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WHO: The Office of the Federal Register.

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4. An introduction to the finding aids of the FR/CFR system.

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Electronic Bulletin Board

Free **Electronic Bulletin Board** service for Public Law numbers, Federal Register finding aids, and a list of Clinton Administration officials is available on 202–275–1538 or 275–0920.

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Presidential Documents

Title 3—

The President

Executive Order 12841 of March 9, 1993

Adjustments to Levels IV and V of the Executive Schedule

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 5317 of title 5, United States Code, and in order to adjust positions in levels IV and V of the Executive Schedule, it is hereby ordered that Executive Order No. 12154, as amended, is further amended by: (1) adding the following new subsection to section 1–101: "(k) Commissioner on Aging, Department of Health and Human Services"; (2) deleting the following subsections from section 1–102: "(d) Commissioner on Aging, Department of Health and Human Services", and "(g) Transition Manager, United States Enrichment Corporation"; and (3) relettering subsections (e) and (f) of section 1–102 as subsections (d) and (e), respectively.

William J. Clinton

THE WHITE HOUSE,
March 9, 1993.

[FR Doc. 93–5864
Filed 3–10–93; 12:44 pm]
Billing code 3195–01–M

Rules and Regulations

Federal Register
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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.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 400

General Administrative Regulations; Information Collection Requirements Under the Paperwork Reduction Act; OMB Control Numbers

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation is required to publish currently valid Office of Management and Budget (OMB) control numbers for each collection of information requirement contained in its regulations. These numbers must be published in a manner that will ensure codification in the Code of Federal Regulations.

DATES: Effective March 12, 1993.

FOR FURTHER INFORMATION CONTACT: Mari L. Dunleavy, Acting Director, Regulatory and Procedural Development, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC, 20250.

SUPPLEMENTARY INFORMATION: This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is found with good cause that notice and public comment are impractical and unnecessary. Good cause is also found for making this rule effective in less than thirty days after publication in the Federal Register.

Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. This action is not a major rule as defined in Public Law 96–354, the Regulatory Flexibility Act, and is thus exempt from its provisions.

The OMB regulations, 5 CFR part 1320 "Controlling Paperwork Burdens on the Public," require FCIC to publish currently valid OMB control numbers for each collection of information requirement contained in its regulations. These numbers must be published in a manner that will ensure codification into the Code of Federal Regulations.

FCIC hereby amends 7 CFR part 400, subpart H to include the information collection control numbers issued by OMB with respect to the FCIC forms contained in this rule.

List of Subjects in 7 CFR Part 400

Administrative practice and procedure, information collection requirements, OMB control numbers.

Final Rule

PART 400—[AMENDED]

In accordance with the provisions of 5 CFR Part 1320, and the Paperwork Reduction Act, Pub. L. 96–511, the Federal Crop Insurance Corporation hereby amends the General Administrative Regulations; Information Collection Requirements Under the Paperwork Reduction Act; OMB Control Numbers, found at 7 CFR part 400, subpart H, effective upon publication in the Federal Register in the following instances:

1. The authority citation for 7 CFR part 400, subpart H continues to read as follows:

Authority: 5 U.S.C. 1320, Pub. L. 96–511.

2. In CFR 400.66(b) the table is revised as follows:

§ 400.66 Display.

* * * * *

(b) * * *

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Done in Washington DC on March 4, 1993.

Kathleen Connelly,

Acting Deputy Manager, Federal Crop Insurance Corporation.

[FR Doc. 93-5670 Filed 3-11-93; 8:45 am]

BILLING CODE 3410-08-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Temporary Placement of Alpha-ethyltryptamine Into Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: The Administrator of the Drug Enforcement Administration (DEA) is issuing this final rule to temporarily place alpha-ethyltryptamine into Schedule I of the Controlled Substances Act (CSA) pursuant to the emergency scheduling provisions of the CSA (21 U.S.C. 811(h)). This action is based on the finding by the DEA Administrator that the placement of alpha-ethyltryptamine in Schedule I of the CSA is necessary to avoid an imminent hazard to the public safety. As a result of this rule, the criminal sanctions and regulatory controls of Schedule I substances under the CSA will be applicable to the manufacture, distribution, and possession of alpha-ethyltryptamine.

EFFECTIVE DATE: March 12, 1993.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 307-7183.

SUPPLEMENTARY INFORMATION: The Comprehensive Crime Control Act of 1984 (Pub. L. 98-473), which was signed into law on October 12, 1984, amended section 201 of the Controlled Substances Act (CSA) (21 U.S.C. 811) to give the Attorney General the authority to temporarily place a substance into Schedule I of the CSA if he finds that such action is necessary to avoid an imminent hazard to the public safety. A substance may be temporarily scheduled under the emergency provision of the CSA if that substance is not listed in any other schedule under Section 202 of the CSA (21 U.S.C. 812) or if there is no approval or exemption in effect under 21 U.S.C. 355 of the Food, Drug, and Cosmetic Act for the substance. The Attorney General has delegated his authority under 21 U.S.C. 811 to the Administrator of DEA (28 CFR 0.100).

A notice of intent to temporarily place alpha-ethyltryptamine into Schedule I of the CSA was published in the **Federal Register** on January 14, 1993 (58 FR 4370). The Administrator transmitted notice of his intention to temporarily place alpha-ethyltryptamine into Schedule I of the CSA to the Assistant Secretary for Health of the Department of Health and Human Services. In response to this notification, the Food and Drug Administration has advised DEA that there are no exemptions or approvals in effect under 21 U.S.C. 355 of the Food, Drug, and Cosmetic Act for alpha-ethyltryptamine and that the Department of Health and Human Services has no objection to DEA's intention to temporarily place alpha-ethyltryptamine into Schedule I of the CSA.

In making a finding that placing a substance temporarily in Schedule I of the CSA is necessary to avoid an imminent hazard to the public safety the Administrator is required to consider three of the eight factors set forth in section 201(c) of the CSA (21 U.S.C. 811(c)). These factors are as follows: (4) History and current pattern of abuse; (5) The scope, duration and significance of abuse; and (6) What, if any, risk there is to the public health.

Alpha-ethyltryptamine has been classified as a central nervous system (CNS) stimulant as well as a tryptamine hallucinogen. Chemically it is α-ethyl-1H-indole-3-ethanamine or 3-(2-aminobutyl) indole. It is structurally similar to N,N-dimethyltryptamine (DMT) and N,N-diethyltryptamine (DET) both of which are hallucinogens controlled in Schedule I of the CSA. Available data indicate that alpha-ethyltryptamine produces some pharmacological effects qualitatively similar to those of other Schedule I hallucinogens.

DEA first encountered alpha-ethyltryptamine in 1986 at a clandestine laboratory in Nevada. Several exhibits of alpha-ethyltryptamine have been analyzed by DEA and state forensic laboratories since 1989. Individuals in Colorado and Arizona have purchased several kilograms of this substance as the acetate salt from chemical supply companies and have distributed and sold quantities to individuals for the purpose of human consumption. Touted as an MDMA (3,4-methylenedioxymethamphetamine)-like substance, it has been trafficked as "TRIP" or "ET". Distribution and use have been primarily among high school and college-age individuals. In Arizona, the death of a 19-year-old female was attributed to acute alpha-ethyltryptamine toxicity. Illicit use has been documented in both Germany and Spain where two deaths have resulted from alpha-ethyltryptamine overdose.

Alpha-ethyltryptamine acetate was marketed by the Upjohn Company in 1961 as an antidepressant under the trade name of Monase. After less than one year of marketing, Upjohn withdrew its New Drug Application when it became apparent that Monase administration was associated with the development of agranulocytosis. Recent scientific data also suggest that this substance may produce neurotoxicity similar to the neurotoxic effects produced by MDMA and PCA (para-chloroamphetamine).

In light of its CNS stimulatory and hallucinogenic properties similar to those of DMT, DET and MDMA, its association with agranulocytosis and its possible neurotoxicity, the continued uncontrolled availability of alpha-ethyltryptamine poses an imminent hazard to public safety.

In accordance with the provisions of section 201(h) of the CSA (21 U.S.C. 811(h)) and 28 CFR 0.100 the Administrator has considered the three factors required for a determination of whether temporarily scheduling alpha-ethyltryptamine under the CSA is necessary to avoid an imminent hazard to the public safety. Based on a consideration of these factors and other relevant information, the Administrator finds that placement of alpha-ethyltryptamine into Schedule I of the CSA on a temporary basis is necessary to avoid an imminent hazard to the public safety.

The following regulations are effective with respect to alpha-ethyltryptamine on March 12, 1993, except for those individuals registered with DEA in accordance with part 1301 or part 1311 of title 21 of the Code of Federal Regulations, who currently possess alpha-ethyltryptamine may continue to do so pending DEA's receipt of an application for amended registration no later than April 12, 1993:

1. Registration. Any person who manufactures, distributes, delivers, imports or exports alpha-ethyltryptamine or who engages in research or conducts instructional activities with respect to alph-ethyltryptamine or who proposes to engage in such activities must be registered to conduct such activities in accordance with parts 1301 and 1311 of title 21 of the Code of Federal Regulations.

2. Security. Alpha-ethyltryptamine must be manufactured, distributed and stored in accordance with §§ 1301.71-

1301.76 of title 21 of the Code of Federal Regulations.

3. Labeling and Packaging. All labels and labeling for commercial containers of alpha-ethyltryptamine must comply with requirements of §§ 1302.03–1302.05, 1302.07 and 1302.08 of title 21 of the Code of Federal Regulations.

4. Quotas. All persons required to obtain quotas for alpha-ethyltryptamine must submit application pursuant to §§ 1303.12 and 1303.22 of title 21 of the Code of Federal Regulations.

5. Inventory. Every registrant required to keep records and who possesses any quantity of alpha-ethyltryptamine is required to take an inventory of all stocks of this substance on hand pursuant to §§ 1304.11–1304.19 of title 21 of the Code of Federal Regulations.

6. Records. All registrants to keep records pursuant to §§ 1304.21–1304.27 of title 21 of the Code of Federal Regulations must do so regarding alpha-ethyltryptamine.

7. Reports. All registrants required to submit reports in accordance with §§ 1304.34–1304.37 of title 21 of the Code of Federal Regulations shall do so regarding alpha-ethyltryptamine.

8. Order Forms. All registrants involved in the distribution of alpha-ethyltryptamine must comply with the order form requirements of §§ 1305.01–1305.16 of title 21 of the Code of Federal Regulations.

9. Importation and Exportation. All importation and exportation of alpha-ethyltryptamine must be in compliance with part 1312 of title 21 of the Code of Federal Regulations.

10. Criminal Liability. Any activity with alpha-ethyltryptamine not authorized by, or in violation of, the CSA or the Controlled Substances Import and Export Act occurring on or after March 12, 1993 is unlawful.

The Administrator of the DEA hereby certifies that the temporary placement of alpha-ethyltryptamine into Schedule I of the CSA will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* This action involves the temporary control of a substance with no currently approved medical use in the United States.

The temporary scheduling of alpha-ethyltryptamine is not a major rule for the purposes of Executive Order (E.O.) 12291 of February 17, 1981. It has been determined that drug scheduling matters are not subject to review by the Office of Management and Budget (OMB) pursuant to the provisions of E.O. 12291. Accordingly, this proposed emergency scheduling action is not subject to provisions of E.O. 12778 which are contingent upon review by OMB. This regulation both responds to an emergency situation posing an imminent danger to the public safety, and is essential to a criminal law enforcement function of the United States.

This action has been analyzed in accordance with the principles and criteria in E.O. 12291, and it has been determined that the temporary placement of alpha-ethyltryptamine into Schedule I of the CSA does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs, Reporting and Recordkeeping requirements.

Under the authority vested in the Attorney General by section 201(h) of the CSA (21 U.S.C. 811(h)), and delegated to the Administrator of the DEA by Department of Justice regulations (28 CFR 0.100), the Administrator hereby amends 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871b, unless otherwise noted.

2. Section 1308.11 is amended by adding paragraph (g)(5) to read as follows:

§ 1308.11 Schedule I.

* * * * *

(g) * * *

(5) alpha-ethyltryptamine, its optical isomers, salts and salts of isomers—7249.

Some other names: etryptamine; α-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole.

* * * * *

Dated: March 8, 1993.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 93–5734 Filed 3–11–93; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Parts 200, 202, 203, 213, 234, and 240

[Docket No. R–93–1506; FR–2854–C–03]

RIN 2501–AB16

Mortgagee Approval Reform and Direct Endorsement Expansion; Correction

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule; correction.

SUMMARY: On December 9, 1992 (57 FR 58326), the Department published in the **Federal Register**, a final rule that implemented a comprehensive revision of the Department's regulations that prescribe the standards by which mortgagees are approved to participate in the HUD mortgage insurance programs, and by which approved mortgagees maintain their approval status. The rule also reorganized and updated the Department's Direct Endorsement program requirements.

The purpose of this document is to correct technical errors, and to add an amended § 234.248 on Waivers that was inadvertently omitted from the published final rule. (Section 234.248 is a parallel section to § 203.248, amended in the December 9, 1992 final rule.)

EFFECTIVE DATE: January 8, 1993.

FOR FURTHER INFORMATION CONTACT: William M. Heyman, Director, Office of Lender Activities and Land Sales Registration, Department of Housing and Urban Development, room 9146, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708–1824, or (202) 708–4594 (TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: On December 9, 1992 (57 FR 58326), the Department published a final rule that implemented a comprehensive revision of the Department's regulations that prescribe the standards by which mortgagees are approved to participate in the HUD mortgage insurance programs, and by which approved mortgagees maintain their approval status. The rule also reorganized and updated the Department's Direct Endorsement program requirements.

The purpose of this document is to correct certain technical errors that appeared in the December 9, 1992 final rule. The following provides a summary of the corrections that are being made by this document.

1. The preamble discussion of the origination approval agreement under the heading "Section 202.11—Approval,

Recertification, Withdrawal of Approval and Termination of Approval Agreement" states that: "The Secretary can terminate an origination approval agreement of a mortgagee which has had a default and claim rate on insured mortgages and that exceeds both the national rate and 200 percent of the HUD Field Officer average rate." (See 57 FR 58328, first column.) The second "and" in this sentence is an error.

2. The preamble discussion of § 202.18 states that servicing of insured mortgages will be limited to mortgagees that have been "approved for servicing." (See 57 FR 58334, third column.) This language indicates that there will be a separate approval process for mortgagees who wish to service FHA-insured loans, and is inconsistent with the text of § 202.18, which only requires servicers to be approved mortgagees. This document corrects this error in the preamble to provide that servicing of insured mortgages is limited to "approved mortgagees."

3. In the preamble discussion under the heading "Mortgagee Review Board", the reference to § 25.9(d) is incorrect. (See 57 FR 58335, first column.) The correct citation is § 25.9(b).

4. The preamble discussion under the heading "Section 203.3—Approval of Mortgagees for Direct Endorsement" states that applications may be submitted directly to the "Single Family Development Division in HUD Headquarters." (See 57 FR 58335, third column). The correct Headquarters division to which applications may be submitted is the "Lender Approval and Recertification Division."

5. The preamble discussion of HUD's update of its certification requirements, under the heading "Section 203.3—Approval of Mortgagees for Direct Endorsement", states that § 203.255(c)(7)(ii) is designed to cover the situation where a Direct Endorsement (DE) processed mortgage must be rejected for insurance because of legal limitations on HUD's insurance authority that are not specifically covered by a particular certification. (See 57 FR 58337, second column.) There is no § 203.255(c)(7)(ii). The correct citation is § 203.255(c)(7).

6. The preamble discussion under the heading "Direct Endorsement Certifications" states, in the second sentence, that: "The Department expects to publish the revised certifications in the revised Direct Endorsement Handbook, 4000.4 immediately after the publication of this Single Family rule." (See 57 FR 58338, first column.) The revised certifications were published on December 11, 1992 in Change 1 to the existing handbook, not in a revised handbook.

In the third sentence of this same paragraph, reference to the handbook number as "Handbook 4000.4 Rev. 4" is incorrect. The correct citation is "Handbook 4000.4 Rev. 1."

7. In § 200.926 (Minimum Property Standards for One and Two Family Dwellings), the "and" following paragraph (a)(2)(ii) should be an "or".

8. In § 202.3 (General Approval Requirements), paragraph (a)(4) states that "The Secretary must be notified immediately of any amendments to the partnership agreement which would affect the partnership's actions under any mortgage insurance programs administered by the Secretary." (See 57 FR 58340, third column.) The notification requirement imposed by § 202.3 does not apply to mortgage insurance programs administered by the Secretary because they do not involve title I lenders. The notification requirement applies only to those amendments which would affect the partnership's actions under the title I property improvement or manufactured home loan insurance programs.

9. Section 202.11 (Approval, Recertification, Withdrawal of Approval and Termination of Approval Agreement) contains four errors.

First, in paragraph (a)(5)(iii) of § 202.11, the reference to section § 202.17(d) is incorrect. (See 57 FR 58341, second column.) The correct citation should be simply § 202.17.

