate elevation 1,650 feet;

Thence on an approximate forward bearing of N. 41° E., to the summit of a peak, in the southeasterly portion of section 1, T. 2 N., R. 21 W., Seward Meridian, approximate elevation 3,500 feet;

Thence northerly and westerly, along the crest of a ridge between the Tuxedni River and Crescent River drainages, to the saddle in the ridge southwesterly of the headwaters of an unnamed tributary of Crescent Lake in section 27, T. 3 N., R. 21 W., Seward Meridian, approximate elevation 2,750 feet;

Thence northeasterly, to the headwaters of the unnamed tributary of Crescent Lake in section 27, T. 3 N., R. 21 W., Seward Meridian;

Thence northerly, along the right bank of an unnamed tributary of Crescent Lake, to a point on the shore of Crescent Lake at the line of mean high water at the mouth of the stream in the northwesterly portion of section 14, T. 3 N., R. 21 W., Seward Meridian;

Thence westerly, northerly and easterly, along the line of mean high water of Crescent Lake, to a point on the left bank of an unnamed tributary of Crescent Lake in the southwesterly portion of section 2, T. 3 N., R. 21 W., Seward Meridian;

Thence northerly, along the left bank of the unnamed tributary of Crescent Lake, to the headwaters of said creek in the southeasterly portion of section 34, T. 4 N., R. 21 W., Seward Meridian;

Thence on an approximate forward bearing of N. 38° E., to the summit of a peak in the northwesterly portion of section 35, T. 4 N., R. 21 W., Seward Meridian, approximate elevation 5,000 feet;

Thence easterly, along the crest of a ridge, to the summit of a peak in the westerly portion of section 36, T. 4 N., R. 21 W., Seward Meridian, approximate elevation 4,022 feet;

Thence on an approximate forward bearing of N. 61° E., to the summit of a peak in the southwesterly portion of section 29, T. 4 N., R. 20 W., Seward Meridian, approximate elevation 4,065 feet;

Thence on an approximate forward bearing of S. 76° E., to the summit of a peak in the southwesterly portion of section 27, T. 4 N., R. 20 W., Seward Meridian, approximate elevation 3,570 feet;

Thence easterly and southerly, along the crest of a ridge, between the Crescent River and Redoubt Creek drainages, to a point between sections 23 and 24, T. 3 N., R. 19 W., Seward Meridian;

Thence northerly, between sections 23 and 24, 13 and 14, 11 and 12, 1 and 2, 35 and 36, 25 and 26, 23 and 24, 13 and 14, 11 and 12, 1 and 2, to the closing corner of sections 1 and 2, T. 4 N., R. 19 W., Seward Meridian;

Thence westerly, on the First Standard Parallel North, to the standard corner of T. 5 N., Rs. 18 and 19 W., Seward Meridian;

Thence northerly, between Rs. 18 and 19 W., to the corner of Tps. 5 and 6 N., Rs. 18 and 19 W., Seward Meridian;

Thence easterly, between Tps. 5 and 6 N., to the corner of sections 3, 4, 33 and 34, Tps. 5 and 6 N., R. 18 W., Seward Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, 33 and 34, 27 and 28, 21 and 22, to the corner of sections 15, 16, 21 and 22, T. 8 N., R. 18 W., Seward Meridian;

Thence westerly, between sections 16 and 21, 17 and 20, 18 and 19, 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, to the corner of sections 13, 18, 19 and 24, T. 8 N., Rs. 19 and 20 W., Seward Meridian;

Thence northerly, between Rs. 19 and 20 W., to the closing corner of T. 8 N., Rs. 19 and 20 W., Seward Meridian;

Thence easterly, on the Second Standard Parallel North, to the standard corner of sections 34 and 35, T. 9 N., R. 18 W., Seward Meridian, the place of beginning.

### Units of the National Wild and Scenic Rivers System Within the Lake Clark National Park and Preserve

Section 601, Public Law 96–487 (ANILCA):

"Chilikadrotna, Alaska.—That portion of the river within the Lake Clark National Park and Preserve; to be administered by the Secretary of the Interior."

"Mulchatna River, Alaska.—That portion within the Lake Clark National Park and Preserve; to be administered by the Secretary of the Interior."

"Tlikakila, Alaska.—That portion within the Lake Clark National Park; to be administered by the Secretary of the Interior."

Note: Pursuant to section 605(d) of ANILCA and as provided for under section 3(b) of the Wild and Scenic Rivers Act, the necessity for any river corridor boundaries for the Chilikadrotna, Mulchatna and Tlikakila Wild Rivers within the Lake Clark National Park and Preserve has been considered during the comprehensive conservation planning process for the park and preserve. In accordance with the General Management Plan for Lake Clark National Park and Preserve, approved July 30, 1984, no specific river corridor boundaries are deemed necessary for the Chilakadrotna, Mulchatna and Tlikakila Rivers in order to protect the rivers and their immediate environments. Proposed management of the park and preserve meets and is compatible with management standards established by the Wild and Scenic Rivers Act.

The following U.S. Geological Survey 1:63,360 Series (Topographic) Quadrangle Maps were used in preparing the legal boundary descriptions for the Lake Clark National Park and Preserve and Lake Clark Wilderness:

Iliamna, Alaska: (D–1) 1958 mr 1972; (D–2) 1958 lr 1977; (D–3) 1954; (D–4) 1954; (D–5) 1954 mr 1973.

Kenai, Alaska: (A–7) 1958; (A–8) 1958; (B–7) 1958 mr 1973; (B–8) 1958; (C–7) 1958 mr 1972; (D–6) 1958 mr 1973; (D–7) 1958; (D–8) 1958.

Lake Clark, Alaska: (A–1) 1958; (A–2) 1958 mr 1970; (A–3) 1954 mr 1970; (A–4) 1954; (A–5) 1954; (A–6) 1954; (B–1) 1958 mr 1973; (B–3) 1954 mr 1980; (B–4) 1954; (B–5) 1954 mr 1978; (C–3) 1954; (C–4) 1954 lr 1975; (D–2) 1958 mr 1969; (D–3) 1954; (D–4) 1954; (D–5) 1954.

Lime Hills, Alaska: (A–1) 1958; (A–2) 1958; (A–3) 1954; (A–4) 1954; (B–1) 1958 lr 1977; (B–2) 1958 mr 1970; (B–3) 1954; (C–1) 1958; (C–2) 1958 lr 1975.

Seldovia, Alaska: (D–8) 1958 mr 1974.

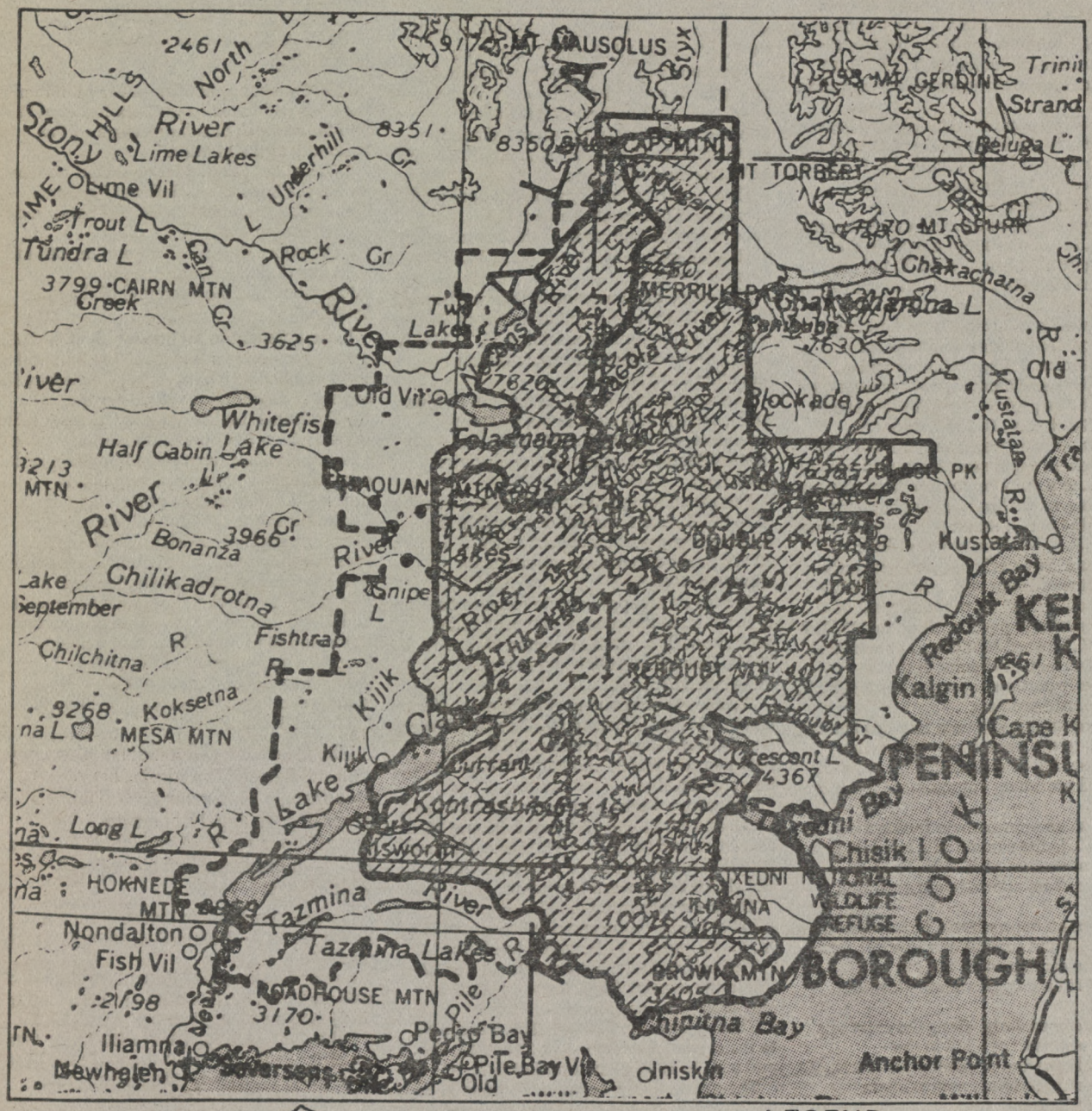
Tyonek, Alaska: (A–8) 1958; (B–8) 1958; (C–8) 1958.

mr—minor revisions
lr—limited revisions

BILLING CODE 4310–70–F

# LAKE CLARK NATIONAL PARK AND PRESERVE

PUBLIC LAW 96-487






LEGEND

PARK

PRESERVE

WILDERNESS

WILD & SCENIC RIVERS

0 25 MILES

BILLING CODE 4310-70-C

**Noatak National Preserve**

Section 201(8)(a), Public Law 96–487 (ANILCA):

*Noatak National Preserve*

Noatak National Preserve as generally depicted on a map numbered NOAT–90,004, dated July 1980, consists of approximately six million four hundred and sixty thousand acres of public lands, as defined in the ANILCA, within the following described boundary:

Beginning at a point on the summit of a mountain between the drainages of Agashashok River, North Fork of the Squirrel River, and Akikukchiak Creek, located in the northerly portion of section 24, T. 26 N., R. 12 W., Kateel River Meridian, approximate elevation 3,851 feet;

*Thence easterly, southerly, easterly, northerly, and easterly, along the crest of the Baird Mountains and the divide between drainages of the Noatak and Squirrel Rivers, southeasterly and easterly to the summit of a mountain in sections 8 and 17, T. 25 N., R. 7 W., Kateel River Meridian, approximate elevation 3,200 feet;

Thence northeasterly, along the crest of the Baird Mountains and along a common boundary with the Kobuk Valley National Park, between the drainages of the Noatak River and the Salmon River, to the summit of a mountain in section 33, T. 29 N., R. 5 W., Kateel River Meridian, approximate elevation 2,528 feet;

Thence southeasterly, along the crest of the Baird Mountains between the drainages of the Noatak River and Kobuk River to the summit of a mountain in sections 13 and 14, T. 25 N., R. 2 W., Kateel River Meridian, approximate elevation 3,700 feet;

Thence northeasterly, easterly, southeasterly, easterly, and southeasterly, along the crest of the Baird Mountains between the drainages of the Noatak River and the Kobuk River to the summit of a mountain located in section 8, T. 23 N., R. 5 E., Kateel River Meridian, approximate elevation 3,515 feet;

*Thence northeasterly, departing from the common boundary with the Kobuk Valley National Park, along the crest of the Baird Mountains between the drainages of the Noatak River and the Ambler River, to the summit of a ridge located in the southern ½ of section 19, T. 25 N., R. 9 E., Kateel River Meridian, approximate elevation 3,600 feet;

Thence northerly, westerly, northerly and westerly, along a common boundary with the Gates of the Arctic National Park, along the crest of mountains between the drainages of Ambler River and Imelyak River, to the summit of a mountain located in the northeast ¼ of section 35, T. 26 N., R. 8 E., Kateel River Meridian, approximate elevation 4,720 feet;

Thence on an approximate forward bearing of N. 11° E., to the summit of a mountain located in sections 23 and 24, T. 26 N., R. 8 E., Kateel River Meridian, approximate elevation 4,508 feet;

Thence northeasterly, along the divide between the drainages of the Ambler and Noatak Rivers, to the summit of a mountain located in section 5, T. 26 N., R. 9 E., Kateel River Meridian, approximate elevation 4,625 feet;

Thence on an approximate forward bearing of S. 37° E., to the summit of a mountain located in section 15, T. 26 N., R. 9 E., Kateel River Meridian, approximate elevation 3,980 feet;

Thence southerly, along the crest of the spur ridge to the summit of a mountain located in section 22, T. 26 N., R. 9 E., Kateel River Meridian, approximate elevation 4,298 feet;

Thence easterly, northerly, and westerly, along the divide between the drainages of Kavachurak Creek and Tunukuchiak Creek, to the summit of a small mountain located in sections 28 and 29, T. 28 N., R. 10 E., Kateel River Meridian, approximate elevation 2,441 feet;

Thence on an approximate forward bearing of N. 51° E., to the summit of a mountain located in section 22, T. 28 N., R. 10 E., Kateel River Meridian, approximate elevation 3,439 feet;

Thence on an approximate forward bearing of N. 24° E., to a point on the right bank of Douglas Creek at the junction of the Noatak River and Douglas Creek located in the northern portion of section 2, T. 28 N., R. 10 E., Kateel River Meridian;

Thence northerly, along the right bank of Douglas Creek to a point on the right bank of Douglas Creek in section 13 located due south of the summit of a mountain, approximate elevation 3,637 feet located in sections 12 and 13, T. 29 N., R. 10 E., Kateel River Meridian;

Thence due north to the summit of a mountain located in sections 12 and 13, T. 29 N., R. 10 E., Kateel River Meridian, approximate elevation 3,657 feet;

Thence northeasterly, along the crest of a ridge between the drainages of Douglas Creek and a tributary of the Noatak River to the summit of a mountain located in section 22, T. 30 N., R. 11 E., Kateel River Meridian, approximate elevation 3,302 feet;

Thence on an approximate forward bearing of N. 28° E., to the summit of a mountain located in sections 14 and 15, T. 30 N., R. 11 E., Kateel River Meridian, approximate elevation 4,100 feet;

Thence southeasterly, along the crest of a ridge to the summit of a mountain located in section 24, T. 30 N., R. 11 E., Kateel River Meridian, approximate elevation 3,473 feet;

Thence on an approximate forward bearing of N. 87° E., to the summit of a mountain located in section 21, T. 30 N., R. 12 E., Kateel River Meridian, approximate elevation 4,021 feet;

Thence easterly and northeasterly along the crest of a ridge between the drainages of Midas Creek and Mountain Creek to the summit of a mountain located at the intersection with a ridge dividing the drainages of Nigu and the Noatak Rivers, located in section 3, T. 30 N., R. 13 E., Kateel River Meridian, approximate elevation 3,250 feet;

Thence northwesterly, departing from the common boundary with the Gates of the Arctic National Park, along the crest of mountains between the drainage of the Nigu River and the drainage of Rough Mountain Creek, to a point on a ridge located in the western portion of section 19, T. 31 N., R. 13 E., Kateel River Meridian, approximate elevation 2,850 feet, due north of the summit of a peak located in section 8, T. 28 N., R. 13 E., Kateel River Meridian, approximate elevation 5,600 feet;

Thence northwesterly, along the crest of mountains and along a common boundary with the National Petroleum Reserve in Alaska, between the drainages of the Nigu River, Etivluk River and tributaries of the Aniuk River, to a summit of Kavaksurak Mountain, located in sections 27 and 28, T. 34 N., R. 8 E., Kateel River Meridian, approximate elevation 4,450 feet;

Thence westerly, southwesterly, northerly, westerly, northwesterly, southwesterly and northwesterly along the crest of the DeLong Mountains, and along a common boundary with the National Petroleum Reserve in Alaska, between the drainages of the Itivluk River, Ipnavik River, Kuna River, Kiligwa River, and Nuka River tributaries of the Colville River, and drainages of tributaries of the Noatak River, to the summit of a hill in the northwest ¼ of section 21, T. 9 S., R. 33 W., Umiat Meridian, approximate elevation 2,950 feet;

Thence southwesterly, westerly, northwesterly and southwesterly along the crest of the DeLong Mountains, and along a common boundary with the National Petroleum Reserve in Alaska, between the drainages of the Nuka River, Colville River, Utukok River, and Kokolik River and drainages of tributaries of the Noatak River, to a summit of a mountain in section 1, T. 11 S., R. 43 W., Umiat Meridian, approximate elevation 3,675 feet;

Thence southerly, northwesterly, westerly and southwesterly along the crest of the DeLong Mountains, departing from the common boundary with the National Petroleum Reserve in Alaska, between the drainages of the Kokolik River, Tingmerkpuk River and Kukpowruk River and drainages of the Kelly River and Wrench Creek, tributaries of the Noatak River, to the summit of the peak in section 11, T. 34 N., R. 18 W., Kateel River Meridian, approximate elevation 2,800 feet;

Thence southerly and southeasterly along the crest of mountains between drainages of Wrench Creek and Wulik River, to a summit of a mountain in sections 15 and 16, T. 31 N., R. 17 W., Kateel River Meridian, approximate elevation 3,192 feet;

Thence northeasterly along the crest of a ridge to a point between sections 2 and 11, T. 31 N., R. 17 W., Kateel River Meridian, approximate elevation 2,700 feet;

Thence easterly, between sections 2 and 11, 1 and 12, to the corner of sections 1, 6, 7 and 12, T. 31 N., Rs. 16 and 17 W., Kateel River Meridian;

Thence southerly, between Rs. 16 and 17 W., to the corner of sections 19, 24, 25 and 30, T. 31 N., Rs. 16 and 17 W., Kateel River Meridian;

Thence westerly, between sections 24 and 25, to the corner of sections 23, 24, 25 and 26, T. 31 N., R. 17 W., Kateel River Meridian;

Thence southerly, between sections 25 and 26, to the corner of sections 25, 26, 35 and 36, T. 31 N., R. 17 W., Kateel River Meridian;

Thence westerly, between sections 26 and 35, to the corner of sections 26, 27, 34 and 35, T. 31 N., R. 17 W., Kateel River Meridian;

Thence southerly, between sections 34 and 35, to the corner of sections 2, 3, 34 and 35, Tps. 30 and 31 N., R. 17 W., Kateel River Meridian;

Thence westerly, between Tps. 30 and 31 N., to the corner of sections 5, 6, 31 and 32, Tps. 30 and 31 N., R. 17 W., Kateel River Meridian;

Thence southerly, between sections 5 and 6, 7 and 8, 17 and 18, 19 and 20, 29 and 30, 31 and 32, 5 and 6, 7 and 8, 17 and 18, 19 and 20, 29 and 30, 31 and 32, to the standard corner of sections 31 and 32, T. 29 N., R. 17 W., Kateel River Meridian;

Thence westerly, along the Seventh Standard Parallel North to the closing corner of sections 1 and 2, T. 28 N., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 1 and 2, to a point on the left bank, at the line of mean high water of the Noatak River, between sections 1 and 2, T. 28 N., R. 18 W., Kateel River Meridian;

Thence southwesterly, along the line of mean high water on the left bank of the Noatak River, to a point between sections 6 and 31, Tps. 27 and 28 N., R. 18 W., Kateel River Meridian;

Thence easterly, between Tps. 27 and 28 N., to the corner of sections 3, 4, 33 and 34, Tps. 27 and 28 N., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 3 and 4, to the corner of sections 3, 4, 9 and 10, T. 27 N., R. 18 W., Kateel River Meridian;

Thence westerly, between sections 4 and 9, to the corner of sections 4, 5, 8 and 9, T. 27 N., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 8 and 9, 16 and 17, 20 and 21, 28 and 29, to the corner of sections 28, 29, 32 and 33, T. 27 N., R. 18 W., Kateel River Meridian;

Thence easterly, between sections 28 and 33, 27 and 34, 26 and 35, to the corner of sections 25, 26, 35 and 36, T. 27 N., R. 18 W., Kateel River Meridian;

Thence northerly, between sections 25 and 26, to the corner of sections 23, 24, 25 and 26, T. 27 N., R. 18 W., Kateel River Meridian;

Thence easterly, between section 24 and 25, to the corner of sections 19, 24, 25 and 30, T. 27 N., Rs. 17 and 18 W., Kateel River Meridian;

Thence northerly, between Rs. 17 and 18 W., to the corner of sections 13, 18, 19 and 24, T. 27 N., Rs. 17 and 18 W., Kateel River Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, 16 and 21, to the corner of sections 15, 16, 21 and 22, T. 27 N., R. 17 W., Kateel River Meridian;

Thence southerly, between sections 21 and 22, to the corner of sections 21, 22, 27 and 28, T. 27 N., R. 17 W., Kateel River Meridian;

Thence westerly, between sections 21 and 28, to the corner of sections 20, 21, 28 and 29, T. 27 N., R. 17 W., Kateel River Meridian;

Thence southerly, between sections 28 and 29, to the corner of sections 28, 29, 32 and 33, T. 27 N., R. 17 W., Kateel River Meridian;

Thence easterly, between sections 28 and 33, to the corner of sections 27, 28, 33 and 34, T. 27 N., R. 17 W., Kateel River Meridian;

Thence southerly, between sections 33 and 34, to the corner of sections 3, 4, 33 and 34, Tps. 26 and 27 N., R. 17 W., Kateel River Meridian;

Thence westerly, between Tps. 26 and 27 N., to the corner of sections 4, 5, 32 and 33, Tps. 26 and 27 N., R. 17 W., Kateel River Meridian;

Thence southerly, between sections 4 and 5, to the corner of sections 4, 5, 8 and 9, T. 26 N., R. 17 W., Kateel River Meridian;

Thence westerly, between sections 5 and 8, to the corner of sections 5, 6, 7 and 8, T. 26 N., R. 17 W., Kateel River Meridian;

Thence southerly, between sections 7 and 8, to the corner of sections 7, 8, 17 and 18, T. 26 N., R. 17 W., Kateel River Meridian;

Thence westerly, between sections 7 and 18, to the corner of sections 7, 12, 13 and 18, T. 26 N. Rs. 17 and 18 W., Kateel River Meridian;

Thence southerly, between Rs. 17 and 18 W., to the corner of sections 13, 18, 19 and 24, T. 26 N., Rs. 17 and 18 W., Kateel River Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, to the corner of sections 15, 16, 21 and 22, T. 26 N., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 21 and 22, 27 and 28, 33 and 34, to the corner of sections 3, 4, 33 and 34, Tps. 25 and 26 N., R. 18 W., Kateel River Meridian;

Thence westerly, between Tps. 25 and 26 N., to the corner of sections 4, 5, 32 and 33, Tps. 25 and 26 N., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 4 and 5, 8 and 9, 16 and 17, to the corner of sections 16, 17, 20 and 21, T. 25 N., R. 18 W., Kateel River Meridian;

Thence westerly, between sections 17 and 20, to the corner of sections 17, 18, 19 and 20, T. 25 N., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 19 and 20, 29 and 30, 31 and 32, to the standard corner of sections 31 and 32, T. 25 N., R. 18 W., Kateel River Meridian;

Thence westerly, along the Sixth Standard Parallel North, to the closing corner of sections 2 and 3, T. 24 N., R. 19 W., Kateel River Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, to the corner of sections 10, 11, 14 and 15, T. 24 N., R. 19 W., Kateel River Meridian;

Thence westerly, between sections 10 and 15, to the corner of sections 9, 10, 15 and 16, T. 24 N., R. 19 W., Kateel River Meridian;

Thence southerly, between sections 15 and 16, to the corner of sections 15, 16, 21 and 22, T. 24 N., R. 19 W., Kateel River Meridian;

Thence westerly, between sections 16 and 21, to the corner of sections 16, 17, 20 and 21, T. 24 N., R. 19 W., Kateel River Meridian;

Thence southerly, between sections 20 and 21, 28 and 29, to the corner of sections 28, 29, 32 and 33, T. 24 N., R. 19 W., Kateel River Meridian;

Thence easterly, between sections 28 and 33, 27 and 34, to the corner of sections 26, 27, 34 and 35, T. 24 N., R. 19 W., Kateel River Meridian;

Thence southerly, between sections 34 and 35, to the corner of sections 2, 3, 34 and 35, Tps. 23 and 24 N., R. 19 W., Kateel River Meridian;

Thence easterly, between Tps. 23 and 24 N., to the corner of Tps. 23 and 24 N., Rs. 18 and 19 W., Kateel River Meridian;

Thence southerly, between Rs. 18 and 19 W., to the corner of sections 7, 12, 13 and 18, T. 23 N., Rs. 18 and 19 W., Kateel River Meridian;

Thence easterly, between sections 7 and 18, 8 and 17, to the corner of sections 8, 9, 16 and 17, T. 23 N., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 16 and 17, to the corner of sections 16, 17, 20 and 21, T. 23 N., R. 18 W., Kateel River Meridian;

Thence easterly, between sections 16 and 21, to the corner of sections 15, 16, 21 and 22, T. 23 N., R. 18 W., Kateel River Meridian;

Thence northerly, between sections 15 and 16, 9 and 10, 3 and 4, 33 and 34, to the corner of sections 27, 28, 33 and 34, T. 24 N., R. 18 W., Kateel River Meridian;

Thence easterly, between sections 27 and 34, to the corner of sections 26, 27, 34 and 35, T. 24 N., R. 18 W., Kateel River Meridian;

Thence northerly, between sections 26 and 27, to the corner of sections 22, 23, 26 and 27, T. 24 N., R. 18 W., Kateel River Meridian;

Thence easterly, between sections 23 and 26, 24 and 25, to the corner of sections 19, 24, 25 and 30, T. 24 N., Rs. 17 and 18 W., Kateel River Meridian;

Thence southerly, between Rs. 17 and 18 W., to the corner of sections 19, 24, 25 and 30, T. 23 N., Rs. 17 and 18 W., Kateel River Meridian;

Thence westerly, between sections 24 and 25, 23 and 26, to the corner of sections 22, 23, 26 and 27, T. 23 N., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 26 and 27, 34 and 35, to the corner of sections 2, 3, 34 and 35, Tps. 22 and 23 N., R. 18 W., Kateel River Meridian;

Thence westerly, between Tps. 22 and 23 N., to the corner of sections 5, 6, 31 and 32, Tps. 22 and 23 N., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 5 and 6, 7 and 8, to the corner of sections 7, 8, 17 and 18, T. 22 N., R. 18 W., Kateel River Meridian;

Thence easterly, between sections 8 and 17, to the corner of sections 8, 9, 16 and 17, T. 22 N., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 16 and 17, to the corner of sections 16, 17, 20 and 21, T. 22 N., R. 18 W., Kateel River Meridian;

Thence easterly, between sections 16 and 21, 15 and 22, 14 and 23, to the corner of sections 13, 14, 23 and 24, T. 22 N., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 23 and 24, 25 and 26, to the corner of sections 25, 26, 35 and 36, T. 22 N., R. 18 W., Kateel River Meridian;

Thence easterly, between sections 25 and 36, to the corner of sections 25, 30, 31 and 36, T. 22 N., Rs. 17 and 18 W., Kateel River Meridian;

Thence southerly, between Rs. 17 and 18 W., to the corner of sections 1, 6, 7 and 12, T. 21 N., Rs. 17 and 18, Kateel River Meridian;

Thence easterly, between sections 6 and 7, to the corner of sections 5, 6, 7 and 8, T. 21 N., R. 17 W., Kateel River Meridian;

Thence southerly, between sections 7 and 8, to the corner of sections 7, 8, 17 and 18, T. 21 N., R. 17 W., Kateel River Meridian;

Thence easterly, between section 8 and 17, 9 and 16, 10 and 15, to the corner of sections 10, 11, 14 and 15, T. 21 N., R. 17 W., Kateel River Meridian;

Thence southerly, between sections 14 and 15, 22 and 23, to the corner of sections 22, 23, 26 and 27, T. 21 N., R. 17 W., Kateel River Meridian;

Thence westerly, between sections 22 and 27, 21 and 28, to the corner of sections 20, 21, 28 and 29, T. 21 N., R. 17 W., Kateel River Meridian;

Thence southerly, between sections 28 and 29, to the corner of sections 28, 29, 32 and 33, T. 21 N., R. 17 W., Kateel River Meridian;

Thence westerly, between sections 29 and 32, 30 and 31, to the corner of sections 25, 30, 31 and 36, T. 21 N., Rs. 17 and 18 W., Kateel River Meridian;

Thence southerly, between Rs. 17 and 18 W., to the standard corner of T. 21 N., Rs. 17 and 18 W., Kateel River Meridian;

Thence easterly, along the Fifth Standard Parallel North, to the closing corner of sections 1 and 2, T. 20 N., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 1 and 2, to the corner of sections 1, 2, 11 and 12, T. 20 N., R. 18 W., Kateel River Meridian;

Thence easterly, between sections 1 and 12, to the corner of sections 1, 6, 7 and 12, T. 20 N., Rs. 17 and 18 W., Kateel River Meridian;

Thence northerly, between Rs. 17 and 18 W., to the closing corner of T. 20 N., Rs. 17 and 18 W., Kateel River Meridian;

Thence easterly, along the Fifth Standard Parallel North, to the closing corner of sections 1 and 2, T. 20 N., R. 17 W., Kateel River Meridian;

Thence southerly, between sections 1 and 2, 11 and 12, 13 and 14, 23 and 24, to the corner of sections 23, 24, 25 and 26, T. 20 N., R. 17 W., Kateel River Meridian;

Thence westerly, between sections 23 and 26, to the corner of sections 22, 23, 26 and 27, T. 20 N., R. 17 W., Kateel River Meridian;

Thence southerly, between sections 26 and 27, 34 and 35, to the corner of sections 2, 3, 34 and 35, Tps. 19 and 20 N., R. 17 W., Kateel River Meridian;

Thence easterly, between Tps. 19 and 20 N., to the corner of sections 2, 3, 34 and 35, Tps. 19 and 20 N., R. 16 W., Kateel River Meridian;

Thence southerly, between sections 2 and 3, to the corner of sections 2, 3, 10 and 11, T. 19 N., R. 16 W., Kateel River Meridian;

Thence easterly, between sections 2 and 11, to the corner of sections 1, 2, 11 and 12, T. 19 N., R. 16 W., Kateel River Meridian;

Thence southerly, between sections 11 and 12, 13 and 14, to the corner of sections 13, 14, 23 and 24, T. 19 N., R. 16 W., Kateel River Meridian;

Thence easterly, between sections 13 and 24, to the corner of sections 13, 18, 19 and 24, T. 19 N., Rs. 15 and 16 W., Kateel River Meridian;

Thence northerly, between Rs. 15 and 16 W., to the corner of sections 25, 30, 31 and 36, T. 20 N., Rs. 15 and 16 W., Kateel River Meridian;

Thence easterly, between sections 30 and 31, to the corner of sections 29, 30, 31 and 32, T. 20 N., R. 15 W., Kateel River Meridian;

Thence northerly, between sections 29 and 30, 19 and 20, 17 and 18, to the summit of a ridge located in sections 17 and 18, T. 20 N., R. 15 W., Kateel River Meridian, approximate elevation 1,325 feet, which is descending from a mountain located in sections 17 and 18, T. 20 N., R. 15 W., Kateel River Meridian, approximate elevation 1,357 feet;

Thence northeasterly, northwesterly and northeasterly, along the crest of mountains between the drainages of the Noatak River and Agashashok River and the drainages of the Squirrel River, to the summit of a mountain in sections 5 and 8, T. 23 N., R. 15 W., Kateel River Meridian, approximate elevation 2,036 feet;

*Thence easterly, northeasterly and northerly, along the crest of mountains between the drainages of the Agashashok River and drainages of the Squirrel River, to the summit of a mountain located in the northerly portion of section 24, T. 26 N., R. 12 W., Kateel River Meridian, approximate elevation 3,851 feet, the place of beginning.