Second, in paragraph (b), the reference to § 202.12(h)(3) is incorrect. (See 57 FR 58341, second column.) The correct citation should be § 202.17(h)(2).

Third, in paragraph (d)(4), the term "under-served" in the last sentence is not hyphenated, and it should be. (See 57 FR 58342, first column.) (This term is hyphenated in all other places it appears in the rule.)

Fourth, in paragraph (d)(5), the reference to § 202.11(d)(3) in the last sentence is incorrect. (See 57 FR 58342, first column.) The correct citation should be § 202.11(d)(3)(iii).

10. Section 202.13 (Supervised Mortgagees) contains two errors. First, paragraph (b) of § 202.13 inadvertently includes the phrase—"originate mortgages". (See 57 FR 58343, third column.) The reference to origination of mortgages in § 202.13 (and in § 202.17, as will be discussed later in this preamble) makes this section inconsistent with §§ 202.14(a) and 202.15(b), and leads to confusion. Both § 202.14(a) and § 202.15(a) treat origination as part of the concept of applying for mortgage insurance, so that origination need not be mentioned separately. To make § 202.13 consistent with §§ 202.14 and 202.15(a), no reference to mortgage origination was intended. Accordingly, the phrase "originate mortgages" is removed from § 202.13(a).

Second, § 202.11(a)(5) of the final rule provides for the use of authorized agents by certain approved mortgagees, including supervised mortgagees in certain circumstances and governmental institutions. Section 202.17(d) pertaining to governmental institutions incorporates the provision of § 202.11(a)(5), but no cross reference was incorporated at § 202.13 pertaining to supervised mortgagees. Accordingly, this document adds a new paragraph (e) to § 202.13 to clarify that a supervised mortgagee may use an authorized agent that is an affiliate or subsidiary of the mortgagee.

11. Section 202.15 (Loan Correspondents) contains two errors.

First, in the definition of "sponsor" in § 202.15(a), the word "origination" was inadvertently omitted before the term "approval agreement." (See 57 FR 58344, first column.) As noted in the preamble, the term "approval agreement," introduced in the June 25, 1991 proposed rule, was changed in the final rule to "origination approval agreement." (See 57 FR 58328, first column.)

The second error is in paragraph (c)(5) of § 202.15 and pertains to the filing of audit reports. Second 202.15(a) provides, in the definition of "loan correspondent", for a supervised mortgagee to be approved as a loan correspondent without having to meet the principal activity test (which is required of a non-supervised mortgagee seeking approval as a loan correspondent). (See 57 FR 58344, first column.) Paragraph (c)(5) of § 202.15 requires loan correspondents to file annual reports. (See 57 FR 58344, second column.) The Department did not intend to require audits of mortgagees that are federally supervised mortgagees, simply because they receive approval as loan correspondents. However, this is exactly what the Department requires under the current wording of § 202.15(c)(5). Accordingly, this document corrects § 202.15(c)(5) to exclude, from the requirement to file audit reports, a mortgagee that meets the definition of a supervised mortgagee in § 202.13(a).

12. In § 202.17, the term "originate" is removed from paragraph (a) for the same reason discussed under paragraph (10) above, and the phrase "submit applications for mortgage insurance" is substituted for the terms "originate." (See 57 58344, third column.)

13. In § 202.18 (Approval for Servicing), the word "on" which precedes the reference to § 202.17, is removed and replaced by the word "or". (See 57 FR 58344, third column.)

14. Section 203.5 (Direct Endorsement Process) contains two errors.

First, paragraph (a) of § 203.5, as published in the December 9, 1992 final rule, provides that the Secretary does not review applications for mortgage insurance. (See 57 FR 58346, first column.) This statement is incorrect. The Secretary does review applications for mortgage insurance, but after the mortgage is executed. Accordingly, the first sentence of paragraph (a) is corrected to state that: "Under the Director Endorsement program, the Secretary does not review applications for mortgage insurance before the mortgage is executed, or issue conditional or firm commitments, except to the extent required by § 203.3(b)(4), § 203.3(d)(1), or as determined by the Secretary."

Second, in paragraph (e) of § 203.5, the first word of the first sentence, which is "This" should be "The".

15. In § 203.7 (Commitment Process), the hyphen between the words "single" and "family" in the introductory paragraph is incorrect, and is removed by his document. Additionally, in § 203.7, the word "loan" should follow the word "mortgage" at the end of the first sentence of the introductory paragraph.

16. In § 203.27 (Charges, Fees or Discounts), the word "from" the first time it appears in the first sentence of paragraph (d), should be "form".

17. Paragraph (c) of § 203.255 (Insurance of Mortgage) contains several errors.

First, paragraph (c)(3), as published in the December 9, 1992 final rule, states that: "The stated mortgage amount exceeds the maximum mortgage amounts as most recently published in the **Federal Register**." (See 57 FR 58348, first column.) Paragraph (c)(3) should state just the opposite—that "The stated mortgage amount does not exceed the maximum mortgage amounts as most recently published in the **Federal Register**.

Second, paragraph (c)(4) should be followed by a semicolon, instead of a colon.

Third, in paragraph (c)(6), the word "any" is incorrect. (See 57 FR 58348, third column.) Paragraph (c)(6) should read: "There is no mortgage insurance premium, * * *"

Fourth, the first sentence of paragraph (c)(7) should include the word "not" so that this sentence reads: "The mortgage was not in default * * *"

18. In § 203.441 (Insurance of Loan), the word "respects" is corrected to read "respect".

19. In § 203.258 (Substitute Mortgagors), the date "December 15, 1989" inadvertently appears twice. (See 57 FR 58349, first column.) The second phrase in which this date appears—"but before December 15, 1989"—is removed by this document.

20. In § 204.1 (Cross Reference), the cross reference to § 203.43j incorrectly spells the name of this reservation of the Seneca Nation of Indians. The correct spelling is "Allegany", not "Allegheny" as set forth in the December 9, 1992 final rule. (See 57 FR 58349, third column.)

21. In § 213.503 (Processing for Insurance), the reference to "part 213" is incorrect. The correct term is "subpart".

22. In § 221.70 (Applicability), the term "appraisal report" should be capitalized.

23. In § 234.48 (Charges, Fees or Discounts), paragraph (b) should have been amended to be identical to the amendment made to paragraph (d) of § 203.27 (Charges, Fees or Discounts). The amendment to § 234.48(b) was inadvertently omitted.

24. Section 234.248 (Waivers) should have been amended to be identical to the amendment made to § 203.248 (Waivers) by the final rule. The amendment to § 234.248 was inadvertently omitted.

25. In § 234.249 (Effect of Amendments), the phrase "shall not adversely affect the interest of a mortgagee on any mortgage or loan to be insured" should read "shall not adversely affect the interest of a mortgagee for any mortgage or loan to be insured." Additionally, in the second sentence of § 234.249, the word "is" should be "if".

26. In § 240.16 (Mortgage Provisions), the language in parentheses, added by the final rule, is inappropriate for section 240 programs that involve purchase of fee title to a leased home site, and should not have been included in the final rule.

The foregoing describes the technical corrections that are being made by this document.

Accordingly, FR Doc. 92–29524, a final rule published in the **Federal Register** on December 9, 1992 (57 FR 58326), is corrected to read as follows:

1. In the preamble, on page 58328, under the heading, *"Section 202.11 Approval, Recertification, Withdrawal of Approval and Termination of Approval Agreement"*, in the first column, in the second full paragraph, in line 17, correct by removing the word "and".

2. In the preamble, on page 58334, under the heading, *"Section 202.18 Approval for Servicing"*, in the third column, the first sentence in the first paragraph immediately following the heading, is corrected to read, "Under the proposed rule, this § 202.18, together with a related new § 207.263 and an amendment to § 203.502, would establish a requirement limiting servicing of insured mortgages to approved mortgagees."

3. In the preamble, on page 58335, under the heading, *"Mortgagee Review Board"*, in the first column, correct the beginning of the second sentence to read, "* * * Section 25.9(b) is also reworded * * *".

4. In the preamble, on page 58335, under the heading, *"Section 203.3 Approval of Mortgagees for Direct Endorsement"*, in the third column, at the top of the page, correct the last sentence in the paragraph, to read, "* * * Applications may be submitted directly to the Lender Approval and Recertification Division in HUD Headquarters."

5. In the preamble, on page 58337, under the heading, *"Section 203.255 Insurance of Mortgage"*, in the middle column, in line 25 from the top of the page, correct the last sentence in the paragraph, to read, "* * * Section 203.255(c)(7) of the final rule is designed to cover those situations."

6. In the preamble, on page 58338, under the heading, *"Direct Endorsement Certifications"*, in the first column, correct the second sentence in its entirety and the beginning of the third sentence in the paragraph, to read, "* * * The Department published the revised certifications in Change 1 to the Direct Endorsement Program Handbook 4000.4 on December 11, 1992. Mortgagees may continue to use the Direct Endorsement certifications currently in Handbook 4000.4 Rev. 1 until * * *"

7. On page 58340, in § 200.926(a)(2)(ii), correct the word "and" to read "or".

8. On page 58340, in § 202.3, correct paragraph (a)(4) to read as follows:

§ 202.3 General approval requirements.

* * * * *

(a) * * *

(4) The Secretary must be notified immediately of any amendments to the partnership agreement which would affect the partnership's actions under the title I property improvement or manufactured home loan insurance programs.

* * * * *

9. On pages 58341–58342, in § 202.11, correct paragraph (a)(5)(iii), the beginning of the second sentence in paragraph (b) through the first comma, the last sentence in paragraph (d)(4), and the last sentence in paragraph (d)(5), to read as follows:

§ 202.11 Approval, recertification, withdrawal of approval and termination of approval agreement.

(a) * * *

(5) * * *

(iii) The mortgagee is approved under § 202.17.

(b) *Recertification of approval.* * * * The Secretary shall review the yearly verification report required by § 202.12(h)(2) and other pertinent documents, * * *.

* * * * *

(d) * * *

(4) * * * If the Secretary determines that the excessive rate is the result of mortgage lending in under-served areas the Secretary may determine not to place the mortgagee on credit watch status.

(5) * * * The Secretary shall provide 60 days notice and an opportunity for an informal conference as required by § 202.11(d)(3)(iii) to a mortgagee which will have its origination approval agreement terminated subsequent to a credit watch.

* * * * *

10. On page 58343, in § 202.13, paragraph (b) is corrected by removing the words and first comma, "originate mortgages," and by adding a new paragraph (e), to read as follows:

§ 202.13 Supervised mortgages.

* * * * *

(b) *General functions.* A supervised mortgage may submit applications for mortgage insurance, and may purchase, hold, service or sell insured mortgages.

* * * * *

(e) *Authorized agents.* A mortgagee approved under this section may, with the approval of the Secretary, designate an affiliate or subsidiary of the mortgagee as authorized agent for the purpose of submitting applications for mortgage insurance in its name and on its behalf.

11. On page 58344, in § 202.15, the definition for *"sponsor"* in paragraph (a) is corrected by inserting the word "origination" between the words "valid" and "approval," and paragraph (c)(5) is corrected to read as follows:

§ 202.15 Loan correspondents.

* * * * *

(c) * * *

(5) It shall file audit reports in accordance with § 202.14(c)(2), unless it meets the definition of a supervised mortgagee in § 202.13(a).

* * * * *

§ 202.17 [Amended].

12. On page 58344, in § 202.17, paragraph (a) is corrected by removing the word "originate" and inserting in its place, "submit applications for mortgage insurance,".

§ 202.18 [Amended].

13. On page 58344, in § 202.18, correct by removing "on § 202.17" and insert in its place "or § 202.17".

14. On page 58346, in § 203.5, the first sentence in paragraph (a) through the first comma, and the first three words in paragraph (e) are corrected to read as follows:

§ 203.5 Direct Endorsement process.

(a) *General.* Under the Direct Endorsement program, the Secretary does not review applications for mortgage insurance before the mortgage is executed or issue conditional or firm commitments, * * *".

* * * * *

(e) *Appraisal.* The mortgagee shall * * *.

* * * * *

§ 203.7 [Amended].

15. On page 58346, in § 203.7, the introductory text is corrected by removing the hyphen between "single-family" to read "single family", and by adding the word "loan" at the end of the sentence to read "* * *, prior to making the mortgage loan. If:".

§ 203.27 [Amended].

16. On page 58347, in § 203.27(d), in the first sentence, correct "from" to read "form".

17. On page 58348, in § 203.255, paragraphs (c)(3), (4), (5), (6), and the first sentence of paragraph (7), are corrected to read as follows:

§ 203.255 Insurance of mortgage.

* * * * *

(c) * * *

(3) The stated mortgage amount does not exceed the maximum mortgage amounts as most recently published in the **Federal Register**;

(4) All documents required by paragraph (b) of this section are submitted;

(5) All necessary certifications are made in accordance with paragraph (b) of this section;

(6) There is no mortgage insurance premium, late charge or interest due to the Secretary; and

(7) The mortgage was not in default when submitted for insurance or, if submitted for insurance more than 60 days after closing whether the mortgage shows an acceptable payment history.

* * *

* * * * *

§ 203.258 [Amended].

18. On page 58349, in § 203.258, paragraph (c)(2) is corrected by adding a semicolon after the first reference to "December 15, 1989" to read, "on or after December 15, 1989;" and by removing the comma and phrase ", but before December 15, 1989, or"

§ 203.441 [Amended].

19. On page 58349, in § 203.441, correct "respects" to read "respect".

§ 204.1 [Amended].

20. On page 58349, in § 204.1, in the list of cross-references, in the listing for § 203.43j, correct the spelling for the word "Allegheny" to read "Allegany".

§ 213.503 [Amended].

21. On page 58350, in § 213.503, correct "part 213" to read "subpart".

§ 221.70 [Amended].

22. On page 58351, in § 221.70, correct paragraph (a)(2) by capitalizing the words "Appraisal Report".

23. On page 58352 in the third column, following the revision of § 234.85(a)(2), insert amendments 83a and 83b reading as follows:

83a. In § 234.48, paragraph (b) is revised to read as follows:

§ 234.48 Charges, fees or discounts.

* * * * *

(b) Before the insurance of any mortgage, the mortgagee shall furnish to the Secretary a signed statement in a form satisfactory to the Secretary listing any charge, fee or discount collected by the mortgagee from the mortgagor. All charges, fees or discounts are subject to review by the Secretary both before and after endorsement under 203.255.

* * * * *

83b. Section 234.248 is revised to read as follows:

§ 234.248 Waivers.

On a case-by-case basis, the Secretary may waive any requirement of this subpart not required by statute, if the Secretary finds that application of such requirement would adversely affect achievement of the purposes of the Act. Each such waiver shall be in writing and supported by a statement of the facts and grounds of forming the basis for the waiver. The authority under this section may be delegated to the Assistant Secretary for Housing—Federal Housing Commissioner, but shall not be redelegated.

§ 234.249 [Amended].

24 and 25. On page 58352, in § 234.249, in line 9 of the section, correct "on" to read "for" and in line 18 correct "is such property" to read "if such property".

§ 240.16 [Amended].

26. On page 58353, in § 240.16(b)(4), correct by adding a period after the word "executed", and by removing the parenthetical phrase "(or the date a construction mortgage is converted to a permanent mortgage, if applicable)."

Dated: March 5, 1993.

Grady J. Norris,

Assistant General Counsel for Regulations.

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DEPARTMENT OF THE TREASURY

31 CFR Part 103

Amendments to the Bank Secrecy Act; Regulations Regarding Reporting and Recordkeeping Requirements by Casinos

AGENCY: Departmental Offices, Treasury.

ACTION: Final rule.

SUMMARY: The Bank Secrecy Act, authorizes the Secretary of the Treasury to require financial institutions to file reports and keep records that the Secretary determines have a high degree of usefulness in criminal, tax, and regulatory matters. The Secretary has designated certain casinos as "financial institutions" for purposes of the Bank Secrecy Act. The Secretary has imposed particular reporting and recordkeeping requirements on these casinos.

EFFECTIVE DATE: This final rule is effective September 8, 1993.

ADDRESSES: Peter Djinis, Director, Office of Financial Enforcement, Department of the Treasury, room 5000 Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: A. Carlos Correa, Assistant Director, Rules and Regulations Section, Office of Financial Enforcement, Department of the Treasury, (202) 622-0400.

SUPPLEMENTARY INFORMATION: On August 18, 1988, Treasury published in the **Federal Register**, 53 FR 31370, a Notice of Proposed Rulemaking ("the Notice") dealing with sixteen proposed amendments to the Bank Secrecy Act regulations affecting casinos. The purpose of the proposed amendments was to enhance compliance with Bank Secrecy Act requirements, Public Law No. 91-508 (codified at 12 U.S.C. 1829b, 12 U.S.C. 1951-1959, and 31 U.S.C. 5311-5326), and to provide Bank Secrecy Act examiners with "audit trails" to determine the adequacy of compliance. One commenter to the proposals, a state gaming regulatory enforcement agency, stated that it "has observed inadequate and incomplete filings of CTR's by the casinos which illustrates the need for more comprehensive regulations on both the Federal and State levels. * * * In summary, [the agency] is supportive of the Department of the Treasury's efforts to improve the accountability . . . of casinos in capturing and preparing complete CTR's."

The need for revised regulations for casinos was suggested by the Internal Revenue Service (IRS), which has been delegated Bank Secrecy Act enforcement authority with respect to casinos by the Assistant Secretary (Enforcement). In the past, IRS casino compliance examinations involved hundreds of hours. The IRS concluded that, with the creation of adequate audit trails, examination time would be greatly reduced, and the quality and completeness, and consequently, the utility, of the information would be enhanced.

There were five commenters in addition to the one referred to above. They consisted of another state gaming regulatory enforcement agency, a state gaming commission, and associations representing the gaming industries of New Jersey, Puerto Rico, and Nevada. After reviewing these comments, Treasury is issuing a final rule adopting the proposals, with several modifications designed to ease the burdens imposed, to offer guidance on how to implement the rules, and to address other concerns raised in the comments.

Since the proposed regulations were published in August 1988, licensed casino type gaming operations have expanded from three to eight jurisdictions. In addition, to Puerto Rico, Nevada and New Jersey, land based casinos are operating in Colorado and South Dakota and river boat gaming is operating in Illinois, Iowa and Mississippi. The final rule applies to all casinos meeting the definition in 31 CFR 103.11(i)(7)(i), including those casinos that have opened since the proposed regulations were published and any that will open in the future.

Discussion of Amendments

A summary of the proposed amendments, comments received thereon, and Treasury's decisions with respect thereto, follow.

(1) *Clarify definition of casinos subject to the Bank Secrecy Act:* The current definition of "casino" is based on the concept of "gross annual gaming revenue," a term which is not defined in the regulations. The proposed definition explained this concept basically in terms of gross receipts and clarified when a casino would become subject to the reporting and recordkeeping requirements of the Bank Secrecy Act and the regulations promulgated thereunder (hereinafter collectively referred to as "the Act"). (Amendment #2).

Although the Nevada casinos are subject to state regulations (*see* 31 CFR § 103.45(c)), the Nevada casino industry and state regulators submitted comments on the proposed definition. Specifically, they advised that if it were applied to Nevada casinos, this definition would encompass significantly more enterprises than are currently covered by Nevada regulations. They expressed concern that the reporting and recordkeeping requirements of the Act would both overly burden a large number of relatively minor operations, such as retail stores with slot machine games, and strain the resources of regulators.

Treasury agrees that the proposed definition could have encompassed many additional Nevada casinos. While Treasury could, in response, have limited the definition to exclude truly "minor" Nevada operations, Treasury has instead withdrawn the proposed definition of gross annual gaming revenue from the final rule. If necessary, the application of the term to Nevada casinos will be taken up at a subsequent time.

(2) *Link "gross annual gaming revenue" to "business year":* In the comments, casinos expressed concern that Treasury was attempting to specify the exact period of time that would constitute every casino's business year. However, the proposed definition of "business year," as explained in (19) below, allows each casino to adopt a calendar year or a fiscal year so long as it is consistent with the casino's accounting year for federal income tax purposes. Therefore, Treasury has decided to adopt the rule as proposed. A casino's gross annual gaming revenue must be linked to its income tax accounting year. (Amendments #2 and #19).

(3) *Provide examples of "cash in" and "cash out" transactions:* This revision is intended to be as expansive as possible in clarifying what constitutes cash in and cash out transactions. The examples listed are illustrative only; they do not represent an exhaustive list of all types

of currency transactions which may be conducted in a casino. (Amendment #3).

One commenter criticized the breadth of this revision, pointing out that some cash out transactions (such as cash payouts on a sports book bet or reimbursement of travel fees) are not "money laundering events." It is important to remember, however, that reports and records required by the Act are not solely intended to combat money laundering. In addition, they may "have a high degree of usefulness in [other] criminal, tax, and regulatory investigations or proceedings." *See* 31 U.S.C. § 5311. Reports and records of cash in and cash out casino transactions certainly have a high degree of usefulness in such other investigations and proceedings.

(4) *Require the aggregation of all cash in and cash out transactions:* This provision does not represent a change in the current rule, set forth in 31 CFR § 103.22(a). Under the current and final rule, each cash in transaction is to be aggregated with all other cash in transactions, and each cash out transaction is to be aggregated with all other cash out transactions. However, cash in and cash out transactions are not to be aggregated with, or offset against, each other. (Amendment #3).

Under both the current and proposed final rules, exchanges of currency for currency (including foreign currency) are to be treated as both cash in and cash out transactions. This rule is important for aggregation purposes. If, for example, a casino has knowledge that, in a single day, a customer exchanged $4,000 in cash for $4,000 in cash of different denominations, and purchased with cash $7,000 in chips at the table games and was paid a slot jackpot of $8,000 in cash, it would be required to report two aggregated transactions. The first would be a cash in transaction of $11,000; the second, a cash out transaction of $12,000.

One commenter suggested that casinos not be required to aggregate purchases and redemptions of slot tokens for cash with other cash in and cash out transactions. This comment is linked to another one which suggests the elimination of the "denominational imprest system" (new § 103.54(b)) for slot token transactions. Both comments are discussed further in (7) and (16), below. Also, a special rule has been provided for *de minimis* transactions. See (7), below.

(5) *Require the aggregation of "dissimilar types" of currency transactions:* Subject to the rules explained in (7) below, all cash in transactions and all cash out transactions, per customer, per gaming day, must be aggregated. Thus, if a casino has knowledge that a customer, in a single gaming day, bets $2,500 in cash at a sports book window, purchases chips of $2,500 in cash at a blackjack table, bets $2,500 in cash at a race book window, and pays off a marker with $5,000 in cash at the "cage," the casino would be required to file a report (Internal Revenue Service Form 8362) reflecting cash in transactions of $12,500. The fact that these transactions are "dissimilar" in terms of the "purpose" of the transaction, (*i.e.*, bet, versus chip purchase, versus payoff of credit) is irrelevant; they are "similar" in the sense that they each involve a cash in transaction. Allowing them to escape the Act's reporting and recordkeeping requirements would deny Treasury meaningful information and possibly encourage casino patrons to arrange their gaming activity to avoid the creation of reports and records. (Amendment #3).

(6) *Explain the knowledge requirement for triggering the filing of a report:* New § 103.22(a)(2)(iii) restates the rule of current § 103.22(a)(2) that multiple currency transactions shall be treated as a single transaction, provided that the casino (a) has knowledge that (b) they are by or on behalf of any person and (c) when aggregated, exceed $10,000 (d) during a "gaming day." In addition, it generally adopts the proposed amendment that if (a) a casino owner, officer, director, or employee has knowledge of reportable currency transactions or (b) a casino's books, records, logs, machine-readable information, etc., maintained "pursuant to any law or regulation or within the normal course of * * * business" indicate that reportable transactions have occurred, the casino would be deemed to have knowledge of such transactions. (Amendment #3).

As proposed, the amendment specifically provided that employees' actual knowledge of currency transactions would always be attributed to the casino. Commenters viewed this as a mistaken delineation of corporate criminal liability and an attempt by Treasury to impose a standard of strict liability upon casinos in Bank Secrecy Act matters. They suggested that Treasury limit corporate liability based upon principles of "scope of employment" and "the benefit that may inure to the corporation." See, *e.g.*, *United States* v. *Bank of New England*, 821 F.2d 844 (1st Cir. 1987); *United States* v. *Beusch*, 596 F.2d 871 (9th Cir. 1979); *United States* v. *DeMauro*, 581 F.2d 50 (2d Cir. 1978).

To avoid confusion, Treasury has clarified the rule. The final rule provides that employees' actual knowledge of currency transactions shall be attributed to the casino when the employee gains such knowledge while acting within the scope of his or her employment. The knowledge which an employee, director, officer, or partner obtains may be acquired in any manner. For example, if a casino floor supervisor observes a player purchase $6,000 in chips for cash and later that same gaming day observes that same player purchase another $6,000 in chips for cash, the supervisor (and thus the casino) would have the requisite knowledge that the two currency transactions (a) are by the same person and (b) result in cash in totalling more than $10,000 in one gaming day. Similarly, if a casino employee, while reviewing a casino's internal records of currency transactions, learns that a player has transacted more than $10,000 during one gaming day, through a series of smaller transactions, the employee (and thus the casino) would be deemed to have knowledge of the multiple transactions. By way of another example, if the casino's marketing officer routinely reviews the gaming transactions of a customer or a series of customers and these records indicate the customer has engaged in multiple currency transactions which exceed $10,000 during a gaming day, even if the review was initiated for purposes other than determining a casino's compliance with BSA, the officer (and thus the casino) would be deemed to have knowledge of the multiple transactions.

The proposed concept of constructive knowledge was not criticized and is adopted in the final rule. The amendment responds to the comment that, given the activity of players on crowded casino floors, it often is difficult to determine if and when a particular customer has engaged in multiple transactions that meet the reporting threshold. New § 103.22(a)(2)(iii) clarifies that a casino can have knowledge of multiple same-day transactions by or on behalf of the same person which, when aggregated, exceed $10,000, not only if (a) an employee, director, officer, sole proprietor, or partner, has knowledge of the multiple transactions, but also if (b) the various books, records, similar documents, or information retained in a casino's automated data processing system or any existing manual system maintained by the casino indicates that such transactions have occurred. Because most casino players gamble at more than a single table in a gaming

day, a requirement that casinos check their internal information, books and records, and similar material is an effective way of assuring that multiple transactions are aggregated and reported.

(7) *Provide a special rule for aggregation of certain de minimis currency transactions:* Regarding knowledge of transactions that should be aggregated, changes are incorporated into the final rule. First, a casino will not be deemed to have knowledge of cash in or cash out transactions involving slot tokens unless a record of such activity is required by new section 103.36(b)(15). See (16), below. Second, a casino will not be deemed to have knowledge of *de minimis* currency transactions unless, in aggregating transactions, it has actual knowledge of such transactions. (Amendment #3).

For purposes of this rule, a *de minimis* transaction is one involving less than $500 in currency, either through a distinctly isolated transaction, such as a single buy-in of chips or the "cashing" of a check, or through a series of related transactions occurring in a relatively compact area over a continuous period of time, such as play at two or three tables in the same pit, even over several hours, with occasional short breaks in the play. Except as provided in the next paragraph, a casino will not be deemed to have knowledge of such transactions even if they are reflected on player rating cards (which are discussed at (12), below) or other books and records.

A casino may not ignore transactions under $500 of which it has knowledge in aggregating transactions. For example, if a player engages in a series of transactions that are less than $500 in a relatively compact area over a continuous period of time, such as play at two or three tables in the same pit, and the pit boss observes the play and knows that the total play exceeds $500, the casino is deemed to have actual knowledge of the transactions. Thus, if a player buys-in for $400 at a table, and the amount is recorded on a player rating card by a casino employee, and 30 minutes later, the player buys-in again for another $400 at the same table, and the amount is again recorded on the same player rating card, the casino is deemed to have actual knowledge of the transactions. These $400 transactions are not isolated *de minimis* transactions, but are a series of related transactions amounting to $800.

By way of another example, should a casino manually aggregate cash in activity by separating out and then aggregating only those player rating cards of $500 or more, and actually discover one reflecting less than $500, which causes the total cash in to exceed $10,000, this card cannot be ignored. In such a situation, the card reflecting a *de minimis* transaction must be aggregated with the others. Similarly, if a casino tallies rating cards information with its in-house computer, it may not ignore *de minimis* transactions that have been entered into the computer or exclude them during the aggregation process.

(8) *Except for certain currency transactions of $10,000 or less, require that customer identification be produced and verified before concluding currency transactions:* The general rule requiring identification "before concluding" a currency transaction is retained. The proposed rule would have provided an ameliorative provision only for certain table game transactions. This ameliorative provision is adopted and expanded to include all types of cash in transactions and cash out transactions.

Under the Bank Secrecy Act regulations, all financial institutions are required to obtain a customer's identity (*i.e.*, name, address, and social security number, verifying the first two) before concluding a reportable transaction. *See* section 103.28. Given the fast-paced activity of a casino gaming floor, however, it was considered impractical to impose this requirement upon buy-ins, purchases of chips, plaques, and tokens, and cash bets, which, standing alone, do not constitute reportable transactions (*i.e.*, involve $10,000 or less).

Under the proposal, if a casino had learned solely by its books, records, computer information, etc. (*e.g.*, other than through the personal knowledge of a casino employee) that a customer's purchase of chips or tokens, or a cash bet, had caused the customer's total cash in transactions to be aggregated for the purpose of filing a currency transaction report, the casino would be afforded a reasonable period of time to obtain, verify, and record "reasonably available" customer identification. The rule deems the identifying information to be reasonably available if the customer is reasonably available. (Amendments #4 and #7).

Treasury has been criticized for using the concepts of "reasonable period of time" and "reasonably available" information. Some commenters feel the terms are too nebulous and thus provide insufficient guidance. They have asked for examples and for a specific period of time in which to obtain customer identifying information.

Treasury believes it is wiser to afford individual establishments flexibility by allowing them to consider all internal and external factors, such as the ease in checking hotel registers, the amount of floor space in the casino, and the pace of gaming activity.

Still, for clarification purposes, Treasury addresses herein a commonly occurring situation. Assume a casino maintains cumulative detailed information on customer gaming activity in its in-house computer system to determine "complimentaries." Dan McCoy plays table games at five different pit areas between 1 p.m. and 6 p.m. A rating card is prepared in each pit and the information is input into the computer when Dan terminates play at the pit. Each card reflects that Dan has a single buy-in of $2,200 in cash, and lost all of his purchased chips at the games. At 7 p.m., Dan arrives at a new pit, explains he has already been rated, and asks to be rated again. The rater in this pit immediately determines from a computer terminal that Dan already has buy-ins (cash in transactions) of $11,000 for that gaming day. Since Dan is reasonably available, he must be asked for identifying information.

At other areas of the casino, customer activity is more controlled. Therefore, Treasury determined that it is appropriate to apply the "before concluding the transaction" rule for obtaining customer identification in these areas. For example, when a customer wishes to redeem chips for cash at the cage, the casino is in a position to determine whether it is advisable to ascertain whether the customer has engaged in aggregated transactions.

One commenter advised that the proposed rule was not broad enough because it failed to provide guidance on when a cash in cage transaction, as opposed to a table transaction, might cause all cash in transactions to be aggregated. The commenter also suggested that the rule cover cash out transactions as well.

There is merit to these suggestions. In cases of both aggregable cash in and cash out transactions, whether occurring at the cage or at the games, it is possible that each individual aggregable transaction was of such a low amount that the casino had no reason to obtain customer identification before concluding that transaction. *Cf.* new sections 103.36(b)(9) and 103.54(b) (identification required for certain $3,000 currency transactions). Yet, when aggregating all transactions in a gaming day, it may be determined that certain customers had indeed reached the over-$10,000 reporting threshold. The final rule is expanded to cover these situations.

(9) *Allow the verification of identity of casino accountholders through internal records:* The regulatory identification requirements are further amended to permit the casinos to verify customer identification through internal records. This change, which was not contained in the Notice, is intended to allow casinos to verify identification on known customers in a manner similar to the way banks may verify identification through bank signature cards. (Amendment #5).

Under the final rule, a casino may rely upon an internal record for verification purposes, provided the following conditions are met. First, the record had to have been prepared with respect to a deposit or credit account. Second, the individual on whom the casino is verifying identification must have an ownership interest in, or signature authority over, that account. Third, in preparing the record, the casino must have examined documents establishing the identity of the individual and noted the specific identifying information on the record. These documents must have been of the type banks normally examine when cashing checks of nonaccountholders, *e.g.*, driver's license, voter registration or alien identification card, passport, etc. Fourth, the casino must periodically reverify the identifying information and record the date on which each verification is made.

To illustrate the operation of the rule, which appears at new § 103.28(a)(2)(ii), assume that Patricia Adams establishes a front money account with a casino on January 2, 1992. In opening the account, Patricia deposits $15,000 in cash and the casino obtains and makes a record of her name, address, and social security number. The casino verifies Patricia's name and address by examining her driver's license. On the record, the casino notes the State that issued the driver's license and the license number. The casino completes a currency transaction report on this transaction.

On January 3, 1992, Patricia withdraws $11,000 in cash from the account. Because the transaction involves more than $10,000, the casino must prepare a currency transaction report. The casino need not ask Patricia for a document to establish her identity. Instead, it may rely on the record which it had prepared the previous day. However, in completing the report, the casino must describe Patricia's driver's license as the method used to verify her identity and cite her driver's license number. The casino may not use the notation "known customer" or "internal record on file" and may not only describe Patricia's casino account. See new § 103.28(a)(3).

On January 4, 1992, Patricia Adams has no transactions with her account, but "buys-in" for $11,000 in cash at a black jack table. A pit boss asks Patricia whether she has a deposit or credit account with the casino, and Patricia replies that she does. If the casino can verify that Patricia does have such an account, it may rely on the record it produced on January 2, 1992, in verifying Patricia's identity. As with the January 3 transaction, the casino must describe Patricia's driver's license as the method used to verify her identity and cite her driver's license number, when it prepares the currency transaction report.