*Department of the Interior 1:250,000 scale map issued in 1981, incorrectly depicts segments of this portion of the description.

## Units of the National Wilderness Preservation System Within the Noatak National Preserve

Section 701(7), Public Law 96–487 (ANILCA):

*Noatak Wilderness*

The Noatak Wilderness as generally depicted on a map numbered NOAT–90,004, dated July 1980, consists of approximately five million eight hundred thousand acres of public lands, as defined in the ANILCA, within the following described boundary:

Beginning at a point on the summit of a mountain between the drainages of Agashashok River, North Fork of the Squirrel River, and Akikukchiak Creek, located in the northerly portion of section 24, T. 26 N., R. 12 W., Kateel River Meridian, approximate elevation 3,851 feet;

*Thence easterly, southerly, easterly, northerly, and easterly, along the crest of the Baird Mountains and the divide between drainages of the Noatak and Squirrel Rivers, southeasterly and easterly to the summit of a mountain in sections 8 and 17, T. 25 N., R. 7 W., Kateel River Meridian, approximate elevation 3,200 feet;

Thence northeasterly, along the crest of the Baird Mountains and along a common boundary with the Kobuk Valley National Park, between the drainages of the Noatak River and the Salmon River, to the summit of a mountain in section 33, T. 29 N., R. 5 W., Kateel River Meridian, approximate elevation 2,528 feet;

Thence southeasterly, along the crest of the Baird Mountains between the drainages of the Noatak River and Kobuk River to the summit of a mountain in sections 13 and 14, T. 25 N., R. 2 W., Kateel River Meridian, approximate elevation 3,700 feet;

Thence northeasterly, easterly, southeasterly, easterly, and southeasterly, along the crest of the Baird Mountains between the drainages of the Noatak River and the Kobuk River to the summit of a mountain located in section 8, T. 23 N., R. 5 E., Kateel River Meridian, approximate elevation 3,515 feet;

*Thence northeasterly, departing from the common boundary with the Kobuk Valley National Park, along the crest of the Baird Mountains between the drainages of the Noatak River and the Ambler River, to the summit of a ridge located in the southern ½ of section 19, T. 25 N., R. 9 E., Kateel River Meridian, approximate elevation 3,600 feet;

Thence northerly, westerly, northerly and westerly, along a common boundary with the Gates of the Arctic National Park, along the crest of mountains between the drainages of Ambler River and Imelyak River, to the summit of a mountain located in the northeast ¼ of section 35, T. 26 N., R. 8 E., Kateel River Meridian, approximate elevation 4,720 feet;

Thence on an approximate forward bearing of N. 11° E., to the summit of a mountain located in sections 23 and 24, T. 26 N., R. 8 E., Kateel River Meridian, approximate elevation 4,508 feet;

Thence northeasterly, along the divide between the drainages of the Ambler and Noatak Rivers, to the summit of a mountain located in section 5, T. 26 N., R. 9 E., Kateel River Meridian, approximate elevation 4,625 feet;

Thence on an approximate forward bearing of S. 37° E., to the summit of a mountain located in section 15, T. 26 N., R. 9 E., Kateel River Meridian, approximate elevation 3,980 feet;

Thence southerly, along the crest of the spur ridge to the summit of a mountain located in section 22, T. 26 N., R. 9 E., Kateel River Meridian, approximate elevation 4,296 feet;

Thence easterly, northerly, and westerly, along the divide between the drainages of Kavachurak Creek and Tunukuchiak Creek, to the summit of a small mountain located in sections 28 and 29, T. 28 N., R. 10 E., Kateel River Meridian, approximate elevation 2,441 feet;

Thence on an approximate forward bearing of N. 51° E., to the summit of a mountain located in section 22, T. 28 N., R. 10 E., Kateel River Meridian, approximate elevation 3,439 feet;

Thence on an approximate forward bearing of N. 24° E., to a point on the right bank of Douglas Creek at the junction of the Noatak River and Douglas Creek located in the northern portion of section 2, T. 28 N., R. 10 E., Kateel River Meridian;

Thence northerly, along the right bank of Douglas Creek to a point on the right bank of Douglas Creek in section 13 located due south of the summit of a mountain, approximate elevation 3,657 feet located in

sections 12 and 13, T. 29 N., R. 10 E., Kateel River Meridian;

Thence due north to the summit of a mountain located in sections 12 and 13, T. 29 N., R. 10 E., Kateel River Meridian, approximate elevation 3,657 feet;

Thence northeasterly, along the crest of a ridge between the drainages to Douglas Creek and a tributary of the Noatak River to the summit of a mountain located in section 22, T. 30 N., R. 11 E., Kateel River Meridian, approximate elevation 3,302 feet;

Thence on an approximate forward bearing of N. 28° E., to the summit of a mountain located in sections 14 and 15, T. 30 N., R. 11 E., Kateel River Meridian, approximate elevation 4,100 feet;

Thence southeasterly, along the crest of a ridge to the summit of a mountain located in section 24, T. 30 N., R. 11 E., Kateel River Meridian, approximate elevation 3,473 feet;

Thence on an approximate forward bearing of N. 87° E., to the summit of a mountain located in section 21, T. 30 N., R. 12 E., Kateel River Meridian, approximate elevation 4,021 feet;

Thence easterly and northeasterly along the crest of a ridge between the drainages of Midas Creek and Mountain Creek to the summit of a mountain located at the intersection with a ridge dividing the drainages of Nigu and the Noatak Rivers, located in section 3, T., 30 N., R. 13 E., Kateel River Meridian, approximate elevation 3,250 feet;

Thence northwesterly, departing from the common boundary with the Gates of the Arctic National Park, along the crest of mountains between the drainage of the Nigu River and the drainage of Rough Mountain Creek, to a point on a ridge located in the western portion of section 19, T. 31 N., R. 13 E., Kateel River Meridian, approximate elevation 2,850 feet, due north of the summit of a peak located in section 8, T. 28 N., R. 13 E., Kateel River Meridian, approximate elevation 5,600 feet;

Thence northwesterly, along the crest of mountains and along a common boundary with the National Petroleum Reserve in Alaska, between the drainages of the Nigu River, Etivluk River and tributaries of the Aniuk River, to a summit of Kavaksurak Mountain, located in sections 27 and 28, T. 34 N., R. 8 E., Kateel River Meridian, approximate elevation 4,450 feet;

Thence westerly, southwesterly, northerly, westerly, northwesterly, southwesterly and northwesterly along the crest of the DeLong Mountains, and along a common boundary with the National Petroleum Reserve in Alaska, between the drainages of the Itivluk River, Ipnavik River, Kuna River, Kiligwa River, and Nuka River-tributaries of the Colville River, and drainages of tributaries of the Noatak River, to the summit of a hill in the northwest ¼ of section 21, T. 9 S., R. 33 W., Umiat Meridian, approximate elevation 2,950 feet;

Thence southwesterly, westerly, northwesterly and southwesterly along the crest of the DeLong Mountains, and along a common boundary with the National Petroleum Reserve in Alaska, between the drainages of the Nuka River, Colville River, Utukok River, and Kokolik River and drainages of tributaries of the Noatak River, to a summit of a mountain in section 1, T. 11 S., R. 43 W., Umiat Meridian, approximate elevation 3,675 feet;

Thence southerly, northwesterly, westerly and southwesterly along the crest of the DeLong Mountains, departing from the common boundary with the National Petroleum Reserve in Alaska, between the drainages of the Kokolik River, Tingmerkpuk River and Kukpowruk River and drainages of the Kelly River and Wrench Creek, tributaries of the Noatak River, to the summit of the peak in section 11, T. 34 N., R. 18 W., Kateel River Meridian, approximate elevation 2,800 feet;

Thence southerly and southeasterly along the crest of mountains between drainages of Wrench Creek and Wulik River, to a summit of a mountain in sections 15 and 16, T. 31 N., R. 17 W., Kateel River Meridian, approximate elevation 3,192 feet;

Thence northeasterly along the crest of a ridge to a point between sections 2 and 11, T. 31 N., R. 17 W., Kateel River Meridian, approximate elevation 2,700 feet;

Thence easterly, between sections 2 and 11, 1 and 12, to the corner of sections 1, 6, 7 and 12, T. 31 N., Rs. 16 and 17 W., Kateel River Meridian;

Thence southerly, between Rs. 16 and 17 W., to the corner of sections 19, 24, 25 and 30, T. 31 N., Rs. 16 and 17 W., Kateel River Meridian;

Thence westerly, between sections 24 and 25, to the corner of sections 23, 24, 25 and 26, T. 31 N., R. 17 W., Kateel River Meridian;

Thence southerly, between sections 25 and 26, to the corner of sections 25, 26, 35 and 36, T. 31 N., R. 17 W., Kateel River Meridian;

Thence westerly, between sections 26 and 35, to the corner of sections 26, 27, 34 and 35, T. 31 N., R. 17 W., Kateel River Meridian;

Thence southerly, between sections 34 and 35, to the corner of sections 2, 3, 34 and 35, Tps. 30 and 31 N., R. 17 W., Kateel River Meridian;

Thence westerly, between Tps. 30 and 31 N., to the corner of sections 5, 6, 31 and 32, Tps. 30 and 31 N., R. 17 W., Kateel River Meridian;

Thence southerly, between sections 5 and 6, 7 and 8, 17 and 18, 19 and 20, 29 and 30, 31 and 32, 5 and 6, 7 and 8, 17 and 18, 19 and 20, 29 and 30, 31 and 32, to the standard corner of sections 31 and 32, T. 29 N., R. 17 W., Kateel River Meridian;

Thence westerly, along the Seventh Standard Parallel North to the closing corner of sections 1 and 2, T. 28 N., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 1 and 2, to a point on the left bank, at the line of mean high water of the Noatak River, between sections 1 and 2, T. 28 N., R. 18 W., Kateel River Meridian;

Thence southwesterly, along the line of mean high water on the left bank of the Noatak River, to a point between sections 6 and 31, Tps. 27 and 28 N., R. 18 W., Kateel River Meridian;

Thence easterly, between Tps. 27 and 28 N., to a point on a ridge between sections 1 and 36, Tps. 27 and 28 N., R. 16 W., Kateel River Meridian, approximate elevation 1,200 feet;

Thence southeasterly, northeasterly, easterly, and southerly along the crest of a ridge between the drainages of Noatak and Eli Rivers, to the summit of a mountain located in the northerly portion of section 24, T. 26 N., R. 12 W., Kateel River Meridian, approximate elevation 3,851 feet, the place of beginning.

*Department of the Interior 1:250,000 scale map issued in 1981, incorrectly depicts segments of this portion of the description.

## Units of the National Wild and Scenic Rivers System Within the Noatak National Preserve

Section 601, Public Law 96–487 (ANILCA):

"Noatak, Alaska.—The river from its source in the Gates of the Arctic National Park to its confluence with the Kelly River in the Noatak National Preserve; to be administered by the Secretary of the Interior."

**Note:** Pursuant to section 605(d) of ANILCA and as provided for under section 3(b) of the Wild and Scenic Rivers Act, the necessity for any river corridor boundaries for the Noatak Wild River within the Noatak National Preserve has been considered during the comprehensive conservation planning process for the preserve. In accordance with the General Management Plan for Noatak National Preserve, approved November 7, 1986, no specific river corridor boundaries are deemed necessary for the Noatak River in order to protect the river and its immediate environments. Proposed management of the preserve meets and is compatible with management standards established by the Wild and Scenic Rivers Act.

The following U. S. Geological Survey 1:63,360 Series (Topographic) Quadrangle Maps were used in preparing the legal boundary descriptions for the Noatak National Preserve and Noatak Wilderness:

Ambler River, Alaska: (B–3) pe 1990; (B–4) pe 1990; (B–5) pe 1990; (C–2) pe 1990; (C–3) pe 1990; (C–4) pe 1990; (C–5) pe 1990; (C–6) pe 1990; (D–1) pe 1990; (D–2) pe 1990.

Baird Mountains, Alaska: (A–6) 1955; (B–6) 1955; (C–1) pe 1990; (C–3) 1955; (C–4) 1955; (C–5) 1955; (C–6) 1955; (D–1) pe 1990; (D–2) pe 1990; (D–3) 1955; (D–5) 1955; (D–6) 1955.

DeLong Mountains, Alaska: (A–1) 1955; (A–2) 1955; (B–1) 1955; (B–2) 1955; (C–1) 1955.

Howard Pass, Alaska: (A–1) 1984; (A–2) 1984; (A–3) 1984; (B–2) 1984; (B–3) 1984; (B–4) 1984; (B–5) 1984; (C–5) 1984.

Killik River, Alaska: (A–5) 1984.

Misheguk Mountain, Alaska: (B–5) pe 1990; (C–1) 1984; (C–2) 1984; (C–3) 1984; (C–4) 1984; (C–5) 1984.

Noatak, Alaska: (A–1) 1955; (A–2) 1955; (B–1) 1955; (B–2) 1955; (C–1) 1955; (C–2) 1955; (D–1) 1955; (D–2) 1955; mr 1977.

Survey Pass, Alaska: (D–6) 1984.

mr—minor revisions

pe—provisional edition

BILLING CODE 4310–70–F

# NOATAK NATIONAL PRESERVE

## PUBLIC LAW 96-487




BILLING CODE 4310-70-C

**Wrangell-St. Elias National Park and Preserve**

Section 201(9), Public Law 96–487 (ANILCA):

*Wrangell-St. Elias National Park*

Wrangell-St. Elias National Park as generally depicted on a map numbered WRST–90,007, dated August 1980, consists of approximately eight million one hundred and forty-seven thousand acres of public lands, as defined in the ANILCA, within the following described boundary:

Beginning on the International Boundary between the United States of America and Canada at 60°00' N latitude, in section 22, T. 22 S., R. 37 E., Copper River Meridian;

Thence northwesterly, northerly, westerly, and northerly, along the International Boundary to the meander corner of section 35 only, on the right bank of the main channel of White River on the International Boundary, T. 1 S., R. 24 E., Copper River Meridian;

*Thence westerly, northwesterly, southwesterly, and northwesterly, along a common boundary with the Wrangell-St. Elias National Preserve (North Unit), along the right bank of the main channel of the White River and the left bank of the main channel of Lime Creek to a point between sections 29 and 32 on the left bank of the main channel of Lime Creek, T. 1 S., R. 20 E., Copper River Meridian;

*Thence easterly between sections 29 and 32, 28 and 33, to an intersection with the extension of a spur ridge between sections 28 and 33, T. 1 S., R. 20 E., Copper River Meridian;

Thence northerly, along the crest of the spur ridge and northwesterly on the crest of a ridge, between the drainages of Lime Creek and other unnamed tributaries of the White River, to control station "Lime" located in the southeasterly portion of section 12, T. 1 S., R. 19 E., Copper River Meridian, approximate elevation 7,074 feet;

Thence northwesterly on the crest of a ridge between the drainages of Lime Creek, Lime Glacier, Solo Creek, Geohenda Creek and North Fork of the White River to the summit on the ridge in the westerly portion of section 2, T. 1 N., R. 18 E., Copper River Meridian, approximate elevation 8,400 feet;

Thence on an approximate forward bearing of S. 80° W., to the summit of a peak in the southwesterly portion of section 3, T. 1 N., R. 18 E., Copper River Meridian, approximate elevation 9,315 feet;

Thence on an approximate forward bearing of N. 87° W., to the summit of a peak in the southwesterly portion of section 5, T. 1 N., R. 18 E., Copper River Meridian, approximate elevation 10,091 feet;

Thence on an approximate forward bearing of S. 66° W., to the summit of a peak in the northeasterly portion of section 12, T. 1 N., R. 17 E., Copper River Meridian, approximate elevation 9,605 feet;

Thence on an approximate forward bearing of N. 69° W., to the summit of a peak in the northeasterly portion of section 4, T. 1 N., R. 17 E., Copper River Meridian, approximate elevation 10,522 feet;

Thence on an approximate forward bearing of N. 57° W., to the summit of a peak in the northwesterly portion of section 32, T. 2 N., R. 17 E., Copper River Meridian, approximate elevation 9,100 feet;

Thence on an approximate forward bearing of N. 60° W., to the summit of a peak in the southwesterly portion of section 30, T. 2 N., R. 17 E., Copper River Meridian, approximate elevation 8,305 feet;

Thence on an approximate forward bearing of N. 59° W., to the summit of a peak near the center of section 16, T. 2 N., R. 16 E., Copper River Meridian, approximate elevation 9,435 feet;

Thence on an approximate forward bearing of N. 45° W., to the summit of a peak near the center of section 8, T. 2 N., R. 16 E., Copper River Meridian, approximate elevation 9,410 feet;

Thence on an approximate forward bearing of S. 72° W., to the summit of a peak in the northerly portion of section 13, T. 2 N., R. 15 E., Copper River Meridian, approximate elevation 9,376 feet;

Thence on an approximate forward bearing of N. 65° W., to the summit of a peak in the southeasterly portion of section 4, T. 2 N., R. 15 E., Copper River Meridian, approximate elevation 10,000 feet;

Thence on an approximate forward bearing of S. 43° W., to the summit of a peak in the southeasterly portion of section 18, T. 2 N., R. 15 E., Copper River Meridian, approximate elevation 9,450 feet;

Thence on an approximate forward bearing of S. 19° W., to the summit of a peak in the northeasterly portion of section 1, T. 1 N., R. 14 E., Copper River Meridian, approximate elevation 9,300 feet;

Thence on an approximate forward bearing of S. 84° W., to the summit of a peak in the northeasterly portion of section 2, T. 1 N., R. 14 E., Copper River Meridian, approximate elevation 9,525 feet;

Thence on an approximate forward bearing of N. 81° W., to the summit of a peak in the southeasterly portion of section 33, T. 2 N., R. 14 E., Copper River Meridian, approximate elevation 9,205 feet;

Thence on an approximate forward bearing of S. 84° W., to the summit of a peak near the center of section 3, T. 1 N., R. 13 E., Copper River Meridian, approximate elevation 9,415 feet;

Thence on an approximate forward bearing of N. 76° W., to the summit of a peak in the southerly portion of section 28, T. 2 N., R. 12 E., Copper River Meridian, approximate elevation 8,910 feet;

Thence on an approximate forward bearing of N. 13° E., to the summit of a peak in the northwesterly portion of section 15, T. 2 N., R. 12 E., Copper River Meridian, approximate elevation 8,560 feet;

Thence on an approximate forward bearing of S. 88° W., to the summit of a peak in the easterly portion of section 15, T. 2 N., R. 11 E., Copper River Meridian, approximate elevation 9,082 feet;

Thence on an approximate forward bearing of N. 29° W., to the summit of a peak in the northeasterly portion of section 32, T. 3 N., R. 11 E., Copper River Meridian, approximate elevation 9,799 feet;

Thence on an approximate forward bearing of N. 83° W., to the summit of a peak in the easterly portion of section 27, T. 3 N., R. 10 E., Copper River Meridian, approximate elevation 9,882 feet;

Thence on an approximate forward bearing of N. 70° W., to the summit of Mount Jarvis in the southwesterly portion of section 20, T. 3 N., R. 10 E., Copper River Meridian, approximate elevation 13,421 feet;

Thence on an approximate forward bearing of N. 20° W., to the summit of a peak in the southerly portion of section 6, T. 3 N., R. 10 E., Copper River Meridian, approximate elevation 13,025 feet;

Thence on an approximate forward bearing of N. 18° W., to the summit of a peak in the easterly portion of section 11, T. 4 N., R. 9 E., Copper River Meridian, approximate elevation 8,750 feet;

Thence on an approximate forward bearing of N. 6° E., to the summit of a peak in the northerly portion of section 26, T. 5 N., R. 9 E., Copper River Meridian, approximate elevation 9,085 feet;

Thence easterly, northeasterly and northerly, on the crest of the divide between the Copper River, tributaries of the Jacksina River, and Goat Creek drainages, to the summit of Tanada Peak in the northerly portion of section 14, T. 6 N., R. 10 E., Copper River Meridian, approximate elevation 9,358 feet;

Thence northeasterly and northerly, on the crest of the divide between the Copper Lake and Goat Creek drainages, to a point between sections 6 and 31, Tps. 6 and 7 N., R. 11 E., Copper River Meridian;

Thence easterly, between Tps. 6 and 7 N., to the crest of a ridge between sections 1 and 36, Tps. 6 and 7 N., R. 11 E., Copper River Meridian;

Thence easterly and northeasterly, along the crest of the divide between the Tanada Lake and Jacksina Creek drainages, to the junction of ridges in the southerly portion of section 11, T. 7 N., R. 12 E., Copper River Meridian, approximate elevation 7,400 feet;

Thence northwesterly, along the crest of a ridge between the Tanada Lake and Jack Creek drainages, to the summit of a peak in the southwesterly portion of section 3, T. 7 N., R. 12 E., Copper River Meridian, approximate elevation 6,065 feet;

Thence on an approximate forward bearing of N. 78° W., to the headwaters of an unnamed creek on the northerly end of a small lake in the southwesterly portion of section 4, T. 7 N., R. 12 E., Copper River Meridian;

Thence northerly, along the left bank of an unnamed creek to the junction of unnamed creeks in the northeasterly portion of section 32, T. 8 N., R. 12 E., Copper River Meridian;

Thence on an approximate forward bearing of N. 18° W., to the summit of a hill near the center of section 29, T. 8 N., R. 12 E., Copper River Meridian, approximate elevation 4,830 feet;

Thence on an approximate forward bearing of N. 60° W., to the headwaters of an unnamed creek at the north end of a small lake in the southerly portion of section 19, T 8 N., R. 12 E., Copper River Meridian;

Thence northerly, along the right bank of the unnamed creek to a point between

sections 31 and 36, T. 9 N., Rs. 11 and 12 E., Copper River Meridian;

Thence northerly, between Rs. 11 and 12 E., to a point 16 feet southerly of the centerline of the Nabesna Road on a line perpendicular to the centerline of said road and between sections 25 and 30, T. 9 N., Rs. 11 and 12 E., Copper River Meridian;

Thence northwesterly, paralleling the Nabesna Road at a distance of sixteen feet southerly from the center line of the road, to a point on the north and south centerline of section 11, T. 10 N., R. 8 E., Copper River Meridian;

Thence southerly, on the north and south centerlines of sections 11, 14 and 23, to a point on the north and south centerline of section 23 on the left bank of the Copper River, T. 10 N., R. 8 E., Copper River Meridian;

Thence southerly and southwesterly, along the left banks of the Copper River and the westernmost channel of the east branch of Drop Creek which enters the Copper River in the northeasterly portion of section 23, and along the left bank of Drop Creek to a point between sections 19 and 24, T. 7 N., Rs. 7 and 8 E., Copper River Meridian;

Thence southerly, between Rs. 7 and 8 E., to the corner of sections 1, 6, 31 and 36, Tps. 6 and 7 N., Rs. 7 and 8 E., Copper River Meridian;

Thence westerly between Tps. 6 and 7 N., to the intersection of a ridge in the eastern half of sections 1 and 36, Tps. 6 and 7 N., R. 7 E., Copper River Meridian, approximate elevation 5,125 feet;

Thence southwesterly, along the crest of the spur ridge, and westerly and southwesterly, on the crest of a ridge between the Boulder Creek and Drop Glacier drainages, to a point between sections 17 and 20, T. 6 N., R. 7 E., Copper River Meridian;

Thence westerly, between sections 17 and 20, 18 and 19, 13 and 24, to the intersection of a ridge between the easterly portions of sections 13 and 24, T. 6 N., Rs. 6 and 7 E., Copper River Meridian, approximate elevation 9,425 feet;

Thence northwesterly, westerly, and southwesterly along the crest of a ridge between the drainages of the Sanford River, Sheep Creek, and other unnamed tributaries of the Copper River to a summit on the ridge near the center of section 15, T. 6 N., R. 5 E., Copper River Meridian, approximate elevation 5,130 feet;

Thence on an approximate forward bearing of S. 49° W., to the corner of sections 15, 16, 21 and 22, T. 6 N., R. 5 E., Copper River Meridian;

Thence westerly, between sections 16 and 21, 17 and 20, to a point on the right bank of an unnamed creek near the corner of sections 16, 17, 20 and 21, T. 6 N., R. 5 E., Copper River Meridian;

Thence westerly and northwesterly, along the right bank of the unnamed creek to a point at the intersection of the creek with the left bank of the easternmost interconnecting waterway of the Copper River, at the line of ordinary high water, in the northern portions of sections 7 and 12, T. 7 N., Rs. 2 and 3 E., Copper River Meridian;

*Thence southwesterly, departing from a common boundary with the Wrangell-St. Elias National Preserve (North Unit), along the left bank of the most easterly interconnecting waterways of the Copper River along the line of ordinary high water, to a point between sections 10 and 15, T. 6 N., R. 1 E., Copper River Meridian;

Thence easterly, along a common boundary with the Wrangell-St. Elias National Preserve (West Unit), between sections 10 and 15, 11 and 14, 12 and 13, to the corner of sections 7, 12, 13 and 18, T. 6 N., Rs. 1 and 2 E., Copper River Meridian;

Thence southerly, between Rs. 1 and 2 E., to the corner of sections 1, 6, 7 and 12, T. 5 N., Rs. 1 and 2 E., Copper River Meridian;

Thence easterly, between sections 6 and 7, 5 and 8, to the corner of seotions 4, 5, 8 and 9, T. 5 N., R. 2 E., Copper River Meridian;

Thence southerly, between sections 8 and 9, to the corner of sections 8, 9, 16 and 17, T. 5 N., R. 2 E., Copper River Meridian;

Thence easterly, between sections 9 and 16, 10 and 15, to the corner of sections 10, 11, 14 and 15, T. 5 N., R. 2 E., Copper River Meridian;

Thence southerly, between sections 14 and 15, to the corner of sections 14, 15, 22 and 23, T. 5 N., R. 2 E., Copper River Meridian;

Thence easterly, between sections 14 and 23, 13 and 24, 18 and 19, 17 and 20, 16 and 21, to the corner of sections 15, 16, 21 and 22, T. 5 N., R. 3 E., Copper River Meridian;

Thence southerly, between sections 21 and 22, 27 and 28, 33 and 34, to the standard corner of sections 33 and 34, T. 5 N., R. 3 E., Copper River Meridian;

Thence westerly, on the First Standard Parallel North, to the closing corner of sections 4 and 5, T. 4 N., R. 3 E., Copper River Meridian;

Thence southerly, between sections 4 and 5, 8 and 9, 16 and 17, 20 and 21, 28 and 29, 32 and 33, 4 and 5, 8 and 9, 16 and 17, to the corner of sections 16, 17, 20 and 21, T. 3 N., R. 3 E., Copper River Meridian;

Thence easterly, between sections 16 and 21, 15 and 22, 14 and 23, to a point on the crest of the divide between the Nadina Glacier and Klawasi River drainages, T. 3 N., R. 3 E., Copper River Meridian;

Thence northeasterly, along the crest of the divide between the drainages of Nadina Glacier and Klawasi River, to a point between sections 28 and 33, T. 4 N., R. 4 E., Copper River Meridian;

Thence easterly, between sections 28 and 33, 27 and 34, 26 and 35, 25 and 36, to a point on the divide between the drainages of Sanford River and Dadina River, T. 4 N., R. 4 E., Copper River Meridian;

Thence easterly and southeasterly, along the crest of the divide between the Sanford River and Dadina River drainages, to a point between sections 3 and 34, Tps. 3 and 4 N., R. 5 E., Copper River Meridian;

Thence easterly, between Tps. 3 and 4 N., to the corner of sections 2, 3, 34 and 35, Tps. 3 and 4 N., R. 6 E., Copper River Meridian;

Thence southerly, between sections 2 and 3, to the corner of sections 2, 3, 10 and 11, T. 3 N., R. 6 E., Copper River Meridian;

Thence easterly, between sections 2 and 11, to the corner of sections 1, 2, 11 and 12, T. 3 N., R. 6 E., Copper River Meridian;

Thence southerly, between sections 11 and 12, to the corner of sections 11, 12, 13 and 14, T. 3 N., R. 6 E., Copper River Meridian;

Thence easterly, between sections 12 and 13, to the corner of sections 7, 12, 13 and 18, T. 3 N., Rs. 6 and 7 E., Copper River Meridian;

Thence southerly, between Rs. 6 and 7 E., to the corner of sections 7, 12, 13 and 18, T. 2 N., Rs. 6 and 7 E., Copper River Meridian;

Thence easterly, between sections 7 and 18, 8 and 17, to the corner of sections 8, 9, 16 and 17, T. 2 N., R. 7 E., Copper River Meridian;

Thence southerly, between sections 16 and 17, 20 and 21, 28 and 29, 32 and 33, 4 and 5, to the corner of sections 4, 5, 8 and 9, T. 1 N., R. 7 E., Copper River Meridian;

Thence easterly, between sections 4 and 9, 3 and 10, 2 and 11, 1 and 12, 6 and 7, 5 and 8, 4 and 9, to the corner of sections 3, 4, 9 and 10, T. 1 N., R. 8 E., Copper River Meridian;

Thence southerly, between sections 9 and 10, to the corner of sections 9, 10, 15 and 16, T. 1 N., R. 8 E., Copper River Meridian;

Thence easterly, between sections 10 and 15, to the corner of sections 10, 11, 14 and 15, T. 1 N., R. 8 E., Copper River Meridian;

Thence southerly, between sections 14 and 15, 22 and 23, to the corner of sections 22, 23, 26 and 27, T. 1 N., R. 8 E., Copper River Meridian;

Thence easterly, between sections 23 and 26, to a point on the divide between the Long Glacier and Kluvesna and Kotsina River drainages, T. 1 N., R. 8 E., Copper River Meridian;

Thence southwesterly, along the crest of the divide between the Long Glacier and Kluvesna, Clear Creek, and Kotsina River drainages, to the summit of a peak in the northwesterly portion of section 34, T. 1 S., R. 7 E., Copper River Meridian, approximate elevation 5,061 feet;

Thence on an approximate forward bearing of S. 2° E., to a point on the right bank of the Kotsina River and the right bank of an unnamed tributary to the Kotsina River at the confluence of the unnamed tributary with the Kotsina River in the northwesterly portion of section 10, T. 2 S., R. 7 E., Copper River Meridian;

Thence westerly, southerly and westerly, along the right bank of the Kotsina River to a point at its confluence with the left bank of the Copper River, at the line of ordinary high water, in the northeasterly portion of section 12, T. 4 S., R. 5 E., Copper River Meridian;

Thence southerly, departing from a common boundary with the Wrangell-St. Elias National Preserve (West Unit), along the left bank of the Copper River, at the line of ordinary high water, closing the mouth of the Kotsina River, to a point between sections 12 and 13, T. 4 S., R. 5 E., Copper River Meridian;

Thence easterly, between sections 12 and 13, to the corner of sections 7, 12, 13 and 18, T. 4 S., Rs. 5 and 6 E., Copper River Meridian;

*Thence southerly between Rs. 5 and 6 E. to the meander corner on the left bank of the Copper River, at the line of ordinary high water, between sections 19 and 24, T. 4 S., Rs. 5 and 6 E., Copper River Meridian;

*Thence easterly, southerly, southwesterly, southerly, southwesterly and southeasterly, along the left bank of the Copper River, at the line of ordinary high water, closing the mouth of the Chitina River and the mouths of all

other streams, to a point between sections 33 and 34, T. 8 S., R. 3 E., Copper River Meridian;

Thence southeasterly, southerly and southeasterly, along a common boundary with the Chugach National Forest, along the line of ordinary high water of the left bank of the Copper River closing the mouths of all streams, to a point near the junction of the Wernicke River and Copper River S. 32° W. of the summit of a small hill in the central area of a 1,500 foot contour which spans the section line between sections 2 and 11, T. 12 S., R. 5 E., Copper River Meridian, said point near the southern boundary of section 10, T. 12 S., R. 5 E., Copper River Meridian;

Thence N. 32° E., to the crest of a ridge between sections 2 and 35, Tps. 11 and 12 S., R. 5 E., Copper River Meridian, approximate elevation 3,500 feet;

Thence northeasterly and southeasterly, on the crest of the divide between the drainages of Wernicke River and the Bremner River to the summit of a peak in the center of section 26, T. 12 S., R. 9 E., Copper River Meridian, approximate elevation 6,075 feet;

Thence on an approximate forward bearing of S. 10° W., to the summit of a peak in the southeasterly portion of section 27, T. 13 S., R. 9 E., Copper River Meridian, approximate elevation 8,212 feet;

Thence easterly, northerly, southeasterly, southwesterly, and southerly, along the crest of a ridge between Miles Glacier and Fan Glacier, to the summit of Mount Tom White located in sections 18 and 19, T. 14 S., R. 10 E., Copper River Meridian, approximate elevation 11,191 feet;

Thence easterly and northeasterly, departing from a common boundary with the Chugach National Forest, on the crest of a ridge, between Martin River Glacier, Fan Glacier, and Bremner Glacier, to the summit of Mount Hawkins in the southeasterly portion of section 4, T. 14 S., R. 11 E., Copper River Meridian, approximate elevation 9,368 feet;

Thence on an approximate forward bearing of S. 15° E., to the summit of a peak located in sections 9 and 10, T. 14 S., R. 11 E., Copper River Meridian, approximate elevation 8,813 feet;

Thence on an approximate forward bearing of S. 45° E., to the summit of a peak in the northwesterly portion of section 23, T. 14 S., R. 11 E., Copper River Meridian, approximate elevation 7,606 feet;

Thence on an approximate forward bearing of S. 7° W., to the summit of peak in the westerly portion of section 35, T. 14 S., R. 11 E., Copper River Meridian, approximate elevation 6,400 feet;

Thence on an approximate forward bearing of S. 44° E., to the summit of a peak in the easterly portion of section 20, T. 15 S., R. 12 E., Copper River Meridian, approximate elevation 9,200 feet;

Thence southeasterly, along the crest of a ridge, between Steller Glacier, Bering Glacier and Bagley Ice Field, to the summit of a peak in the southerly portion of section 1, T. 16 S., R. 12 E., Copper River Meridian, approximate elevation 8,215 feet;

Thence on an approximate forward bearing of N. 82° E., to the summit of Mount Steller in the northerly portion of section 3, T. 16 S., R. 13 E., Copper River Meridian, approximate elevation 10,515 feet;

Thence easterly, along the crest of Waxell Ridge, between Bering Glacier and Bagley Ice Field, to the summit of a peak in the northeasterly portion of section 31, T. 15 S., R. 16 E., Copper River Meridian, approximate elevation 4,400 feet;

Thence on an approximate forward bearing of S. 64° E., to the summit of a ridge between sections 7 and 8, T. 16 S., R. 17 E., Copper River Meridian, approximate elevation 3,800 feet;

Thence northeasterly, easterly, southeasterly and southwesterly, along the crest of a ridge, between Bering Glacier, Yahtse Glacier, and Bagley Ice Field, to the summit of a ridge between sections 25 and 36, T. 16 S., R. 17 E., Copper River Meridian, approximate elevation 8,800 feet;

Thence on an approximate forward bearing of S. 36° E., to the summit of a peak in the southwesterly portion of section 8, T. 18 S., R. 19 E., Copper River Meridian, approximate elevation 6,200 feet;

Thence southeasterly, along the crest of a ridge between the drainages of the Yahtse Glacier and Duktoth River, to the summit of a peak in the northeasterly portion of section 15, T. 18 S., R. 19 E., Copper River Meridian, approximate elevation 6,700 feet;

Thence on an approximate forward bearing of S. 5° W., to the summit of a peak in the northwesterly portion of section 3, T. 19 S., R. 19 E., Copper River Meridian, approximate elevation 7,072 feet;

Thence on an approximate forward bearing of S. 60° E., to the summit of Mount Leeper in the northwesterly portion of section 12, T. 19 S., R. 19 E., Copper River Meridian, approximate elevation 9,603 feet;

Thence southerly, easterly and southeasterly, on the crest of the ridge, between Yakataga Glacier, Guyot Glacier, Leeper Glacier and Yahtse Glacier, to a point between sections 2 and 3, T. 20 S., R. 20 E., Copper River Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, 14 and 15, 22 and 23, 26 and 27, 34 and 35, to the corner of sections 2, 3, 34 and 35, Tps. 20 and 21 S., R. 20 E., Copper River Meridian;

Thence easterly, between Tps. 20 and 21 S., to the corner of Tps. 20 and 21 S., Rs. 20 and 21 E., Copper River Meridian;

Thence southerly, between Rs. 20 and 21 E., to the corner of Tps. 21 and 22 S., Rs. 20 and 21 E., Copper River Meridian;

Thence easterly, between Tps. 21 and 22 S., to the ¼ section corner of sections 6 and 31, Tps. 21 and 22 S., R. 23 E., Copper River Meridian;

Thence southerly, on the north and south centerlines of sections 6 and 7, to the crest of a ridge between Carson Creek and Independence Creek drainages, in the southerly portion of section 7, T. 22 S., R. 23 E., Copper River Meridian, approximate elevation 3,600 feet;

Thence northeasterly, easterly and southeasterly, on the crest of a ridge, between the Carson Creek and Independence Creek drainages, to horizontal control station "Amber" in the southeasterly portion of section 16, T. 22 S., R. 23 E., Copper River Meridian, approximate elevation 2,272 feet;

Thence on an approximate forward bearing of east, to a point at the mouth on the left bank of Independence Creek on the shore of Icy Bay, at the line of mean high tide in the southeasterly portion of section 14, T. 22 S., R. 23 E., Copper River Meridian;

Thence northeasterly, northwesterly, easterly and southeasterly, along the line of mean high tide of Icy Bay, including any coastal islands above the line of mean high tide, to a point between sections 4 and 33, Tps. 21 and 22 S., R. 24 E., Copper River Meridian;

Thence easterly, between Tps. 21 and 22 S., to the corner of Tps. 21 and 22 S., Rs. 25 and 26 E., Copper River Meridian;

Thence southerly, between Rs. 25 and 26 E., to a point between sections 1 and 6, at the line of mean high tide of the Gulf of Alaska, T. 25 S., Rs. 25 and 26 E., Copper River Meridian;

Thence southeasterly, along the line of mean high tide of the Gulf of Alaska, including any coastal islands above the line of mean high tide, to a point located in the northwesterly portion of section 4, T. 26 S., R. 30 E. and lying due south of an unnamed inlet's most western point located near the section line of sections 4 and 33, Tps. 25 and 26 E., R. 30 E., Copper River Meridian;

Thence north, along the common boundary with Wrangell-St. Elias National Preserve (South Unit), across the spit to an unnamed inlet's most western point located near the section line of sections 4 and 33, Tps. 25 and 26 S., R. 30 E., Copper River Meridian;

Thence easterly, along the north shoreline of the unnamed inlet, to a point on the left bank of the most eastern braided stream at the mouth of Manby Stream in the northwesterly portion of section 3, T. 26 S., R. 30 E., Copper River Meridian;

Thence northerly, along the left bank of Manby Stream, to a point between sections 16 and 21, T. 25 S., R. 30 E., Copper River Meridian;

Thence easterly, between sections 16 and 21, 15 and 22, 14 and 23, 13 and 24, to the corner of sections 13, 18, 19 and 24, T. 25 S., Rs. 30 and 31 E., Copper River Meridian;

Thence northerly, between Rs. 30 and 31 E., to a point between sections 1 and 6, on the southwesterly shore of Malaspina Lake, in T. 25 S., Rs. 30 and 31 E., Copper River Meridian;

Thence northerly, easterly, northeasterly, and southeasterly, along the line of mean high water of the northerly shore of Malaspina Lake, to a point between sections 13 and 18, T. 24 S., Rs. 31 and 32 E., Copper River Meridian;

Thence northerly, between Rs. 31 and 32 E., to the corner of Tps. 22 and 23 S., Rs. 31 and 32 E., Copper River Meridian;

Thence on an approximate forward bearing of N. 49° E., to the summit of a hill in the northeasterly portion of section 31, T. 22 S., R. 32 E., Copper River Meridian, approximate elevation 3,000 feet;

Thence on an approximate forward bearing of N. 17° E., to the summit of a hill in the southwesterly portion of section 20, T. 22 S., R. 32 E., Copper River Meridian, approximate elevation 3,625 feet;

Thence on an approximate forward bearing of N. 5° W., to the summit of Floral Hills in the southwesterly portion of section 17, T. 22

S., R. 32 E., Copper River Meridian, approximate elevation 4,175 feet;

Thence on an approximate forward bearing of S. 83° E., to the summit of a peak in the easterly portion of section 20, T. 22 S., R. 33 E., Copper River Meridian, approximate elevation 5,336 feet;

Thence on an approximate forward bearing of S. 39° E., to the summit of a peak in the northwesterly portion of section 34, T. 22 S., R. 33 E., Copper River Meridian, approximate elevation 4,388 feet;

Thence on an approximate forward bearing of N. 80° E., to the summit of a peak in the northerly portion of section 36, T. 22 S., R. 33 E., Copper River Meridian, approximate elevation 4,780 feet;

Thence on an approximate forward bearing of S. 77° E., to the summit of a peak in the northwesterly portion of section 32, T. 22 S., R. 34 E., Copper River Meridian, approximate elevation 4,280 feet;

Thence on an approximate forward bearing of S. 71° E., to a point at the mouth on the right bank of an unnamed creek in the southwesterly portion of section 33, at the line of mean high tide of Disenchantment Bay, T. 22 S., R. 34 E., Copper River Meridian;

Thence northerly, northeasterly, southerly, and southeasterly, departing from a common boundary with the Wrangell-St. Elias National Preserve (South Unit), along the line of mean high tide of Disenchantment Bay, including any coastal islands above the line of mean high tide, to a point on the line of mean high tide of Disenchantment Bay at 60°00′ N. latitude;

Thence due east, along a common boundary with the Tongass National Forest, on the line of latitude of 60°00′ N., to the International Boundary between the United States of America and Canada in section 22, T. 22 S., R. 37 E., Copper River Meridian, the place of beginning.

Excluded from the Wrangell-St. Elias National Park is the Wrangell-St. Elias National Preserve (Central Unit) as described in the following.

*Department of the Interior 1:250,000 scale map issued in 1981, incorrectly depicts this portion of the description.

*Wrangell-St. Elias National Preserve*

Wrangell-St. Elias National Preserve as generally depicted on a map numbered WRST–90,007, dated August 1980, consists of approximately four million one hundred and seventy-one thousand acres of public land, as defined in the ANILCA, within the following described boundaries:

*North Unit*

Beginning at a point in the northern portions of sections 7 and 12, on the left bank of the most easterly interconnecting waterway of the Copper River, at the line of ordinary high water, T. 7 N., Rs. 2 and 3 E., Copper River Meridian;

Thence northeasterly and easterly, departing from a common point on the boundary of the Wrangell-St. Elias National Park, along the left bank of the most easterly interconnecting waterways of the Copper River, at the line of ordinary high water, to a point perpendicular to and opposite the left bank of Indian Creek in the southeasterly portion of section 15, and northeasterly portion of section 22, T. 10 N., R. 5 E., Copper River Meridian;

Thence northwesterly across the Copper River to a point on the left bank of Indian Creek at its confluence with the Copper River, at the line of ordinary high water, near the southern edge of section 15, T. 10 N., R. 5 E., Copper River Meridian;

Thence northerly, along the left bank of Indian Creek, to the southerly boundary of the right-of-way of the Glenn Highway in the northerly portion of section 11, T. 10 N., R. 5 E., Copper River Meridian;

Thence northeasterly and easterly, along the easterly and southerly boundary of the right-of-way of the Glenn Highway, to a point between sections 25 and 30, T. 11 N., Rs. 7 and 8 E., Copper River Meridian;

Thence southerly, between Rs. 7 and 8 E., to a point between sections 25 and 30 on the left bank of Slana River, T. 11 N., Rs. 7 and 8 E., Copper River Meridian;

Thence easterly, along the left bank of Slana River to a point on the north and south centerline of section 29, T. 11 N., R. 8 E., Copper River Meridian;

Thence southerly, on the north and south centerline of section 29, to the ¼ section corner of sections 29 and 32, T. 11 N., R. 8 E., Copper River Meridian;

Thence easterly, between sections 29 and 32, 28 and 33, to a point on the southerly boundary of the right-of-way of the Nabesna Road which is 100 feet southwesterly of the centerline of said road on a line perpendicular to the centerline of said road and between sections 28 and 33, T. 11 N., R. 8 E., Copper River Meridian;

Thence southeasterly, along the southerly boundary of the right-of-way of the Nabesna Road, to a point between sections 3 and 34, Tps. 10 and 11 N., R. 8 E., Copper River Meridian;

Thence easterly, between Tps. 10 and 11 N., to the corner of sections 4, 5, 32 and 33, Tps. 10 and 11 N., R. 10 E., Copper River Meridian;

Thence southerly, between sections 4 and 5, to the ¼ section corner of sections 4 and 5, T. 10 N., R. 10 E., Copper River Meridian;

Thence easterly, on the east and west centerline of section 4, to the center ¼ section corner of section 4, T. 10 N., R. 10 E., Copper River Meridian;

Thence on an approximate forward bearing of south, to the summit of a peak near the center of section 9, T. 10 N., R. 10 E., Copper River Meridian, approximate elevation 4,100 feet;

Thence southerly and easterly on the crest of the ridge between the drainages of the Tanada Creek, Caribou Creek, Jack Creek, Suslota Creek, and Little Tok River to the summit of Noyes Mountain in the northerly portion of section 16, T. 10 N., R. 12 E., Copper River Meridian, approximate elevation 8,147 feet;

Thence southeasterly, along the crest of a divide between the drainages of Jack Creek, Platinum Creek, and Tetlin River to a junction of ridges in the easterly portion of section 36, T. 10 N., R. 13 E., Copper River Meridian;

Thence southerly and southeasterly, along a common boundary with the Tetlin National Wildlife Refuge, along the crest of a ridge between the drainages of the Cheslina River, Totschunda Creek, Platinum Creek and the Nabesna River to a point between sections 31 and 36, T. 9 N., Rs. 14 and 15 E., Copper River Meridian;

Thence southerly, between Rs. 14 and 15 E., to the standard corner of T. 9 N., Rs. 14 and 15 E., Copper River Meridian;

Thence easterly, on the Second Standard Parallel North, to a point between Tps. 8 and 9 N., R. 21 E., Copper River Meridian, on the right bank of the Chisana River;

Thence on an approximate forward bearing of S. 38° E., to the summit of a mountain in the northwesterly portion of section 30, T. 8 N., R. 22 E., Copper River Meridian, approximate elevation 3,575 feet;

Thence southeasterly, along the crest of a ridge, between the Snag Creek and Wellesley Lakes drainages, to a point between sections 4 and 33, Tps. 7 and 8 N., R. 23 E., Copper River Meridian;

Thence easterly, between Tps. 7 and 8 N., to the International Boundary between the United States of America and Canada at the closing corner of sections 5 and 32, Tps. 7 and 8 N., R. 24 E., Copper River Meridian;

Thence southerly, departing from a common boundary with the Tetlin National Wildlife Refuge, along the International Boundary between the United States of America and Canada, to a point on the International Boundary on the right bank of the main channel of the White River, section 35, T. 1 S., R. 24 E., Copper River Meridian;

*Thence westerly, northwesterly, southwesterly, and northwesterly along a common boundary with the Wrangell-St. Elias National Park, along the right bank of the main channel of the White River and the left bank of the main channel of Lime Creek to a point between sections 29 and 32 on the left bank of the main channel of Lime Creek, T. 1 S., R. 20 E., Copper River Meridian;

*Thence easterly between sections 29 and 32, 28 and 33, to an intersection with the extension of a spur ridge between sections 28 and 33, T. 1 S., R. 20 E., Copper River Meridian;

Thence northerly, along the crest of the spur ridge and northwesterly on the crest of a ridge, between the drainages of Lime Creek and other unnamed tributaries of the White River, to control station "Lime", located in the southeasterly portion of section 12, T. 1 S., R. 19 E., Copper River Meridian, approximate elevation 7,074 feet;

Thence northwesterly, on the crest of a ridge between the drainages of Lime Creek, Lime Glacier, Solo Creek, Geohenda Creek and the north fork of the White River, to the summit on the ridge in the westerly portion of section 2, T. 1 N., R. 18 E., Copper River Meridian, approximate elevation 8,400 feet;

Thence on an approximate forward bearing of S. 80° W., to the summit of a peak in the southwesterly portion of section 3, T. 1 N., R. 18 E., Copper River Meridian, approximate elevation 9,315 feet;

Thence on an approximate forward bearing of N. 87° W. to the summit of a peak in the southwesterly portion of section 5, T. 1 N., R. 18 E., Copper River Meridian, approximate elevation 10,091 feet;

Thence on an approximate forward bearing of S. 66° W., to the summit of a peak in the northeasterly portion of section 12, T. 1 N., R. 17 E., Copper River Meridian, approximate elevation 9,605 feet;

Thence on an approximate forward bearing of N. 69° W., to the summit of a peak in the northeasterly portion of section 4, T. 1 N., R. 17 E., Copper River Meridian, approximate elevation 10,522 feet;

Thence on an approximate forward bearing of N. 57° W., to the summit of a peak in the northwesterly portion of section 32, T. 2 N., R. 17 E., Copper River Meridian, approximate elevation 9,100 feet;

Thence on an approximate forward bearing of N. 60° W., to the summit of a peak in the southwesterly portion of section 30, T. 2 N., R. 17 E., Copper River Meridian, approximate elevation 8,305 feet;

Thence on an approximate forward bearing of N. 59° W., to the summit of a peak near the center of section 16, T. 2 N., R. 16 E., Copper River Meridian, approximate elevation 9,435 feet;

Thence on an approximate forward bearing of N. 45° W., to the summit of a peak near the center of section 8, T. 2 N., R. 16 E., Copper River Meridian, approximate elevation 9,410 feet;

Thence on an approximate forward bearing of S. 72° W., to the summit of a peak in the northerly portion of section 13, T. 2 N., R. 15 E., Copper River Meridian, approximate elevation 9,376 feet;

Thence on an approximate forward bearing of N. 65° W., to the summit of a peak in the southeasterly portion of section 4, T. 2 N., R. 15 E., Copper River Meridian, approximate elevation 10,000 feet;

Thence on an approximate forward bearing of S. 43° W., to the summit of a peak in the southeasterly portion of section 18, T. 2 N., R. 15 E., Copper River Meridian, approximate elevation 9,450 feet;

Thence on an approximate forward bearing of S. 19° W., to the summit of a peak in the northeasterly portion of section 1, T. 1 N., R. 14 E., Copper River Meridian, approximate elevation 9,300 feet;

Thence on an approximate forward bearing of S. 84° W., to the summit of a peak in the northeasterly portion of section 2, T. 1 N., R. 14 E., Copper River Meridian, approximate elevation 9,525 feet;

Thence on an approximate forward bearing of N. 81° W., to the summit of a peak in the southeasterly portion of section 33, T. 2 N., R. 14 E., Copper River Meridian, approximate elevation 9,205 feet;

Thence on an approximate forward bearing of S. 84° W., to the summit of a peak near the center of section 3, T. 1 N., R. 13 E., Copper River Meridian, approximate elevation 9,415 feet;

Thence on an approximate forward bearing of N. 76° W., to the summit of a peak in the southerly portion of section 28, T. 2 N., R. 12 E., Copper River Meridian, approximate elevation 8,910 feet;

Thence on an approximate forward bearing of N. 13° E., to the summit of a peak in the northwesterly portion of section 15, T. 2 N., R. 12 E., approximate elevation 8,560 feet;

Thence on an approximate forward bearing of S. 88° W., to the summit of a peak in the easterly portion of section 15, T. 2 N., R. 11 E., Copper River Meridian, approximate elevation 9,082 feet;

Thence on an approximate forward bearing of N. 29° W., to the summit of a peak in the northeasterly portion of section 32, T. 3 N., R. 11 E., Copper River Meridian, approximate elevation 9,799 feet;

Thence on an approximate forward bearing of N. 83° W., to the summit of a peak in the easterly portion of section 27, T. 3 N., R. 10 E., Copper River Meridian, approximate elevation 9,882 feet;

Thence on an approximate forward bearing of N. 70° W., to the summit of Mount Jarvis in the southwesterly portion of section 20, T. 3 N., R. 10 E., Copper River Meridian, approximate elevation 13,421 feet;

Thence on an approximate forward bearing of N. 20° W., to the summit of a peak in the southerly portion of section 6, T. 3 N., R. 10 E., Copper River Meridian, approximate elevation 13,025 feet;

Thence on an approximate forward bearing of N. 18° W., to the summit of a peak in the easterly portion of section 11, T. 4 N., R. 9 E., Copper River Meridian, approximate elevation 8,750 feet;

Thence on an approximate forward bearing of N. 6° E., to the summit of a peak in the northerly portion of section 26, T. 5 N., R. 9 E., Copper River Meridian, approximate elevation 9,085 feet;

Thence easterly, northeasterly and northerly, on the crest of the divide between the Copper River, tributaries of the Jacksina River and Goat Creek drainages, to the summit of Tanada Peak in the northerly portion of section 14, T. 6 N., R. 10 E., Copper River Meridian, approximate elevation 9,358 feet;

Thence northeasterly and northerly, on the crest of the divide between the Copper Lake and Goat Creek drainages, to a point between sections 6 and 31, Tps. 6 and 7 N., R. 11 E., Copper River Meridian;

Thence easterly, between Tps. 6 and 7 N., to the crest of a ridge between sections 1 and 36, Tps. 6 and 7 N., R. 11 E., Copper River Meridian;

Thence easterly and northeasterly, along the crest of the divide between the Tanada Lake and Jacksina Creek drainages, to the junction of ridges in the southerly portion of section 11, T. 7 N., R. 12 E., Copper River Meridian, approximate elevation 7,400 feet;

Thence northwesterly, along the crest of a ridge between the Tanada Lake and Jack Creek drainages, to the summit of a peak in the southwesterly portion of section 3, T. 7 N., R. 12 E., Copper River Meridian, approximate elevation 6,065 feet;

Thence on an approximate forward bearing of N. 78° W., to the headwaters of an unnamed creek on the northerly end of a small lake in the southwesterly portion of section 4, T. 7 N., R. 12 E., Copper River Meridian;

Thence northerly, along the left bank of an unnamed creek to the junction of unnamed creeks in the northeasterly portion of section 32, T. 8 N., R. 12 E., Copper River Meridian;

Thence on an approximate forward bearing of N. 18° W., to the summit of a hill near the center of section 29, T. 8 N., R. 12 E., Copper River Meridian, approximate elevation 4,830 feet;

Thence on an approximate forward bearing of N. 60° W., to the headwaters of an unnamed creek at the north end of a small lake in the southerly portion of section 19, T. 8 N., R. 12 E., Copper River Meridian;

Thence northerly, along the right bank of the unnamed creek to a point between sections 31 and 36, T. 9 N., Rs. 11 and 12 E., Copper River Meridian;

Thence northerly, between Rs. 11 and 12 E., to a point 16 feet southerly of the centerline of the Nabesna Road on a line perpendicular to the centerline of said road and between sections 25 and 30, T. 9 N., Rs. 11 and 12 E., Copper River Meridian;

Thence northwesterly, paralleling the Nabesna Road at a distance of sixteen feet southerly from the center line of the road, to a point on the north and south centerline of section 11, T. 10 N., R. 8 E., Copper River Meridian;

Thence southerly, on the north and south centerlines of sections 11, 14 and 23, to a point on the north and south centerline of section 23 on the left bank of the Copper River, T. 10 N., R. 8 E., Copper River Meridian;

Thence southerly and southwesterly, along the left banks of the Copper River and the westernmost channel of the east branch of Drop Creek which enters the Copper River in the northeasterly portion of section 23, and along the left bank of Drop Creek to a point between sections 19 and 24, T. 7 N., Rs. 7 and 8 E., Copper River Meridian;

Thence southerly, between Rs. 7 and 8 E., to the corner of sections 1, 6, 31 and 36, Tps. 6 and 7 N., Rs. 7 and 8 E., Copper River Meridian;

Thence westerly between Tps. 6 and 7 N., to the intersection of a ridge in the eastern half of sections 1 and 36, Tps. 6 and 7 N., R. 7 E., Copper River Meridian, approximate elevation 5,125 feet;

Thence southwesterly, along the crest of the spur ridge, and westerly and southwesterly, on the crest of a ridge between the Boulder Creek and Drop Glacier drainages, to a point between sections 17 and 20, T. 6 N., R. 7 E., Copper River Meridian;

Thence westerly, between sections 17 and 20, 18 and 19, 13 and 24, to the intersection of a ridge between the easterly portions of sections 13 and 24, T. 6 N., Rs. 6 and 7 E., Copper River Meridian, approximate elevation 9,425 feet;

Thence northwesterly, westerly, and southwesterly, along the crest of a ridge between the drainages of the Sanford River, Sheep Creek, and other unnamed tributaries of the Copper River to a summit on the ridge near the center of section 15, T. 6 N., R. 5 E., Copper River Meridian, approximate elevation 5,130 feet;

Thence on an approximate forward bearing of S. 49° W., to the corner of sections 15, 16, 21 and 22, T. 6 N., R. 5 E., Copper River Meridian;

Thence westerly between sections 16 and 21, 17 and 20 to a point on the right bank of an unnamed creek near the corner of sections 16, 17, 20 and 21, T. 6 N., R. 5 E., Copper River Meridian;

*Thence westerly and northwesterly, along the right bank of the unnamed creek to a

point at the intersection of the creek with the left bank of the easternmost interconnecting waterway of the Copper River, at the line of ordinary high water, in the northern portions of sections 7 and 12, T. 7 N., Rs. 2 and 3 E., Copper River Meridian, the place of beginning.

*Department of the Interior 1:250,000 scale map issued in 1981, incorrectly depicts this portion of the description.

*West Unit*

*Beginning on the left bank of the Copper River at a point on the right bank of Kotsina River at its confluence with the Copper River, at the line of ordinary high water, in the northeasterly portion of section 12, T. 4 S., R. 5 E., Copper River Meridian;

*Thence northwesterly, northerly, northeasterly and easterly, departing from a common point on the boundary of the Wrangell-St. Elias National Park, along the left bank of the most easterly interconnecting waterways of the Copper River, at the line of ordinary high water, to a point between sections 10 and 15, T. 6 N., R. 1 E., Copper River Meridian;

Thence easterly, along a common boundary with the Wrangell-St. Elias National Park, between sections 10 and 15, 11 and 14, 12 and 13, to the corner of sections 7, 12, 13 and 18, T. 6 N., Rs. 1 and 2 E., Copper River Meridian;

Thence southerly, between Rs. 1 and 2 E., to the corner of sections 1, 6, 7 and 12, T. 5 N., Rs. 1 and 2 E., Copper River Meridian;

Thence easterly, between sections 6 and 7, 5 and 8, to the corner of sections 4, 5, 8 and 9, T. 5 N., R. 2 E., Copper River Meridian;

Thence southerly, between sections 8 and 9, to the corner of sections 8, 9, 16 and 17, T. 5 N., R. 2 E., Copper River Meridian;

Thence easterly, between sections 9 and 16, 10 and 15, to the corner of sections 10, 11, 14 and 15, T. 5 N., R. 2 E., Copper River Meridian;

Thence southerly, between sections 14 and 15, to the corner of sections 14, 15, 22 and 23, T. 5 N., R. 2 E., Copper River Meridian;

Thence easterly, between sections 14 and 23, 13 and 24, 18 and 19, 17 and 20, 16 and 21, to the corner of sections 15, 16, 21 and 22, T. 5 N., R. 3 E., Copper River Meridian;

Thence southerly, between sections 21 and 22, 27 and 28, 33 and 34, to the standard corner of sections 33 and 34, T. 5 N., R. 3 E., Copper River Meridian;

Thence westerly, along the First Standard Parallel North, to the closing corner of sections 4 and 5, T. 4 N., R. 3 E., Copper River Meridian;

Thence southerly, between sections 4 and 5, 8 and 9, 16 and 17, 20 and 21, 28 and 29, 32 and 33, 4 and 5, 8 and 9, 16 and 17, to the corner of sections 16, 17, 20 and 21, T. 3 N., R. 3 E., Copper River Meridian;

Thence easterly, between sections 16 and 21, 15 and 22, 14 and 23, to a point on the crest of the divide between the Nadina Glacier and Klawasi River drainages, T. 3 N., R. 3 E., Copper River Meridian;

Thence northeasterly, along the crest of the divide between the drainages of Nadina Glacier and Klawasi River, to a point between sections 28 and 33, T. 4 N., R. 4 E., Copper River Meridian;

Thence easterly, between sections 28 and 33, 27 and 34, 26 and 35, 25 and 36, to a point on the divide between the drainages of Sanford River and Dadina River, T. 4 N., R. 4 E., Copper River Meridian;

Thence easterly and southeasterly, along the crest of the divide between the Sanford River and Dadina River drainages, to a point between sections 3 and 34, Tps. 3 and 4 N., R. 5 E., Copper River Meridian;

Thence easterly, between Tps. 3 and 4 N., to the corner of sections 2, 3, 34 and 35, Tps. 3 and 4 N., R. 6 E., Copper River Meridian;

Thence southerly, between sections 2 and 3, to the corner of sections 2, 3, 10 and 11, T. 3 N., R. 6 E., Copper River Meridian;

Thence easterly, between sections 2 and 11, to the corner of sections 1, 2, 11 and 12, T. 3 N., R. 6 E., Copper River Meridian;

Thence southerly, between sections 11 and 12, to the corner of sections 11, 12, 13 and 14, T. 3 N., R. 6 E., Copper River Meridian;

Thence easterly, between sections 12 and 13, to the corner of sections 7, 12, 13 and 18, T. 3 N., Rs. 6 and 7 E., Copper River Meridian;

Thence southerly, between Rs. 6 and 7 E., to the corner of sections 7, 12, 13 and 18, T. 2 N., Rs. 6 and 7 E., Copper River Meridian;

Thence easterly, between sections 7 and 18, 8 and 17, to the corner of sections 8, 9, 16 and 17, T. 2 N., R. 7 E., Copper River Meridian;

Thence southerly, between sections 16 and 17, 20 and 21, 28 and 29, 32 and 33, 4 and 5, to the corner of sections 4, 5, 8 and 9, T. 1 N., R. 7 E., Copper River Meridian;

Thence easterly, between sections 4 and 9, 3 and 10, 2 and 11, 1 and 12, 6 and 7, 5 and 8, 4 and 9, to the corner of sections 3, 4, 9 and 10, T. 1 N., R. 8 E., Copper River Meridian;

Thence southerly, between sections 9 and 10, to the corner of sections 9, 10, 15 and 16, T. 1 N., R. 8 E., Copper River Meridian;

Thence easterly, between sections 10 and 15, to the corner of sections 10, 11, 14 and 15, T. 1 N., R. 8 E., Copper River Meridian;

Thence southerly, between sections 14 and 15, 22 and 23, to the corner of sections 22, 23, 26 and 27, T. 1 N., R. 8 E., Copper River Meridian;

Thence easterly, between sections 23 and 26, to a point on the divide between the Long Glacier and Kluvesna and Kotsina River drainages, T. 1 N., R. 8 E., Copper River Meridian;

Thence southwesterly, along the crest of the divide between the Long Glacier and Kluvesna, Clear Creek, and Kotsina River drainages, to the summit of a peak in the northwesterly portion of section 34, T. 1 S., R. 7 E., Copper River Meridian, approximate elevation 5,061 feet;

Thence on an approximate forward bearing of S. 2° E., to a point on the right bank of the Kotsina River and the right bank of an unnamed tributary to the Kotsina River at the confluence of the unnamed tributary with the Kotsina River in the northwesterly portion of section 10, T. 2 S., R. 7 E., Copper River Meridian;

Thence westerly, southerly, and westerly, along the right bank of the Kotsina River to a point at its confluence with the left bank of the Copper River, at the line of ordinary high water, in the northeasterly portion of section 12, T. 4 S., R. 5 E., Copper River Meridian, the place of beginning.

*Department of the Interior 1:250,000 scale map issued in 1981, incorrectly depicts this portion of the description.