Assume further that on January 1, 1993, Patricia Adams makes a front money deposit of $8,000 in cash in the same casino. At that time, the casino examines the record that it had prepared on January 2, 1992. Patricia produces the same driver's license she had shown on January 2, 1992, and the casino examines it. Patricia informs the casino that her name and address are the same as shown on the license, and the casino notes on the record that a reverification has occurred on that date. On January 2, 1993, Patricia deposits $11,000 in cash into her account. The casino may rely on the internal record to verify Patricia's identity in preparing a currency transaction report on the $11,000 transaction. See new section 103.28(a)(2)(ii)(C).

(10) *Require casinos to obtain and verify customer identification when a customer deposits funds or establishes an account or a line of credit:* The current rule requires casinos to maintain a record of customer social security numbers with respect to each deposit of funds, account opened, or line of credit extended. The new rule, adopted as proposed, requires that casinos also obtain and verify the customer's name and address. (Amendments #8, #9, and #10).

This revision is necessary to resolve the problem of easily contriving falsified social security numbers, which cannot be readily verified. One commenter expressed the opinion that requiring additional customer information is appropriate a single time, for the initial transaction, but could not see the need for doing so for each subsequent transaction. The requirement is intended to safeguard against misidentified persons participating in the transaction. Also, under the final rule, the casino may obtain certain identifying information from internal records. See (9), above.

One commenter asserted that the requirement to obtain and verify a customer's permanent address is overly intrusive. This information, however, is essential to law enforcement. Currently, verification of name and address is required by both the Currency Transaction Report and the Currency Transaction Report for Casinos. Information recorded on Bank Secrecy Act reports and records would be meaningless if it could not be associated with the persons who conducted a transaction at a particular financial institution. The customer's address helps to provide this association, and supplies other useful information to regulators and the law enforcement community.

(11) *Raise the threshold amount for making a record of an extension of credit to $3,000:* The current regulations require casinos to prepare a record of each extension of credit in excess of $2,500. The final rule, which was not contained in the Notice, raises the threshold amount to $3,000. This change makes the threshold recordkeeping amount consistent with other thresholds set in this final rule. (Amendment #11).

(12) *Require casinos to maintain a record of each person who engages in cash in transactions of $2,500 or more at the games:* The proposed amendment, which would have required a casino to make a record of each individual whose buy-ins, purchases of chips, tokens, and plaques, and cash bets reach $2,500 or more in a gaming day, was very controversial. It was criticized as unduly slowing down casino play and creating an oppressive number of records for numerous individuals who may not reach the over-$10,000 reporting threshold for cash in transactions. Further, commenters complained that no guidance was given as to when to begin rating players. (Amendment #12).

The reason for the rule, as proposed, was to afford casinos additional opportunities to obtain the customer information which might eventually have to be included on a currency transaction report. Treasury has been concerned about the large number of currency transaction reports filed by casinos that do not contain complete customer identification and verification. When asked about missing information, casinos almost always responded that the intense pace of activity on the gaming floor and the absence of the customer from the immediate area prevented them from obtaining such information for multiple transactions that were required to be reported. *See* (6), above. To resolve this problem,

Treasury proposed requiring casinos to acquire the information well below the over-$10,000 reporting threshold. This way, casinos would have verified information available in the event that a customer, on whom a report became necessary, "slipped through the system." Moreover, this proposal should have helped allay concerns regarding the "reasonable period of time" and "reasonably available" standards of new § 103.28(b).

As explained by Treasury when it adopted a recent final rule, § 103.36(b)(8), 54 FR 1165, there is a high degree of utility in the information compiled on player rating cards, which are the only documents prepared on the gaming floor that reflect player cash activity. Therefore, all player rating cards constitute records for Bank Secrecy Act purposes. Since all casinos do not prepare such player rating cards, however, Treasury in part wanted to assure that casinos would prepare a system of records reflective of high cash activity on the gaming floor. Double recordkeeping is avoided because casinos which rate players at least at $3,000 and obtain, verify, and record the information required under new § 103.36(b)(9) on rating cards are exempted from making additional records under § 103.36(b)(9).

Treasury continues to find merit in the proposal. Therefore, records of players' cash in gaming activity must be made; however, the minimum amount of a transaction that will precipitate the record is now set at $3,000. This amount corresponds to a Bank Secrecy Act recordkeeping amount established by Congress. See 31 U.S.C. 5325; 31 CFR 103.29. In addition, slot machine token transactions are to be recorded under new section 103.36(b)(15), rather than under this provision. See (16), below.

The final rule also adopts the proposed "reasonable diligence" standard. Since it may at times be difficult to ascertain the exact time at which a player has bought in, bet, or purchased chips for $3,000 or more through a series of transactions, the rule requires each casino to use reasonable diligence in determining whether the $3,000 threshold has been met. This standard accounts for the fact that tracking multiple buy-ins, bets, and chip and token purchases is at times subjective and based on approximations. Still, Treasury expects that, where a player meets the $3,000 threshold through multiple transactions at a single gaming table, or at several adjacent tables, or within a single rating period, the requirements of this regulation will always be complied with.

Arguments that the reasonable diligence standard imposes a duty to rate players "from dollar one" are meritless. The standard is necessary to assure that significant cash in transactions are not ignored.

Still, to alleviate concerns that *de minimis* amounts of cash must be tracked, Treasury will allow a special *de minimis* rule to be applied. Casinos will not be deemed to have knowledge of cash in table transactions which are less than $500 in the aggregate, and which occur at a single game or a contiguous group of games, such as at a pit. See (7), above.

Section 103.36(b)(8) provides that all rating cards must be retained, regardless of the amount of cash activity reflected thereon. Treasury expects casinos to continue their current rating schemes after the final rule becomes effective. Treasury will ask its Bank Secrecy Act compliance examiners to ascertain whether rating procedures have been changed to avoid knowledge of currency transactions below the $3,000 level. In addition, if it is found that information about players, whose cash table activity is near $3,000, is not being captured for aggregation purposes, Treasury will re-evaluate the $3,000 threshold to determine whether a lower figure is necessary.

New Jersey casinos have asked Treasury to consider an alternative mechanism for obtaining customer information. In essence, their proposal calls for aggregation of player rating information after the termination of the gaming day. If customer identification is found to be missing, the casino will check its computer records "and any other reasonable sources" to obtain it. If such information is absent, the person's name will be entered into a computer and, if the customer returns to the casino and makes buy-ins in excess of $5,000, the customer will be asked for the missing information. If the information is refused, and the customer's cash in activity progresses to more than $10,000, the information again will be requested. If the information is then refused, the customer will be banned from gaming until the information is produced or until the expiration of six months. When (and if) the missing information is furnished, a supplemental currency transaction report will be filed.

Treasury considered this alternative, but rejected it for several reasons. Checking internal information for missing information is not sufficient because it ignores the verification requirement. Routinely filing supplemental currency transaction reports burdens the Internal Revenue Service data processing system, and dated information is of no use to the law enforcement community. Moreover, the Bank Secrecy Act regulations mandate that *complete* information be provided within 15 days of the transaction.

In addition, the proposed alternative makes it easy for individuals to avoid providing the required information by intentionally keeping cash in activity low, spreading the activity over several games, or not returning to the same casino for six months. Treasury regards the proposed sanction as insignificant; allowing a customer on whom there is known to be missing information to again exceed the $10,000 reporting requirement, with the possibility that he or she will again refuse the information, is ineffective. It is much more effective to obtain identifying information before the customer exceeds the reporting limit.

(13) *Require a record containing a list of casino Customers who are known by aliases, nicknames, "AKAs", etc.:* This amendment is adopted as proposed, except that, in response to the suggestion of one commenter, it does not require that the list include derivatives of a single name (e.g., Tim, Timothy, Timmy). (Amendment #13).

(14) *Require a record containing a list of transactions of $2,500 or more involving certain monetary instruments:* This amendment mandates a chronological listing of transactions involving personal checks, business checks, official bank checks, cashier's checks, third party checks, promissory notes, traveler's checks, and money orders. The list is to include the type of instrument; time, date, and amount of the transaction; name of the drawee or issuer; name and address of the customer; reference numbers (including the instrument number and customer's casino account number); and name or casino license number of the employee conducting the transaction. (Amendment #14).

As proposed, the rule would have required a record to be made when the monetary instrument was of $2,500 or more. The amount is set at $3,000 or more in the final rule to correspond to a Bank Secrecy Act recordkeeping amount established by Congress. See 31 U.S.C. 5325; 31 C.F.R. 103.29.

Commenters asserted that the creation of such a list would be burdensome, and that the information requested already exists in a form other than a log. As indicated in the Notice, however, such a list will provide an important means of checking whether or not large transactions have been accounted for as currency transactions. A chronological log form will facilitate compliance

reviews by allowing systematic, quick references from a centralized listing.

New Jersey casinos explained that this recordkeeping burden becomes very oppressive if "markers" are included on the list. However, Treasury did not intend markers to be included; therefore, for clarification, the final rule expressly excludes them.

Nevada casinos stated that they cash "thousands of checks every day." The comment did not take into account the proposed $2,500 threshold amount and did not mention the other types of monetary instruments that must be included on the list. A suggested requirement that issuers of the monetary instruments report their issuance would not meet the purpose of this rule.

(15) *Require a record of wire transfers on behalf of a customer in amounts of $2,500 or more* The Notice contained a proposal that casinos maintain a log of transmittals or receipts of funds for customers over $2,500 containing certain information. These transactions are accomplished through funds transfers generally through a wholesale wire transfer system such as Fedwire. Treasury is revoking this proposal. It envisions that casinos will be subject to the same recordkeeping requirement for transmittals and receipts of funds as other non-bank financial institutions subject to the Bank Secrecy Act. Treasury has issued a regulatory proposal in this regard. 55 FR 41696.

(16) *Require a record of certain slot token activity* This provision, while not included in the Notice, is a derivative of Amendment #12. As proposed, Amendment #12 would have required slot token purchases and redemptions for currency to be aggregated with all other cash in gaming activity, regardless of the amount. *See* (12), above. The new provision responds to some commenters' concern that it is difficult to track currency transactions, which are usually very small, involving slot tokens. (Amendment #18).

The new amendment requires a record to be made of (a) slot token purchases which amount to $3,000 or more in currency and (b) slot token redemptions which amount to $3,000 or more in currency, in a gaming day. It requires casinos to use "reasonable diligence," as explained in (11) above, in determining whether such transactions have occurred. The rule is beneficial to the casinos because they will not be required to aggregate currency transactions involving purchases or redemptions of slot tokens with other currency transactions unless, in the aggregate, they amount to $3,000 or more in the gaming day. New §103.22(a)(2)(iv).

(17) *Require casinos to create and implement compliance programs* This amendment, authorized by section 5318(a)(2) of title 31 of the United States Code, requires each casino to develop and implement a compliance program. The program must provide for internal controls to assure ongoing compliance, independent testing for compliance, training of casino personnel in Bank Secrecy Act matters, and the designation of personnel responsible for day-to-day compliance. It also must ensure use of all available information to determine when identifying information must be obtained or verified, when multiple transactions must be treated as a single transaction for reporting purposes, and whether records required by the Act must be made and retained. Casinos having automated data processing systems must use them in assuring Bank Secrecy Act compliance. (Amendments #15 and #19). Similar programs have been required of other financial institutions. See, *e.g.*, 12 CFR 21.21 and 208.14.

Many of the components of this requirement were derived from compliance programs that are already in place in some casinos. Contrary to some of the comments, the components are quite general, and Treasury has not dictated the actual design of each program. All compliance programs should contain such fundamental provisions as personnel training, compliance testing, and procedures using available information to enhance compliance.

The new rule permits flexibility by allowing each compliance program to depend on the characteristics of the individual casino. For example, a casino having many table games and cage windows might need a full-time compliance officer. On the other hand, a casino having only a few table games and cashiers might not. Similarly, the training program for slot booth personnel may be much simpler than for a pit boss. The new rule recognizes these distinctions and permits the compliance programs to reflect them.

One proposal that drew unexpected criticism would have required casinos to "develop," as well as "use," computer programs to aid in compliance. This requirement would have been imposed only on those casinos with automated data processing capabilities. Because financial institutions currently are not required to obtain automated data processing systems solely to improve Bank Secrecy Act compliance, Treasury has abandoned this proposal. Casinos, however, are still required to use effectively the capabilities they do have. In addition, Treasury expects casinos to welcome inexpensive, compatible programs which could greatly improve their compliance efforts.

Another item that caused great controversy was Treasury's declaration in proposed § 103.54(a)(3) that mere compliance with the requirements of the provision "shall not be considered a defense to any criminal or civil action" under the Act. This statement has been deleted from the final rule. Whether a particular program is sufficiently comprehensive, utilized, and effective must be determined on a case-by-case basis. However, a program that constitutes nothing more than a paper exercise or a show piece for compliance examiners will be regarded as no program at all.

In the past, some casinos were found to ignore information made and maintained in their normal course of business which would have greatly improved their compliance effort. New section 103.54(a)(2)(v) responds to this discovery by requiring that all available information be used to determine: the name, address, social security number, and other information; verification of the name and address; the point at which multiple currency transactions are reportable; and whether a record must be created and retained, under the Act. Accordingly, a proposal including a "reasonable efforts" standard is rejected.

(18) *Require casinos to use a denominational imprest system* The proposed amendment required that records be made of various currency transactions the casino already had identified by amount, and often, by denomination. Generally, this would have included deposits and withdrawals of cash with respect to other financial institutions, activity in the "count room", and customer cash activity (other than table game activity, the inclusion of which did not seem workable). The final rule eliminates the denominational aspect of the proposal for customer cash activity only. Also, to be consistent with similar changes to the proposed amendments, the threshold amount for obtaining customer identifying information has been raised to $3,000. (Amendments #16 and #19).

This proposal created much contention. It was characterized as "unprecedented". While this assessment is correct, there is reason for it. The casino industry appears to be the only type of financial institution that is cash-intensive and in which frequent currency transactions occur, but which does not keep a per transaction record (such as cash register or "teller" tape).

While Treasury is in no position to mandate which records are necessary for a particular industry to carry on its day-to-day operations, it unquestionably has the authority to require the establishment of a comprehensive audit trail that will advance the Government's compliance examinations effort.

Casinos do not differentiate between chip transactions and currency transactions which occur at the cage. Treasury's review of cage transactions has shown that cash transactions can be disguised as non-reportable chip transactions without much difficulty. Despite attempts by commenters, none could demonstrate that it had an adequate audit (or "paper") trail to differentiate between chips and currency for a particular cage transaction.

Time and cost are important matters and cannot be readily dismissed. With the exception of $3,000-and-over customer transactions, however, the additional time imposed by this requirement will consist only of recording the transaction, either manually (*e.g.*, a hand-written log) or mechanically (*e.g.*, a cash register tape).

Under the new requirement, the most time-consuming transactions will be those involving $3,000 or more in chips and/or currency. When these transactions occur, the casino must compile a record of the customer's verified name and address, social security number, the date, time, and amount of the transaction, and the name or casino license number of the employee conducting the transaction. However, these transactions are relatively infrequent.

While the proposed $2,500 threshold was termed "arbitrary", it would enable casinos to capture potentially aggregable transactions, to have customer information available when multiple transactions are reportable, and to make it difficult for a customer to structure reportable transactions in order to avoid the filing of a report. Arguments that, because the over-$10,000 regulatory reporting threshold has been in existence for a long time, the $2,500 threshold is contrary to Congressional intent, are meritless. Still, to comport with other recordkeeping thresholds adopted in this final rule, the $2,500 amount is raised to $3,000.

Treasury recognizes that there will be a monetary cost to the casino. However, Treasury has not mandated a particular recordkeeping system. In the smallest casinos, an inexpensive hand-written general ledger system might be satisfactory, while larger ones with computerized cages might decide to enhance their hardware or software to create the record. Ordinary cash registers may suffice in some casinos.

The denominational aspect of the proposal has been questioned. Many contended that law enforcement's need for a record of the denominational composition of each cage transaction does not outweigh the apparent burden this record would impose on casinos at this time. Treasury has eliminated the denominational aspect of customer transactions only from the final rule. Adequate information may be derived by other types of transactions, for which the denominational requirement is retained.

In view of the additional time and costs which will result from the denominational imprest system, Treasury has provided that each casino which certifies to the Secretary that certain customer transactions covered by the system will be handled only at particular stations (which have taken on the name "specialized windows") will be exempted from the requirement. In essence, if all non-table game transactions involving chips, currency, or a combination of chips and currency of more than $10,000 are handled at one or more places, and all non-table game transactions involving chips, currency, or a combination of chips and currency between $3,000 and $10,000 are handled at one or more different places, and these places handle no other transactions, a casino would be exempted from the requirement of a denominational imprest system for all customer chip and/or currency transactions. By channeling large transactions to specific areas, reports or records will be prepared on each customer going to those areas. Thus, the goals of achieving information on the customers for potentially aggregable transactions, while making it difficult for customers to avoid the reporting requirement by structuring their transactions, are achievable, at much less burden to the casinos.