*Central Unit*

Beginning at a point on the left bank of the Chitina River, at the line of mean high water, at its confluence with the left bank of Marble Creek in the easterly portion of section 21, T. 10 S., R. 21 E., Copper River Meridian;

Thence on an approximate forward bearing of N. 31° E., along the common boundary with the Wrangell-St. Elias National Park, to the ¼ corner of sections 10 and 11, T. 10 S., R. 21 E., Copper River Meridian;

Thence on an approximate forward bearing of N. 76° E., to the north 1/16 corner of sections 11 and 12, T. 10 S., R. 21 E., Copper River Meridian;

Thence on an approximate forward bearing of N. 37° E., to the summit of a peak near the center of section 31, T. 9 S., R. 22 E., Copper River Meridian, approximate elevation 6,870 feet;

Thence northeasterly, easterly, northerly and northwesterly, on the crest of a ridge between Barnard Glacier and Ram and Tittmann Glaciers, to the summit of a peak in the northerly portion of section 19, T. 7 S., R. 23 E., Copper River Meridian, approximate elevation 9,000 feet;

Thence on an approximate forward bearing of N. 26° E., to the summit of a peak in the northwesterly portion of section 8, T. 7 S., R. 23 E., Copper River Meridian, approximate elevation 7,540 feet;

Thence northeasterly, northwesterly, southwesterly, westerly and northwesterly, on the crest of a ridge between the Chitina River, White River, Glacier Creek, Dan Creek, and Chititstone River drainages, to the summit of a peak in the northeasterly portion of section 27, T. 5 S., R. 16 E., Copper River Meridian, approximate elevation 6,800 feet;

Thence southwesterly, on the crest of a ridge and spur ridge to a point on the right bank of Dan Creek near the center of section 4, T. 6 S., R. 16 E., Copper River Meridian;

Thence westerly and southwesterly, along the right bank of Dan Creek and the left bank of Nizina River, to a point between sections 7 and 8, T. 6 S., R. 15 E., Copper River Meridian;

Thence northerly, between sections 7 and 8, to the meander line on the right bank of Nizina River in section 12, T. 6 S., R. 14 E., (surveyed), Copper River Meridian;

Thence northeasterly, along the right bank of the Nizina River to the right bank of the mouth of an unnamed creek in the easterly portion of section 12, T. 6 S., R. 14 E., (surveyed), Copper River Meridian;

Thence northerly, along the right bank of the unnamed creek to a point on the north boundary of section 1, T. 6 S., R. 14 E., (surveyed), Copper River Meridian;

Thence westerly, on the north boundaries of sections 1 and 2, T. 6 S. R. 14 E., (surveyed) Copper River Meridian, to the corner of sections 31 and 36, T. 5 S., Rs. 14 and 15 E., Copper River Meridian;

Thence northerly, between Rs. 14 and 15 E., to a point between sections 19 and 24, on the left bank of McCarthy Creek, T. 5 S., Rs. 14 and 15 E., Copper River Meridian;

Thence northeasterly, along the left bank of McCarthy Creek, to a junction on the right bank of an unnamed creek in the northerly portion of section 8, T. 5 S., R. 15 E., Copper River Meridian;

Thence northeasterly, along the right bank of the unnamed creek and its extension to the summit of a peak in the southwesterly portion of section 33, T. 4 S., R. 15 E., Copper River Meridian, approximate elevation 5,630 feet;

Thence northeasterly, northerly and northwesterly, on the crest of a ridge between the drainages of West Fork Glacier, West Fork River, McCarthy Creek, and Nizina River to the summit of a peak in the easterly portion of section 36, T. 2 S., R. 14 E., Copper River Meridian, approximate elevation 8,068 feet;

Thence westerly, on the crest of a ridge to the summit of a peak in the southwesterly portion of section 35, T. 2 S., R. 14 E., Copper River Meridian, approximate elevation 8,400 feet;

Thence southerly and southwesterly, on the crest of Bonanza Ridge between the drainages of Root Glacier and McCarthy Creek, to the summit of a peak near the center of section 10, T. 4 S., R. 14 E., Copper River Meridian, approximate elevation 6,521 feet;

Thence westerly and northwesterly, on the crest of a ridge to the summit of a peak in the northwesterly portion of section 4, T. 4 S., R. 14 E., Copper River Meridian, approximate elevation 5,720 feet;

Thence on an approximate forward bearing of N. 37° W., to the corner of sections 4, 5, 32 and 33, Tps. 3 and 4 S., R. 14 E., Copper River Meridian;

Thence westerly, between Tps. 3 and 4 S., to the corner of sections 4, 5, 32 and 33, Tps. 3 and 4 S., R. 13 E., Copper River Meridian;

Thence northerly, between sections 32 and 33, to the toe of a spur ridge between sections 32 and 33, T. 3 S., R. 13 E., Copper River Meridian, approximate elevation 3,200 feet;

Thence northwesterly, on the spur ridge and crest of a ridge between the drainages of Kennicott Glacier and Hidden Creek and Lakina Glacier, to the summit of a peak in the southwesterly portion of section 30, T. 2 S., R. 12 E., Copper River Meridian, approximate elevation 9,650 feet;

Thence southwesterly, on the crest of a ridge between the drainages of Kuskulana and Lakina Glaciers, Mill Creek, and Chokosna River, to the summit of a peak in the northerly portion of section 34, T. 3 S., R. 10 E., Copper River Meridian, approximate elevation 6,800 feet;

Thence southwesterly, southerly, and westerly, on the crest of a ridge between the drainages of Kuskulana and Chokosna rivers, to the summit of a peak in the southeasterly portion of section 16, T. 4 S., R. 9 E., Copper River Meridian, approximate elevation 5,920 feet;

Thence southerly, on a spur ridge, to the intersection of an unnamed creek near the line between sections 21 and 28, T. 4 S., R. 9 E., Copper River Meridian;

Thence southerly, along the right bank of the unnamed creek and westerly shore of an unnamed lake, to the northerly boundary of the right-of-way of the Chitina-McCarthy Road in the southeasterly portion of section 4, T. 5 S., R. 9 E., Copper River Meridian;

Thence northwesterly, along the northerly boundary of the right-of-way of the Chitina-McCarthy Road, to a point on the south boundary of section 33, T. 4 S., R. 8 E., Copper River Meridian;

Thence westerly, on the First Standard Parallel South, to the meander corner of section 1 on the left bank of Kuskulana River, T. 5 S., R. 7 E., Copper River Meridian;

Thence southerly and westerly, along the left bank of Kuskulana River to the right bank of an unnamed creek in the southerly portion of section 1, T. 5 S., R. 7 E., Copper River Meridian;

Thence southerly, along the right bank of the unnamed creek and the easterly shore of an unnamed lake, to the most southeasterly point of the unnamed lake in the southerly portion of section 12, T. 5 S., R. 7 E., Copper River Meridian;

Thence on an approximate forward bearing of S. 1° E., to the most northeasterly point of the eastern shore of an unnamed lake in the northerly portion of section 13, T. 5 S., R. 7 E., Copper River Meridian;

Thence southeasterly and southerly, along the easterly shore of an unnamed lake and left bank of an unnamed creek, to its confluence with the Chitina River in the easterly portion of section 24, T. 5 S., R. 7 E., Copper River Meridian;

Thence southeasterly, along the right bank of the Chitina River, to the meander corner of sections 19 and 24, T. 5 S., Rs. 7 and 8 E., Copper River Meridian;

Thence southerly, between Rs. 7 and 8 E., to the meander corner of sections 25 and 30 on the left bank of the Chitina River at the line of mean high water, T. 5 S., Rs. 7 and 8 E., Copper River Meridian;

Thence easterly and southeasterly, along the left bank of the Chitina River, at the line of mean high water, to a point at its confluence with the left bank of Marble Creek in the easterly portion of section 21, T. 10 S., R. 21 E., the place of beginning.

All references to sections and townships are to protracted units unless specifically identified as surveyed units.

*Department of the Interior 1:250,000 scale map issued in 1981, incorrectly depicts this portion of the description.

*South Unit*

Beginning at a point at the line of mean high tide on Disenchantment Bay at the right bank of the mouth of an unnamed creek in the southwesterly portion of section 33, T. 22 S., R. 34 E., Copper River Meridian;

Thence southwesterly, departing from a common point on the boundary of the Wrangell-St. Elias National Park, along the line of mean high tide of Disenchantment and Yakutat Bays, including all coastal barrier or other islands above the line of mean high tide, to a point located in the northwesterly portion of section 4, T. 26 S., R. 30 E. and lying due south of an unnamed inlet's most western point located near the section line of sections 4 and 33, Tps. 25 and 26 S., R. 30 E., Copper River Meridian;

Thence north, along a common boundary with the Wrangell-St. Elias National Park, across the spit to an unnamed inlet's most western point located near the section line of sections 4 and 33, Tps. 25 and 26 S., R. 30 E., Copper River Meridian;

Thence easterly, along the north shoreline of the unnamed inlet, to a point on the left bank of the most eastern braided stream at the mouth of Manby Stream in the northwesterly portion of section 3, T. 26 S., R. 30 E., Copper River Meridian;

Thence northerly, along the left bank of Manby Stream, to a point between sections 16 and 21, T. 25 S., R. 30 E., Copper River Meridian;

Thence easterly, between sections 16 and 21, 15 and 22, 14 and 23, 13 and 24, to the corner of sections 13, 18, 19 and 24, T. 25 S., Rs. 30 and 31 E., Copper River Meridian;

Thence northerly, between Rs. 30 and 31 E., to a point between sections 1 and 6, on the southwesterly shore of Malaspina Lake, T. 25 S., Rs. 30 and 31 E., Copper River Meridian;

Thence northerly, easterly, northeasterly and southeasterly, along the line of mean high water of the northerly shore of Malaspina Lake, to a point between sections 13 and 18, T. 24 S., Rs. 31 and 32 E., Copper River Meridian;

Thence northerly, between Rs. 31 and 32 E., to the corner of Tps. 22 and 23 S., Rs. 31 and 32 E., Copper River Meridian;

Thence on an approximate forward bearing of N. 49° E., to the summit of a hill in the northeasterly portion of section 31, T. 22 S., R. 32 E., Copper River Meridian, approximate elevation 3,000 feet;

Thence on an approximate forward bearing of N. 17° E., to the summit of a hill in the southwesterly portion of section 20, T. 22 S., R. 32 E., Copper River Meridian, approximate elevation 3,625 feet;

Thence on an approximate forward bearing of N. 5° W., to the summit of Floral Hills in the southwesterly portion of section 17, T. 22 S., R. 32 E., Copper River Meridian, approximate elevation 4,175 feet;

Thence on an approximate forward bearing of S. 83° E., to the summit of a peak in the easterly portion of section 20, T. 22 S., R. 33 E., Copper River Meridian, approximate elevation 5,336 feet;

Thence on an approximate forward bearing of S. 39° E., to the summit of a peak in the northwesterly portion of section 34, T. 22 S., R. 33 E., Copper River Meridian, approximate elevation 4,388 feet;

Thence on an approximate forward bearing of N. 80° E., to the summit of a peak in the northerly portion of section 36, T. 22 S., R. 33 E., Copper River Meridian, approximate elevation 4,780 feet;

Thence on an approximate forward bearing of S. 77° E., to the summit of a peak in the northwesterly portion of section 32, T. 22 S., R. 34 E., Copper River Meridian, approximate elevation 4,280 feet;

Thence on an approximate forward bearing of S. 71° E., to a point at the mouth on the right bank of an unnamed creek in the southwesterly portion of section 33, and at the line of mean high tide of Disenchantment Bay, T. 22 S., R. 34 E., Copper River Meridian, the place of beginning.

**Units of the National Wilderness Preservation System Within the Wrangell-St. Elias National Park and Preserve**

Section 701(8), Public Law 96–487 (ANILCA):

*Wrangell-St. Elias Wilderness*

The Wrangell-St. Elias Wilderness as generally depicted on a map numbered WRST–90,007, dated August 1980, consists of approximately eight million seven hundred thousand acres of public lands, as defined in the ANILCA, within the following described boundary:

Beginning at the meander corner of section 35 only, on the right bank of the main channel of the White River on the International Boundary between the United States of America and Canada, T. 1 S., R. 24 E., Copper River Meridian;

Thence westerly, along the right bank of the main channel of the White River, to the meander corner of sections 4 and 33, Tps. 1 and 2 S., R. 22 E., Copper River Meridian;

*Thence westerly, between Tps. 1 and 2 S., to a point on the right bank of the White River between sections 6 and 31, Tps. 1 and 2 S., R. 21 E., Copper River Meridian;

*Thence southwesterly along the right bank of White River to a point between sections 2 and 3, T. 2 S., R. 20 E., Copper River Meridian;

Thence northerly, between sections 2 and 3, 34 and 35, 26 and 27, 22 and 23, to the corner of sections 14, 15, 22 and 23, T. 1 S., R. 20 E., Copper River Meridian;

Thence easterly, between sections 14 and 23, 13 and 24, 18 and 19, 17 and 20, 16 and 21, 15 and 22, to a point between sections 15 and 22, at the toe of a spur ridge, T. 1 S., R. 21 E., Copper River Meridian;

Thence northeasterly, along a spur ridge to the summit of a peak in the easterly portion of section 15, T. 1 S., R. 21 E., Copper River Meridian, approximate elevation 4,360 feet;

Thence on an approximate forward bearing of N. 49° E., to the summit of a peak in the southeasterly portion of section 1, T. 1 S., R. 21 E., Copper River Meridian, approximate elevation 4,800 feet;

Thence northerly, westerly, northeasterly and southeasterly, along the crest of a ridge between Beaver Creek and White River drainages, to a point between sections 18 and 19, T. 1 N., R. 22 E., Copper River Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, 16 and 21, to a point between sections 16 and 21, and on the crest of a ridge, T. 1 N., R. 22 E., Copper River Meridian, approximate elevation 6,260 feet;

Thence northeasterly, westerly and northwesterly, along the crest of the divide between White River and Beaver Creek drainages, to a point between sections 19 and 24, T. 2 N., Rs. 21 and 22 E., Copper River Meridian;

Thence northerly, between Rs. 21 and 22 E., to the meander corner of sections 1 and 6, on the right bank of Beaver Creek, T. 2 N., Rs. 21 and 22 E., Copper River Meridian;

Thence westerly, along the right bank of Beaver Creek, to a point between sections 1 and 36, Tps. 2 and 3 N., R. 21 E., Copper River Meridian;

Thence westerly, between Tps. 2 and 3 N., to the ¼ section corner of sections 4 and 33, Tps. 2 and 3 N., R. 21 E., Copper River Meridian;

Thence northerly, on the north and south centerlines of sections 33 and 28, to the ¼ section corner of sections 21 and 28, T. 3 N., R. 21 E., Copper River Meridian;

Thence on an approximate forward bearing of N. 36° W., to the summit of a peak in the southwesterly portion of section 21, T. 3 N., R. 21 E., Copper River Meridian, approximate elevation 5,280 feet;

Thence northwesterly and westerly along the crest of a ridge between Carl Creek, James Creek, Toby Creek, California Creek, and Beaver Creek drainages, to a point between sections 5 and 6, T. 3 N., R. 20 E., Copper River Meridian;

Thence southerly, between sections 5 and 6, to the corner of sections 5, 6, 7 and 8, T. 3 N., R. 20 E., Copper River Meridian;

Thence westerly, between sections 6 and 7, to the ¼ section corner of sections 6 and 7, T. 3 N., R. 20 E., Copper River Meridian;

Thence southerly, on the north and south centerline of section 7, to the center ¼ section corner of section 7, T. 3 N., R. 20 E., Copper River Meridian;

Thence westerly, on the east and west centerline of section 7, to the special meander corner on the east and west centerline of section 7, T. 3 N., R. 20 E., Copper River Meridian, on the easterly shore of Little Beaver Lake;

Thence southwesterly, along the shoreline of Little Beaver Lake, to the most southerly point of the lake in the westerly portion of section 7, T. 3 N., R. 20 E., Copper River Meridian;

Thence on an approximate forward bearing of N. 77° W., to the summit of a peak, near the center of section 12, T. 3 N., R. 19 E., Copper River Meridian, approximate elevation 5,600 feet;

Thence southwesterly, along the crest of a ridge and a southwesterly sloping spur between the Chathenda and Bryan Creek drainages, to the right bank of Bryan Creek in the southerly portion of section 16, T. 3 N., R. 19 E., Copper River Meridian;

Thence westerly and northwesterly, along the right bank of Bryan Creek, to the special meander corner on the east and west centerline of section 13, T. 3 N., R. 18 E., Copper River Meridian;

Thence westerly, on the east and west centerlines of sections 13, 14, 15, 16 and 17 to the ¼ section corner of sections 17 and 18, T. 3 N., R. 18 E., Copper River Meridian;

Thence on an approximate forward bearing of N. 69° W., to the summit of a peak, in the easterly portion of section 18, T. 3 N., R. 18 E., Copper River Meridian, approximate elevation 5,545 feet;

Thence on an approximate forward bearing of N. 20° W., to the summit of Euchre Mountain, near the center of section 7, T. 3 N., R. 18 E., Copper River Meridian, approximate elevation 6,862 feet;

Thence on an approximate forward bearing of north, to the center ¼ section corner of section 18, T. 4 N., R. 18 E., Copper River Meridian;

Thence on an approximate forward bearing of N. 48° W., to the summit of a point on a ridge in the southwesterly portion of section 2, T. 4 N., R. 17 E., Copper River Meridian, approximate elevation 4,185 feet;

Thence on an approximate forward bearing of S. 75° W., to the summit of a peak, in the southwesterly portion of section 3, T. 4 N., R. 17 E., Copper River Meridian, approximate elevation 4,830 feet;

Thence northwesterly, southwesterly and northerly, along the crest of the divides between the drainages of Cross Creek, Notch Creek, Nikonda Glacier and Nabesna Glacier, to a point on the east and west centerline of the southeast ¼ of section 14, T. 4 N., R. 14 E., Copper River Meridian;

Thence westerly, on the east and west centerlines of the south ½ of sections 14, 15, 16, 17, 18 and 13, to the south 1/16 section corner of section 13 and 14, T. 4 N., R. 13 E., Copper River Meridian;

Thence northerly, between sections 13 and 14, 11 and 12, 1 and 2, to the closing corner of sections 1 and 2, T. 4 N., R. 13 E., Copper River Meridian;

Thence westerly, on the First Standard Parallel North, to the standard corner of sections 34 and 35, T. 5 N., R. 13 E., Copper River Meridian;

Thence northerly, between sections 34 and 35, 26 and 27, 22 and 23, 14 and 15, 10 and 11, to the corner of sections 2, 3, 10 and 11, T. 5 N., R. 13 E., Copper River Meridian;

Thence westerly, between sections 3 and 10, to the corner of sections 3, 4, 9 and 10, T. 5 N., R. 13 E., Copper River Meridian;

Thence northerly, between sections 3 and 4, 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, 33 and 34, to the meander corner of sections 33 and 34, on the right bank of Jacksina Creek, T. 7 N., R. 13 E., Copper River Meridian;

Thence southwesterly, along the right bank of Jacksina Creek, to a point due south of the confluence of Canyon Creek, near the center of section 5, T. 6 N., R. 13 E., Copper River Meridian;

Thence northerly, across Jacksina Creek and along the left bank of Canyon Creek, to a point on the north and south centerline of section 5, T. 6 N., R. 13 E., Copper River Meridian;

Thence northerly, on the north and south centerline of section 5, to the ¼ section corner of sections 5 and 32, Tps. 6 and 7 N., R. 13 E., Copper River Meridian;

Thence westerly, between Tps. 6 and 7 N., to a point between sections 5 and 32 on the crest of a ridge, Tps. 6 and 7 N., R. 13 E., Copper River Meridian, approximate elevation 3,150 feet;

Thence northwesterly, on the crest of a divide between Jack Creek and Canyon Creek drainages, to the summit of a peak, in the southerly portion of section 11, T. 7 N., R. 12 E., Copper River Meridian, approximate elevation 6,900 feet;

Thence southwesterly, on the crest of the divide between Tanada Lake, Jacksina Creek and Pass Creek drainages, to a point between sections 1 and 36, Tps. 6 and 7 N., R. 11 E., Copper River Meridian;

Thence westerly, between Tps. 6 and 7 N., to a point between sections 6 and 31, on the crest of a ridge, Tps. 6 and 7 N., R. 11 E.,

Copper River Meridian, approximate elevation 6,500 feet;

Thence southwesterly, on the crest of the divide between the drainages of Copper Lake and Goat Creek, to the junction of ridges, in the northerly portion of section 14, T. 6 N., R. 10 E., Copper River Meridian, approximate elevation 9,000 feet;

Thence northwesterly, on the crest of the divide between Copper Lake and Copper River drainages, to a point between sections 7 and 18, T. 7 N., R. 10 E., Copper River Meridian;

Thence westerly, between sections 7 and 18, 12 and 13, to the corner of sections 11, 12, 13 and 14, T. 7 N., R. 9 E., Copper River Meridian;

Thence northerly, between sections 11 and 12, 1 and 2, to the corner of sections 1, 2, 35 and 36, Tps. 7 and 8 N., R. 9 E., Copper River Meridian;

Thence westerly, between Tps. 7 and 8 N., to the corner of sections 3, 4, 33 and 34, Tps. 7 and 8 N., R. 9 E., Copper River Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, to the closing corner of sections 3 and 4, T. 8 N., R. 9 E., Copper River Meridian;

Thence westerly, on the Second Parallel North, to the closing corner of sections 1 and 2, T. 8 N., R. 5 E., Copper River Meridian;

Thence southerly, between sections 1 and 2, to the corner of sections 1, 2, 11 and 12, T. 8 N., R. 5 E., Copper River Meridian;

Thence westerly, between sections 2 and 11, to the corner of sections 2, 3, 10 and 11, T. 8 N., R. 5 E., Copper River Meridian;

Thence southerly, between sections 10 and 11, to the corner of sections 10, 11, 14 and 15, T. 8 N., R. 5 E., Copper River Meridian;

Thence westerly, between sections 10 and 15, to the corner of sections 9, 10, 15 and 16, T. 8 N., R. 5 E., Copper River Meridian;

Thence southerly, between sections 15 and 16, to the corner of sections 15, 16, 21 and 22, T. 8 N., R. 5 E., Copper River Meridian;

Thence westerly, between sections 16 and 21, to the corner of sections 16, 17, 20 and 21, T. 8 N., R. 5 E., Copper River Meridian;

Thence southerly, between sections 20 and 21, to the corner of sections 20, 21, 28 and 29, T. 8 N., R. 5 E., Copper River Meridian;

Thence westerly, between sections 20 and 29, to the corner of sections 19, 20, 29 and 30, T. 8 N., R. 5 E., Copper River Meridian;

Thence southerly, between sections 29 and 30, to the corner of sections 29, 30, 31 and 32, T. 8 N., R. 5 E., Copper River Meridian;

Thence westerly, between sections 30 and 31, to the corner of sections 25, 30, 31 and 36, T. 8 N., Rs. 4 and 5 E., Copper River Meridian;

Thence southerly, between Rs. 4 and 5 E., to the corner of sections 13, 18, 19 and 24, T. 7 N., Rs. 4 and 5 E., Copper River Meridian;

Thence westerly, between sections 13 and 24, to the corner of sections 13, 14, 23 and 24, T. 7 N., R. 4 E., Copper River Meridian;

Thence southerly, between sections 23 and 24, 25 and 26, to the corner of sections 25, 26, 35 and 36, T. 7 N., R. 4 E., Copper River Meridian;

Thence westerly, between sections 26 and 35, 27 and 34, to the corner of sections 27, 28, 33 and 34, T. 7 N., R. 4 E., Copper River Meridian;

Thence southerly, between sections 33 and 34, 3 and 4, 9 and 10, to a point between sections 9 and 10, and on the left bank of an unnamed creek, T. 6 N., R. 4 E., Copper River Meridian;

Thence southeasterly, along the left bank of the unnamed creek to a point between sections 19 and 24, T. 6 N., Rs. 4 and 5 E., Copper River Meridian;

Thence southerly, between Rs. 4 and 5 E., to the corner of sections 13, 18, 19 and 24, T. 5 N., Rs. 4 and 5 E., Copper River Meridian;

Thence westerly, between sections 13 and 24, to the corner of sections 13, 14, 23 and 24, T. 5 N., R. 4 E., Copper River Meridian;

Thence northerly, between sections 13 and 14, to the ¼ section corner of sections 13 and 14, T. 5 N., R. 4 E., Copper River Meridian;

Thence westerly, on the east and west centerline of section 14, to the ¼ section corner of sections 14 and 15, T. 5 N., R. 4 E., Copper River Meridian;

Thence northerly, between sections 14 and 15, to the corner of sections 10, 11, 14 and 15, T. 5 N., R. 4 E., Copper River Meridian;

Thence westerly, between sections 10 and 15, 9 and 16, 8 and 17, 7 and 18, to the corner of sections 7, 12, 13 and 18, T. 5 N., Rs. 3 and 4 E., Copper River Meridian;

Thence southerly, between Rs. 3 and 4 E., to the corner of sections 13, 18, 19 and 24, T. 5 N., Rs. 3 and 4 E., Copper River Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, to the corner of sections 15, 16, 21 and 22, T. 5 N., R. 3 E., Copper River Meridian;

Thence southerly between sections 21 and 22, 27 and 28, 33 and 34, to the standard corner of sections 33 and 34, T. 5 N., R. 3 E., Copper River Meridian;

Thence westerly, on the First Standard Parallel North, to the closing corner of sections 4 and 5, T. 4 N., R. 3 E., Copper River Meridian;

Thence southerly, between sections 4 and 5, 8 and 9, 16 and 17, 20 and 21, 28 and 29, 32 and 33, 4 and 5, 8 and 9, 16 and 17, 20 and 21, 28 and 29, 32 and 33, to the corner of sections 4, 5, 32 and 33, Tps. 2 and 3 N., R. 3 E., Copper River Meridian;

Thence easterly, between Tps. 2 and 3 N., to the corner of Tps. 2 and 3 N., Rs. 3 and 4 E., Copper River Meridian;

Thence southerly, between Rs. 3 and 4 E., to the corner of sections 19, 24, 25 and 30, T. 2 N., Rs. 3 and 4 E., Copper River Meridian;

Thence easterly, between sections 19 and 30, 20 and 29, 21 and 28, 22 and 27, to a point between sections 22 and 27, and on the right bank of an unnamed creek, T. 2 N., R. 4 E., Copper River Meridian;

Thence southerly, along the right bank of the unnamed creek, to its confluence with the Dadina River, in the northerly portion of section 27, T. 2 N., R. 4 E., Copper River Meridian;

Thence on an approximate forward bearing of S. 73° E., to the summit of a peak, in the northeasterly portion of section 36, T. 2 N., R. 4 E., Copper River Meridian, approximate elevation 4,520 feet;

Thence on an approximate forward bearing of S. 59° E., to the junction of Chichokna River and Chetaslina River, in the southwesterly portion of section 4, T. 1 N., R. 5 E., Copper River Meridian;

Thence on an approximate forward bearing of S. 20° E., to the summit of a peak, in the southerly portion of section 22, T. 1 N., R. 5 E., Copper River Meridian, approximate elevation 3,660 feet;

Thence on an approximate forward bearing of S. 57° E., to the summit of a peak, in the northwesterly portion of section 36, T. 1 N., R. 5 E., Copper River Meridian, approximate elevation 5,080 feet;

Thence on an approximate forward bearing of S. 24° W., to the summit of a peak, in the northwesterly portion of section 1, T. 1 S., R. 5 E., Copper River Meridian, approximate elevation 4,920 feet;

Thence on an approximate forward bearing of S. 35° E., to the ¼ section corner of sections 7 and 12, T. 1 S., Rs. 5 and 6 E., Copper River Meridian;

Thence southerly, between Rs. 5 and 6 E., to a point between sections 19 and 24, and on the left bank of the Cheshnina River, T. 1 S., Rs. 5 and 6 E., Copper River Meridian;

Thence easterly, along the left banks of the Cheshnina River and a tributary of the Cheshnina River, to a point between sections 21 and 22, T. 1 S., R. 6 E., Copper River Meridian;

Thence southerly, between sections 21 and 22, 27 and 28, to a point between sections 27 and 28, on the right bank of an unnamed creek, T. 1 S., R. 6 E., Copper River Meridian;

Thence southerly and southeasterly, along the right bank of the unnamed creek, to its confluence with an unnamed lake, in the northeasterly portion of section 3, T. 2 S., R. 6 E., Copper River Meridian;

Thence easterly, along the northerly shore of the unnamed lake, to the most northeasterly point of the unnamed lake, in the northwesterly portion of section 2, T. 2 S., R. 6 E., Copper River Meridian;

Thence on an approximate forward bearing of S. 63° E., to a point between sections 1 and 2, and at the confluence of the stream flowing from Long Glacier and Kotsina River, T. 2 S., R. 6 E., Copper River Meridian;

Thence southerly, between sections 1 and 2, 11 and 12, to a point between sections 11 and 12, on the crest of a ridge, T. 2 S., R. 6 E., Copper River Meridian, approximate elevation 4,800 feet;

Thence southeasterly, northeasterly and southerly, along the crest of the divide between Kotsina River, Elliot Creek and Kuskulana River drainages, to the summit of a peak, in the southwesterly portion of section 25, T. 2 S., R. 9 E., Copper River Meridian, approximate elevation 6,330 feet;

Thence on an approximate forward bearing of S. 60° E., to a point between sections 4 and 5, and on a toe of a spur, T. 3 S., R. 10 E., Copper River Meridian;

Thence southerly and southeasterly, between the Kuskulana Glacier and Slatka Creek drainages, to the summit of a peak, in the northerly portion of section 34, T. 3 S., R. 10 E., Copper River Meridian, approximate elevation 6,800 feet;

Thence southwesterly, southerly and westerly, on the crest of a ridge between the drainages of Kuskulana and Chokosna Rivers, to the summit of a peak, in the southeasterly portion of section 16, T. 4 S., R. 9 E., Copper River Meridian, approximate elevation 5,920 feet;

Thence southerly, on a spur ridge, to a point on the line between sections 21 and 28, T. 4 S., R. 9 E., Copper River Meridian;

Thence easterly, between sections 21 and 28, to the intersection with the left bank of an unnamed creek in sections 21 and 28, T. 4 S., R. 9 E., Copper River Meridian;

Thence southerly, along the left bank of the unnamed creek and westerly shore of an unnamed lake, to a point 200 feet from, and parallel to, the centerline of the Chitina-McCarthy Road, in the southeasterly portion of section 4, T. 5 S., R. 9 E., Copper River Meridian;

Thence easterly, along the north side of Chitina-McCarthy Road at a distance of 200 feet from, and parallel to, the centerline, to a point on the north and south centerline of section 10, T. 5 S., R. 9 E., Copper River Meridian;

Thence northerly, on the north and south centerlines of sections 10 and 3, to the center-south 1/16 section corner of section 3, T. 5 S., R. 9 E., Copper River Meridian;

Thence easterly, on the east and west centerline of the southeast 1/4 of section 3, to the south 1/16 section corner of sections 2 and 3, T. 5 S., R. 9 E., Copper River Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, to a point between sections 10 and 11, 200 feet from, and parallel to, the centerline on the northerly side of the Chitina-McCarthy Road, T. 5 S., R. 9 E., Copper River Meridian;

Thence southeasterly, along the easterly side of the Chitina-McCarthy Road 200 feet from, and parallel to, the centerline, to a point on the north and south centerline of the northwest 1/4 of section 13, T. 5 S., R. 9 E., Copper River Meridian;

Thence northerly, on the north and south centerline of the northwest 1/4 of section 13, to the west 1/16 section corner of sections 12 and 13, T. 5 S., R. 9 E., Copper River Meridian;

Thence easterly, between sections 12 and 13, to the 1/4 section corner of sections 12 and 13, T. 5 S., R. 9 E., Copper River Meridian;

Thence southerly, on the north and south centerline of section 13, to the center 1/4 section corner of section 13, T. 5 S., R. 9 E., Copper River Meridian;

Thence easterly, on the east and west centerline of section 13, to the 1/4 section corner of sections 13 and 18, T. 5 S., Rs. 9 and 10 E., Copper River Meridian;

Thence southerly, between Rs. 9 and 10 E., to the corner of sections 13, 18, 19 and 24, T. 5 S., Rs. 9 and 10 E., Copper River Meridian;

Thence easterly, between sections 18 and 19, to a point between sections 18 and 19 at the toe of a spur, T. 5 S., R. 10 E., Copper River Meridian, approximate elevation 2,150 feet;

Thence southeasterly, easterly, northeasterly and southeasterly, on a spur and crest of the Crystalline Hills between Gilahina River and Chitina River drainages, to a point on the east and west centerline of section 24, T. 5 S., R. 11 E., Copper River Meridian;

Thence easterly, on the east and west centerlines of sections 24, 19, 20 and 21, to a point in the western portion of section 21 on the east and west centerline of section 21, and the right bank of an unnamed creek, T. 5 S., R. 12 E., Copper River Meridian;

Thence southerly, along the right bank of the unnamed creek, to the confluence of Lakina River, in the northwesterly portion of section 28, T. 5 S., R. 12 E., Copper River Meridian;

Thence northeasterly, along the left bank of Lakina River, to the confluence with an unnamed creek, in the southwesterly portion of section 10, T. 5 S., R. 12 E., Copper River Meridian;

Thence easterly, along the left bank of the unnamed creek, to a point between sections 11 and 12, T. 5 S., R. 12 E., Copper River Meridian;

Thence northerly, between sections 11 and 12, to a point between sections 11 and 12 and on the crest of a ridge, T. 5 S., R. 12 E., Copper River Meridian, approximate elevation 3,800 feet;

Thence northeasterly, northerly, northwesterly and northeasterly, along the crest of the divide between Fohlin Creek and Fourth of July Creek drainages, and along a spur to the corner of sections 4, 5, 32 and 33, Tps. 3 and 4 S., R. 13 E., Copper River Meridian;

Thence easterly, between Tps. 3 and 4 S., to the corner of sections 4, 5, 32 and 33, Tps. 3 and 4 S., R. 14 E., Copper River Meridian;

Thence on an approximate forward bearing of S. 37° E., to the summit of a peak, near the center of section 4, T. 4 S., R. 14 E., Copper River Meridian, approximate elevation 5,720 feet;

Thence southeasterly and northeasterly, on the crest of the divide between Root Glacier and McCarthy Creek drainages, to the summit of a peak, in the southerly portion of section 35, T. 3 S., R. 14 E., Copper River Meridian, approximate elevation 5,837 feet;