Commenters criticized the specialized window exemption on the grounds of costs, safety, and customer dissatisfaction. They contended that devoting at least two cage windows to relatively infrequent transactions could necessitate expansion of the cage area, precipitating construction costs, and possibly removing some income-producing games. Moreover, they claimed that dedicating present windows would back up customer lines at the other windows. In addition, commenters noted that cashiers who work the specialized windows would be paid for full shifts regardless of the fact that activity at their windows would be light.

With respect to safety, commenters asserted that the activity occurring at the specialized windows might attract criminals hoping to target customers carrying greater amounts of currency. They also noted that customers would be irritated by standing in long lines at the cage while there was little activity at the specialized windows.

Some of the comments reflect a misunderstanding of the proposed implementation of this rule. There may be no need to have the specialized windows constantly occupied by a cashier. A single cashier could work a regular window as well as a specialized window on either side by merely moving to the adjacent window. That other start-up costs will result from this exemption is inevitable.

It is emphasized that the new provision talks in terms of "stations" rather than windows. If security becomes a problem, these stations could be in more protected areas, such as where larger lines of credit are established (sometimes referred to as the "high roller" areas). The fact that those who criticized both the denominational imprest system and the specialized window option could not provide a viable alternative is indicative that these are the least burdensome means of obtaining the information Treasury deems necessary.

The amendment, as proposed, also would have required the denominational imprest system to be used in slot booths. In response to several comments, the requirement for accounting for each transaction at the slot booths has been eliminated in the final rule. (The rule is written in terms of stations in order to account for slot booths and persons who "walk" the slot machine areas.) Only slot token transactions, that is, purchases and redemptions of slot play, may be conducted at these stations. Occasional exchanges of small amounts of currency and very small chip transactions, however, will not violate this condition.

As discussed in (15), above, the new rule requires slot personnel to prepare a record in the rare event that a customer engages in cash in or cash out transactions amounting to $3,000 or more at these stations in a single gaming day. Treasury expects casinos to check these records for the purpose of aggregating multiple transactions.

To summarize the final rule, new § 103.54(b) requires each casino employee who engages in chip or currency transactions with customers, other than those occurring at the gaming tables or the slot booths, to be responsible for a currency or a currency and chip inventory (*e.g.*, a "drawer") of

a recorded dollar value and denominational composition at the beginning of his or her employment shift. The employee must also record the inventory at the end of his or her employment shift by dollar value and denominational composition.

Each transaction involving the inventory must be accounted for chronologically and recorded. The requirement for chronological recordkeeping refers to each individual inventory; not all inventories throughout the casino. In other words, there is no requirement that all non-table transactions be accounted for chronologically with respect to each other.

Transactions involving the inventory include those conducted with other areas of the casino, such as a "chip bank," or with a customer, such as a payment of credit with chips. Records of these transactions must include the amounts involved and a brief description of the transaction (*e.g.*, "redemption of chips for $50 cash"). Paper tape, such as bank teller tape, can constitute the record. In addition, the casino may develop a code to help expedite each transaction. This would allow the casino to apply symbols, different colors of ink, etc., to describe various transactions.

Under the final rule, when a transaction with a customer involves $3,000 or more in currency, the casino is also required to secure and record certain identifying information, including social security number or taxpayer identification number and verify the name and address. If it cannot obtain a social security number or taxpayer identification number, the casino will not be deemed to have violated that requirement, provided it has made a reasonable effort to secure the number and maintains a list, made available to the Secretary upon request, of those persons from whom it was unable to obtain the number. The casino must also record the name or casino license number of the employee conducting the transaction.

It is reemphasized that only customer transactions are not required to be accounted for by denominational composition. Casinos must account for other transactions to which the imprest system applies: (*e.g.*, exchanges between the cashier's drawer and the "chip bank"; segregating currency for transfer to another financial institution (*e.g.*, depositing cash in a bank); receipt of currency from another financial institution (*e.g.*, withdrawing cash from a bank); and inventorying currency transferred from the games to the casino's cash bank (*e.g.*, activity in the "count room") by denominational composition).

Again, the Secretary may exempt a casino from the requirement to account for customer currency or chip transactions of less than $3,000 through an imprest system. To obtain an exemption, a casino must certify to the Secretary that all of its currency and chip transactions (other than those occurring at the gaming tables) in amounts greater than $10,000 occur only at one or more stations, such as a cashier's window in the cage; that all of its currency and chip transactions in amounts between $3,000 and $10,000 inclusive occur only at one or more other stations; that certain information is recorded and verified at those stations; and that those stations handle no other transactions. It is emphasized that the exemption applies only to customer transactions as described herein. The requirement to account for the other types of currency transactions through the denominational imprest system remains in effect.

(19) *Add new definitions:* New section 103.54(c) defines five terms used in the regulations that pertain to casinos. (Amendment #19.)

"Business year" means the taxable year, for purposes of subtitle A of title 26 of the United States Code, of the casino.

"Casino account number" includes all numbers by which a casino identifies a customer.

"Customer" is all-inclusive and refers to each person involved in a transaction with a casino, regardless of whether that person engages in the casino's gaming activity. A person who frequents a casino solely to cash a monetary instrument is a customer.

"Gaming day" is defined essentially in terms of the normal business day of a casino. Moreover, no casino is permitted to maintain separate gaming days for its various divisions, *e.g.*, by having a 24-hour period for cage transactions which is not the same as the period used for gaming table transactions.

"Machine-readable" means capable of being read by an automated data processing system.

(20) *Require casinos to obtain missing customer information:* Under new section 103.54(d), each casino must prepare a record containing a list of customers on whom identifying information was required, but not obtained because no casino employee had personal knowledge of the activities that necessitated the gathering of such information. This list will reflect instances where such knowledge was gained solely by a review of the various books, records, logs, and similar documents and information that was retained in an automated data processing system or existing manual system pursuant to federal, state, or local regulations, or in the normal course of business. *See* (6), above. The casino is under an ongoing duty to obtain the missing information. (Amendments #17 and #19.)

The system of checking internal casino computer information, rating cards, general ledgers, and other books and records to find reportable currency transactions is sometimes referred to as "after the fact aggregation." Such aggregation normally occurs after the gaming day, when all information has been gathered as to the particular day. When reviewing this information, a casino may determine that a certain customer's total gaming day cash in or cash out activity exceeded $10,000, triggering a currency transaction report, but that each individual transaction was of such an amount that the casino did not obtain the customer's name, address, or social security (or other required identification) number. This could happen, for example, if none of a customer's aggregated cash in activity at a single pit reached $3,000. § 103.36(b)(9).

If the casino cannot obtain the missing information (*e.g.*, because the customer is no longer reasonably available), it must place the information known on that customer along with a description of the specific information obtained, verified, or recorded, and the time, date, and amount of the transaction on a list. New § 103.36(b)(14). Then, the casino must supplement this list with reasonably available information acquired thereafter. New § 103.54(d).

To illustrate the interplay of new §§ 103.36(b)(9), 103.36(b)(14), and 103.54(d), assume that Joseph Michaels plays table games at five different pits in a casino in one gaming day. The casino has a computer system which is capable of aggregating table transactions and displaying the total on terminals located in the pits. Mr. Michaels is "rated" at each pit. Each rating card reflects cash in activity of more than $2,000, but less than $3,000. When play terminates at each pit, information from the rating card is input into the computer system.

The following day, while aggregating player rating information, the casino realizes that a customer named Joseph Michaels had cash in table activity exceeding $10,000. There is no address or social security number shown, however, and it is clear that no information was verified. If the casino

cannot reasonably obtain this information, it is obligated under section 103.36(b)(14) to include Mr. Michaels' name on a list of customers on which there is missing identifying information. Under section 103.54(d), the casino is also required to obtain the information when it becomes reasonably available, such as if and when Mr. Michaels returns to the casino and is identified as a person on whom information is needed.

To clarify an apparent misunderstanding of the commenters, Treasury wishes to emphasize that these rules apply *only* when a casino ascertains through books, records, etc. that multiple transactions are to be treated as a single reportable transaction. If, for example, a pit employee learns from computer information that a customer has already exceeded the over-$10,000 threshold while the customer is playing at the pit, the casino has actual knowledge of the currency transactions and it must obtain and verify identifying information. Likewise, if a customer is present in a casino, and a pit employee determines from computer information that the customer had engaged in more than $10,000 in currency transactions during the previous day, or on a single day of a recent trip, the employee must obtain and verify any missing customer information.

Other Comments

Having analyzed the comments on a revision-by-revision basis, other general comments are discussed below:

(1) Some commenters contended that because casinos are not comparable to banks, they are not financial institutions within the meaning of the Bank Secrecy Act. However, the Secretary, in accordance with the controlling statute at the time, 31 U.S.C. 5312 (a)(2)(U), concluded in a final rule that casinos were included in the term "financial institution," bringing them under the reporting and recordkeeping requirements of the Act. See 50 FR 5065.

Under the Anti-Drug Abuse Act of 1988, title VI, subtitle E, Public Law 100–690, § 6185(a), Nov. 18, 1988, the concepts of 31 U.S.C. 5312(a)(2)(U), are recodified, with a slight change in wording, at § 5312(a)(2)(X). Also, the Anti-Drug Abuse Act of 1988 provides additional authority for the Secretary to designate as a financial institution "any other business . . . whose cash transactions have a high degree of usefulness in criminal, tax, or regulatory matters." 31 U.S.C. 5312 (a)(2)(Y).

The Secretary hereby reiterates that gambling casinos carry out and engage in activity which he determines to be similar to, related to, and substituted for activity authorized to be engaged in by the other businesses described in 31 U.S.C. 5312(a)(2). The Secretary expressly designates gambling casinos as businesses whose cash transactions have a high degree of usefulness in criminal, tax, and regulatory matters. The Secretary concludes that the reporting and recordkeeping requirements announced in this final rule have a high degree of usefulness in criminal, tax, and regulatory investigations and proceedings.

(2) *The new regulations do not unconstitutionally implicate customers' privacy.* Some commenters alleged that the requirements imposed by this rule would necessitate an unconstitutional invasion of individuals' privacy. This assertion, however, has already withstood judicial scrutiny. *See California Bankers Assn.* v. *Shultz*, 416 U.S. 21 (1974). Therefore, the Secretary concludes that these regulations do not unconstitutionally infringe upon customers' privacy.

Executive Order 12291

This final rule is not a major rule for purposes of Executive Order 12291. It is not anticipated to have an annual effect on the economy of $100 million or more. It will not result in a dramatic increase in costs or prices for consumers, individual industries, federal, State, or local government agencies, or geographic regions. The rule will not significantly impact competition, employment, investment, productivity, innovation, or the ability of a United States-based enterprise to complete with foreign-based enterprises in domestic or foreign markets.

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, it is hereby certified that this final rule will not have a significant economic impact upon a substantial number of small entities. Most of the recordkeeping and reporting requirements imposed by this final rule concern information already kept in routine business records. If an affected financial institution has prudent record keeping practices, it will already be retaining a substantial portion of the information identified in this proposed regulation.

Paperwork Reduction Act

The collection of information contained in this final regulation has been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act (44 U.S.C. 3504(h)) under control number 1505–0063. The estimated average burden associated with the collections of information in this final rule is 533 hours per recordkeeper.

Comments concerning the accuracy of this estimate and suggestions for reducing this burden should be directed to Peter G. Djinis, Director, Office of Financial Enforcement, Office of the Assistant Secretary (Enforcement), Department of the Treasury, room 5000 Annex, 1500 Pennsylvania Avenue NW., Washington, DC 20220, and to the Office of Management and Budget, Paperwork Reduction Project (1505–0063), Washington, D.C. 20503.

Drafting Information

The principal authors of this document are the Office of the Assistant General Counsel (Enforcement) and the Office of Financial Enforcement, Department of the Treasury.

List of Subjects in 31 CFR Part 103

Authority delegations (Government agencies), Banks and banking, Currency, Foreign banking, Investigations, Law enforcement, Reporting and recordkeeping requirements, Taxes.

Amendment

For the reasons set forth above in the preamble, 31 CFR part 103 is amended as set forth below:

PART 103—FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN TRANSACTIONS

1. The authority citation for part 103 is revised to read as follows:

Authority: Pub. L. No. 91–508, Title I, 84 Stat. 1114 (12 U.S.C. 1829b, 1951–1959); and the Currency and Foreign Transactions Reporting Act, Pub. L. No. 91–508, Title II, 84 Stat. 1118, as amended (31 U.S.C. 5311–5326).

2. Section 103.11(i)(7) is revised to read as follows:

§ 103.11 Meaning of terms.

* * * * *

(i) * * *

(7) (i) *Casino.* A casino or gambling casino duly licensed to do business as a casino or gambling casino in the United States and having gross annual gaming revenue in excess of $1,000,000. The term includes the principal headquarters and every domestic branch or place of business of the casino.

(ii) For purposes of this paragraph (i)(7), "gross annual gaming revenue" means the gross gaming revenue received by a casino, during either the previous business year or the current

business year of the casino. A casino or gambling casino which is a casino for purposes of this part solely because its gross annual gaming revenue exceeds $1,000,000 during its current business year, shall not be considered a casino for purposes of this part prior to the time in its current business year that its gross annual gaming revenue exceeds $1,000,000.

3. Section 103.22 is amended by revising paragraph (a)(2) to read as follows:

§ 103.22 Reports of currency transactions.

* * * * *

(a) * * *

(2) Each casino shall file a report of each transaction in currency, involving either cash in or cash out, of more than $10,000.

(i) Transactions in currency involving cash in include, but are not limited to:

(A) Purchases of chips, tokens, and plaques;

(B) Front money deposits;

(C) Safekeeping deposits;

(D) Payments on any form of credit, including markers and counter checks;

(E) Bets of currency;

(F) Currency received by a casino for transmittal of funds through wire transfer for a customer;

(G) Purchases of a casino's check; and

(H) Exchanges of currency for currency, including foreign currency.

(ii) Transactions in currency involving cash out include, but are not limited to:

(A) Redemptions of chips, tokens, and plaques;

(B) Front money withdrawals;

(C) Safekeeping withdrawals;

(D) Advances on any form of credit, including markers and counter checks;

(E) Payments on bets, including slot jackpots;

(F) Payments by a casino to a customer based on receipt of funds through wire transfer for credit to a customer;

(G) Cashing of checks or other negotiable instruments;

(H) Exchanges of currency for currency, including foreign currency; and

(I) Reimbursements for customers' travel and entertainment expenses by the casino.

(iii) Multiple currency transactions shall be treated as a single transaction if the casino has knowledge that they are by or on behalf of any person and result in either cash in or cash out totalling more than $10,000 during any gaming day. For purposes of this paragraph (a)(2), a casino shall be deemed to have the knowledge described in the preceding sentence, if

(A) Any sole proprietor, partner, officer, director, or employee of the casino, acting within the scope of his or her employment has knowledge that such multiple currency transactions have occurred, or

(B) The books, records, logs, information retained on magnetic disk, tape or other machine-readable media, or in any manual system, and similar documents and information, which the casino maintains pursuant to any law or regulation or within the normal course of its business, contain information that such multiple currency transactions have occurred.

(iv) Notwithstanding paragraph (a)(2)(iii) of this section,

(A) A casino will not be deemed to have knowledge of purchases or redemptions of slot tokens for currency unless a record as described in § 103.36(b)(15) is required to be prepared, and

(B) A casino will not be deemed to have knowledge of *de minimis* transactions in currency, unless it has actual knowledge thereof when aggregating currency transactions. For purposes of this paragraph (a)(2), as it pertains to casinos, a *de minimis* transaction is one involving less than $500 in currency, either through a distinctly isolated transaction, or through a series of related transactions.

* * * * *

§ 103.28 [Amended]

4. Section 103.28 is amended by designating the first three sentences as paragraph (a)(1) and by deleting the word "Before" from the first sentence and adding in its place the phrase "Except as provided in paragraph (b) of this section, before".

5. Section 103.28 is further amended by deleting the fourth sentence and substituting therefor new paragraph (a)(2) to read as follows:

§ 103.28 Identification required.

(a) (1) * * *

(2) Notwithstanding paragraph (a)(1) of this section,

(i) With respect to a bank, a bank signature card may be relied upon to verify identity only if such card was issued after documents establishing the identity of the individual were examined and notation of the specific information was made on the signature card; and

(ii) With respect to a casino, an internal casino record may be relied upon to verify identity only if:

(A) Such record was prepared with regard to a deposit or credit account, in which the individual whose identification is to be verified has an ownership interest or signature authority;

(B) Such record was prepared after official or otherwise reliable documents establishing the name and address of the individual (such as a driver's license, passport, voter registration or alien identification card) were examined and notation of the specific information was made on the record; and

(C) The casino periodically reverifies the identifying information in the record, and includes in the record the date on which each reverification is made.

6. Section 103.28 is further amended by designating the fifth sentence as paragraph (a)(3).

7. Section 103.28 is further amended by adding a new paragraph (b) to read as follows:

§ 103.28 Identification required.

* * * * *

(b) If a casino acquires knowledge, solely as described in § 103.22(a)(2)(iii)(B), that

(1) A cash in transaction has caused all of a customer's cash in transactions to be treated as a single transaction in currency under § 103.22(a)(2)(iii), or

(2) A cash out transaction has caused all of a customer's cash out transactions to be treated as a single transaction in currency under § 103.22(a)(2)(iii), then the casino shall obtain, verify, and record, within a reasonable period of time after such knowledge is so acquired, the information described, in the manner prescribed, in § 103.28(a), which is then reasonably available. For purposes of the preceding sentence, information shall be deemed reasonably available if the customer is reasonably available. (For special recordkeeping requirements regarding this paragraph (b), see § 103.36(b)(14)).

§ 103.36 [Amended]

8. Section 103.36(a) is amended by inserting in the first sentence of paragraph (a) the words "name, permanent address, and" immediately following the words "record of the".

9. Section 103.36(a) is further amended by inserting in the second sentence the words "name, permanent address, and" immediately following words "the casino shall secure the".

10. Section 103.36(a) is further amended by inserting the following between the second and third sentences: "The name and address of such person shall be verified by the casino at the time the deposit is made, account opened, or credit extended. The verification shall be made by examination of a document of the type described in § 103.28(a), and the

specific identifying information shall be recorded in the manner described in § 103.28(a)."

11. Section 103.36(b)(4) is amended by deleting "$2500" in the first sentence and substituting therefor "$3,000".

12. Section 103.36 is further amended by adding new paragraph (b)(9), to read as follows:

§ 103.36 Additional records to be made and retained by casinos.

* * * * *

(b) * * *

(9) A record of each person that the casino knows, or through reasonable diligence should know, has bought in at, bet, or purchased chips, tokens, or plaques of, $3,000 or more, through one or more transactions in currency, in a single gaming day. The record shall include the name, permanent address, casino account number (if any), and social security number or taxpayer identification number of such person; the date and time of, and the amount of currency involved in, the transaction(s); and the name or casino license number of the casino employee preparing the record.

(i) The name and address of such person shall be verified by the casino. The verification shall be made by examination of a document or record of the type described in § 103.28(a), and the specific identifying information shall be recorded in the manner described in § 103.28(a).

(ii) If the person is a nonresident alien, the person's passport number or a description of some other government document used to verify the person's identity shall be obtained and recorded.

(iii) In the event that a casino has been unable to secure the required social security number or taxpayer identification number, it shall not be deemed to be in violation of this requirement if it has made a reasonable effort to secure such number, maintains a list containing the names and permanent addresses of those persons from whom it has been unable to obtain such number, and makes the names and addresses of those persons available to the Secretary upon request.

(iv) If

(A) A casino makes and retains the records described in paragraph 103.36(b)(8) when a person buys-in at, bets, or purchases chips of at least $3,000 in currency through one or more transactions in a gaming day;

(B) Such records contain all of the information required by this paragraph (b)(9); and

(C) The customer information for such records is verified as described in (b)(9)(i) and (ii) of this section, the casino shall not be required to make the records described in this paragraph (b)(9).

(v) Purchases of slot tokens with currency are excluded from the provisions of this paragraph (b)(9), but are subject to the provisions of § 103.36(b)(15).

* * * * *

13. Section 103.36 is further amended by adding new paragraph (b)(10), to read as follows:

§ 103.36 Additional records to be made and retained by casinos.

* * * * *

(b) * * *

(10) A record containing a list of each customer who is known by the casino by more than one name. The list shall include the name of the customer, his or her permanent address, casino account number (if any), and social security or taxpayer identification number (if known by the casino), and the aliases, nicknames, and other names by which the customer is identified. The list need not include derivatives of a single name (e.g., Timothy, Tim, Timmy).

* * * * *

14. Section 103.36 is further amended by adding a new paragraph (b)(11), to read as follows:

§ 103.36 Additional records to be made and retained by casinos.

* * * * *

(b) * * *

(11) (i) A separate record containing a list of each transaction between the casino and its customers involving the following types of instruments having a face value of $3,000 or more:

(A) Personal checks (excluding instruments which evidence credit granted by a casino strictly for gaming, such as markers);

(B) Business checks (including casino checks);

(C) Official bank checks;

(D) Cashier's checks;

(E) Third-party checks;

(F) Promissory notes;

(G) Traveler's checks; and

(H) Money orders.

(ii) The list will contain the time, date, and amount of the transaction; the name and permanent address of the customer; the type of instrument; the name of the drawee or issuer of the instrument; all reference numbers (*e.g.*, casino account number, personal check number, etc.); and the name or casino license number of the casino employee who conducted the transaction. Applicable transactions will be placed on the list in the chronological order in which they occur.

* * * * *

15. Section 103.36 is further amended by adding a new paragraph (b)(12), to read as follows:

§ 103.36 Additional records to be made and retained by casinos.

* * * * *

(b) * * *

(12) A copy of the compliance program described in § 103.54(a).

* * * * *

16. Section 103.36 is further amended by adding a new paragraph (b)(13), to read as follows:

§ 103.36 Additional records to be made and retained by casinos.

* * * * *

(b) * * *

(13) All documents and codes prepared in conjunction with the operation of the imprest systems, or the systems to be used if the imprest system is exempted by the Secretary, as described in § 103.54(b).

* * * * *

17. Section 103.36 is further amended by adding a new paragraph (b)(14), to read as follows:

* * * * *

§ 103.36 Additional records to be made and retained by casinos.

* * * * *

(b) * * *

(14) A record that contains a list of each person on which the casino was required, solely by operation of paragraph 103.28(b), to verify and record the information described in paragraph 103.28(a), but the information was not reasonably available, within the meaning of paragraph 103.28(b). The list shall contain any identifying information on the person which is available; a description of the specific information that was not obtained, verified, or recorded; and the time, date, and amount of the transaction or transactions that caused the operation of paragraph 103.28(b).

* * * * *

18. Section 103.36 is further amended by adding a new paragraph (b)(15), to read as follows:

§ 103.36 Additional records to be made and retained by casinos.

* * * * *

(b) * * *

(15) A record of each person that the casino knows, or through reasonable diligence should know, has purchased or redeemed slot machine tokens of $3,000 or more, through one or more transactions in currency, in a single gaming day. The record shall include the name, permanent address, casino

account number (if any), and social security number of taxpayer identification number of such person; the date and time of, and the amount of currency involved in, the transaction(s); and the name or casino license number of the casino employee preparing the record.

(i) The name and address of such person shall be verified by the casino. The verification shall be made by examination of a document or record of the type described in § 103.28(a), and the specific identifying information shall be recorded in the manner described in § 103.28(a).

(ii) If the person is a nonresident alien, the person's passport number or a description of some other government document used to verify the person's identity shall be obtained and recorded.

(iii) In the event that a casino has been unable to secure the required social security number or taxpayer identification number, it shall not be deemed to be in violation of this requirement if it has made a reasonable effort to secure such number and it maintains a list containing the names and permanent addresses of those persons from whom it has been unable to obtain such number and makes the names and addresses of those persons available to the Secretary upon request.

* * * * *

19. New § 103.54 is added immediately after § 103.53, to read as follows:

§103.54 Special rules for casinos.

(a) *Compliance programs.* (1) On or before September 8, 1993, each casino shall develop and implement a written program reasonably designed to assure and monitor compliance with the requirements set forth in subchapter II of chapter 53 of title 31 of the United States Code and the regulations contained in this part.

(2) At a minimum, each compliance program shall provide for:

(i) A system of internal controls to assure ongoing compliance;

(ii) Internal and/or external independent testing for compliance;

(iii) Training of casino personnel;

(iv) An individual or individuals to assure day-to-day compliance;

(v) Procedures for using all available information to determine:

(A) When required by this part, the name, address, social security number, and other information, and verification of the same, of a person;

(B) The point in time at which multiple currency transactions will be treated as a single transaction for purposes of § 103.22(a)(2); and

(C) Whether any record as described in subpart C of this part must be made and retained; and

(vi) For casinos that have automated data processing systems, the use of automated programs to aid in assuring compliance.

(b) *Imprest systems.* (1) Each casino shall develop and use an imprest system to account for the following transactions:

(i) With its customers, all transactions involving chips, currency, or any combination of chips and currency, other than those that occur at the gaming tables and at stations that conduct solely purchases and redemptions of slot tokens;

(ii) The segregation of currency for transfer to another financial institution;

(iii) The receipt of currency from another financial institution; and

(iv) The inventorying of currency that has been transferred from the games to the casino's central location for custody of the casino's currency.

(2)(i) For the transactions described in paragraph (b)(1)(i) of this section, each imprest system shall:

(A) Provide individual imprest inventories of currency or chips and currency for each employee who is responsible for conducting such transactions;

(B) Assure the recording of the beginning and ending inventory of each individual imprest inventory by dollar value and denominational composition; and

(C) Provide for the chronological recording of

(*1*) All such transactions and

(*2*) All transactions involving the individual imprest inventories and any other place in the casino (*e.g.*, a "chip bank").

The record shall contain the amount and brief description of all transactions (*e.g.*, "redemption of chips for $50" or "payoff of $200 credit with chips"). Paper tape containing the amount and description meets this recordkeeping requirement. The description may be coded, so long as a single code is used uniformly in recording the transactions, and is made available to the Secretary upon request.

(ii) When a transaction described in paragraph (b)(1)(i) of this section involves cash in or cash out of $3,000 or more in currency, the casino shall, in addition to all other requirements of this section, prepare a record containing the customer's name, permanent address, casino account number (if any), and social security number or taxpayer identification number; the date and time of the transaction; and the name or casino license number of the casino employee conducting the transaction. The customer's name and address shall be verified as described in § 103.28(a). If the customer is a nonresident alien, the casino shall also record the customer's passport number or a description of some other government document used to verify the person's identity. In the event that a casino is unable to secure the social security number or taxpayer identification number, it shall not be deemed to be in violation of this requirement if it has made a reasonable effort to secure such number and maintains a list containing the names and permanent addresses of those persons from whom it has been unable to obtain such numbers and makes the names and addresses of those persons available to the Secretary upon request.

(3) For the transactions described in paragraph (b)(1) (ii), (iii), and (iv) of this section, the casino must prepare and keep a record containing the following information: the type of transaction involved (*e.g.*, a "drop count"); the number of all denominations of currency involved (*e.g.*, ten $100 bills, fifty $50 bills, twenty-five $20 bills, etc.); the specific place of origination or destination of the currency (*e.g.*, the name of a commercial bank, the table number of currency transferred from a game to the cage, etc.); the time and date of the transaction; and the name or casino license number of the employee who prepares the record.

(4) The Secretary may exempt a casino from the requirements of this paragraph (b) that relate to the transactions described in paragraph (b)(1)(i) only. The exemption may be granted, provided the casino certifies to the Secretary that:

(i) All of the transactions described in paragraph (b)(1)(i), which are in amounts in excess of $10,000, occur only at one or more stations, and such station(s) handle no other transactions;

(ii) All of the transactions described in paragraph (b)(1)(i), which are in amounts of $3,000 through and including $10,000, occur only at one or more stations, and such station(s) handle no other transactions; and

(iii) For each transaction occurring at the station or stations described in (b)(4) (i) and (ii) of this section, a record is prepared, retained, and made available to the Secretary upon request, of the name, permanent address, casino account number (if any), and social security number or taxpayer identification number of the customer involved; the passport number or a description of some other government document if the customer is a nonresident alien; the date and time, and amount of any currency involved

in, the transaction; a brief description of the transaction (*e.g.*, "redemption of chips for $3,000 check"); and the name or casino license number of the casino employee conducting the transaction. The name and address of the customer shall be verified as described in § 103.28(a). In the event that a casino is unable to secure the social security or taxpayer identification number, it shall not be deemed to be in violation of this requirement if it has made a reasonable effort to secure such number and makes the names and addresses of those persons available to the Secretary upon request.

(c) *Special terms.* As used in this part, as applied to casinos:

(1) *Business year* means the annual accounting period, such as a calendar or fiscal year, by which a casino maintains its books and records for purposes of subtitle A of title 26 of the United States Code.

(2) *Casino account number* means any and all numbers by which a casino identifies a customer.

(3) *Customer* includes every person which is involved in a transaction to which this part applies with a casino, whether or not that person participates, or intends to participate, in the gaming activities offered by that casino.

(4) *Gaming day* means the normal business day of a casino. For a casino that offers 24 hour gaming, the term means that 24 hour period by which the casino keeps its books and records for business, accounting, and tax purposes. For purposes of the regulations contained in this part, each casino may have only one gaming day, common to all of its divisions.

(5) *Machine-readable* means capable of being read by an automated data processing system.

(d) *Ongoing identification requirements.* Casinos shall be under a continuous duty to obtain and record all missing information contained in the list required by paragraph (b)(14) of § 103.36, whenever the information becomes reasonably available.

Dated: March 8, 1993.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff, and Trade Enforcement).

[FR Doc. 93-5686 Filed 3-11-93; 8:45 am]

BILLING CODE 4810-25-P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 92

[DoD Directive 1215.8]

Senior Reserve Officers Training Corps Program

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Final rule.

SUMMARY: The Department of Defense hereby removes 32 CFR part 92 concerning Senior Reserve Officers Training Corps Program. This part has served the purpose for which it was intended in 1982 and is no longer valid.

EFFECTIVE DATE: March 12, 1993.

FOR FURTHER INFORMATION CONTACT: L.M. Bynum, Correspondence and Directives Directorate, 1155 Defense Pentagon, Washington, DC 20301-1155, (703 697-4111.

SUPPLEMENTARY INFORMATION: An updated version of DoD Directive 1215.8 of the same title is available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161. The NTIS accession number for DoD Directive 1215.8 is PB90-120551.

List of Subjects in 32 CFR Part 92

Armed Forces reserves, Colleges and universities.

PART 92—[REMOVED]

Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 92 is removed.

Dated: March 9, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93-5703 Filed 3-11-93; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 154

[CGD 91-036]

RIN 2115-AD82

Response Plans for Marine Transportation-Related Facilities; Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction to interim final rule.

SUMMARY: This document contains corrections to the interim final rule (CGD 91-036) which was published Friday, February 5, 1993, (58 FR 7330). The regulations related to the preparation and submission of response plans for marine transportation-related facilities.

EFFECTIVE DATE: March 12, 1993.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Walter (Bud) Hunt, Project Manager, Oil Pollution Act (OPA 90) Staff, (202) 267-6740. This telephone is equipped to record messages on a 24-hour basis.

SUPPLEMENTARY INFORMATION:

Background

The interim final rule that is the subject of these corrections established regulations requiring response plans for marine transportation-related facilities (MTR) including deepwater ports, certain Coast Guard-regulated onshore facilities, marinas, tank trucks, and railroad tank cars that handle, store or transport oil. The interim final rule also established additional response plan requirements for MTR facilities located in Prince William Sound, Alaska permitted under the Trans-Alaska Pipeline Authorization Act (TAPAA). These regulations are mandated by the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990 (OPA 90).

Need for Correction

As published, the interim final rule contains certain errors and omissions which are in need of correction.

Correction of Publication

Accordingly, the publication on February 5, 1993 of the interim final rule (CGD 91-036), which is the subject of FR Doc. 93-1708 is corrected as follows:

1. On page 7338, in the first column, lines 34 and 35, the phrase "non-persistent" should read "non-petroleum oil".

2. On page 7341, in the third column at line 43, "war" should read "water".

3. On page 7352, in the third column at line 68, the following should be added to the table of contents:

Appendix C of Part 154—Guidelines for Determining and Evaluating Required Response Resources for Facility Response Plans

Appendix D of Part 154—Interim Guidelines for Determining Economically Important and Environmentally Sensitive Areas for Facility Response Plans

§ 154.1020 [Corrected]

4. On page 7354, in the first column at line 23, in § 154.1020, "offshore" should read "onshore".

§154.1028 [Corrected]

5. On page 7355, in the third column at line 24, in § 154.1028(a)(4)(v), "(v)" should read "(5)".

§154.1060 [Corrected]

6. On page 7364, in the first column at line 18, in § 154.1060(b), between the words "Coordinator" and "prior" insert the words "the COTP may consult with the EPA Federal On-Scene Coordinator".

Dated: March 5, 1993.

A.E. Henn,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 93-5736 Filed 3-11-93; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 111

Implementation of Delivery Point Barcode Requirement for Letter-Size Mail

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule adopts on a temporary basis changes to the prebarcoding requirements for automation rate letter-size mailings, requiring a delivery point barcode on all letter-size mail for which a barcoded discount is claimed, and making conforming changes to the requirements for ZIP+4 numeric discounts.

EFFECTIVE DATE: March 21, 1993.

FOR FURTHER INFORMATION CONTACT: Mrs. Lynn Martin (202) 268-5176.