Thence easterly, on a spur, to a point at the confluence of an unnamed creek and McCarthy Creek, in the northerly portion of section 1, T. 4 S., R. 14 E., Copper River Meridian;

Thence northerly, along the left bank of a channel of McCarthy Creek, to a point between sections 1 and 36, Tps. 3 and 4 S., R. 14 E., Copper River Meridian;

Thence easterly, between Tps. 3 and 4 S., to the corner of Tps. 3 and 4 S., Rs. 14 and 15 E., Copper River Meridian;

Thence southerly, between Rs. 14 and 15 E., to a point between sections 1 and 6 on the right bank of Lubbe Creek, T. 4 S., Rs. 14 and 15 E., Copper River Meridian;

Thence northeasterly, along the right bank of Lubbe Creek, to the toe of a spur, in the northwesterly portion of section 6, T. 4 S., R. 15 E., Copper River Meridian;

Thence southeasterly and southwesterly, on a spur, the crest of a ridge and a spur, to the summit of a peak, in the southerly portion of section 7, T. 4 S., R. 15 E., Copper River Meridian, approximate elevation 4,467 feet;

Thence on an approximate forward bearing of S. 25° E., to the summit of a peak in a saddle, in the southwesterly portion of section 17, T. 4 S., R. 15 E., Copper River Meridian, approximate elevation 5,500 feet;

Thence northeasterly, along the crest of the divide between Dimond Creek and East Fork McCarthy Creek drainages, to the summit of a peak, in the southerly portion of section 17, T. 4 S., R. 15 E., Copper River Meridian, approximate elevation 5,655 feet;

Thence on an approximate forward bearing of S. 2° E., to the confluence of an unnamed creek and East Fork McCarthy Creek, in the southeasterly portion of section 20, T. 4 S., R. 15 E., Copper River Meridian;

Thence on an approximate forward bearing of S. 14° E., to the summit of a peak, in the easterly portion of section 29, T. 4 S., R. 15 E., Copper River Meridian, approximate elevation 4,980 feet;

Thence southeasterly and southerly, on the crest of the divide between McCarthy Creek and Nizina River drainages, to the summit of a peak, in the northwesterly portion of section 12, T. 5 S., R. 15 E., Copper River Meridian, approximate elevation 5,560 feet;

Thence on an approximate forward bearing of S. 81° E., to the summit of a hill, in the easterly portion of section 7, T. 5 S., R. 16 E., Copper River Meridian, approximate elevation 1,960 feet;

Thence on an approximate forward bearing of N. 83° E., to the meander corner of sections 8 and 9, on the right bank of Chitistone River, T. 5 S., R. 16 E., Copper River Meridian;

Thence easterly, along the right bank of the Chitistone River, to the meander corner of sections 4 and 5, T. 5 S., R. 17 E., Copper River Meridian;

Thence southerly, between sections 4 and 5, to the meander corner of sections 4 and 5, on the left bank of the Chitistone River, T. 5 S., R. 17 E., Copper River Meridian;

Thence southeasterly, along the right bank of an unnamed creek, to a point on the north and south centerline of the northeast 1/4 of section 9, T. 5 S., R. 17 E., Copper River Meridian;

Thence southerly, on the north and south centerlines of the northeast 1/4 and southeast 1/4 of section 9, to the southeast 1/16 section corner of section 9, T. 5 S., R. 17 E., Copper River Meridian;

Thence easterly, on the east and west centerline of the southeast 1/4 of section 9, to the south 1/16 section corner of sections 9 and 10, T. 5 S., R. 17 E., Copper River Meridian;

Thence southerly, between sections 9 and 10, 15 and 16, to a point between sections 15 and 16, on the right bank of Glacier Creek, T. 5 S., R. 17 E., Copper River Meridian;

Thence southeasterly, along the right bank of Glacier Creek, to a junction with an unnamed creek, in the northwesterly portion of section 25, T. 5 S., R. 17 E., Copper River Meridian;

Thence on an approximate forward bearing of S. 50° W., to the summit of a peak, in the southerly portion of section 26, T. 5 S., R. 17 E., Copper River Meridian, approximate elevation 5,500 feet;

Thence southerly and southeasterly, on the crest of the divide between Glacier Creek, Copper Creek, Canyon Creek and Young Creek drainages, to the summit of a peak, in the southerly portion of section 30, T. 7 S., R. 18 E., Copper River Meridian, approximate elevation 5,350 feet;

Thence on an approximate forward bearing of S. 6° W., to the mouth of an unnamed creek on the most easterly shore of Big Bend Lakes, in the northwesterly portion of section 6, T. 8 S., R. 18 E., Copper River Meridian;

Thence on an approximate forward bearing of S. 26° W., to the corner of sections 1, 6, 7

and 12, T. 8 S., Rs. 17 and 18 E., Copper River Meridian;

Thence southerly, between Rs. 17 and 18 E., to a point between sections 13 and 18 on the crest of a ridge, T. 8 S., Rs. 17 and 18 E., Copper River Meridian;

Thence southeasterly, on the crest of a ridge, to a point between sections 19 and 20, T. 8 S., R. 18 E., Copper River Meridian;

Thence southerly, between sections 19 and 20, 29 and 30, 31 and 32, to the standard corner of sections 31 and 32, T. 8 S., R. 18 E., Copper River Meridian;

Thence easterly, on the Second Standard Parallel South, to the ¼ section corner of section 4 only, T. 9 S., R. 18 E., Copper River Meridian;

Thence southerly, on the north and south centerline of section 4, to the special meander corner on the north and south centerline of section 4, and on the right bank of the Chitina River, T. 9 S., R. 18 E., Copper River Meridian;

Thence southwesterly, along the right bank of the main channel of Chitina River, to the most southwesterly point on the right bank of Chitina River, in the southwesterly portion of section 18, T. 9 S., R. 18 E., Copper River Meridian;

Thence on an approximate forward bearing of S. 56° W., to the mouth of an unnamed creek on the left bank of the Chitina River, in the southwesterly portion of section 18, T. 9 S., R. 18 E., Copper River Meridian;

Thence northwesterly and southerly, along the left bank of the Chitina River and the left bank of the Copper River at the line of ordinary high water, to a point between sections 20 and 29, T. 10 S., R. 4 E., Copper River Meridian;

Thence on an approximate forward bearing of S. 83° E., to the summit of a hill, in the northeasterly portion of section 28, T. 10 S., R. 4 E., Copper River Meridian, approximate elevation 680 feet;

Thence on an approximate forward bearing of N. 84° E., to the most northerly point on the shore of an unnamed lake, at the mouth of an unnamed creek, in the northerly portion of section 27, T. 10 S., R. 4 E., Copper River Meridian;

Thence northerly and northeasterly, along the left bank of an unnamed creek, to a point on the east and west centerline of section 11, T. 10 S., R. 4 E., Copper River Meridian;

Thence easterly, on the east and west centerlines of sections 11 and 12, to the center ¼ section corner of section 12, T. 10 S., R. 4 E., Copper River Meridian;

Thence northerly, on the north and south centerline of section 12, to the ¼ section corner of sections 1 and 12, T. 10 S., R. 4 E., Copper River Meridian;

Thence easterly, between sections 1 and 12, 6 and 7, to the ¾ section corner of sections 6 and 7, T. 10 S., R. 5 E., Copper River Meridian;

Thence northerly, on the north and south centerline of section 6, to the center ¼ section corner of section 6, T. 10 S., R. 5 E., Copper River Meridian;

Thence easterly, on the east and west centerline of section 6, to the ¼ section corner of sections 5 and 6, T., 10 S., R. 5 E., Copper River Meridian;

Thence northerly, between sections 5 and 6, to the corner of sections 5, 6, 31 and 32, Tps. 9 and 10 S., R. 5 E., Copper River Meridian;

Thence easterly, between Tps. 9 and 10 S., to the ¼ section corner of sections 5 and 32, Tps. 9 and 10 S., R. 5 E., Copper River Meridian;

Thence northerly, on the north and south centerline of section 32, to the center ¼ section corner of section 32, T. 9 S., R. 5 E., Copper River Meridian;

Thence easterly, on the east and west centerline of section 32, to the ¾ section corner of sections 32 and 33, T. 9 S., R. 5 E., Copper River Meridian;

Thence northerly, between sections 32 and 33, to the corner of sections 28, 29, 32 and 33, T. 9 S., R. 5 E., Copper River Meridian;

Thence easterly, between sections 28 and 33, to the ¼ section corner of sections 28 and 33, T. 9 S., R. 5 E., Copper River Meridian;

Thence northerly, on the north and south centerline of section 28, to the center ¼ section corner of section 28, T. 9 S., R. 5 E., Copper River Meridian;

Thence easterly, on the east and west centerlines of sections 28, 27 and 26, to a point on the right bank of Mac Creel Creek, T. 9 S., R. 5 E., Copper River Meridian;

Thence southeasterly, to a point on the right bank of Mac Creel Creek, to a point between sections 26 and 35, T. 9 S., R. 5 E., Copper River Meridian;

Thence easterly, between sections 26 and 35, 25 and 36, 30 and 31, to the meander corner of sections 30 and 31, on the left bank of Little Bremner River, T. 9 S., R. 6 E., Copper River Meridian;

Thence northerly, along the left bank of Little Bremner River, to the right bank of an unnamed creek, in the southerly portion of section 30, T. 9 S., R. 6 E., Copper River Meridian;

Thence southeasterly, along the right bank of an unnamed creek and the southerly shore of an unnamed lake, to a point on the north and south centerline of section 32, T. 9 S., R. 6 E., Copper River Meridian;

Thence southerly, on the north and south centerline of section 32, to the ¼ section corner of sections 5 and 32, Tps. 9 and 10 S., R. 6 E., Copper River Meridian;

Thence easterly, between Tps. 9 and 10 S., to a point between sections 3 and 34, on the right bank of an unnamed creek in the western portion of sections 3 and 34, Tps. 9 and 10 S., R. 6 E., Copper River Meridian;

Thence southeasterly, along the right banks of an unnamed creek and Salmon Creek, and the westerly shore of an unnamed lake, to the most southerly point on the unnamed lake, in the easterly portion of section 3, T. 10 S., R. 6 E., Copper River Meridian;

Thence on an approximate forward bearing of S. 16° E., to the left bank of Bremner River at the most northerly point of land in the southeasterly portion of section 3, T. 10 S., R. 6 E., Copper River Meridian;

Thence southwesterly, along the left bank of Bremner River, to the mouth and left bank of Eagle Creek, in the northwesterly portion of section 15, T. 10 S., R. 6 E., Copper River Meridian;

Thence southwesterly, along the left bank of Eagle Creek, to a point between sections 16 and 21, T. 10 S., R. 6 E., Copper River Meridian;

Thence westerly, between sections 16 and 21, 17 and 20, to the ¾ section corner of sections 17 and 20, T. 10 S., R. 6 E., Copper River Meridian;

Thence northerly, on the north and south centerline of section 17, to the center ¼ section corner of section 17, T. 10 S., R. 6 E., Copper River Meridian;

Thence westerly, on the east and west centerline of section 17, to the ¼ section corner of sections 17 and 18, T. 10 S., R. 6 E., Copper River Meridian;

Thence northerly, between sections 17 and 18, to the corner of sections 7, 8, 17 and 18, T. 10 S., R. 6 E., Copper River Meridian;

Thence westerly, between sections 7 and 18, 12 and 13, 11 and 14, 10 and 15, to the corner of sections 9, 10, 15 and 16, T. 10 S., R. 5 E., Copper River Meridian;

Thence southerly, between sections 15 and 16, to the ¼ section corner of sections 15 and 16, T. 10 S., R. 5 E., Copper River Meridian;

Thence westerly, on the east and west centerline of section 16, to the ¼ section corner of sections 16 and 17, T. 10 S., R. 5 E., Copper River Meridian;

Thence southerly, between sections 16 and 17, to the corner of sections 16 and 17, 20 and 21, T. 10 S., R. 5 E., Copper River Meridian;

Thence westerly, between sections 17 and 20, to the ¼ section corner of sections 17 and 20, T. 10 S., R. 5 E., Copper River Meridian;

Thence southerly, on the north and south centerline of section 20, to the center ¼ section corner of section 20, T. 10 S., R. 5 E., Copper River Meridian;

Thence westerly, on the east and west centerline of sections 20 and 19, to the ¼ section corner of sections 19 and 24, T. 10 S., Rs. 4 and 5 E., Copper River Meridian;

Thence southerly, between Rs. 4 and 5 E., to the corner of sections 19, 24, 25 and 30, T. 10 S., Rs. 4 and 5 E., Copper River Meridian;

Thence westerly, between sections 24 and 25, to the corner of sections 23, 24, 25 and 26, T. 10 S., R. 4 E., Copper River Meridian;

Thence southerly, between sections 25 and 26, to the ¾ section corner of sections 25 and 26, T. 10 S., R. 4 E., Copper River Meridian;

Thence westerly, on the east and west centerline of section 26, to the special meander corner on the east and west centerline of section 26, on the left bank of the Bremner River at the line of ordinary high water, T. 10 S., R. 4 E., Copper River Meridian;

Thence southeasterly, along the left banks of Bremner River and Copper River, at the line of ordinary high water, to a point S. 32° W., of the summit of a small hill in the central area of a 1,500 foot contour which spans the section line between sections 2 and 11, T. 12 S., R. 5 E., Copper River Meridian, said point near the southern boundary of section 10, T. 12 S., R. 5 E., Copper River Meridian;

Thence N. 32° E., to crest of a ridge between sections 2 and 35, Tps. 11 and 12 S., R. 5 E., Copper River Meridian, approximate elevation 3,500 feet;

Thence northeasterly and southeasterly, on the crest of the divide between the drainages of Wernicke River and the Bremner River to the summit of a peak in the center of section 26, T. 12 S., R. 9 E., Copper River Meridian, approximate elevation 6,075 feet;

Thence on an approximate forward bearing of S. 10° W., to the summit of a peak in the southeasterly portion of section 27, T. 13 S., R. 9 E., Copper River Meridian, approximate elevation 8,212 feet;

Thence easterly, northerly, southeasterly, southwesterly, and southerly, along the crest of a ridge between Miles Glacier and Fan Glacier, to the summit of Mount Tom White located in sections 18 and 19, T. 14 S., R. 10 E., Copper River Meridian, approximate elevation 11,191 feet;

Thence easterly and northeasterly, on the crest of a ridge, between Martin River Glacier, Fan Glacier, and Bremner Glacier, to the summit of Mount Hawkins in the southeasterly portion of section 4, T. 14 S., R. 11 E., Copper River Meridian, approximate elevation 9,368 feet;

Thence on an approximate forward bearing of S. 15° E., to the summit of a peak located in sections 9 and 10, T. 14 S., R. 11 E., Copper River Meridian, approximate elevation 8,813 feet;

Thence on an approximate forward bearing of S. 45° E., to the summit of a peak in the northwesterly portion of section 23, T. 14 S., R. 11 E., Copper River Meridian, approximate elevation 7,606 feet;

Thence on an approximate forward bearing of S. 7° W., to the summit of a peak in the westerly portion of section 35, T. 14 S., R. 11 E., Copper River Meridian, approximate elevation 6,400 feet;

Thence on an approximate forward bearing of S. 44° E., to the summit of a peak in the easterly portion of section 20, T. 15 S., R. 12 E., Copper River Meridian, approximate elevation 9,200 feet;

Thence southeasterly, along the crest of a ridge, between Steller Glacier, Bering Glacier and Bagley Ice Field, to the summit of a peak in the southerly portion of section 1, T. 16 S., R. 12 E., Copper River Meridian, approximate elevation 8,215 feet;

Thence on an approximate forward bearing of N. 82° E., to the summit of Mount Steller in the northerly portion of section 3, T. 16 S., R. 13 E., Copper River Meridian, approximate elevation 10,515 feet;

Thence easterly, along the crest of Waxell Ridge, between Bering Glacier and Bagley Ice Field, to the summit of a peak in the northeasterly portion of section 31, T. 15 S., R. 16 E., Copper River Meridian, approximate elevation 4,400 feet;

Thence on an approximate forward bearing of S. 64° E., to the summit of a ridge between sections 7 and 8, T. 16 S., R. 17 E., Copper River Meridian, approximate elevation 3,800 feet;

Thence northeasterly, easterly, southeasterly and southwesterly, along the crest of a ridge, between Bering Glacier, Yahtse Glacier, and Bagley Ice Field, to the summit of ridge between sections 25 and 36, T. 16 S., R. 17 E., Copper River Meridian, approximate elevation 8,800 feet;

Thence on an approximate forward bearing of S. 36° E., to the summit of a peak in the southwesterly portion of section 8, T. 18 S., R. 19 E., Copper River Meridian, approximate elevation 6,200 feet;

Thence southeasterly, along the crest of a ridge between the drainages of the Yahtse Glacier and Duktoth River, to the summit of a peak in the northeasterly portion of section 15, T. 18 S., R. 19 E., Copper River Meridian, approximate elevation 6,700 feet;

Thence on an approximate forward bearing of S. 5° W., to the summit of a peak in the northwesterly portion of section 3, T. 19 S., R. 19 E., Copper River Meridian, approximate elevation 7,072 feet;

Thence on an approximate forward bearing of S. 60° E., to the summit of Mount Leeper in the northwesterly portion of section 12, T. 19 S., R. 19 E., Copper River Meridian, approximate elevation 9,603 feet;

Thence southerly, easterly and southeasterly, on the crest of the ridge, between Yakataga Glacier, Guyot Glacier, Leeper Glacier and Yahtse Glacier, to a point between sections 2 and 3, T. 20 S., R. 20 E., Copper River Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, 14 and 15, 22 and 23, 26 and 27, 34 and 35 to the corner of sections 2, 3, 34 and 35, Tps. 20 and 21 S., R. 20 E., Copper River Meridian;

Thence easterly, between Tps. 20 and 21 S., to the corner of Tps. 20 and 21 S., Rs. 20 and 21 E., Copper River Meridian;

Thence southerly, between Rs. 20 and 21 E., to the corner of Tps. 21 and 22 S., Rs. 20 and 21 E., Copper River Meridian;

Thence easterly, between Tps. 21 and 22 S., to the ¼ section corner of sections 6 and 31, Tps. 21 and 22 S., R. 23 E., Copper River Meridian;

Thence southerly, on the north and south centerlines of sections 6 and 7, to the crest of a ridge between Carson Creek and Independence Creek drainages, in the southerly portion of section 7, T. 22 S., R. 23 E., Copper River Meridian, approximate elevation 3,600 feet;

Thence northeasterly, easterly and southeasterly, on the crest of a ridge, between the Carson Creek and Independence Creek drainages, to horizontal control station "Amber" in the southeasterly portion of section 16, T. 22 S., R. 23 E., Copper River Meridian, approximate elevation 2,272 feet;

Thence on an approximate forward bearing of east, to a point at the mouth on the left bank of Independence Creek on the shore of Icy Bay at the line of mean high tide, in the southeasterly portion of section 14, T. 22 S., R. 23 E., Copper River Meridian;

Thence northeasterly, northwesterly, easterly and southeasterly, along the line of mean high tide of Icy Bay, including any coastal islands above the line of mean high tide, to a point between sections 4 and 33, Tps. 21 and 22 S., R. 24 E., Copper River Meridian;

Thence easterly, between Tps. 21 and 22 S., to the corner of Tps. 21 and 22 S., Rs. 25 and 26 E., Copper River Meridian;

Thence southerly, between Rs. 25 and 26 E., to a point between sections 1 and 6, at the line of mean high tide of the Gulf of Alaska, T. 25 S., Rs. 25 and 26 E., Copper River Meridian;

Thence southeasterly, along the line of mean high tide of the Gulf of Alaska, including any coastal islands above the line of mean high tide, to a point on the left bank of the mouth of Alder Stream, in the northeasterly portion of section 6, T. 26 S., R. 30 E., Copper River Meridian;

Thence northwesterly, along the left bank of Alder Stream, to its intersection with the line between Rs. 29 and 30 E., T. 25 S., Rs. 29 and 30 E., Copper River Meridian;

Thence northerly, between Rs. 29 and 30 E., to the corner of sections 13, 18, 19 and 24, T. 25 S., Rs. 29 and 30 E., Copper River Meridian;

*Thence easterly, between sections 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24, to the corner of sections 13, 18, 19 and 24, T. 25 S., Rs. 30 and 31 E., Copper River Meridian;

*Thence northerly, between Rs. 30 and 31 E., to a point between sections 1 and 6, on the southwesterly shore of Malaspina Lake, T. 25 S., Rs. 30 and 31 E., Copper River Meridian;

*Thence northeasterly and easterly along the southern shore of Malaspina Lake at the line of mean high water, to the intersection with the line between sections 3 and 32, Tps. 24 and 25 S., R. 31 E., Copper River Meridian;

*Thence easterly along the line between Tps. 24 and 25 S., R. 31 E., to a point at mean high water on the southern shoreline of Malaspina Lake, in section 2, T. 25 S., R. 31 E., Copper River Meridian;

*Thence southerly, southeasterly, easterly and northeasterly, along the southern shore of Malaspina Lake, at the line of mean high water, closing Kame Stream, Sudden Stream and any other streams draining the lake, to a point on the right bank of the most westerly channel of Grand Wash in section 29, T. 24 S., R. 32 E., Copper River Meridian;

Thence northeasterly, along the right bank of the most westerly channel of Grand Wash, traversing sections 29, 20, 17, 16, 9 and 4, to its intersection with the line between Tps. 23 and 24 S., R. 32 E., Copper River Meridian;

Thence easterly, between Tps. 23 and 24 S., to the corner of Tps. 23 and 24 S., Rs. 32 and 33 E., Copper River Meridian;

Thence northerly, between Rs. 32 and 33 E., to the corner of sections 25, 30, 31 and 36, T. 23 S., Rs. 32 and 33 E., Copper River Meridian;

Thence easterly, between sections 30 and 31, to the corner of sections 29, 30, 31 and 32, T. 23 S., R. 33 E., Copper River Meridian;

Thence northerly, between sections 29 and 30, to the corner of sections 19, 20, 29 and 30, T. 23 S., R. 33 E., Copper River Meridian;

Thence easterly, between sections 20 and 29, to the corner of sections 20, 21, 28 and 29, T. 23 S., R. 33 E., Copper River Meridian;

Thence northerly, between sections 20 and 21, 16 and 17, 8 and 9, to the corner of sections 4, 5, 8 and 9, T. 23 S., R. 33 E., Copper River Meridian;

Thence easterly, between sections 4 and 9, 3 and 10, 2 and 11, 1 and 12, 6 and 7, 5 and 8, to the meander corner of sections 5 and 8, at the line of mean high tide on the westerly shore of Disenchantment Bay, T. 23 S., R. 34 E., Copper River Meridian;

Thence northerly, northeasterly, southerly, and southeasterly, along the line of mean high tide of Disenchantment Bay, including any coastal islands above the line of mean high tide, to a point at the line of mean high tide of Disenchantment Bay at 60°00′ N. latitude;

Thence due east along the line of latitude of 60°00′ N., to the International Boundary

between the United States of America and Canada in section 22, T. 22 S., R. 37 E., Copper River Meridian;

Thence northwesterly, northerly, westerly, and northerly, along the International Boundary to the meander corner of section 35 only, on the right bank of the main channel of White River on the International Boundary, T. 1 S., R. 24, E., Copper River Meridian, the place of beginning.

The following described lands containing the Tebay Lakes are excluded from the Wrangell-St. Elias Wilderness:

Beginning at the ¼ section corner of sections 13 and 14, T. 8 S., R. 6 E., Copper River Meridian;

Thence northerly, between sections 13 and 14, to the corner of sections 11, 12, 13 and 14, T. 8 S., R. 6 E., Copper River Meridian;

Thence easterly, between sections 12 and 13, to the ¼ section corner of sections 12 and 13, T. 8 S., R. 6 E., Copper River Meridian;

Thence northerly, on the north and south centerline of section 12, to the center ¼ section corner of section 12, T. 8 S., R. 6 E., Copper River Meridian;

Thence easterly, on the east and west centerline of section 12, to the ¼ section corner of sections 7 and 12, T. 8 S., Rs. 6 and 7 E., Copper River Meridian;

Thence northerly, between sections 7 and 12, to the corner of sections 1, 6, 7 and 12, T. 8 S., Rs. 6 and 7 E., Copper River Meridian;

Thence easterly, between sections 6 and 7, to the ¼ section corner of sections 6 and 7, T. 8 S., R. 7 E., Copper River Meridian;

Thence northerly, on the north and south centerline of section 6, to the center ¼ section corner of section 6, T. 8 S., R. 7 E., Copper River Meridian;

Thence easterly, on the east and west centerline of section 6, to the ¼ section corner of sections 5 and 6, T. 8 S., R. 7 E., Copper River Meridian;

Thence northerly, between sections 5 and 6, to the corner of sections 5, 6, 31 and 32, Tps. 7 and 8 S., R. 7 E., Copper River Meridian;

Thence easterly, between Tps. 7 and 8 S., to the ¼ section corner of sections 5 and 32, Tps. 7 and 8 S., R. 7 E., Copper River Meridian;

Thence northerly, on the north and south centerlines of sections 32 and 29, to the left bank of Tebay River, near the center of section 29, T. 7 S., R. 7 E., Copper River Meridian;

Thence southwesterly, along the left bank of Tebay River, to the right bank of an unnamed creek, in the westerly portion of section 29, T. 7 S., R. 7 E., Copper River Meridian;

Thence northwesterly, along the right bank of an unnamed creek, to a point on the north and south centerline of section 30, T. 7 S., R. 7 E., Copper River Meridian;

Thence southerly, on the north and south centerline of section 30, to the center ¼ section corner of section 30, T. 7 S., R. 7 E., Copper River Meridian;

Thence westerly, on the east and west centerline of section 30, to the ¼ section corner of sections 25 and 30, T. 7 S., Rs. 6 and 7 E., Copper River Meridian;

Thence southerly, between sections 25 and 30, to the corner of sections 25, 30, 31 and 36, T. 7 S., Rs. 6 and 7 E., Copper River Meridian;

Thence westerly, between sections 25 and 36, to the ¼ section corner of sections 25 and 36, T. 7 S., R. 6 E., Copper River Meridian;

Thence southerly, on the north and south centerline of section 36, to the center ¼ section corner of section 36, T. 7 S., R. 6 E., Copper River Meridian;

Thence westerly, on the east and west centerline of section 36, to the ¼ section corner of sections 35 and 36, T. 7 S., R. 6 E., Copper River Meridian;

Thence southerly, between sections 35 and 36, to the corner of sections 1, 2, 35 and 36, Tps. 7 and 8 S., R. 6 E., Copper River Meridian;

Thence westerly, between Tps. 7 and 8 S., to the corner of sections 2, 3, 34 and 35, Tps. 7 and 8 S., R. 6 E., Copper River Meridian;

Thence southerly, between sections 2 and 3, to the ¼ section corner of sections 2 and 3, T. 8 S., R. 6 E., Copper River Meridian;

Thence westerly, on the east and west centerlines of sections 3 and 4, to the center ¼ section corner of section 4, T. 8 S., R. 6 E., Copper River Meridian;

Thence southerly, on the north and south centerline of section 4, to the ¼ section corner of sections 4 and 9, T. 8 S., R. 6 E., Copper River Meridian;

Thence westerly, between sections 4 and 9, 5 and 8, 6 and 7, to the ¼ section corner of sections 6 and 7, T. 8 S., R. 6 E., Copper River Meridian;

Thence southerly, on the north and south centerlines of sections 7 and 18, to the special meander corner on the north and south centerline of section 18, on the left bank of Falls Creek, T. 8 S., R. 6 E., Copper River Meridian;

Thence easterly, southerly and southwesterly, along the left bank of Falls Creek, to the special meander corner on the east and west centerline of section 18, T. 8 S., R. 6 E., Copper River Meridian;

Thence easterly, on the east and west centerline of section 18, to the ¼ section corner of sections 17 and 18, T. 8 S., R. 6 E., Copper River Meridian;

Thence southerly, between sections 17 and 18, to the corner of sections 17, 18, 19 and 20, T. 8 S., R. 6 E., Copper River Meridian;

Thence easterly, between sections 17 and 20, to the corner of sections 16, 17, 20 and 21, T. 8 S., R. 6 E., Copper River Meridian;

Thence northerly, between sections 16 and 17, to the ¼ section corner of sections 16 and 17, T. 8 S., R. 6 E., Copper River Meridian;

Thence easterly, on the east and west centerlines of sections 16, 15 and 14, to the ¼ section corner of sections 13 and 14, T. 8 S., R. 6 E., Copper River Meridian, to the place of beginning.

*Department of the Interior 1:250,000 scale map issued in 1981, incorrectly depicts this portion of the description.

The following U.S. Geological Survey 1:63,360 Series and (Topographic) Quadrangle Maps were used in preparing the legal boundary descriptions for the Wrangell-St. Elias National Park and Preserve and Wrangell-St.Elias Wilderness:

Bering Glacier, Alaska: (A–1) pe 1985; (A–2) 1959; (A–3) 1959; (B–1) pe 1985; (B–3) pe 1985; (B–4) pe 1985; (C–1) pe 1985; (C–4) pe 1985; (C–5) pe 1985; (C–6) pe 1985; (C–7) pe 1985; (C–8) pe 1985; (D–1) pe 1985; (D–2) pe 1985; (D–8) pe 1985.

Cordova, Alaska: (D–1) 1959; (D–2) 1959; (D–3) 1950 mr 1978.

Gulkana, Alaska: (A–1) 1959; (A–2) 1959; (A–3) 1949 mr 1975; (B–1) 1959; (B–2) 1949 mr 1964; (B–3) 1950 lr 1977; (C–1) 1949 mr 1966; (C–2) 1949 mr 1962.

Icy Bay, Alaska: (D–1) pe 1985.

McCarthy, Alaska: (A–1) 1959; (A–2) 1959; (A–3) 1959; (A–4) 1959; (A–5) 1959; (A–6) 1959; (B–1) 1959; (B–2) 1959; (B–3) 1959; (B–4) 1959; (B–5) 1959 mr 1970; (B–6) 1959; (B–7) 1959; (B–8) 1951; (C–1) 1959; (C–2) 1959 ; (C–3) 1959; (C–5) 1959; (C–6) 1959; (C–7) 1959; (C–8) 1951 mr 1976; (D–1) 1959; (D–2) 1959; (D–3) 1959; (D–4) 1960; (D–5) 1960; (D–6) 1960; (D–7) 1959; (D–8) 1960.

Mt. St. Elias, Alaska: (A–3) pe 1985; (A–4) pe 1985; (A–5) pe 1985; (A–6) pe 1985; (A–7) pe 1985; (A–8) pe 1985; (B–3) pe 1985; (B–4) pe 1985; (B–5) pe 1985; (B–7) pe 1985; (B–8) pe 1985.

Nabesna, Alaska: (A–1) 1959 mr 1970; (A–2) 1960; (A–3) 1960 mr 1973; (A–4) 1959; (A–5) 1959 mr 1973; (A–6) 1959; (B–1) 1960; (B–4) 1960 mr 1970; (B–5) 1960 ; (B–6) 1960; (C–2) 1955 mr 1963; (C–3) 1955 mr 1973; (C–4) 1960 mr 1973; (C–5) 1960 mr 1971; (C–6) 1948 mr 1969.

Valdez, Alaska: (A–1) 1951 mr 1972; (A–2) 1951 mr 1973; (A–3) 1950 mr 1962; (B–1) 1951 mr 1970; (B–2) 1951 mr 1972; (B–3) 1951 mr 1966; (C–1) 1951 mr 1967; (C–2) 1951 mr 1971; (C–3) 1951 mr 1971; (D–1) 1959; (D–2) 1959; (D–3) 1958 mr 1967; (D–4) 1949 mr 1974.