SUPPLEMENTARY INFORMATION: On November 9, 1992, pursuant to 39 U.S.C. 3623, the Postal Service filed with the Postal Rate Commission a Request for a Recommended Decision on Pre-barcoded Letter Mail Requirements. The Commission gave notice of the establishment of a classification proceeding (PRC Docket No. MC93-2) to consider the Postal Service's Request and the procedures for participation by interested parties. 57 FR 54866 (November 20, 1992).

In its Request and supporting testimony, the Postal Service set forth its plans to begin automated delivery point sequencing of letter-size mail on March 21, 1993, and requested that the Commission recommend a change in the Domestic Mail Classification Schedule (DMCS) which would give the Postal Service the flexibility to require that all letter-size mail claimed at a prebarcoded rate must bear a delivery point barcode, rather than the ZIP+4 barcode now specified by the DMCS.

In a proposed rule published on February 18, 1993 (58 FR 8921), the Postal Service explained that the Commission's procedural schedule in PRC Docket No. MC93-2 would not permit the issuance of a recommended decision before March 21, 1993. The proposed rule described the operational problems that would be associated with the continued entry of ZIP+4 prebarcoded letter mail after that date.

To avoid these operational problems, the proposed rule stated that the Postal Service planned, pursuant to its authority under 39 U.S.C. 3641(e), to place into effect temporary changes in the mail classification schedule in accordance with the proposed changes under consideration by the Commission. The proposed rule set forth the amendments to the prebarcoding requirements in the Domestic Mail Manual that the Postal Service proposed to make in the event a temporary classification change was placed into effect.

On March 5, 1993, the Postal Service published a notice that the Board of Governors of the Postal Service had authorized it to place the temporary change into effect and that the Postal Service had determined, pursuant to this authorization and its statutory authority under 39 U.S.C. 3641(e), to place into effect this temporary classification change effective at 12:01 a.m. on March 21, 1993. 58 FR 12605. This final rule sets forth the amendments to the prebarcoding requirements in the Domestic Mail Manual that implement this temporary classification change, as well as conforming changes to the requirements for numeric ZIP+4 rates for letter mail.

Evaluation of Comments Received

The Postal Service received three comments on the proposed rule, one from a mailing industry trade association, one from an association of presort service bureaus, and one from a manufacturer of mailing preparation equipment.

One commenter stated the comment period was too short to allow mailers time to generate constructive comments and recommendations. The Postal Service believes that mailers have had adequate time to determine the impact of required use of delivery point barcodes on their mailing operations. The Postal Service has been communicating its plans to adopt a delivery point barcoding requirement for letter-size barcoded rate mailings since 1989. Mailers have been provided notice through the Domestic Mail Manual (DMM) that the Postal Service planned to require a delivery point barcode on all mail qualifying for letter-size barcoded rates. Notice was published in the DMM as early as December 15, 1991. In the March 15, 1992 issue of the DMM, the Postal Service set forth the date of March 21, 1993, as the intended date of implementation of the delivery point barcode requirement. Additional notice was given through the Postal Rate Commission proceeding described above. Thus, mailers should have been aware of the impact implementation of the delivery point barcoding requirements would have on their mailing practices prior to the publication of the formal Federal Register proposed rule. Given this, the Postal Service believes the two-week comment period provided was adequate.

All three commenters requesting delaying implementation of the requirement for delivery point barcodes to obtain letter-size barcoded rates. Two commenters indicated that since the Postal Service will not have delivery point barcoding equipment fully deployed on March 21, it should not hurt the Postal Service to delay implementation. One of these commenters indicated that delaying the effective date would not hurt the Postal Service financially, but that mailers who are not ready will lose automation discounts. Another of these commenters asserted that the March 21 date was arbitrary, although he also indicated the members of his association would be ready on that date to apply delivery point barcodes to the mail they process. Even though the Postal Service will not be sorting all delivery point barcoded mail to carrier route walk sequence on automated equipment on March 21, 1993, delaying the effective date for requiring mailer applied delivery point barcodes would have an impact on the Postal Service. Full implementation of Postal Service delivery point sequencing is dependent upon the volume of delivery point barcoded mail received. The Postal Service will begin sorting to delivery point on a route by route and unit by unit basis in March 1993. Start-ups will vary depending on each postal facility's ability to restructure its operations, but the sooner each facility processes sufficient delivery sequenced volume to restructure its operation, the sooner the Postal Service can achieve automation-related savings. Since mail barcoded by the mailer is a substantial percentage of the total volume of barcoded mail in the system, delaying the requirement for delivery point

barcodes would affect the implementation schedule of the Postal Service and have an adverse impact on the savings to be gained from use of delivery point barcodes for automated sequencing of mail. Furthermore, continued encouragement of mailers to apply ZIP+4 barcodes would increase Postal Service costs since extra handling by the Postal Service will be required to apply a delivery point barcode to such pieces. (As noted in the proposed rule, the complexity of applying delivery point barcodes to ZIP+4 barcoded pieces varies depending on whether the ZIP+4 barcode appears in the address block or in the lower right barcode clear zone, but additional handlings will always be required.)

One commenter requested postponing the implementation date until June 20. This commenter stated that many mailers will not be ready on March 21 because new software needed to implement both the new presort requirements that will also go into effect on March 21, 1993, and the delivery point barcode requirement will not be available from their software vendors until mid-March. This commenter also expressed concern that the Postal Service will not have an adequate number of trays to support the presort changes. Although he acknowledged that the Postal Service has already established procedures for handling spot tray shortages and for granting mail preparation exceptions to those mailers with presort problems, this commenter stated it would be costly for both the Postal Service and mailers to request exceptions and indicated that it would be better to delay the date of implementation. Availability of presort software and trays are different issues from those addressed in the instant proposed rule on prebarcoding of letter-size mail. Those issues have been addressed by the procedures described above. The Postal Service believes this is an adequate solution and that delaying delivery point barcode implementation for these reasons is not necessary.

Another commenter requested postponement of the implementation date until the end of April, 1993. This commenter indicated the proposal not to allow pieces bearing a ZIP+4 barcode in the lower right corner to qualify for the ZIP+4 rates was not anticipated, and that software changes necessary to implement this requirement cannot be completed in time for the March 21, 1993, implementation date. Further discussion with the commenter revealed that there are options within its software that, if turned off, would result in proper application of rates in the vast majority of cases. The commenter agreed to notify its customers to do so and the Postal Service agreed to work with those customers on a case-by-case basis to resolve any other difficulties.

One commenter also stated that the Postal Service should move more quickly toward simplified sorting schemes for automation mail and noted its opposition to the longstanding requirement that barcoded mailpieces must also contain a correct numeric ZIP Code in the address. These comments are both outside the scope of the proposed rule concerning implementing requirements for delivery point barcodes and will not be addressed here.

This commenter also stated that the Postal Service should provide an additional rate incentive for delivery point barcoding. This issue has been raised by this commenter in the Postal Rate Commission proceeding. This rulemaking is not the proper forum for addressing that issue. This rulemaking is intended solely to adopt implementing regulations for the temporary classification change, which contains no change in postal rates.

No other comments were received concerning the DMM requirements in the proposed rule. Accordingly, the Postal Service will implement the requirement for delivery point barcodes to obtain a letter-size barcoded rate on March 21, 1993, as proposed. The regulations adopted in this final rule are the same as those in the proposed rule, except for some minor clarifications (58 FR 8921–8926).

These changes to the Domestic Mail Manual will be effective at 12:01 a.m. on March 21, 1993. The Postal Service believes that mailers will have adequate time to comply with the changed requirements, given the notice previously published of the Postal Rate Commission proceeding, as well as the fact that advance notice of the planned March 21 implementation has appeared in the DMM since March 1992.

See DMM 515.1, 531.112 (Issue 42, March 15, 1992). The March 5, 1993 notice of the temporary classification change also stated that these regulations would be implemented on March 21. 58 FR 12605, 6.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 5001.

Stanley F. Mires,

Chief Counsel, Legislative.

CHAPTER 3—FIRST-CLASS MAIL

2. Make the following changes to Domestic Mail Manual (DMM) Chapter 3:

312 NONPRESORTED BULK RATES

* * * * *

312.2 Nonpresorted Barcoded Rate

312.21 Cards

312.211 Rate Application. The nonpresorted Barcoded rate in 312.212 applies to cards meeting the requirements in 311.11 and 322 bearing delivery point barcodes in mailings meeting the requirements in 513 and 515.

* * * * *

313.7 3-Digit Barcoded Rates

313.71 Rate Application. The 3-digit Barcoded rates in 313.72 apply to cards and letter-size pieces bearing delivery point barcodes in mailings meeting the requirements in 513 and 515.

* * * * *

313.8 5-Digit Barcoded Rates

313.81 Rate Application. The 5-digit Barcoded rates in 313.82 apply to cards and letter-size pieces bearing delivery point barcodes in mailings meeting the requirements in 513 and 515.

* * * * *

325 PRESORTED BARCODED RATE FIRST-CLASS MAIL

325.1 Letter-Size Mailings. Presorted letter-size Barcoded rate mailings must meet the requirements in 513 and 515, including presort under 564, 565, or 566. The rate eligibility criteria for letter-size mailings presorted under 564, 565, or 566 are in 564.1, 565.21, and 566.21.

[Delete current 325.2.]

325.2 Flat-Size Mailings. [Insert current 325.12.]

[Delete current 325.3.]

* * * * *

CHAPTER 4—SECOND-CLASS MAIL

3. Make the following changes to Domestic Mail Manual (DMM) Chapter 4:

411.126 Barcoded Rates. [Change title to "Barcoded Rates." In the first sentence, delete "ZIP+4 Barcoded" and "ZIP+4 barcode."]

* * * * *

424.84 Documentation

* * * * *

424.843 Description. [Change the third sentence to read: "Further, for mailings at a ZIP+4 or Barcoded rate, each entry must detail the number of pieces bearing a ZIP+4 code or delivery point barcode, as appropriate, and a summary for the entire mailing must show a total number of pieces in the mailing and the number and percentage that bear a ZIP+4 code or delivery point barcode, as applicable, for the rate claimed."]

* * * * *

CHAPTER 5—AUTOMATION-COMPATIBLE MAIL

4. Change DMM 514.1 to read as follows:

514 REQUIREMENTS FOR ZIP+4 RATE MAILINGS (LETTER-SIZE PIECES ONLY)

514.1 Rate Eligibility

514.11 General. Only mailpieces containing a correct ZIP+4 code in the address and otherwise meeting the eligibility requirements of 514 can qualify for ZIP+4 rates. Other pieces can qualify for presort rates and, if First-Class, single-piece rates. Eligibility for specific rates differs based on the class of mail and the presort option used. Specific rate eligibility for ZIP+4 rate mailings presorted under 562.1 or 563 is in 562.11, and 563.1. Specific rate eligibility for nonpresorted First-Class mailings prepared under 569.1 is in 569.11.

514.12 Pieces Prepared with Delivery Point Barcodes. Mailers may claim mailpieces prepared with correct delivery point barcodes at ZIP+4 rates and may count such pieces toward the 85% requirement in 514.3. In barcoded mailings, pieces prepared with delivery point barcodes need not meet the OCR readability requirements in 540 or bear a numeric ZIP+4 code in the address to qualify for the ZIP+4 rates. The delivery point barcodes must be prepared under 530 and 551. See 514.3 and 514.52 for additional specifications for such pieces.

514.13 Pieces Prepared with ZIP+4 Barcodes. ZIP+4 rate mailings may include pieces prepared with ZIP+4 barcodes under the following conditions:

a. All pieces bearing ZIP+4 barcodes must meet the requirements of 520, 530, 540, and 551, and are subject to the limits in 514.3.

b. ZIP+4 barcodes may appear only in the address block as specified in 551.24. ZIP+4 barcodes are not permitted in the lower right barcode clear zone.

c. Pieces that bear a ZIP+4 barcode in the address block may qualify for ZIP+4 rates and may be counted toward the 85% requirement in 514.3 only if they bear a correct numeric ZIP+4 code in the address. ZIP+4 barcoded pieces that do not bear a numeric ZIP+4 code in the address do not qualify for ZIP+4 rates and do not count towards the 85% requirement in 514.3.

514.14 Pieces Prepared with 5-Digit Barcodes. ZIP+4 rate mailing prepared with delivery point barcodes may include pieces with correct 5-digit barcodes under the following conditions:

a. All pieces bearing a 5-digit barcode must meet the requirements of 520, 530, 540, 552, and are subject to the limits in 514.3.

b. When correct 5-digit barcodes are printed directly on mailpieces, the pieces may qualify for ZIP+4 rates and may be counted toward the 85% requirement in 514.3 if they also bear a correct numeric ZIP+4 code (see 530).

c. When 5-digit barcodes are printed on inserts that appear through a barcode window located in the lower right barcode clear zone, the pieces do not qualify for any automation-based rate and may not be counted toward the 85% requirement in 514.3 even if they bear a correct numeric ZIP+4 code in the address.

514.15 Pieces Prepared with Blank Barcode Windows in Lower Right Barcode Clear Zone. Pieces prepared with barcode windows in the lower right barcode clear zone through which no barcode appears are not eligible for any automation-based rate, and may not be counted toward the 85% requirement in 514.3 even if they bear a correct numeric ZIP+4 code in the address.

5. Make the following revisions to the remainder of 514:

514.32 Barcoded Pieces. The correct delivery point barcode prepared as required by 530 and 550 satisfies the requirement for a correct ZIP+4 code for rate qualification and meeting the 85% requirement in 514.31. A ZIP+4 barcode does not satisfy the requirement for a numeric ZIP+4 code. Therefore, ZIP+4 barcoded pieces will count towards the 85% requirement in 514.31 and qualify for ZIP+4 rates only if the address bears a numeric ZIP+4 code and the piece meets the requirements of 540.

* * * * *

514.4 Addresses. The address on each piece in the mailing must include either the correct numeric ZIP+4 code or the correct numeric 5-digit ZIP Code. The addresses on pieces in mailings prepared with delivery point barcodes may bear the numeric equivalent to the delivery point barcode as provided in 517. Each piece in the mailing that bears a ZIP+4 code or a delivery point barcode must bear an accurate address as specified in 534. The mailing must meet all requirements in 530 (see also 514.52).

514.5 Mailpiece Characteristics

514.51 Physical Requirements. [In current 515.51, delete the phrase "ZIP+4 barcoded or".]

514.52 OCR Processing. Each piece in the mailing, except those pieces in mailings prepared with correct delivery point barcodes (see 530) must meet the requirements of 540, including the requirement that the address be printed in a standardized addressing format (see 541). Pieces in mailings prepared with delivery point barcodes must meet the requirements of 550.

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6. Change DMM 515.1 to read as follows:

515 REQUIREMENTS FOR LETTER-SIZE BARCODED RATE MAILINGS

515.1 Rate Eligibility

515.11 General. Only mailpieces bearing a correct delivery point barcode and otherwise meeting the eligibility requirements of 515 can qualify for barcoded rates. Other pieces can qualify for ZIP+4 rates or presort rates, and if First-Class, single piece rates. Eligibility for specific rates differs based on the class of mail and the presort option used. Specific rate eligibility criteria for barcoded mailings presorted under 564.1, 565, or 566 are in 564.11, 565.2, and 566.2. Specific rate eligibility criteria for First-Class nonpresorted Barcoded rate mailings prepared under 569.2 are in 569.21.

515.12 Pieces Prepared with ZIP+4 Barcodes. Pieces with correct ZIP+4 barcodes may be included in the mailing under the following conditions:

a. All pieces bearing a ZIP+4 barcode must meet the requirements of 520, 530, 551, and are subject to the limits in 515.3.

b. In mailings prepared with barcodes in the lower right corner, pieces bearing ZIP+4 barcodes in the lower right corner are permitted. However, because they cause subsequent processing problems, ZIP+4 barcodes in the lower right corner are discouraged.

c. Pieces with ZIP+4 barcodes printed in the lower right corner do not qualify for any automation-based rate.

d. Mailpieces bearing a ZIP+4 barcode in the address block must contain a barcode clear zone in the lower right under 551.22 and 551.412.

e. When ZIP+4 barcodes are printed in the address block, the pieces may

qualify for ZIP+4 rates if they bear a correct numeric ZIP+4 code and meet the requirements of 540.

515.13 Pieces Prepared with 5-Digit Barcodes. Pieces with correct 5-digit barcodes may be included in the mailing under the following conditions:

a. All pieces bearing a 5-digit barcode must meet the requirements of 520, 530 and 552, and are subject to the restrictions in 515.3.

b. Pieces bearing only a 5-digit barcode do not qualify for the Barcoded rates.

c. When correct 5-digit barcodes are printed directly on mailpieces the pieces may qualify for ZIP+4 rates if they also bear a correct numeric ZIP+4 code (see 530), and meet the requirements of 540.

d. When 5-digit barcodes are printed on inserts that appear through a barcode window located in the lower right barcode clear zone the pieces do not qualify for any automation-based rate.

515.14 Pieces Prepared with Blank Barcode Windows Located in the Lower Right Barcode Clear Zone. Pieces prepared with barcode windows in the lower right barcode clear zone through which no barcode appears do not qualify for any automation-based rate.