Yakutat, Alaska: (C–6) pe 1985; (C–7) pe 1985; (C–8) pe 1985; (D–3) 1959; (D–4) 1959; (D–5) 1959; (D–6) pe 1985; (D–7) pe 1985; (D–8) pe 1985.

mr—minor revisions
lr—limited revisions
pe—provisional edition

BILLING CODE 4310–70–F

# WRANGELL—SAINT ELIAS NATIONAL PARK AND PRESERVE

## PUBLIC LAW 96-487




BILLING CODE 4310-70-C

**Yukon-Charley Rivers National Preserve**

Section 201(10), Public Law 96–487 (ANILCA):

*Yukon-Charley Rivers National Preserve*

Yukon-Charley Rivers National Preserve as generally depicted on a map numbered YUCH–90,008, dated October 1978, consists of approximately one million seven hundred and thirteen thousand acres of public lands, as defined in the ANILCA, within the following described boundary:

Beginning at the closing corner of sections 15 and 22, T. 1 N., R. 33 E., Fairbanks Meridian, on the International Boundary between the United States of America and Canada;

Thence northerly, along the International Boundary between the United States of America and Canada, to the closing corner of sections 17 and 20, T. 7 N., R. 33 E., Fairbanks Meridian;

Thence westerly, between sections 17 and 20, 18 and 19, 13 and 24, 14 and 23, to the ¼ section corner of sections 14 and 23, T. 7 N., R. 32 E., Fairbanks Meridian;

Thence southerly, on the north and south centerlines of sections 23 and 26, to the center ¼ section corner of section 26, T. 7 N., R. 32 E., Fairbanks Meridian;

Thence westerly, on the east and west centerlines of section 26, 27 and 28, to the center ¼ section corner of section 28, T. 7 N., R. 32 E., Fairbanks Meridian;

Thence southerly, on the north and south centerlines of sections 28, 33, 4, 9 and 16, to the ¼ section corner of sections 16 and 21, T. 6 N., R. 32 E., Fairbanks Meridian;

Thence westerly, between sections 16 and 21, 17 and 20, 18 and 19, 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, 13 and 24, 14 and 23, to the corner of sections 14, 15, 22 and 23, T. 6 N., R. 30 E., Fairbanks Meridian;

Thence northwesterly, southwesterly and northerly, along the crest of a ridge, to a point at the mouth of an unnamed creek and the line of mean high water on the left bank of the Kandik River, located in the southwesterly portion of section 5, T. 7 N., R. 29 E., Fairbanks Meridian;

Thence westerly, along the left bank of the Kandik River to the meander corner of sections 5 and 6, T. 7 N., R. 29 E., Fairbanks Meridian;

Thence northerly, between sections 5 and 6, to the corner of sections 5, 6, 31 and 32, Tps. 7 and 8 N., R. 29 E., Fairbanks Meridian;

Thence westerly, between Tps. 7 and 8 N., to the crest of a ridge between sections 6 and 31, Tps. 7 and 8 N., R. 29 E., Fairbanks Meridian;

Thence southwesterly, northwesterly, westerly and southwesterly along the crest of the ridge, between the Easy Moose Creek drainage, the Black River drainage and Judge Creek Drainage, to a point between sections 29 and 32, T. 8 N., R. 27 E., Fairbanks Meridian;

Thence westerly, between sections 29 and 32, to the right bank of Judge Creek between sections 29 and 32, T. 8 N., R. 27 E., Fairbanks Meridian;

Thence southerly, along the right bank of Judge Creek, to a point between sections 5 and 32, Tps. 7 and 8 N., R. 27 E., Fairbanks Meridian;

Thence westerly, between Tps. 7 and 8 N., to the corner of Tps. 7 and 8 N., Rs. 20 and 21 E., Fairbanks Meridian;

Thence northerly, between Rs. 20 and 21 E., to the closing corner of T. 8 N., Rs. 20 and 21 E., Fairbanks Meridian;

Thence westerly, along the Second Standard Parallel North, to the standard corner of T. 9 N., Rs. 19 and 20 E., Fairbanks Meridian;

Thence northerly, between Rs. 19 and 20 E., to the corner of Tps. 9 and 10 N., Rs. 19 and 20 E., Fairbanks Meridian;

Thence westerly, between Tps. 9 and 10 N., to the meander corner of sections 5 and 32, on the left bank of the Yukon River at the line of mean high water, Tps. 9 and 10 N., R. 18 E., Fairbanks Meridian;

Thence southeasterly, along the left bank of the Yukon River, to the meander corner of sections 18 and 19, T. 8 N., R. 20 E., Fairbanks Meridian;

Thence westerly, between sections 18 and 19, 13 and 24, 14 and 23, 15 and 22, 16 and 21, to the corner of sections 16, 17, 20, and 21, T. 8 N., R. 19 E., Fairbanks Meridian;

Thence southerly, between sections 20 and 21, 28 and 29, 32 and 33, 4 and 5, 8 and 9, 16 and 17, 20 and 21, 28 and 29, 32 and 33, 4 and 5, 8 and 9, 16 and 17, 20 and 21, 28 and 29, 32 and 33, to a point on the crest of a ridge between sections 32 and 33, T. 6 N., R. 19 E., Fairbanks Meridian;

Thence southwesterly along the crest of a ridge to the summit of a ridge located in section 25, T. 5 N., R. 18 E., Fairbanks Meridian, approximate elevation 4,350 feet;

Thence southeasterly and southwesterly along the crest of a ridge between the drainage of the Yukon Fork South Fork Birch Creek and drainages of Thanksgiving Creek, Webber Creek, Woodchopper Creek, Hanna Creek and Beverly Creek, and along a common boundary with the Steese National Conservation area, to a summit of the ridge in section 16, T. 3 N., R. 19 E., Fairbanks Meridian, approximate elevation 4,130 feet;

Thence southwesterly along the crest of a ridge between drainages of the Salcha River and the drainages of Beverly Creek and Crescent Creek, departing from the common boundary with the Steese National Conservation Area, to the summit of a mountain in section 9, T. 2 N., R. 18 E., Fairbanks Meridian, approximate elevation 4,110 feet;

*Thence southerly along the crest of mountains between the drainages of Last Creek, Serpentine Creek, Paldo Creek, Stone Boy Creek, Slate Creek and Goodpaster River and the drainages of tributaries of the Charley River, to the summit of a mountain in section 18, T. 4 S., R. 19 E., Fairbanks Meridian, approximate elevation 5,125 feet;

*Thence easterly along the crest of mountains between the drainages of the tributaries of the Charley River and the drainages of the Goodpaster River, Joseph Creek and a tributary of the Middle Fork North Fork Fortymile River to the summit of a mountain located in the southeast ¼, section 24, T. 5 S., R. 23 E., Fairbanks Meridian, approximate elevation 4,500 feet;

*Thence northeasterly along the crest of mountains between the drainages of the tributaries of the Charley River and the drainages of tributaries of the North Fork Fortymile River, to a summit at a junction of ridges in section 36, T. 1 S., R. 25 E., Fairbanks Meridian, approximate elevation 6,400 feet;

Thence northeasterly, northwesterly, easterly and northerly, along the crest of mountains between the drainages of Copper River, a tributary of the Charley River and Granite Creek and along the crest of a spur ridge between the drainages of Diamond Fork Seventymile River, Flume Creek, Bonanza Creek, Easter Creek and the drainages of Glacier Creek and Alder Creek, tributaries of the Seventymile River, to a point at the intersection of the right bank of Easter Creek and the right bank of the Seventymile River in the northwesterly portion of section 19, T. 2 N., R. 27 E., Fairbanks Meridian;

Thence northerly and westerly, along the right bank of the Seventymile River to a point between sections 13 and 18, T. 2 N., Rs. 26 and 27 E., Fairbanks Meridian;

Thence northerly, between Rs. 26 and 27 E., to the closing corner of T. 4 N., Rs. 26 and 27 E., Fairbanks Meridian;

Thence easterly, along the First Standard Parallel North, to a point on a spur ridge located in the northwesterly portion of section 2, T. 4 N., R. 27 E., Fairbanks Meridian;

Thence southeasterly and northerly along the crest of a ridge between the drainages of Washington Creek and Seventymile River, and the drainages of Glenn Creek, Logan Creek, Butte Creek, Fourth of July Creek, and Michigan Creek to the summit of a mountain in sections 12 and 13, T. 2 N., R. 29 E., Fairbanks Meridian, approximate elevation 2,820 feet;

Thence southeasterly along the crest of a ridge and spur ridge between the drainages of Seventymile River, and drainages of Trout Creek and other tributaries of the Yukon River, to the meander corner of sections 2 and 35, Tps. 1 and 2 N., R. 31 E., Fairbanks Meridian, on the left bank of the Yukon River;

Thence southeasterly and easterly, along the left bank of the Yukon River closing the mouth of the Seventymile River, to the point for the special meander corner on the north and south centerline of section 8, T. 1 N., R. 32 E., Fairbanks Meridian;

Thence southerly, along the north and south centerlines of sections 8 and 17, to the ¼ section corner of sections 17 and 20, T. 1 N., R. 32 E., Fairbanks Meridian;

Thence easterly, between sections 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24, 18 and 19, 17 and 20, 16 and 21, 15 and 22, to the closing corner of sections 15 and 22, T. 1 N., R. 33 E., Fairbanks Meridian at the intersection with the International Boundary between the United States of America and Canada, the point of beginning.

*Department of the Interior 1:250,000 scale map issued in 1981 incorrectly depicts segments of this portion of the description.

**Units of the National Wild and Scenic Rivers System Within the Yukon-Charley Rivers National Preserve**

Section 601, Public Law 96–487 (ANILCA):

"Charley, Alaska.—The entire river, including its major tributaries, Copper Creek, Bonanza Creek, Hosford Creek, Derwent Creek, Flat-Orthmer Creek, Crescent Creek, and Moraine Creek, within the Yukon-Charley Rivers National Preserve; to be administered by the Secretary of the Interior."

Note: Pursuant to section 605(d) of ANILCA and as provided for under section 3(b) of the Wild and Scenic Rivers Act, the necessity for any river corridor boundaries for the Charley Wild River and its tributaries within the Yukon-Charley Rivers National Preserve has been considered during the comprehensive conservation planning process for the preserve. In accordance with the General Management Plan for Yukon-Charley Rivers National Preserve, approved November 7, 1986, no specific river corridor boundaries are deemed necessary for the Charley Wild River in order to protect the river, its tributaries and their immediate environments. Proposed management of the preserve meets and is compatible with management standards established by the Wild and Scenic Rivers Act.

The following U.S. Geological Survey 1:63,360 Series (Topographic) Quadrangle maps were used in preparing the legal boundary description for the Yukon-Charley Rivers National Preserve:

Big Delta, Alaska: (C–1) 1958; (D–1) 1958 mr 1966.

Charley River, Alaska: (A–1) 1956 mr 1973; (A–2) 1956 mr 1972; (A–3) 1956 mr 1972; (A–6) 1956 mr 1972; (B–1) 1956 mr 1970; (B–2) 1956 mr 1977; (B–3) 1956 mr 1976; (B–4) 1956 mr 1972; (B–5) 1956 mr 1974; (B–6) 1956 mr 1973; (C–2) 1956; (C–3) 1956; (C–6) 1956 mr 1971.

Circle, Alaska: (A–1) 1955 mr 1966; (C–1) 1955 mr 1967.

Eagle, Alaska: (B–5) 1956; (B–6) 1956; (C–4) 1956; (C–5) 1956; (C–6) 1956; (D–1) 1956; (D–2) 1956; (D–3) 1956; (D–4) 1956; (D–6) 1956.

mr—minor revisions

BILLING CODE 4310–70–F

# YUKON—CHARLEY RIVERS NATIONAL PRESERVE

PUBLIC LAW 96-497




[FR Doc. 92-22009 Filed 9-29-92; 8:45 am]

BILLING CODE 4310-70-C

federal register

Wednesday
September 30, 1992

Part V

# Department of Housing and Urban Development

**Office of the Assistant Secretary for Housing**

**24 CFR Part 201**

**Increased Maximum Loan Amounts and Terms for Property Improvement Loans Insured Under Title I of the National Housing Act; Final Rule**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Office of the Assistant Secretary for Housing—Federal Housing Commissioner**

**24 CFR Part 201**

**[Docket No. R-92-1613; FR-3087-F-01]**

**RIN 2502-AF48**

# Increased Maximum Loan Amounts and Terms for Property Improvement Loans Insured Under Title I of the National Housing Act

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Final rule.

**SUMMARY:** This final rule implements section 340(b) of the National Affordable Housing Act (NAHA). Section 304(b) amended sections 2(b)(1) and 2(b)(3) of the National Housing Act to increase the maximum allowable loan amounts and loan terms for single family and multifamily property improvement loans insured under Title I of the National Housing Act. Section 340(a) of the NAHA required the Secretary of HUD to conduct a study of the need for increased maximum loan amounts and the effect of these increases, and to submit a report to the Congress on the findings and conclusions of the study.

The Secretary's report, transmitted to the Congress on August 8, 1991, concluded that higher maximum loan amounts are needed. However, a decision was made to defer increasing the loan limits and loan terms until the Department's regulatory reforms for the Title I program were in place, and until the Department had the benefit of an analysis of the program being carried out by Price Waterhouse as part of a study of FHA's General Insurance Fund.

On October 18, 1991 (56 FR 52414), the Department published its Title I regulatory reforms, and these reforms became effective on November 18, 1991. Price Waterhouse has now completed its analysis of the Title I program, and has concluded that the program is financially sound and larger loans show no tendency to be riskier than smaller loans. This final rule, therefore, makes effective the increased loan limits and loan terms authorized by section 340(b) of the NAHA.

**EFFECTIVE DATES:** September 30, 1992. The increased loan amounts and loan terms in the rule apply to any loan for which a credit application is received on or after September 30, 1992.

**FOR FURTHER INFORMATION CONTACT:** Robert J. Coyle, Director, Title I Insurance Division, room 9158, 451 Seventh Street, SW., Washington, DC 20410. Telephone number (202) 708-2680. Hearing- or speech-impaired individuals may call HUD's TDD number (202) 708-4594. (These are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:**

## Background

Under title I, section 2 of the National Housing Act, the Department insures approved lending institutions for losses sustained from defaulted property improvement loans and manufactured home loans. The regulations implementing these programs are contained in 24 CFR part 201.

Section 340(b) of the National Affordable Housing Act (NAHA) (Pub. L. 101-625, approved November 28, 1990) amended section 2(b)(1) of the National Housing Act to increase the maximum allowable loan amounts for single family and multifamily property improvement loans insured under title I. The single family loan limit was increased from $17,500 to $25,000; however, the present $17,500 loan limit was retained for property improvement loans in connection with existing manufactured homes. The multifamily loan limits were increased from $43,750 (or an average of $8,750 per family unit) to $60,000 (or an average of $12,000 per family unit).

Section 340(b) of the NAHA also amended section 2(b)(3) of the National Housing Act to increase the maximum allowable loan term for single family and multifamily property improvement loans. The maximum term for both single family and multifamily loans was increased from 15 years and 32 days to 20 years and 32 days; however, the present maximum term of 15 years and 32 days was retained for property improvement loans on existing manufactured homes.

Section 340(b) of the NAHA authorized the Secretary of Housing and Urban Development to apply the increased maximum loan amounts to property improvement loans executed on or after June 1, 1991. However, section 340(a) of that Act specified that the Secretary must first conduct a study of the need for increasing the loan limits and the effect of these increases, and submit a report to the Congress on the findings and conclusions of the study.

## Report to the Congress

The Secretary's report, which was transmitted to the Congress on August 8, 1991, found that higher maximum loan amounts are needed to keep pace with the increased cost of home repair and remodeling projects since the loan limits were last increased in 1981. The report concluded that, because of the current loan limits, many homeowners are unable to finance such common home improvements as kitchen remodeling, room additions, and conversions of unfinished space (such as attics) into usable living space. Improvements of this type would enable homeowners to renovate their present homes to improve livability, rather than having to relocate to other housing at a higher cost and possibly less favorable loan terms.

The title I program is also widely used by State and local government agencies, which use their scarce resources along with funds obtained from private lenders to provide housing assistance to low- and moderate-income families. A number of agencies have indicated that the present loan limits place a serious constraint on these public-private partnerships, because the cost of needed improvements often exceeds the loan limits.

To evaluate the probable effect of loan limit increases on the financial soundness of the title I program, the Department conducted an analysis of claim rates for various sizes of single family property improvement loans. However, because of some uncertainties about the results of the claim rate analysis, the Secretary determined that any increase in the loan limits should be deferred until other regulatory changes to reform the title I program had been implemented. The Secretary also decided that implementation of the increased loan limits should be postponed until the results of a Price Waterhouse study of FHA's General Insurance Fund were known, since this study might recommend additional changes to the title I program.

On October 18, 1991, the Department published a final rule in the **Federal Register** (56 FR 52414), implementing its title I reforms. In the final rule, the Department established higher qualifications standards for lenders and dealers, eliminated any role in the program by unregulated and unsupervised third parties, established more objective criteria for lenders to use in approving loans, and tightened loan origination procedures. These changes became effective on November 18, 1991.

On January 9, 1992, Price Waterhouse furnished the Department with a draft of its final report on the General Insurance Fund, including an analysis of the title I property improvement program. Price Waterhouse concluded that, for the loans originated in any particular year, the loan insurance premiums collected by the Department can be expected to exceed the net loss on claim payments.

As a consequence, Price Waterhouse offered no recommendations for improvements to the program.

Price Waterhouse also conducted a special analysis to determine whether the larger loans that would result from an increase in the loan limits would be more risky than smaller loans, and they concluded that larger loans show no tendency to be riskier than smaller loans.

**Changes Made by This Rule**

Based upon the Department's findings in its report to the Congress and the Price Waterhouse analysis of the title I program, the Secretary has concluded that the maximum loan amounts and maximum loan terms for single family and multifamily property improvement loans should be increased to the levels authorized by the Congress.

First, the Department is amending § 201.2(hh) to clarify the requirements for a manufactured home to qualify as real property in order to obtain a single family property improvement loan. It has been a longstanding policy of the Department that a manufactured home qualifies as real property if the home is placed on a permanent foundation, the home and lot are classified as realty by the State or locality in which the property is located, and any loans on the property are secured by mortgages or deeds of trust covering the home and lot (see HUD Handbook 4700.1, REV–1 dated September 19, 1973, section 2–7). This amendment simply reiterates these existing requirements. In a conforming change, § 201.2(j) is being amended to refer to "a manufactured home that qualifies as real property."

Second, the Department is amending § 201.10(a)(1) to increase the maximum loan amount for a single family property improvement loan to $25,000, except that the loan limit on a manufactured home that qualifies as real property remains at $17,500. The multifamily loan limits are increased to $60,000 or an average of $12,000 per dwelling unit, whichever is less. In addition, the maximum loan amount for nonresidential property improvement loans is increased to $25,000; this loan limit is not prescribed by statute but has traditionally been the same as that for single family property improvement loans.

In a related change, the Department is also amending § 201.10(a)(2) to increase the threshold amount at which a lender must obtain the prior approval of the Secretary before making a property improvement loan. Currently, a lender must obtain prior approval on any loan which will result in the borrower having a total unpaid principal balance exceeding $17,500, or $20,000 where the financing of a solar energy system is involved. The new threshold for prior approval is $25,000.

Finally, the Department is amending § 201.11(a) to increase the maximum term of a single family or multifamily property improvement loan to 20 years and 32 days, except that the maximum loan term on a manufactured home that qualifies as real property remains at 15 years and 32 days. In addition, § 201.11(c)(1) is amended to provide that, in connection with a refinanced loan, the total allowable time period from the date of the original loan to the final maturity on the refinanced loan shall not exceed the maximum term permitted under § 201.11(a) plus 9 years and 11 months, or a total of 30 years for most single family or multifamily property improvement loans.

The Department is not making any change in the maximum loan amount or loan term of a manufactured home improvement loan, which is defined in § 201.2(t) as a loan for the alteration, repair or improvement of an existing manufactured home that is classified as personality by the State or locality in which the home is located. The maximum loan limit for this type of loan remains at $5,000, and the maximum term is limited to 12 years and 32 days.

**Justification for Final Rulemaking**

It is the Department's general policy to publish a rule for notice and comment before issuing a rule for effect, in accordance with its own rule on rulemaking, 24 CFR part 10. However, part 10 provides for exceptions from that general rule where the agency finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when prior public procedure is determined to be "impracticable, unnecessary, or contrary to the public interest." (24 CFR 10.1)

In this case, the Department finds that the solicitation of public comment before issuing the rule for effect is unnecessary and is contrary to the public interest. This rule implements section 340(b) of the NAHA, which authorizes the Secretary of HUD to increase the maximum loan amounts and maximum loan terms for certain types of property improvement loans. The increase in maximum loan amounts and maximum loan terms convey a substantial benefit on program participants (i.e. Title I borrowers and lenders). The Department has determined that delaying the effectiveness of this rule to await public comment would be unnecessary and contrary to the interest of Title I program participants.

**Other Matters**

*Regulatory Impact*

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulations. Analysis of the rule indicates that it will not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

*Impact on Small Entities*

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this rule, and in so doing certifies that this rule will not have a significant economic impact on small entities. The amendments made by this rule enable Title I lenders, the majority of which are large depository institutions, to increase the loan amounts and loan terms to the levels authorized by the Congress, for eligible borrowers. Increasing the loan amounts and loan terms benefit Title I lenders by making Title I loan terms more favorable, and consequently, more competitive.

*Environmental Impact*

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR part 50, that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Rules Docket Clerk, room 10276, 451 Seventh Street, SW., Washington, DC 20410.

*Executive Order 12612, Federalism*

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Specifically, the requirements of this rule are directed to lenders and borrowers, and will not

impinge upon the relationship between the Federal Government and State and local governments. As a result, the rule is not subject to review under the Order.

*Executive Order 12606, The Family*

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12606, The Family, has determined that this rule will not have potential for significant impact on family formation, maintenance, or general well-being, and thus, is not subject to review under the Order. No change in existing HUD policies or programs will result from promulgation of this rule, as those policies and programs relate to family concerns.

*Regulatory Agenda*

This rule is listed as item number 1158 in the Department's Semiannual Agenda of Regulations published on April 27, 1992 (57 FR 16804, 16827) under Executive Order 12291 and the Regulatory Flexibility Act.

*Catalog of Federal Domestic Assistance*

The Catalog of Federal Domestic Assistance program number is 14.142—Property Improvement Loan Insurance for Improving All Existing Structures and Building of New Nonresidential Structures.

**List of Subjects in 24 CFR Part 201**

Health facilities, Historic preservation, Home improvement, Mobile homes, Manufactured homes and lots, Reporting and recordkeeping requirements.

Accordingly, 24 CFR part 201 is amended as follows:

## PART 201—TITLE I PROPERTY IMPROVEMENT AND MANUFACTURED HOME LOANS

1. The authority citation for 24 CFR part 201 continues to read as follows:

Authority: 12 U.S.C. 1703; 42 U.S.C. 3535(d)).

2. In § 201.2, the introductory text of paragraph (j) and paragraph (hh) are revised to read as follows:

**§ 201.2 Definitions.**

* * * * *

(j) *Existing structure* means a dwelling, including a manufactured home that qualifies as real property, which was completed and occupied at least 90 days prior to an application for a title I loan, or a nonresidential structure which was a completed building with a distinctive functional use prior to an application for a Title I loan. However, these occupancy and completion requirements shall not apply to:

* * * * *

(hh) *Single family property improvement loan* means a loan to finance alterations, repairs and improvements to or in connection with an existing structure used or to be used as a single family residence, including an existing one-family manufactured home that qualifies as real property in that the home is placed on a permanent foundation, the home and lot are classified as realty by the State or locality in which the property is located, and any loans on the property are secured by mortgages or deeds of trust covering the home and lot.

* * * * *

3. In § 201.10, paragraphs (a)(1)(i)–(iii) and (2) are revised to read as follows:

**§ 201.10 Loan amounts.**

(a) * * *

(1) * * *

(i) Single family property improvement loans—$25,000, except that a loan for a manufactured home that qualifies as real property shall be limited to $17,500.

(ii) Multifamily property improvement loans—$60,000 or an average of $12,000 per dwelling unit, whichever is less.

(iii) Nonresidential property improvement loans—$25,000.

* * * * *

(2) Notwithstanding the maximum loan amounts in paragraph (a)(1) of this section, the prior approval of the Secretary shall be obtained for any property improvement loan that will result in any borrower having a total unpaid principal obligation under such loans that exceeds $25,000.

* * * * *

4. In § 201.11, paragraphs (a) and (c)(1) are revised to read as follows:

**§ 201.11 Loan maturities.**

(a) *Property improvement loans.* The term of a property improvement loan shall be not less than six months and not more than 20 years and 32 days from the date of the loan, except that:

(1) The maximum term for a single family property improvement loan on a manufactured home that qualifies as real property shall not exceed 15 years and 32 days from the date of the loan; and

(2) The maximum term for a manufactured home improvement loan shall not exceed 12 years and 32 days from the date of the loan.

* * * * *

(c) * * *

(1) The term of a loan to refinance a borrower's existing insured property improvement or manufactured home loan shall not exceed the maximum term permitted under paragraph (a) or (b) of this section for the particular type of loan. In addition, the total time period from the date of the original loan to the final maturity of the refinanced loan shall not exceed:

(i) In the case of a property improvement loan, the maximum term permitted under paragraph (a) of this section plus 9 years and 11 months; and

(ii) In the case of manufactured home loan, the maximum term permitted under paragraph (b) of this section plus 4 years and 11 months.

* * * * *

Dated: September 15, 1992.

Arthur J. Hill,

*Assistant Secretary for Housing—Federal Housing Commissioner.*

[FR Doc. 92-23693 Filed 9-29-92; 8:45 am]

BILLING CODE 4210-27-M

Federal Register

Wednesday
September 30, 1992

Part VI

# Department of Energy

Office of Environmental Restoration and Waste Management

Surcharge Rebates; Eligibility Criteria and Procedures for the January 1, 1993, Deadline of the Low-Level Radioactive Waste Policy Amendments Act of 1985; Notices

## DEPARTMENT OF ENERGY

### Office of Environmental Restoration and Waste Management

### Surcharge Rebates; Eligibility Criteria and Procedures for the January 1, 1993, Deadline of the Low-Level Radioactive Waste Policy Amendments Act of 1985

**AGENCY:** Office of Environmental Restoration and Waste Management, Department of Energy.

**ACTION:** Notice of eligibility criteria and procedures.

**SUMMARY:** The Low-Level Radioactive Waste Policy Amendments Act of 1985 (the Act) established incentives and milestones for the development of new disposal facilities in compact regions and States that do not currently have operating disposal facilities for low-level radioactive waste (LLW). The Act provides a January 1, 1993, date as a deadline for a State to be able to store, manage or dispose of all its LLW. States or compact regions that meet this milestone are eligible to receive a rebate of surcharges collected between January 1, 1990, and December 31, 1992, and held by the Department of Energy (DOE) with interest earned. A State that fails to meet the January 1, 1993, milestone will forfeit the State's surcharge incentive payments to the LLW generators.

This Notice interprets the statutory criteria the DOE will use for evaluating States, compact regions, and LLW generators that may be eligible for the January 1, 1993, surcharge rebates, and the procedures DOE will use to determine if these entities are eligible to receive surcharge rebates following the January 1, 1993, deadline.

**DATES:** *Effective Date:* September 30, 1992.

*Comment Procedures:* While public comments are not required, DOE will accept written comments from interested persons concerning this Notice, if those comments are submitted to DOE within 45 days from the date of this Notice.

**FOR FURTHER INFORMATION CONTACT:** Terry L. Plummer, Office of Waste Management, Environmental Restoration and Waste Management, U.S. Department of Energy, Washington, DC 20585–0002, (301–903–7176).

**SUPPLEMENTARY INFORMATION:**

#### I. Background

The Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b note), assigns responsibility for LLW disposal to each State in which LLW is generated, but encourages the formation of compact regions to manage LLW disposal sites on a regional basis. States and compact regions without operating disposal facilities were provided specific milestones to meet in 1986, 1988, 1990, and 1992.

States with operating LLW disposal facilities were allowed to assess additional fees or surcharges beginning in 1986. Twenty-five percent of the surcharge fees collected are then transferred monthly into an escrow account held by the Secretary of the Department of Energy. As an incentive for States and compact regions meeting the established milestones of the Act, a rebate of the fee, with interest, is provided by the Secretary of Energy. The Secretary of Energy has provided surcharge rebates from this escrow account to those States and compact regions that complied with the 1986, 1988, and 1990 milestones in the Act.

The Act's final milestone incentive provides that 25 percent of any amount collected for LLW disposed during the period beginning January 1, 1990, and ending December 31, 1992, shall be returned with interest earned, to the State or compact region in which the waste originated if, by January 1, 1993, the State or compact region is able to provide for the disposal of all LLW generated within such State or compact region.

A State that has not provided for disposal of all LLW by the January 1, 1993, deadline may become eligible for surcharge rebates, if the State agrees to take title to the waste, be obligated to take possession of the waste, and be liable for all damages directly or indirectly incurred by the generator or owner as a consequence of the failure of the State to take possession of the waste as soon after January 1, 1993, as the generator or owner notifies the State that the waste is available for shipment.

By a separate *Federal Register* Notice published today, DOE is requesting comments on the proposed exclusion of "mixed waste" from the requirements of the Act's 1993 milestone. Accordingly, this Notice excludes the disposal of "mixed waste" as a requirement.

#### II. Rebate Eligibility Criteria for Surcharge Rebates

*A. Criteria a State or Compact Region Should Meet*

1. A. State or compact region should provide documentation of the January 1, 1993, availability of one or a combination of the following options:

a. An operating disposal or storage facility for all LLW; (The storage facilities may be at the point of LLW generation or away from the point of LLW generation);

b. A valid contract with another State or compact region for the disposal or storage of all LLW;

c. If a State or compact region cannot provide for the disposal or storage of low-level radioactive waste under the above options by January 1, 1993, it may be eligible for a proprated portion of the rebate surcharges before January 1, 1996, if it can provide documentation of the availability of one or a combination of:

1. An operating disposal facility for all LLW;

2. A valid contract with another State or compact region for the disposal or storage of all LLW.

2. To comply with the documentation requirements, the State or compact region may either:

a. Transmit to DOE a letter from the Governor or the executive director (chairman) of the compact commission requesting the surcharge rebate; state the capability for disposal or storage and the initial date of operation; and provide the name of a contact person, telephone number, and an address to which the surcharge rebate should be sent; or

b. Transmit to DOE a letter from the Governor or the executive director (chairman) of the compact commission requesting the surcharge rebate; state that a contract for disposal or storage is in place, and transmit a certified copy of the contract, executed by all parties, for disposal or storage with the date of disposal or storage capability. This letter should also include the name of a contact person, telephone number, and an address to which the surcharge rebate should be sent.

3. If the State is using storage of LLW as a means of managing the LLW, then the letter to DOE should include a certification by the Governor that the State takes title to, takes possession of or is obligated to take possession of, and assumes liability for the LLW in storage.

*B. Requirements a LLW Generator or Owner Should Meet*

1. To be eligible for a surcharge rebate, a LLW generator or owner shall show through documentation:

a. The LLW generator or owner paid surcharges between January 1, 1990 and December 31, 1992;

b. The LLW generator or owner is storing LLW waste between January 1, 1993, and January 1, 1996; and

c. The LLW is available for shipment.

2. To comply with the documentation requirements, the LLW generator or owner must:

a. Submit to DOE a letter requesting a surcharge rebate;

b. Show that he/she made the waste available for shipment to the State (i.e., a notarized copy of a registered letter to the State with reference to an official State position on the lack of disposal or storage capability or a notarized copy of a registered letter to the State that has not been answered within a reasonable period of time would be acceptable proof of compliance);

c. Certify that he/she is storing LLW waste between January 1, 1993, and January 1, 1996;

d. Supply low-level radioactive waste disposal permit number or customer number (issued by the sited State or the LLW disposal facility operator), the total final disposal volume of LLW in cubic feet (excluding volume shipped during a penalty period) shipped to each sited State between January 1, 1990, and December 31, 1992, and the total non-penalty surcharges paid to each sited State for disposal during that period;

e. Supply the name of a contact person, telephone number, and an address to which surcharge rebates should be sent; and

f. Specify whether surcharge rebates should be made monthly, semiannually, or a single lump sum payment on February 1, 1996.

### III. Notification Procedure

A. To notify States, compact regions, and LLW generators of their potential eligibility for, and methods of applying for, surcharge rebates, DOE will:

1. Publish this notice in the **Federal Register**;

2. Send notice to the address of record of each LLW generator;

3. Notify appropriate State agencies and the Governors;

4. Notify the compact commissions; and

5. Notify the Host State Technical Coordinating Committee and the Low-Level Radioactive Waste Forum.

B. Additionally, DOE may:

1. Publish a notice in widely circulated State papers;

2. Notify industry and trade organizations; and

3. Publish a notice in trade magazines and newsletters.

### IV. Compliance Review

DOE will review the documentation submitted by States, compact regions, and LLW generators and owners in support of requests for surcharge rebates. If DOE determines that the submitted documentation adequately addresses the eligibility and documentation requirements, the State, compact region or LLW generator or owner will be deemed eligible for a surcharge rebate. Eligibility will be effective for States and compact regions, retroactive to the first of the month in which the documentation is received by DOE. For LLW generators and owners, eligibility will be retroactive to the first of the month in which the LLW was made available for shipment to the State. DOE may request additional information, as necessary, to assist in making an eligibility determination.

### V. Distribution of Surcharge Rebates

#### *A. Determination of Eligibility*

By February 1, 1993, or within 30 days of making a determination of eligibility for a surcharge rebate, whichever is later, DOE will distribute surcharge rebates to eligible parties. Surcharge rebates will be sent to the address provided in the eligible party's request for a surcharge rebate. LLW generators or owners that are eligible for a surcharge rebate may elect to have DOE send the surcharge rebate in monthly, semiannual, or annual increments. To minimize processing costs, surcharge rebates of less than ten dollars per month will be issued in a single check semiannually with the except of account balances of fifty dollars or less on February 1, 1993, which will be issued as a lump sum payment on February 1, 1996.

#### *B. Determination of Ineligibility*

Section 5(d)(2)(F) of the Act requires that any funds not paid to a State, compact region, on LLW generators or owners be returned to the sited State that collected the surcharge. This is to be done no later than 30 days after a determination of ineligibility for a surcharge rebate is made. Determinations of ineligibility will be made within 30 days after January 1, 1996, since States, compact regions, or LLW generators or owners could be eligible for surcharge rebates up to that point.

### VI. Information Collection

The information collection and record keeping requirements in this Notice are subject to the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and the Office of Management and Budget's (OMB) implementing regulation, 5 CFR part 1320, and have been cleared by OMB for DOE use under OMB Control Number 1910–0900.

Issued in Washington, DC, on September 15, 1992.

Paul D. Grimm,

*Principal Deputy Assistant Secretary, Environmental Restoration and Waste Management.*

[FR Doc. 92–23742 Filed 9–29–92; 8:45 am]

BILLING CODE 6450–01–M

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## DEPARTMENT OF ENERGY

## Surcharge Rebates; Mixed Waste and the 1993 Deadline of the Low-Level Radioactive Waste Policy Amendments Act of 1985

**AGENCY:** Office of Environmental Restoration and Waste Management, Department of Energy.

**ACTION:** Notice of inquiry.

**SUMMARY:** The Low-Level Radioactive Waste Policy Amendments Act of 1985 (the Act) establishes a deadline for a State or compact region to provide for the disposal of all low-level radioactive waste (LLW) generated within such State or compact region. Those States and/or compact regions that are able to provide on January 1, 1993, for the disposition of all the LLW generated within the State or compact region, will be eligible for a rebate of 25 percent of the surcharge fees collected between January 1, 1990, and December 31, 1992, and held by DOE with interest earned.

The purpose of this Notice of Inquiry (NOI) is to request public comment on DOE's conclusion that no disposal of "mixed waste" is required for the Act's 1993 surcharge rebate.

This NOI will facilitate the gathering of comments prior to publishing the final interpretative NOI.

**DATES:** Written comments in response to this NOI must be received by DOE by October 30, 1992.

**ADDRESSES:** Interested persons are invited to submit written comments in response to this NOI statement to Terry L. Plummer, U.S. Department of Energy, Division of Technical Support, Office of Waste Management, Environmental Restoration and Waste Management, EM–351, Washington, DC 20585–0002, (301–903–7176); or Robert Newton, Attorney, Office of General Counsel, GC–12, U.S. Department of Energy, Washington, DC 20585 (202–586–0806).

**FOR FURTHER INFORMATION CONTACT:** Terry L. Plummer, Office of Waste Management, Environmental Restoration and Waste Management, U.S. Department of Energy, Washington, DC 20585–0002 (301–903–7176).

**SUPPLEMENTARY INFORMATION:**

## I. Background

In 1985, Congress passed the Low-Level Radioactive Waste Policy Amendments Act (Pub. L. 99–240). The Act's purpose is to ensure the safe management and disposal of LLW and to ensure that adequate LLW disposal capacity is available to accommodate all of the Nation's LLW. The Act assigns responsibility for LLW disposal to each State in which LLW is generated, but encourages the formation of compact regions to manage LLW on a regional basis. Among the major provisions in the Act are: (1) In return for continued access to the operating LLW disposal facilities, sited States will not have to accept LLW in excess of the cumulative ceilings established for each site in the legislation; (2) generators in non-sited States and compact regions will be subject to escalating surcharges on their LLW by the sited States during a 7-year time period; (3) to help ensure progress by the non-sited States and compact regions, specific milestones in 1986, 1988, 1990, and 1992 are established; and if those milestones are not met, penalty surcharges may be imposed by the sited States, along with possible denial of access to operating LLW disposal facilities; and (4) generators or owners who are assessed the surcharges will be eligible for repayment, with interest, if the State in which the waste was generated refuses to take title and possession of the LLW.

## II. "Mixed Waste" Issue

This section provides a discussion of the disposal of the category of low-level radioactive waste defined as "mixed waste" and whether disposal of "mixed waste" is required for eligibility for the 1993 surcharge rebates.

Section 5(d)(2)(B)(iv) of the Act establishes a January 1, 1993, deadline for a State or compact region to provide for the disposal of all low-level radioactive waste generated within such State or compact region. Low-level radioactive waste has generally been grouped into four classifications according to the concentration of certain radionuclides in the waste; Class A, Class B, Class C, and Greater-Than-Class-C. Some low-level radioactive waste regardless of classification is referred to as "mixed waste" because it contains both radioactive and hazardous constituents. Under the Resource Conservation and Recovery Act (RCRA), the hazardous wastes in mixed waste are regulated by the Environmental Protection Agency (EPA), while the radioactive wastes are subject to Nuclear Regulatory Commission (NRC) regulations.

DOE has tentatively concluded that excluding mixed waste from the categories of low-level radioactive waste that must meet the 1993 deadline requirement is an appropriate and reasonable interpretation of the Act.

In reaching this conclusion, DOE considered the legislative history of the 1985 Amendments which suggests that Congress clearly recognized the unique requirements of "mixed waste" and intended to omit "mixed waste" from the milestone requirements of the Act. The Senate Committee on Energy and Natural Resources Report, (Report 99–199, page 4) discusses some of the unique problems of "mixed waste" as follows:

> Mixed-wastes designated for disposal at low-level radioactive waste disposal facilities are currently subject to conflicting regulatory requirements. Mixed wastes are those waste materials that contain low-level radiation as well as hazardous substances. Less than 1 percent of the waste disposed of at low-level radioactive waste disposal facilities falls in the category of mixed wastes. Nevertheless, disposal of these mixed wastes is in jeopardy because of the conflicting regulatory requirements of the Nuclear Regulatory Commission (under 10 CFR part 61) and the Environmental Protection Agency (under the Solid Waste Disposal Act). A facility operator dealing with such wastes may find that if he complies with one set of regulations, he may risk violation of the other set, unless these inconsistencies are resolved. Furthermore, the current system of dual permitting and enforcement authorities resulting from these two sets of regulations makes the disposal of mixed waste a needlessly complex and difficult process.

Despite recognizing some of the unique problems involving "mixed waste," and although both House and Senate versions of the Act contained "mixed waste" provisions, the "mixed waste" provision was omitted prior to passage of the Act when no agreement could be reached by Congressional sponsors. (See, House Report, 99–314, Part I, p. 13, "Sec. 15. Mixed Wastes." Senate Report 99–199, p.17, "Section 7—Mixed Wastes.")

Because of the NRC and EPA continued dual jurisdiction over mixed waste, the development of mixed waste regulations, policy, and technical guidance from the NRC and EPA has taken longer than expected. There are no commercial LLW disposal facilities presently accepting mixed waste for disposal, nor are there any facilities under construction for the disposal of mixed waste. Moreover, generators have not paid States or compact regions any surcharge fees for any mixed waste disposal, not is it anticipated that generators are likely to pay surcharges for mixed waste disposal before December 31, 1992.

Thus, based on the foregoing discussion, DOE is tentatively concluding that disposal of mixed waste is not required by the Act's 1993 surcharge rebate requirement.

## Comment Procedures

All interested persons are invited to submit written comments to DOE by the date mentioned in the **DATE** section of this notice.

Issued in Washington, DC, on September 15, 1992.

**Paul D. Grimm,**

*Principal Deputy Assistant Secretary for Environmental Restoration and Waste Management.*

[FR Doc. 92–23743 Filed 9–29–92; 8:45 am]

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federal register

Wednesday
September 30, 1992

Part VII

# Department of the Interior

Bureau of Indian Affairs

25 CFR Part 67

Preparation of a Roll of Independent Seminole Indians of Florida; Proposed Rule

**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

**25 CFR Part 67**

**RIN 1076-AC48**

## Preparation of a Roll of Independent Seminole Indians of Florida

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Bureau of Indian Affairs (BIA) is proposing to add a new part 67 to title 25 of the Code of Federal Regulations to provide procedures to govern the preparation, certification, and approval of a descendancy roll of Independent Seminole Indians of Florida. The Act of April 30, 1990, provides for the use and distribution of funds awarded the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission. Section 7 directs the Secretary of the Interior under regulations prescribed by the Secretary to compile a roll of Independent individuals of Seminole Indian descent. The descendancy roll of Independent Seminole Indians of Florida will be used as the basis for compiling a list of persons eligible for a per capita distribution of a portion of the Seminole judgment funds.

**DATES:** Written comments must be received on or before October 30, 1992.

**ADDRESSES:** Written comments should be directed to the Chief, Branch of Tribal Relations, Bureau of Indian Affairs, Eastern Area Office, 3701 North Fairfax Drive, Mailstop 260, Arlington, VA 22201.

**FOR FURTHER INFORMATION CONTACT:** Kaye Armstrong Vann, Branch of Tribal Relations, Bureau of Indian Affairs, Eastern Area Office, 3701 North Fairfax Drive, Mailstop 260, Arlington, VA 22201, telephone number: (703) 235-2572 (FTS2000: 703-235-2575).

**SUPPLEMENTARY INFORMATION:** This proposed rule is published in exercise of the authority delegated by the Secretary of the Interior (Secretary) to the Assistant Secretary—Indian Affairs in the Departmental Manual at 209 DM 8.

Section 7 of the Act of April 30, 1990 (Act), Public Law 101-277, 104 Stat. 143, which provides for the use and distribution of funds awarded the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission, directs the Secretary to compile a roll of certain individuals of Seminole Indian descent under regulations prescribed by the Secretary. To be eligible for enrollment, Seminole Indian descendants must have been living on April 30, 1990, must be listed on or be lineal descendants of persons listed on the annotated Florida Seminole Agency Census of 1957 as independent Seminoles, and must not be members of a federally recognized tribe.

To establish eligibility for enrollment the proposed rule requires persons to file or have filed on their behalf an application form with the Superintendent, Seminole Agency, Bureau of Indian Affairs, by the deadline specified in proposed § 67.4(b). The proposed deadline is 150 days from the date of publication of the Final Rule in the **Federal Register**. An application filed more than 150 days after the date of publication of the Final Rule will be rejected for failure to file on time regardless of whether the applicant otherwise meets the qualifications for enrollment.

Section 7(d) of the Act provides that except for persons who apply for enrollment and are determined eligible and who apply for and accept a per capita share of the payment, "distribution of the award in accordance with this Act shall not be construed to impair, diminish or affect in any manner any rights and claims of the independent Seminole Indians, either as a group or individually, to any lands or natural resources in the State." Because acceptance of a per capita share of the judgment funds may impair, diminish or affect the claims of the Independent Seminole Indians to lands or natural resources in the State of Florida, the BIA has determined that individual applicants must be made aware of this before accepting a per capita share of the judgment funds.

The proposed rule provides for the applicant to make an election on the application form as to whether he or she wishes to share in the per capita payment. In other words, individuals will not only be applying to establish that they qualify for enrollment, but will also be electing whether they wish to receive a per capita payment of the judgment funds if they are determined to meet the qualifications for enrollment.

Because of the serious potential impact of such an election, the proposed rule restricts the making of the election to accept the per capita payment to adult applicants or to legal guardians of incompetent adults or in the case of minors, such election is restricted to the parents or legal guardians. Therefore, those who fail to elect to share in the payment will not be eligible to share in the payment even though they have qualified for enrollment.

In most cases where the BIA is preparing a roll of Indians, general public notice and actual notice to potentially eligible individual beneficiaries is provided. Actual notice to potentially eligible individuals is possible because of the existence, in most cases, of a previously prepared roll or a tribal membership roll. In this instance, there exists no previously prepared or tribal membership roll because the Independent Seminole Indians of Florida have not been affiliated with any other group or tribe of Indians.

The census roll prepared in 1957 does not show addresses for the persons named on the roll. Even if there were addresses shown, after the elapse of more than 30 years the addresses would be so out-of-date that it would be impractical to use them. Consequently, no general mailings of notices to potentially eligible beneficiaries is anticipated. Reasonable effort will be made to place notices for public display in community buildings, tribal buildings, and Indian centers as well as publishing notices in newspapers in appropriate localities throughout the State of Florida. It is also anticipated that public meetings will be held in appropriate localities in the State of Florida to explain the provisions of the Act and the need to apply for enrollment by the deadline specified.

The primary author of this document is Kaye Armstrong Vann, Area Tribal Relations Specialist, Bureau of Indian Affairs, Eastern Area Office.

The policy of the Department of the Interior is, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding this proposed rule to the office listed in the "**ADDRESSES**" section of this document.

The information collection requirement contained in this proposed rule does not require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

The Department of the Interior has determined that this is not a major rule under E.O. 12291 because only a limited number of individuals will be affected. Those individuals who are enrolled will be eligible to participate in the distribution of a portion of a relatively small judgment award granted the Seminole Indians.

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The Department of the Interior has determined that this rule is not a major Federal action significantly affecting the quality of the human environment and that neither an environmental assessment nor an environmental impact statement is required pursuant to the National Environmental Policy Act of 1969.

**List of Subjects in 25 CFR Part 67**

Indians—claims, Indians—enrollment.

For the reasons set out in the preamble, a new part 67 of title 25, chapter I of the Code of Federal Regulations is proposed to be added as set forth below.

## PART 67—PREPARATION OF A ROLL OF INDEPENDENT SEMINOLE INDIANS OF FLORIDA

Sec.

67.1 Definitions.
67.2 Purpose.
67.3 Information collection.
67.4 Qualifications for enrollment and the deadline for filing application forms.
67.5 Notices.
67.6 Application forms.
67.7 Filing of application forms.
67.8 Burden of proof.
67.9 Action by Superintendent.
67.10 Appeals.
67.11 Decision of the Area Director on appeals.
67.12 Exhaustion of administrative remedies.
67.13 Preparation, certification and approval of the roll.
67.14 Preparation of per capita payment roll.
67.15 Special instructions.

**Authority:** 5 U.S.C. 301; 25 U.S.C. 2 and 9; and Pub. L. 101–277, 104 Stat. 143.

### § 67.1 Definitions.

As used in these regulations:

*Act* means the Act of Congress approved April 30, 1990, Public Law 101–277, 104 Stat. 143, which authorizes the use and distribution of funds awarded the Seminole Indians in dockets 73, 151, and 73–A of the Indian Claims Commission.

*Adopted person* means a person whose natural parents' parental rights have been terminated by court order and persons other than the natural parents have exercised or do exercise parental rights with regard to the adopted person.

*Applicant* means a person who is making application for inclusion on the roll prepared by the Secretary pursuant to the Act of April 30, 1990, by either personally filing an application or by having a sponsor complete and file an application on his or her behalf.

*Assistant Secretary* means the Assistant Secretary for Indian Affairs or authorized representative.

*Bureau* means the Bureau of Indian Affairs, Department of the Interior.

*Commissioner* means the Commissioner of Indian Affairs or authorized representative.

*Director* means the Area Director, Eastern Area Office, Bureau of Indian Affairs or authorized representative.

*Lineal descendant(s)* means those persons who are the issue of the ancestor through whom enrollment rights are claimed; namely, the children, grandchildren, etc. It does not include collateral relatives such as brothers, sisters, nieces, nephews, cousins, etc., or adopted children, adopted grandchildren, etc.

*Living* means born on or before and alive on the date specified.

*Secretary* means the Secretary of the Interior or authorized representative.

*Sponsor* means any person who files an application for enrollment or an appeal on behalf of another person.

*Superintendent* means the Superintendent, Seminole Agency, Bureau of Indian Affairs or authorized representative.

### § 67.2 Purpose.

The regulations in this part govern the compilation of a roll of persons who meet the requirements specified in section 7 of the Act who will be eligible to share in the distribution of a portion of the judgment funds awarded the Seminole Indians in Dockets, 73, 151, and 73–A of the Indian Claims Commission.

### § 67.3 Information collection.

The information collection requirement contained in this part does not require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

### § 67.4 Qualifications for enrollment and the deadline for filing application forms.

(a) The roll shall contain the names of persons of Seminole Indian descent who:

(1) Were born on or before, and living on April 30, 1990;

(2) Are listed on or who are lineal descendants for persons listed on the annotated Seminole Agency Census of 1957 as Independent Seminoles; and

(3) Are not members of an Indian tribe recognized by the Secretary on the most recent list of such Indian tribes published in the **Federal Register**.

(b) To qualify for enrollment, all persons must file application forms with the Superintendent, Seminole Agency, Bureau of Indian Affairs, 6075 Stirling Road, Hollywood, Florida 33024 by (*insert date 150 days from the date of publication of the Final Rule in the* **Federal Register**). An application filed more than 150 days after the date of publication of the Final Rule will be rejected for failure to file on time regardless of whether the applicant otherwise meets the qualifications for enrollment.

### § 67.5 Notices

(a) The Director shall give notice to all Area Directors of the Bureau and all Superintendents within the jurisdiction of the Director, of the preparation of the roll for public display in Bureau field offices. Notices shall be placed for public display in community buildings, tribal buildings, and Indian centers.

(b) The Superintendent shall, on the basis of available residence data, publish and republish when advisable, notices of the preparation of the roll in appropriate localities utilizing media suitable to the circumstances.

(c) Notices shall advise of the preparation of the roll and the relevant procedures to be followed including the qualifications for enrollment and the deadline for filing application forms to be eligible for enrollment. The notices shall also state how and where application forms may be obtained, as well as the name, address, and telephone number of a person who maybe contacted for further information.

### § 67.6 Application forms.

(a) Application forms to be filed by or for applicants for enrollment shall be furnished by the Area Director, Superintendent, or other designated persons upon written or oral request. Each person furnishing application forms shall keep a record of the names of individuals to whom forms are given, as well as the control numbers of the forms and the date furnished. Instructions for completing and filing application forms shall be furnished with each form. The form shall indicate prominently the deadline date for filing application forms.

(b) Among other information, each application form shall contain:

(1) Certification as to whether the application form is for a natural child or an adopted child of the parent through whom eligibility is claimed.

(2) If the application form is filed by a sponsor, the name and address of the sponsor and the sponsor's relationship to the applicant.

(3) A control number for the purpose of keeping a record of forms furnished to interested individuals.

(4) Certification that the information given on the application form is true to the best of the knowledge and belief of the person filing the application.

Criminal penalties are provided by statute for knowingly filing false information in such applications (18 U.S.C. 1001).

(5) An election by the applicant as to whether the applicant, if determined to meet the qualifications of enrollment, wishes to share in the per capita payment.

(c) Application forms may be filed by sponsors on behalf of other persons. However, the election as to whether the applicant wishes to share in the per capita payment must be made by the applicant, if an adult, or by the legal guardian of an incompetent adult or if the applicant is a minor, by the minor's parent or legal guardian. Where an application form has been filed by a sponsor, the sponsor will be furnished a copy of the application form to forward to the applicant for the applicant to elect whether, if determined to meet the qualifications for enrollment, he or she wishes to share in the per capita payment. The Superintendent shall also make a reasonable effort to furnish a copy of the sponsored application form directly to the applicant for completion of the election.

(d) Every applicant or sponsor shall furnish the applicant's mailing address on the application form. Thereafter, the applicant or sponsor shall promptly notify the Superintendent of any change in address, giving appropriate identification of the applicant. Otherwise, the mailing address as stated on the application form shall be accepted as the address of record for all purposes under the regulations in this part.

**§ 67.7 Filing of application forms.**

(a) Application forms filed by mail must be postmarked no later than midnight on the deadline date specified in § 67.4(b). Where there is no postmark date showing on the envelope or the postmark date is illegible, application forms mailed from within the United States, including Alaska and Hawaii, received more than 15 days after the specified deadline, and application forms mailed from outside of the United States received more than 30 days after the specified deadline in the office of the Superintendent, will be rejected for failure to file in time.

(b) Application forms filed by personal delivery must be received in the office of the Superintendent no later than close of business on the deadline date specified in § 67.4(b).

(c) If the deadline date for filing application forms falls on a Saturday, Sunday, legal holiday, or other nonbusiness day, the deadline will be the next working day thereafter.

**§ 67.8 Burden of proof.**

The burden of proof rests upon the applicant to establish eligibility for enrollment. Documentary evidence such as birth certificates, death certificates, baptismal records, copies of probate findings, or affidavits, may be used to support claims of eligibility for enrollment. Records of the Bureau of Indian Affairs may be used to establish eligibility.

**§ 67.9 Action by Superintendent.**

(a) The Superintendent shall notify each individual applicant or sponsor, as applicable, upon receipt of an application. The Superintendent shall consider each application and all documentation. Upon determining an individual's eligibility, the Superintendent shall notify the individual, parent, or guardian having legal custody of a minor, or sponsor, as applicable.

(1) Notification of the decision by the Superintendent shall be in writing by certified mail, to be received by the addressee only, return receipt requested.

(2) If a decision by the Superintendent is sent out of the United States, registered mail will be used. If a certified or registered notice is returned as "Unclaimed" the Superintendent shall remail the notice by regular mail together with an acknowledgment of receipt form to be completed by the addressee and returned to the Superintendent. If the acknowledgment of receipt is not returned, computation of the period specified for changes in election and for appeals shall begin on the date the notice was remailed. Certified or registered notice returned for any reason other than "Unclaimed" need not be remailed.

(3) If an individual files an application on behalf of more than one person, one notice of eligibility or adverse action may be addressed to the person who filed the applications. However, the notice must list the name of each person to whom the notice is applicable. Where an individual is represented by a sponsor, notification to the sponsor of eligibility or adverse action shall be considered notification to the individual.

(b) If the Superintendent determines that an applicant is eligible for enrollment as an Independent Seminole Indian of Florida, the applicant will be notified of that decision.

(1) On the basis of an applicant's election with regard to whether he or she wishes to share in the per capita payment, the Superintendent's decision shall also state whether the applicant's name will be included on the per capita payment roll. If no election has been made by the applicant, parent, or legal guardian on the application form, the individual applicant's name will not be included on the per capita payment roll.

(2) The eligible individual will have 30 days from notification of his or her eligibility in which to request a change in the election of whether to share in the per capita payment. Computation of the 30 day period will be in accordance with § 67.9(a)(2) and § 67.9(d). Upon written request received within the 30 day period, to avoid hardship or gross injustice, the Superintendent may grant additional time not to exceed 30 days in which to submit a request for a change in election.

(3) A change in the election of whether to share in the per capita payment can only be made by adult applicants or by the legal guardian of an incompetent adult, or in the case of minors, by the parents or legal guardians of such minors.

(c) If the Superintendent determines that an applicant is not eligible for enrollment as an Independent Seminole Indian of Florida, the Superintendent shall notify the applicant of the decision and shall fully explain the reasons for the adverse action and explain the rejected applicant's right to appeal to the Area Director. The decision of the Area Director shall be final and conclusive.

(d) Except as provided in paragraph (a)(2) of this section, a notice of adverse action concerning an individual's enrollment eligibility or the inclusion or exclusion of an individual's name on the per capita payment roll is considered to have been made and computation of the period for appeal shall begin on the earliest of the following dates:

(1) Delivery date indicated on the return receipt;

(2) Date of acknowledgment of receipt;

(3) Date of personal delivery; or

(4) Date of return by the post office of an undelivered certified or registered letter.

(e) To avoid hardship or gross injustice, the Area Director or the Superintendent may waive technical deficiencies in application forms or other submittals. Failure to file by the deadline date does not constitute a technical deficiency.

**§ 67.10 Appeals.**

(a) Appeals from or on behalf of applicants who have been rejected for enrollment must be in writing and must be filed pursuant to part 62 of this chapter. When the appeal is on behalf of more than one person, the name of each person must be listed in the appeal.

(b) A copy of part 62 of this chapter shall be furnished with each notice of adverse action. All sections of part 62 shall be applicable to appeals filed under this part except §§ 62.10, 62.11 and 62.12.

**§ 67.11 Decision of the Area Director on appeals.**

(a) The Area Director will consider the record as presented together with such additional information as may be considered pertinent. Any additional information relied upon shall be specifically identified in the decision.

(b) The decision of the Area Director on an appeal shall be final and conclusive and written notice, which shall state that the decision is final and conclusive, shall be given the individual applicant, parent, legal guardian, or sponsor, as applicable.

(c) If an individual files an appeal on behalf of more than one applicant, one notice of the Area Director's decision may be addressed to the person who filed the appeal. The Area Director's decision must list the name of each person to whom the decision is applicable. Where an individual applicant is represented by a sponsor, notification to the sponsor of the Area Director's decision is sufficient.

(d) If an applicant who was rejected for enrollment by the Superintendent is determined by the Area Director on appeal to meet the qualifications for enrollment, written notice of the decision shall be by certified mail, to be received by the addressee only, return receipt requested.

(1) On the basis of the individual's election with regard to whether he or she wishes to share in the per capita payment, the Area Director's decision shall also state whether the individual's name will be included on the per capita payment roll. If no election is made by the individual applicant, parent, or legal guardian, the individual's name will not be included on the per capita payment roll.

(2) The eligible individual will have 30 days from notification of his or her eligibility in which to request a change in the election of whether to share in the per capita payment. Computation of the 30-day period will be in accordance with § 67.9(a)(2) and § 67.9(d). Upon written request received within the 30-day period, to avoid hardship or gross injustice, the Area Director may grant additional time not to exceed 30 days in which to submit a request for a change in election.

(3) The change in the election of whether to share in the per capita payment can only be made by adult applicants, or by the legal guardian of an incompetent adult, or in the case of minors, by the parents or legal guardian of such minors.

**§ 67.12 Exhaustion of administrative remedies.**

The decision of the Area Director on appeal which shall be final for the Department, is subject to judicial review under 5 U.S.C. 704.

**§ 67.13 Preparation, certification and approval of the roll.**

(a) The Superintendent shall prepare a minimum of three (3) copies of the roll of those persons determined to be qualified for enrollment as an Independent Seminole Indian of Florida. The roll shall contain for each person a roll number or identification number, name, address, sex, date of birth, date of death (when applicable), and the name and relationship of the ancestor on the annotated Seminole Agency Census of 1957 through whom eligibility for enrollment was established.

(b) A certificate shall be attached to the roll by the Superintendent certifying that to the best of his or her knowledge and belief, the roll contains only the names of those persons who were determined to meet the qualifications for enrollment.

(c) The Area Director shall approve the roll.

**§ 67.14 Preparation of a per capita payment roll.**

(a) The Superintendent shall, based on the roll approved under § 67.12(c), prepare a per capita payment roll. The payment roll shall be comprised of those persons whose name appears on the approved roll and who have elected to share in the per capita payment.

(b) The per capita payment roll shall contain for each person a roll number or identification number, name, and address.

(c) The Area Director shall authorize the distribution of the judgment funds to those persons named on the per capita payment roll.

**§ 67.15 Special instructions.**

To facilitate the work of the Superintendent and Area Director, the Assistant Secretary may issue special instructions not inconsistent with the regulations in this Part.

Dated: July 15, 1992.

**Eddie F. Brown,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 92–23712 Filed 9–29–92; 8:45 am]

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federal register

Wednesday
September 30, 1992

Part VIII

# Department of the Interior

Bureau of Indian Affairs

25 CFR Part 248

Use of Columbia River In-Lieu Fishing Sites; Proposed Rule

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### 25 CFR Part 248

RIN 1076 AC79

### Use of Columbia River In-Lieu Fishing Sites

**AGENCY:** Bureau of Indian Affairs, Department of the Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Bureau of Indian Affairs proposes to amend the regulation at 25 CFR 248.6 consistent with the decision of the Ninth Circuit Court of Appeals and the final Judgment in *Sohappy* v. *Hodel*, Ninth Circuit No. 88–3531, 911 F.2d 1312 (9th Cir. 1990). The court declared invalid that portion of the regulation prohibiting permanent occupancy of the five Columbia River in-lieu fishing sites. This proposed amendment revises the rule to delete the prohibition against construction of permanent dwellings and structures on the five in-lieu sites.

**DATES:** Comments must be received on or before November 30, 1992.

**ADDRESSES:** Comments should be sent to: Ron Eggers, Branch of Fisheries, Portland Area Office, Bureau of Indian Affairs, 911 NE. 11th Ave., Portland, Oregon 97232–4169.

**FOR FURTHER INFORMATION CONTACT:** Ron Eggers, Branch of Fisheries, Portland Area Office, Bureau of Indian Affairs, 911 NE. 11th Ave., Portland, Oregon 97232–4169; Telephone No. (503) 231–6749; or by mail at the address listed above.

**SUPPLEMENTARY INFORMATION:** Several Pacific Northwest Indian tribes hold treaty rights to fish on the Columbia River. In the 1930's the construction of Bonneville Dam submerged some of the Indians' usual and accustomed fishing sites along the river. In 1945 Congress authorized acquisition of replacement sites to be held by the Secretary of the Interior for the use and benefit of the Indians. Act of March 2, 1945, 59 Stat. 10, 22, *as amended*, Act of June 8, 1955, 69 Stat. 85. The five sites acquired under that Act are managed by the Bureau of Indian Affairs pursuant to regulations at 25 CFR part 248.

25 CFR 248.6 provides in part that "no dwellings or structures shall be erected, placed, or maintained upon the sites, except that camping facilities may be placed thereon only as herein described and fish drying facilities and fishing platforms may be erected by Indians for use during the fishing season." The intent of the regulation was to prohibit permanent occupancy of the sites in order to provide a rational and reasonable means for ensuring health and safety on the sites and for providing a fair opportunity to all eligible Indians to use the sites for fishing purposes.

*Sohappy* v. *Hodel*, Civil No. 86–715–FR (D. Or.), was filed by individual Indians and a group called "Chiefs and Council of the Columbia River Indians" in order to challenge the Bureau of Indian Affairs' eviction of several Indians living in permanent dwellings on the sites. The Federal district court held that the regulation prohibiting permanent occupancy is consistent with rights reserved by treaty and with the 1945 statute authorizing acquisition of the five sites. The Ninth Circuit Court of Appeals reversed, holding that the 1945 act and the tribes' treaties do not preclude construction of permanent dwellings at the sites. *Sohappy* v. *Hodel*, 911 F.2d 1312 (9th Cir. 1990). The case was remanded to the district court where final Judgment was entered on August 30, 1991.

The Judgment declares 25 CFR 248.6 invalid insofar as it prohibits permanent occupancy of the five sites and provides that the Bureau of Indian Affairs "shall take good faith steps" to amend the regulation consistent with the Ninth Circuit's decision and the final Judgment. The Judgment does not preclude the Bureau from taking reasonable actions necessary to enforce applicable health and safety laws. Therefore, the Bureau of Indian Affairs proposes to revise § 248.6 to delete the prohibition against construction of permanent dwellings and structures on the sites and to retain the requirement that the sites be used in a manner that conforms to applicable health, sanitation and safety laws.

The Judgment in *Sohappy* v. *Hodel* does not affect the Indian tribes' right, title or interest in the sites or the nature and extent of the tribes' sovereign authority to use or manage the sites for fishing purposes under their treaties. See *Settler* v. *Lameer*, 507 F.2d 231 (9th Cir. 1974). It is also important to note that the regulations in 25 CFR part 248 do not apply to the fishing access sites designated in section 401 of the Act of November 1, 1988, 102 Stat. 2944. The Indian tribes, the Bureau of Indian Affairs, and the U.S. Army Corps of Engineers are working together on plans for development, management and regulation of those sites.

This proposed rule is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The Department has certified to the Office of Management and Budget that these proposed regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order 12778.

In accordance with E.O. 12630, the Department has determined that this rule does not have significant takings implications.

The Department has determined that this rule does not have significant Federalism effects.

The primary author of this document is Ron Eggers, Branch of Fisheries, Portland Area Office, Bureau of Indian Affairs.

The policy of this Department is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested person may submit their written comments, suggestions, or objections regarding the proposed rule to the location identified in the "**ADDRESSES**" section of this preamble.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 because it simply amends a regulation governing Indian use of the Columbia River in-lieu fishing sites consistent with a Federal district court judgment. The rule will not have any significant effects on the economy or result in increases in costs or prices for consumers, individual industries, Federal, State, or local governments, agencies or geographical regions. The rule will not have any adverse effects on competition, employment, investment, productivity, innovation, or the export/import market.

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because of the limited applicability as stated above.

The Department of the Interior has determined that this proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required pursuant to the National Environmental Policy Act of 1969. It is of an administrative, financial, legal, technical, and procedural nature, and therefore neither an environmental assessment nor an environmental impact statement is warranted.

There are no information collection requirement(s) contained in this rule that require the approval of the Office of Management and Budget Under 44 U.S.C. 3501 et seq.

### List of Subjects in 25 CFR Part 248

Fisheries, Fishing, Indians.

For reasons set out in the preamble, § 248.6 of part 248 of subchapter J of chapter I of volume 25 of the Code of

Federal Regulations is proposed to be amended as follows:

## PART 248—USE OF COLUMBIA RIVER IN-LIEU FISHING SITES

1. The authority citation for 25 CFR part 248 continues to read as follows:

Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9.

2. Section 248.6 is revised to read as follows:

**§ 248.6 Structures.**

Dwellings, camping facilities, and other structures such as fish drying facilities and fishing platforms may be erected, placed or maintained on the sites for use in the conduct of treaty fishing and related activities. Sites must be used in a manner that conforms to the health, sanitation, and safety requirements of the State or local law, or, in the absence of appropriate State or local laws, to the health, sanitation, and safety recommendations of the U.S. Public Health Service. The privileges or right of access to or use of the sites of any individual may be suspended or withdrawn, in the discretion of the Area Director, when such individual having violated such health, sanitation, and safety requirements repeats such violation after having been given notice to cease and desist therefrom.

Dated: July 31, 1992.

**William D. Bettenberg,**

*Acting Assistant Secretary—Indian Affairs.*

[FR Doc. 92-23711 Filed 9-29-92; 8:45 am]

BILLING CODE 4310-02-M

# Reader Aids

**Federal Register**

Vol. 57, No. 190

Wednesday, September 30, 1992

## INFORMATION AND ASSISTANCE

**Federal Register**

| | |
|---|---|
| Index, finding aids & general information | 202-523-5227 |
| Public inspection desk | 523-5215 |
| Corrections to published documents | 523-5237 |
| Document drafting information | 523-3187 |
| Machine readable documents | 523-3447 |

**Code of Federal Regulations**

| | |
|---|---|
| Index, finding aids & general information | 523-5227 |
| Printing schedules | 512-1557 |

**Laws**

| | |
|---|---|
| Public Laws Update Service (numbers, dates, etc.) | 523-6641 |
| Additional information | 523-5230 |

**Presidential Documents**

| | |
|---|---|
| Executive orders and proclamations | 523-5230 |
| Public Papers of the Presidents | 523-5230 |
| Weekly Compilation of Presidential Documents | 523-5230 |

**The United States Government Manual**

| | |
|---|---|
| General information | 523-5230 |

**Other Services**

| | |
|---|---|
| Data base and machine readable specifications | 523-3447 |
| Guide to Record Retention Requirements | 523-3187 |
| Legal staff | 523-4534 |
| Privacy Act Compilation | 523-3187 |
| Public Laws Update Service (PLUS) | 523-6641 |
| TDD for the hearing impaired | 523-5229 |

## FEDERAL REGISTER PAGES AND DATES, SEPTEMBER

39597-40070.....1
40071-40300.....2
40301-40590.....3
40591-40826.....4
40827-41052.....8
41053-41374.....9
41375-41640.....10
41641-41852.....11
41853-42484.....14
42485-42680.....15
42681-42880.....16
42881-43124.....17
43125-43334.....18
43335-43604.....21
43605-43884.....22
43885-44076.....23
44077-44304.....24
44305-44480.....25
44481-44650.....28
44651-44966.....29
44967-45260.....30

## CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

**1 CFR**

2.....40024
3.....40024
11.....40024
305.....44791

**3 CFR**

**Executive Orders:**
12154 (See EO 12814).....42483
12543 (See DOT final rule of August 26, 1992).....41696
12722 (See DOT rule of August 21).....39603
12724 (See DOT rule of August 21).....39603
12730 (Continued by Notice of September 25, 1992.....44649
12735 (See State Dept. final rule of Aug. 24).....41077
12775 (See DOT rule of August 17).....39603
12779 (See DOT rule of August 17).....39603
12814.....42483

**Administrative Orders:**
Presidential Determinations:
No. 91-52 of September 13, 1991 (See Presidential Determination No. 92-45 of August 28, 1992).....43125
No. 92-39 of August 17, 1992.....40071
No. 92-40 of August 17, 1992.....40073
No. 92-42 of August 25, 1992.....40075
No. 92-43 of August 25, 1992.....40077
No. 92-44 of August 25, 1992.....40079
No. 92-45 of August 28, 1992).....43125
No. 92-46 of September 4, 1992.....42881
Memorandums:
Memorandum of September 17, 1990 (Continued by Memorandum of September 25, 1992).....44647
Notices:
September 18, 1992.....43603
September 25, 1992.....44649

**Proclamations:**
6467.....40591
6468.....40827
6469.....41051
6470.....41373
6471.....42679
6472.....43127
6473.....43129
6474.....43333
6475.....44305
6476.....44307
6477.....44309
6478.....44959
6479.....44961
6480.....44963
6481.....44965

**4 CFR**

**Proposed Rules:**
Ch. III.....43776

**5 CFR**

531.....43131
532.....44967
536.....43131
550.....40070, 43131
870.....43131
890.....43131, 43132

**Proposed Rules:**
532.....42513, 44343, 45004, 45005

**7 CFR**

2.....40829
16.....44077
210.....40729
272.....44481
274.....44791
275.....44481
276.....44791
301.....42485
319.....43134
401.....44967, 44968
406.....44968
422.....44969
723.....43580
800.....40301
916.....42681
917.....42681, 42683
920.....41853, 42684
928.....44311
944.....42685, 42687
959.....44312
966.....42688
967.....42689
980.....42688
987.....43335
1207.....40081
1427.....40593
1464.....43580
1703.....44313
1956.....42691

**Proposed Rules:**
13.....43628
319.....40872, 43628, 44791
780.....43937
910.....42515, 43943
1001.....44344
1002.....44344
1004.....44344
1005.....44344
1007.....44344
1011.....44344
1030.....44344
1033.....42899, 44344
1036.....42899, 44344
1040.....44344
1044.....44344
1046.....44344
1049.....42899, 44344
1065.....44344
1068.....44344
1079.....44344
1093.....44344
1094.....44344
1096.....44344
1097.....44344
1098.....44344
1099.....44344
1106.....44344
1108.....44344
1124.....44344
1126.....44344
1131.....44344
1135.....44344
1138.....44344
1209.....43943
1413.....42899, 44512, 44709
1744.....39628
1902.....39631
1930.....39631
1944.....39635

**8 CFR**
204.....41053
209.....42863
214.....40830, 42884
251.....40830
258.....40830
274a.....42884

**9 CFR**
75.....43605
94.....43606, 43885, 44330
381.....43588
**Proposed Rules:**
75.....40139
92.....41549
124.....40493
201.....42515, 45005
203.....42515, 45005
307.....40623
310.....40623
318.....42885
319.....42885

**10 CFR**
11.....41375
25.....41376
35.....41376
50.....41378, 43886
600.....40083
605.....40582
1706.....44651
**Proposed Rules:**
26.....42901
50.....44513
70.....42901
73.....42901
1023.....40345

**11 CFR**
200.....39743
**Proposed Rules:**
104.....44137
109.....45009
110.....45009
114.....45009

**12 CFR**
3.....40302, 44078
6.....44866
19.....44866
204.....40597
208.....43889, 44866
217.....43336
225.....41381, 41641, 43889
230.....43337
250.....40597, 41643
262.....41641
263.....44866
265.....40597
308.....44866
325.....44866
545.....40085
562.....40085
563.....40085
563c.....40085
565.....44866
571.....40085
603.....42888
611.....43393
612.....43394
614.....43290, 44489
619.....43290
701.....42486
935.....42888
940.....42888
1616.....43607
**Proposed Rules:**
3.....42623, 42901
208.....39641, 42623
225.....39641, 42623
325.....42623
363.....42516
509.....40350
516.....40350
517.....42906
528.....40350
541.....40350
543.....40350
545.....40350
552.....40350
556.....40350
558.....40350
559.....40350
561.....40350
563.....40140, 40350, 40524
563b.....40350
563e.....40350
567.....40143, 40147, 40350, 40524
571.....40350, 40524
579.....40350
580.....40350
791.....42532
1625.....39743

**13 CFR**
121.....41068
**Proposed Rules:**
108.....43155, 43157
120.....44346

**14 CFR**
13.....40094
21.....41069, 41072, 41360, 42846, 43776
23.....41069, 41072
36.....41360, 42846
39.....40307–40313, 40601, 40835–40838, 42692, 42693, 43291, 43890, 44489
43.....41360
71.....40095, 40096, 42488, 44657–44659
91.....41360, 42662
95.....44489
97.....41074, 41075, 44085, 44087
121.....42662, 44924
125.....42662
135.....42662, 43776
147.....41360
200.....40097
203.....40097
205.....40097
206.....40097
231.....40097
232.....40097
255.....43780
263.....40097
288.....40097
294.....40097
296.....40097
297.....40097
298.....40097
302.....40097
372.....40097
399.....40097
1214.....41077, 41854
**Proposed Rules:**
Ch. I.....41894
39.....40359, 40623, 40624, 41114, 41115, 41439, 43944, 44138–44141, 44710
61.....41974
71.....40148–40156, 41441–41445, 42810, 44464, 44712, 44713
73.....44464
93.....42810
101.....41628
107.....43294
108.....43294
207.....42864
208.....42864
212.....42864
294.....42864
298.....42864
380.....42864
389.....42864

**15 CFR**
29b.....43892
60.....40840
770.....41854
771.....41854
772.....44969
773.....41854, 44969
776.....41854
779.....41854
786.....41854
799.....41854
Ch. IX.....43310
944.....43310
**Proposed Rules:**
799.....41894
806.....43158
Ch. IX.....44347
946.....40877

**16 CFR**
305.....41388, 43611, 44331
1115.....39597
**Proposed Rules:**
229.....41706
230.....41707
232.....41706

**17 CFR**
4.....41173
16.....40601
19.....41389
30.....40603
150.....44490
**Proposed Rules:**
Ch. II.....43631
33.....40626

**19 CFR**
10.....40314, 40604, 43059
24.....42697
103.....44089
122.....43395
141.....40605
142.....44090
145.....40255
171.....40605
172.....40605
178.....44090
**Proposed Rules:**
4.....40627
10.....44714
101.....42712
141.....40361, 44791
142.....40361, 44142
143.....40361
146.....41896
151.....40361, 44143
152.....44143
191.....41446, 44145

**20 CFR**
404.....44095
655.....40966, 43118, 43495
**Proposed Rules:**
416.....44146, 44348, 44519
626.....41447
627.....41447
628.....41447
629.....41447
630.....41447
631.....41447
637.....41447

**21 CFR**
5.....40315–40318, 43397
177.....43398
178.....43631
310.....41857
358.....44493, 44494
520.....42490, 42623
522.....41861, 42623
526.....42623
529.....42489
556.....41861
558.....44791
573.....40318
1308.....43399
1310.....43614
1313.....43614
**Proposed Rules:**
131.....40255, 43059
166.....43634

310 ..... 40944
864 ..... 43161
872 ..... 43165
884 ..... 42908

**22 CFR**

121 ..... 41077

**24 CFR**

25 ..... 40111
91 ..... 40038
135 ..... 40111
201 ..... 45244
203 ..... 44098
234 ..... 44098
570 ..... 40038
905 ..... 40113

**25 CFR**

**Proposed Rules:**
67 ..... 45258
211 ..... 40298
212 ..... 40298
248 ..... 45258

**26 CFR**

1 ..... 40118, 40319, 40841, 41079, 41644, 42490, 43893, 43897, 44332, 44974–44989
5c ..... 43893
5f ..... 43893
5h ..... 43893
6 ..... 43893
7 ..... 43893
7a ..... 43893
10 ..... 43893
13 ..... 43893
14 ..... 43893
14a ..... 43893
18 ..... 43893
19 ..... 43893
31 ..... 44099
301 ..... 43893
602 ..... 40118, 40319, 41079, 41644, 43893, 43897
602 ..... 44974–44989

**Proposed Rules:**
1 ..... 39743, 40378, 41707, 41897, 42712, 42720, 43776, 43945
49 ..... 41549
301 ..... 43777

**27 CFR**

5 ..... 40323
20 ..... 40847, 42623
53 ..... 40324
70 ..... 40327
194 ..... 39597

**Proposed Rules:**
4 ..... 40380, 40884
5 ..... 40884
9 ..... 45009
25 ..... 44525
250 ..... 40885
251 ..... 40886
252 ..... 40887
290 ..... 40889

**28 CFR**

2 ..... 41391–41394
11 ..... 44106
50 ..... 39598
80 ..... 39598

**Proposed Rules:**
2 ..... 41450

**29 CFR**

506 ..... 40966, 43495
1910 ..... 42102
1915 ..... 42102
1926 ..... 42102
2200 ..... 41676
2676 ..... 42490

**Proposed Rules:**
103 ..... 43635
403 ..... 41634
2610 ..... 42910

**30 CFR**

56 ..... 44256
57 ..... 44256
206 ..... 41862
207 ..... 41862
208 ..... 41862
210 ..... 41862
216 ..... 41862
218 ..... 41862
219 ..... 41862
220 ..... 41862
228 ..... 41862
243 ..... 44991
914 ..... 41869
920 ..... 44112
925 ..... 44114, 44660
935 ..... 41690, 44118
944 ..... 41692

**Proposed Rules:**
75 ..... 40395, 42808
400 ..... 43411
609 ..... 43411
651 ..... 43412
917 ..... 41897, 43946–43952
920 ..... 41712
935 ..... 43954
950 ..... 41714, 41715

**31 CFR**

10 ..... 41093
204 ..... 40239
205 ..... 44272
211 ..... 44998
315 ..... 39601
353 ..... 39601
358 ..... 40607
520 ..... 44682
550 ..... 41696
575 ..... 39603
580 ..... 39603

**Proposed Rules:**
270 ..... 41117
349 ..... 45116
356 ..... 45116

**32 CFR**

60 ..... 40849
220 ..... 41096
323 ..... 40608
619 ..... 44238
701 ..... 40609
706 ..... 41698
806 ..... 41396
861 ..... 44682
1906 ..... 39604

**Proposed Rules:**
202 ..... 43645
317 ..... 40397
505 ..... 44716

**33 CFR**

3 ..... 39613, 42699
64 ..... 43401
100 ..... 40125, 40609, 40610, 41419, 41420, 44687, 44688
117 ..... 39614, 41873
135 ..... 41104
136 ..... 41104
137 ..... 41104
157 ..... 40494
165 ..... 40125, 40330, 40612, 41421, 43615, 44121, 44122
334 ..... 40612

**Proposed Rules:**
89 ..... 43169
117 ..... 43647
155 ..... 44912
162 ..... 41899

**34 CFR**

**Proposed Rules:**
231 ..... 44046
238 ..... 44046
300 ..... 44794
301 ..... 44794
305 ..... 43572
612 ..... 44350
785 ..... 44408
786 ..... 44408
787 ..... 44408

**36 CFR**

51 ..... 42808

**Proposed Rules:**
51 ..... 40496
242 ..... 43074
1191 ..... 41006

**37 CFR**

1 ..... 40493
2 ..... 40493
202 ..... 39615

**Proposed Rules:**
1 ..... 41899, 42721, 43412
5 ..... 43412
10 ..... 43412

**38 CFR**

1 ..... 44123
3 ..... 40944, 43904
17 ..... 41700
21 ..... 40613, 43616
36 ..... 40615, 43616

**Proposed Rules:**
3 ..... 40424
21 ..... 41451

**39 CFR**

111 ..... 43403

**Proposed Rules:**
111 ..... 39646, 40890, 41716, 43956

**40 CFR**

52 ..... 40126, 40331–40336, 42889–42895, 43905, 44124, 44689
55 ..... 40792
58 ..... 44495
60 ..... 44496
62 ..... 43405, 44691
136 ..... 41830
148 ..... 41173
156 ..... 42472
170 ..... 42472
180 ..... 40128, 42699, 42700
185 ..... 42700
186 ..... 42700
260 ..... 41173, 41566
261 ..... 41173, 41566
262 ..... 41173
264 ..... 41173, 42832
265 ..... 41173, 42832
266 ..... 41566, 44999
268 ..... 41173
270 ..... 41173
271 ..... 41173, 41566, 41699
279 ..... 41566
281 ..... 41874
414 ..... 41836
721 ..... 44050

**Proposed Rules:**
Ch. I ..... 42533, 43956, 44147
2 ..... 44718
52 ..... 40157, 40159, 41716, 42536, 42911, 42913, 43420–43425, 43648–43657, 43957, 43959, 44351, 44528–44542, 44718, 45012
60 ..... 43171
61 ..... 43173
62 ..... 40628
63 ..... 44147
81 ..... 43846
122 ..... 41344
153 ..... 44290
159 ..... 44290
180 ..... 40161–40163, 42727–42730, 45017, 45018
228 ..... 43427
250 ..... 44543
260 ..... 43171
261 ..... 45112
264 ..... 43171
265 ..... 43171
268 ..... 44545
270 ..... 43171
271 ..... 43171, 44545
300 ..... 39659, 41452, 44545
372 ..... 10820
721 ..... 10820

**41 CFR**

101 ..... 44691
302–6 ..... 45001

**42 CFR**

60 ..... 41875
405 ..... 42491, 45112
410 ..... 39743
411 ..... 45112
412 ..... 39746
413 ..... 39746, 42491, 43906, 45112
414 ..... 42491
415 ..... 42491
431 ..... 43922
433 ..... 45112
442 ..... 43922
447 ..... 43906, 43922
483 ..... 43922
488 ..... 43922
489 ..... 43922
498 ..... 43922

**Proposed Rules:**
100 ..... 41809
413 ..... 43659

**43 CFR**

3150 ..... 44333
3160 ..... 44333

**Public Land Orders:**
6942 ..... 42808
6943 ..... 39616

2460 (Revoked in part by PLO 6945)....43405
6945....43405
6947....43618
**Proposed Rules:**
4....44353
3160....44547
3710....41846
3800....42732

**44 CFR**

64....39617, 41104, 41875, 43618
65....41877, 41878
67....39619, 41880
**Proposed Rules:**
67....41905

**45 CFR**

400....42896
641....40337
1301....41881
1302....41886

**46 CFR**

30....41812
32....41812
35....41812
500....44697
514....44697
542....44700
550....44697
552....44697
553....44697
555....44697
67....44126
70....41812
78....41812
90....41812
97....41812
107....41812
108....41812
109....41812
167....41812
169....41812
170....41812
171....41812
184....41812
185....41812
188....41812
196....41812
272....39621
298....39621, 44129
502....44504
510....39622, 40129
514....39622, 44504
540....41887
550....44504
560....40616
572....40616
580....39622
582....39622
**Proposed Rules:**
67....43432

**47 CFR**

1....43406
2....43290
63....41106, 41109
73....39624, 39625, 40342, 40849, 41698, 41700, 42510, 42511, 42701, 43290, 44337–44339, 44511, 45002
74....41110
80....43406, 44700
90....40850, 42706, 43408, 44339
95....40343
97....40343
**Proposed Rules:**
Ch. I....39661
2....40630, 42916, 43434
13....41718
15....40630
21....42916
22....40630, 42916
25....40425, 40426, 40891
61....40426
63....41118
69....40426
73....39663, 41719, 41911, 41912, 42536–42538, 42732, 44354, 44547–44549, 45020
94....42916
99....40630

**48 CFR**

Ch. I....44258
4....44259
5....44260
13....44260
14....44261
15....44261, 44262
19....44260
22....44262
25....44263
30....43409, 43495
31....40344, 44264
32....44267
42....44264
52....43409, 43495, 44259, 44261, 44262, 44267, 44268
202....42626
204....42626
208....42626
214....42626
215....41422, 42626
216....42626
219....42626
223....42626
225....42626
226....42626
227....42626
228....42626, 42707
231....42626
232....42626, 42707
236....42626
237....42626
239....42626
242....42626
245....42626
252....41422, 42626, 42707
253....42626
270....41422
525....42708
552....42708
817....44129
923....41974
1801....40851
1803....40851
1804....40851
1805....40851
1806....40851
1807....40851
1808....40851
1809....40851
1813....40851
1815....40851
1816....40851
1819....40851
1822....40851
1823....40851
1825....40851
1827....40851
1831....40851
1832....40851
1833....40851
1836....40851
1837....40851
1842....40851
1845....40851
1849....40851
1851....40851
1852....40851
1853....40851
1870....40851
9903....43620
**Proposed Rules:**
45....40891
9903....43776
9904....43776

**49 CFR**

1....40620
110....43062
350....40946
355....40946
391....45002
396....40946
397....44129
571....40131, 41423, 41428
588....41428
591....44703
1003....41111
1012....44135
1023....43151
1039....40620
1109....39743
1313....40620
1321....40857, 43059, 43925
1313....43291
**Proposed Rules:**
174....42466
177....42466
192....41119
218....41454
234....44355
392....44158
395....44158
571....40165, 41912, 44721
1002....39743, 41459
1018....41459
1039....39663, 41122
1105....42733
1145....41122, 44614
1150....42733
1312....41459
1313....41459
1314....41459

**50 CFR**

17....44340, 44703
20....40032, 43856, 44472, 44616
204....40858
216....41701
217....40859, 40861, 41703
227....40859, 40861, 41703
285....42710, 43409, 44340
299....40858
641....41892
642....43153
646....41892
653....40134
661....39626, 40135, 40136, 40622, 41705, 42511, 43621, 44135
663....40136, 41112, 42898
672....40137, 40255, 43621, 43926
675....42710, 43154, 43621, 43627, 43926, 44341
681....41112
683....40255
**Proposed Rules:**
17....39664, 40429, 43673–43686, 44721, 45020
100....43074
216....40166
217....41123
227....41123
228....42538
611....40493
672....44355, 44729
675....44729
685....40493, 43290

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**102d Congress, 2nd Session, 1992**

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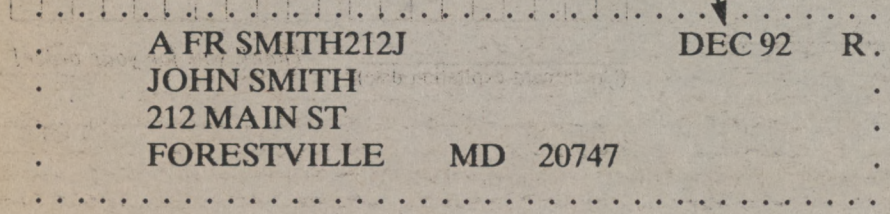
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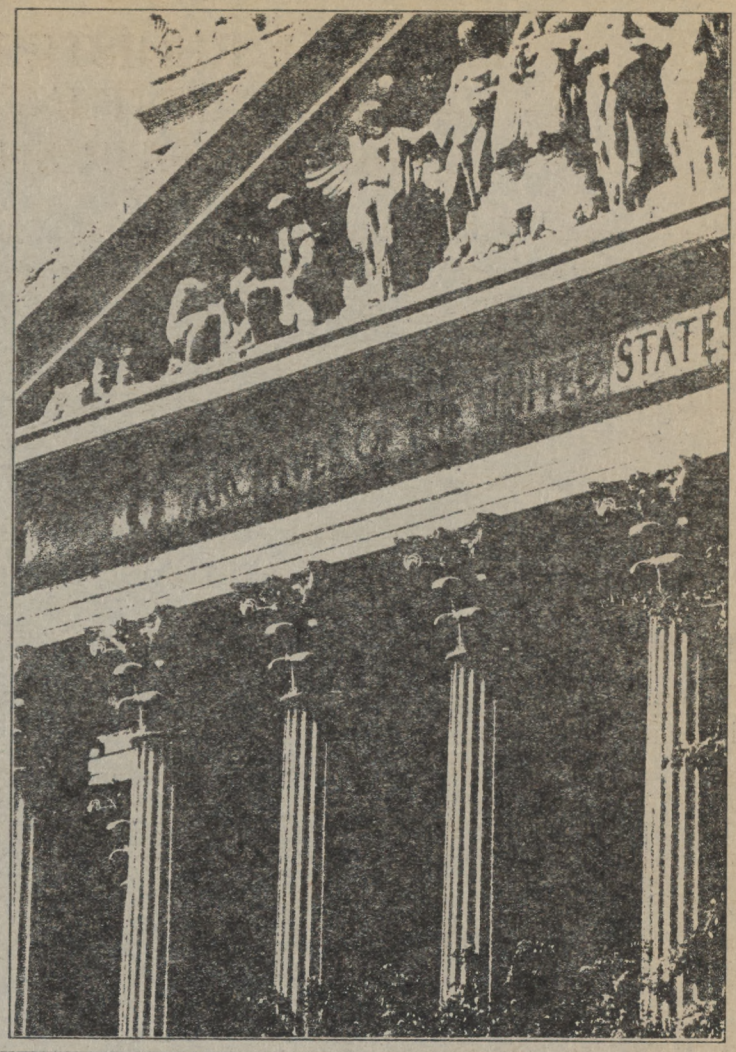
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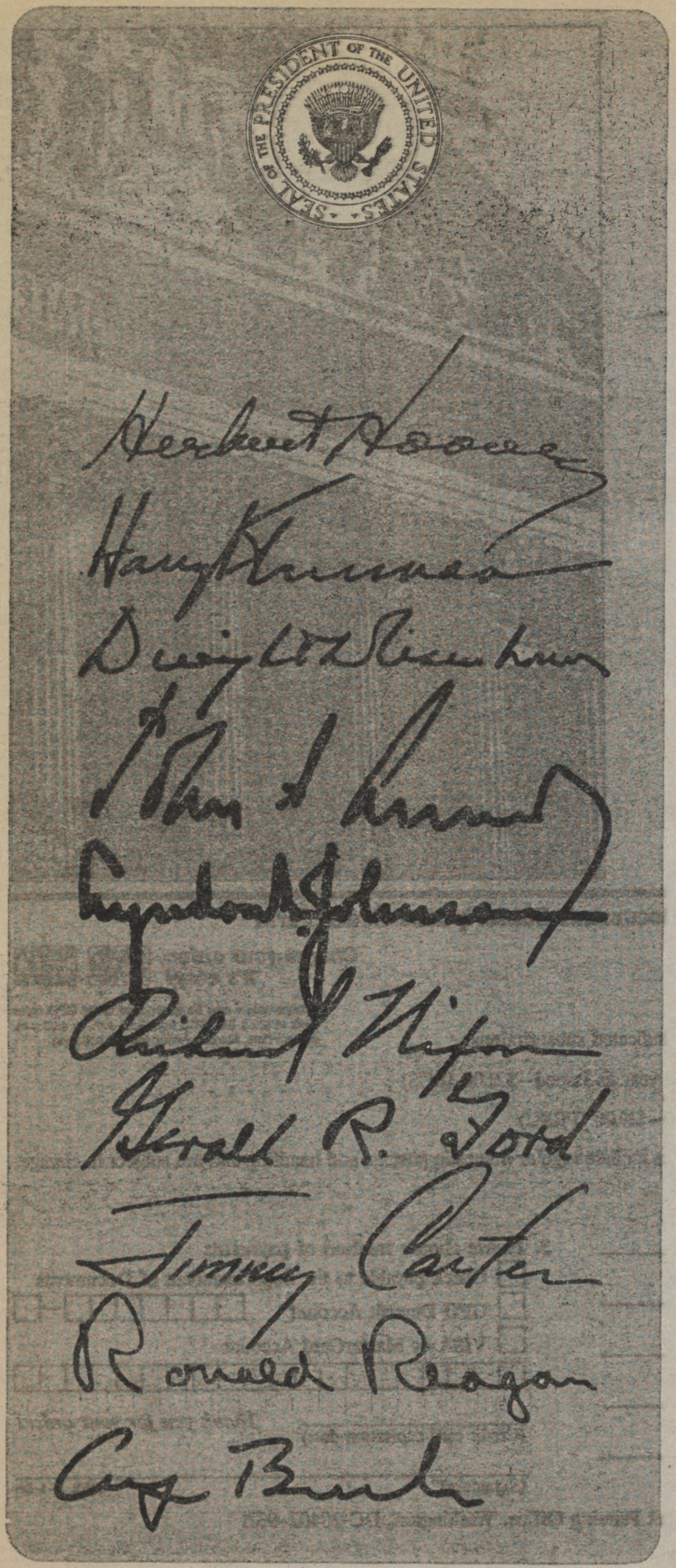
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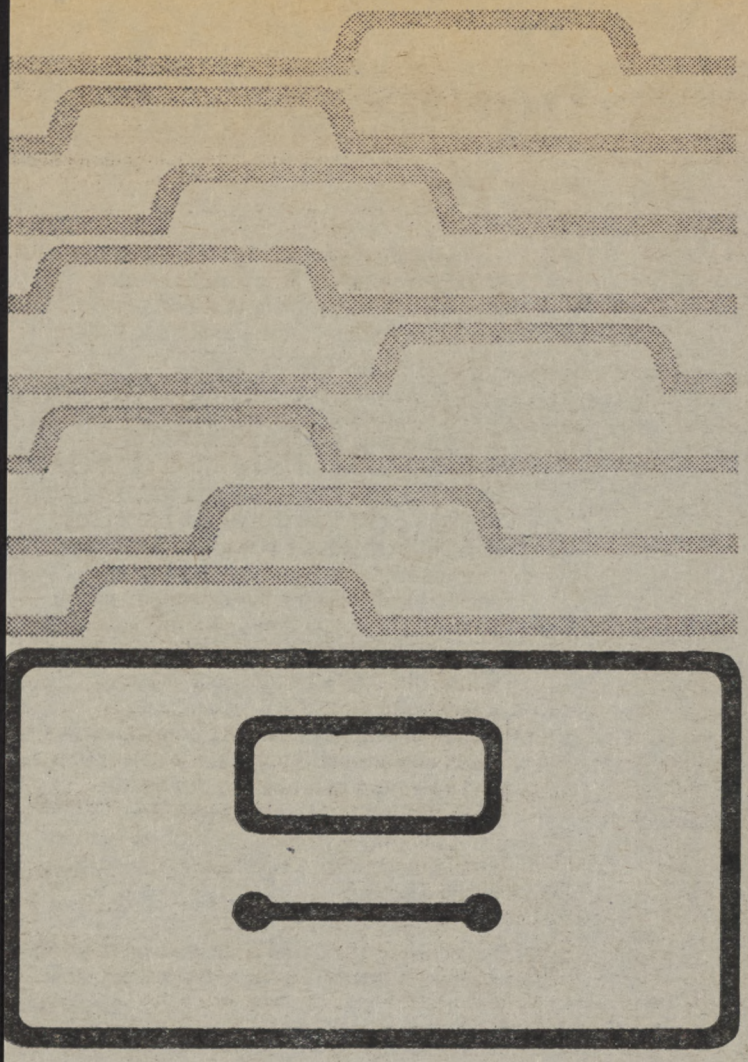
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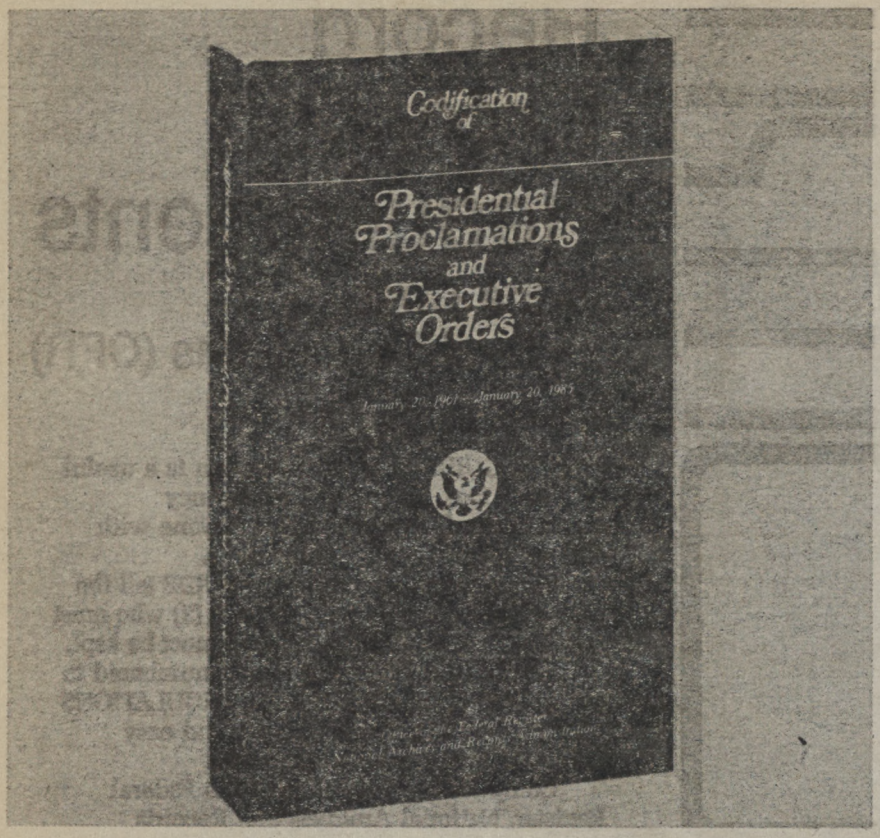
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