7. Make the following additional changes to DMM chapter 5:

515.3 Required Percentage of Delivery Point Barcoded Pieces. [Delete "ZIP+4 Barcoded" from title.]

515.31 85% Delivery Point Barcoded Pieces for Entire Mailing. [In current 515.31, add "Delivery Point" to the title. Delete the phrase "ZIP+4 barcode or". Change the phrase "ZIP+4 Barcoded" to "barcoded" and change the phrase "certified ZIP+4 or" to "certified."]

515.32 100% Delivery Point Barcoded Pieces for 5-Digit Portion of Mailing. [In current 515.32, delete the reference to "567", and delete the phrase "correct ZIP+4 barcode or"].

[Delete 515.33]

515.4 Addresses. [In current 515.4, delete the phrase "ZIP+4 barcode."]

* * * * *

515.5 Letter-Size Mailpiece Characteristics

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515.512 Nonpresorted Barcoded Rates (First-Class Only). [In current 515.512 delete "ZIP+4" from the title.]

* * * * *

515.53 Rate Marking. [In current 515.53, change the rate markings "ZIP+4 Barcoded" to "Barcoded." Change all other references to "ZIP+4 Barcoded" to "Barcoded."]

515.6 Presort and Documentation. [In current 515.6, change all phrases "ZIP+4 Barcoded" to "Barcoded."]

* * * * *

517 DELIVERY POINT BARCODE

[Delete 517.1 and renumber 517.2 and 517.3 accordingly.]

517.1 Description. [In renumbered 517.1 (formerly 517.2) delete the third sentence. Delete "In addition," from the fourth sentence.]

* * * * *

531 CODING ACCURACY SUPPORT SYSTEM (CASS CERTIFICATION)

* * * * *

531.113 Delivery Point Barcoding

a. Letter-Size Mailings. The use of a delivery point barcode to obtain letter-size barcoded rates is mandatory. All mailings claimed at letter-size barcoded rates must be prepared using mailing lists processed with address matching software that is CASS-certified for delivery point coding (DPC) capability. The two-digit add-on logic must use the primary street number field from the CASS-certified ZIP+4 address matching process.

b. Flat-Size Mailings. The use of a delivery point barcode instead of a ZIP+4 barcode on mailpieces to obtain the flat-size barcoded rates is optional. However, both ZIP+4 barcodes and delivery point barcodes must be obtained from CASS certified DPC address matching software.

Exception: Address lists coded with ZIP+4 address matching software CASS certified before the Fall 1992 CASS certification cycle may continue to be used to prepare flat-size barcoded mailings within the time constraints allowed under 531.15.

* * * * *

531.14 Use of Current Information. [In current 531.14, change the phrase "When used for ZIP+4 coding or ZIP+4 barcoding" to "When used for ZIP+4 coding, ZIP+4 barcoding, or delivery point barcoding."]

* * * * *

534 ACCURATE ADDRESSING

534.1 Basic Requirement. [In current 534.1, replace the second sentence with the following: "Standardization of addresses is not required for mail in barcoded rate mailings. Within letter-size ZIP+4 rate mailings, pieces qualifying for ZIP+4 rates must bear addresses prepared in a standardized addressing format as shown in Exhibit 122.33, except for pieces in ZIP+4 rate mailings prepared with delivery point barcodes (see 514.12 and 514.52)." In the last sentence, revise "ZIP+4 Barcoded rate" to read "Barcoded rate."]

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534.2 Depth of Code Quality

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534.244 Information Not Available. [In current 534.244, change the phrase "or ZIP+4 barcode" to ", ZIP+4 barcode, or delivery point barcode."]

540 Non-Delivery Point Barcoded Pieces Qualifying for ZIP+4 Rates

541 GENERAL

541.1 Applicability. [In current 541.1, delete the phrase "ZIP+4 barcode or".]

541.2 Address Content and Standardized Address Format. [In the second sentence of 541.2, revise the phrase non-ZIP+4 barcoded" to non-delivery point barcoded".]

542 OCR READABILITY

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542.3 Limits for Nonaddress Printing in OCR Read Area

542.31 Nonaddress Printing or Markings. [Revise the first sentence to read as follows: "There must be no markings, printing (except for a 5 digit, ZIP+4, or delivery point barcode prepared under 551.24 or 552.31), or die cuts (except for the edges of address windows prepared in accordance with 543) in the OCR read area defined in 542.1 on either side of, or below, any of the delivery address lines."]

* * * * *

545 BARCODE CLEAR ZONE

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545.4 What may Appear in Barcode Clear Zone. Except for a delivery point barcode or 5-digit barcode prepared under 550, no printing, markings, tabs, or wafer seals may appear in the barcode clear zone unless meeting the requirements of 551.4. ZIP+4 barcodes must not appear in the barcode clear zone.

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546 ACCEPTANCE OF USPS WATER-BASED BARCODE INK

546.1 General. [In current 546.1, change the phrase "to print a ZIP+4 barcode" to "to print a delivery point barcode".]

551 ZIP+4 OR DELIVERY POINT BARCODE

* * * * *

551.2 Location

551.21 General

551.211 **Cards and Letter-Size Mail.** [Add the following to the end of this section. "Pieces bearing ZIP+4 barcodes in the lower right barcode read area do not qualify for any automation-based rates.

551.22 Barcode Clear Zone (Lower Right Corner)—Letter-Size Mail

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551.222 **What May Appear in Barcode Clear Zone.** Except for a delivery point barcode, 5-digit barcode, and under limited circumstances, a ZIP+4 barcode, properly prepared under 550, no printing, markings, tabs, or wafer seals may appear in the barcode clear zone unless meeting the requirements of 551.4. In letter-size mailings, ZIP+4 barcodes may appear in the lower right barcode clear zone only in Barcoded rate mailings prepared with barcodes in the lower right corner, subject to the 15% limit in 515.3. Letter-size pieces prepared with ZIP+4 barcodes in the lower right barcode clear zone do not qualify for any automation-based rates. ZIP+4 barcodes must not appear in the lower right barcode clear zone in letter-size Barcoded rate mailings prepared with address block barcodes, nor in ZIP+4 rate mailings.

* * * * *

551.23 Barcode Placement on Letter-Size Mail (Lower Right Corner)

551.231 Printed Directly on Mailpieces. [Add the following to the end of this section: "Note: Pieces bearing ZIP+4 barcodes in the lower right corner do not qualify for any automation-based rates."]

551.232 Printed on Inserts. [Add the following to the end of this section: "Note: Pieces bearing ZIP+4 barcodes in the lower right corner do not qualify for any automation-based rates."]

* * * * *

551.4 Reflectance

551.41 Background Reflectance

551.412 Pieces Barcoded in Address Block

* * * * *

b. Pieces Not Bearing Delivery Point Barcode. [Revise the first sentence to read as follows: "All pieces in letter-size barcoded rate mailings that do not bear a delivery point barcode must contain a barcode clear zone in the lower right corner as specified in 551.22 that meets the requirements of 551.441a."]

* * * * *

551.44 Dark Fibers and Background Patterns

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551.442 Pieces Not Bearing ZIP+4 or Delivery Point Barcode. [Revise the first sentence to read as follows: "All pieces in a letter-size barcoded rate mailing that do not bear a delivery point barcode must contain a barcode clear zone in the lower right corner as specified in 551.22 that meets the requirements of 551.441."]

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551.7 Barcodes on Inserts Appearing Through Windows in Lower Right Clear Zone (Letter-Size Pieces Only)

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551.73 Delivery Point Barcode Location

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551.732 Clear Space—Barcode In Lower Right Corner. [Add the following as the last sentence: "In letter-size barcoded rate mailings prepared with address block barcodes, and in ZIP+4 rate mailings, only delivery point barcodes (or 5-digit barcodes prepared under 552) may be printed on an insert appearing through a window in the lower right barcode clear zone."]

551.8 Barcodes on Inserts Appearing Through Windows in Address Block. [Insert current 51.733. Add the following as the last sentence: "If windows are covered they must meet the requirements of 551.723."]

* * * * *

552 5-DIGIT BARCODES

552.1 General. [Revise the first sentence to read as follows: "Pieces in barcoded rate mailings may contain 5-digit barcodes, provided at least 85% of the pieces in a letter-size mailing contain a delivery point barcode (see 515.3), or in flat-size mailings, provided at least 85% of the pieces bear a ZIP+4 barcode or delivery point barcode (see 516.3)."]

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CHAPTER 6—THIRD-CLASS MAIL

8. Make the following changes to DMM Chapter 6.

628 ADDITIONAL CONDITIONS FOR AUTOMATION-BASED BULK THIRD-CLASS RATES

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628.2 Eligibility Requirements for Barcoded Rate Mail

628.21 **Mailings of Letter-Size Pieces.** Barcoded rate mailings must meet the requirements in 513 and 515. The rate eligibility criteria for mailings presorted under 564, 565, or 566 are in 564.13, 565.23, and 566.23.

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[Delete current 628.3.]

Miscellaneous Conforming Changes

9. In the following sections change "ZIP+4 barcode" or "ZIP+4 barcodes" to "delivery point barcode": 424.843, 534.232, and 568.

10. In the following sections change "nonpresorted ZIP+4 barcoded" to "nonpresorted barcoded": 312.212, 382.231, 382.335, 515.512, 515.531b, 569.2, 577, and 581.

11. In the following sections change "nonpresorted ZIP+4 barcoded" to "nonpresorted barcoded": 145.742, 382.335, 515.612, 569, and 581.

12. In the following sections change "ZIP+4 barcoded" to "barcoded": 122.16F, 143.131, 144.492, 144.513, 145.742, 328, 328.1, 361.61, 362.6, 372, 372.2, 374.11d, 374.12, 374.21, 382, 382.33, 382.422, 382.5, 382.6, 411.146, 411.23, 424.823, 424.842, 424.843, 424.912, 511, 513, 513.22, 513.3, 513.41, 513.43, 513.5, 515.2, 515.21, 515.22, 515.23, 521.111, 532.1, 564, 565, 566, 568, 569.2, 576.4, 581, 581.5, 582, 583, 583.4, Exhibit 611.2a, 628.2, 629.66, 647.3, and 661.4.

13. In the following sections delete "ZIP+4 barcodes or" or "ZIP+4 barcode or": 361.6, 411.126, and 569.2.

14. In the following sections delete "ZIP+4 barcoded or": 561.272, 564, 565, 566, and 569.2.

15. In the following sections change "5-Digit ZIP+4 Barcoded rate" to "5-Digit Barcoded rate": 313.81, 313.821, 341, and 382.231.

16. In the following sections change "ZIP+4 Barcoded rates" or "ZIP+4 Barcoded rate to "Barcoded Rate": 315.14, 382.315, 382.33, 382.41, 411.126, 521.112, 521.132, 521.141, 521.142, 531.112, 531.131, 531.14, 532.1, 534.1, 541.2, 561.271, 564, 566, and 568.

17. In the following sections change "3-Digit ZIP+4 Barcoded rate" to "3-Digit Barcoded rate": 313.7, 313.71, 313.721, 325.23a, 341, and 382.231.

18. Documentation. In exhibits 564.144b(1), 564.144b(2), 565.53a, 565.53b, 566.63, 567.624a, 567.24b, 567.634c, 574.332(1), and 574.332(2), change "5-Digit ZIP+4 Barcoded rate" and "3-Digit ZIP+4 Barcode rate" to "5-Digit Barcoded rate" and "3-Digit Barcoded rate."

[FR Doc. 93-5748 Filed 3-11-93; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 712 and 716

[OPPTS-82039; FRL-4056-9]

Preliminary Assessment Information and Health and Safety Data Reporting; Addition of Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Interagency Testing Committee (ITC) in its Twenty-ninth Report to EPA revised the Toxic Substances Control Act (TSCA) Section 4(e) Priority List by recommending one chemical substance and one chemical group. There are no designated or recommended with intent-to-designate chemical substances. The ITC recommendations must be given priority consideration by EPA in promulgating test rules. EPA is adding the one substance and the one category to two model information-gathering rules: The Toxic Substances Control Act (TSCA) section 8(a) Preliminary Assessment Information Rule (PAIR) and the TSCA section 8(d) Health and Safety Data Reporting Rule. These model rules will require manufacturers, importers, and processors of the specific substance and members of the category to report production, use, exposure-related, and unpublished health and safety data to EPA.

DATES: This rule will become effective on April 12, 1993.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, TSCA Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., rm. E-543, Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION: This rule adds one substance and one category of substances to both the PAIR and the section 8(d) Health and Safety Data Reporting Rule. Manufacturers, processors, and importers of these chemical substances will be required to report unpublished health and safety data and/or end use, exposure, and production volume data to EPA.

I. Background

Section 4(e) of TSCA established the ITC and authorized it to recommend to EPA chemical substances and mixtures to be given priority consideration in proposing test rules under section 4. For some of these chemical substances, the ITC may designate that EPA must respond to its recommendations within 12 months. In this time, EPA must either initiate a rulemaking to test the chemical substance or publish in the **Federal Register** its reasons for not doing so.

On November 27, 1991, EPA announced the receipt of the Twenty-ninth Report from the ITC. It was then published by EPA on December 30, 1991 (56 FR 67424). The Twenty-ninth Report revises the Committee's priority list of chemicals by recommending one chemical substance and one category of substances to the section 4(e) priority list (for a total of 15 chemical substances).

This rule adds one chemical substance and one category of substances to the PAIR and the section 8(d) Health and Safety Data Reporting Rule. These two rules are model information-gathering rules which assist EPA in responding to the ITC recommendations.

EPA issued the PAIR under section 8(a) of TSCA (15 U.S.C. 2607(a)), and it is codified at 40 CFR part 712. This model section 8(a) rule establishes standard reporting requirements for manufacturers and importers of the chemical substances listed in the rule at 40 CFR 712.30. These manufacturers and importers are required to submit a one-time report on general volume, end use, and exposure-related information using the Preliminary Assessment Information Manufacturer's Report (EPA Form 7710-35). EPA uses this model section 8(a) rule to gather current information on chemical substances of concern quickly.

EPA issued the model Health and Safety Data Reporting Rule under section 8(d) of TSCA (15 U.S.C. 2607(d)), and it is codified at 40 CFR part 716. The section 8(d) model rule requires past, current, and prospective manufacturers, importers, and processors of listed chemicals to submit to EPA copies and lists of unpublished health and safety studies on the listed chemicals that they manufacture, import, or process. These studies provide EPA with useful information and have provided significant support for EPA's decision making under TSCA sections 4, 5, 6, 8, and 9.

These model rules provide for the automatic addition of ITC priority list chemicals. Whenever EPA announces the receipt of an ITC report, EPA may, at the same time without further notice and comment, amend the two model information-gathering rules by adding the recommended chemicals. The amendment adding these chemicals to the PAIR and the Health and Safety Data Reporting Rule becomes effective 30 days after publication.

The ITC is currently revising the recommended chemicals identified in the 28th list of ITC chemicals (56 FR 41212, August 19, 1991). EPA is delaying publication of the PAIR/8(d) rule for these chemicals until the amended list is received.

II. Chemical Substances To Be Added

In its Twenty-ninth Report to EPA, the ITC recommended for priority consideration one substance and one category of substances; there are no designated or recommended with intent-to-designate chemical substances. More specifically, the ITC is recommending for testing consideration one category of chemical substances, alkyl-, chloro-, hydroxymethyl diaryl ethers, and one substance, white phosphorus (CAS No. 7723-14-0). For a complete listing of the substances, see the ITC's Twenty-ninth Report published in the **Federal Register** of December 30, 1991 (56 FR 67424).

EPA is adding the ITC's recommended substances to the PAIR and the section 8(d) Health and Safety Data Reporting Rule, subject to the following exceptions: EPA will not add to the section 8(a) PAIR rule two substances listed in the ITC report because they have been subject to PAIR reporting recently and sufficient and current information about these substances is available. These substances are: White phosphorus (CAS No. 7723-14-0), (53 FR 10387, March 31, 1988); and a member within the category, benzene, 1,1'-oxybis- (CAS No. 101-84-8), (54 FR 8484, February 28, 1989).

EPA will not add to the section 8(d) Health and Safety Data Reporting Rule one substance listed in the ITC report because the substance is already on the section 8(d) rule and subject to a 10-year reporting period. This substance is: benzene, 1,1'-oxybis- (CAS No. 101-84-8), (54 FR 8484, February 28, 1989).

III. Reporting Requirements

A. Preliminary Assessment Information Rule

All persons who manufactured or imported the chemical substances named in this rule during their latest complete corporate fiscal year must submit a Preliminary Assessment Information Manufacturer's Report (EPA Form No. 7710-35) for each manufacturing or importing site at which they manufactured or imported a named substance. A separate form must be completed for each substance and submitted to the Agency no later than June 10, 1993. Persons who have previously and voluntarily submitted a

Manufacturer's Report to the ITC or EPA may be able to submit a copy of the original Report to EPA or to notify EPA by letter of their desire to have this voluntary submission accepted in lieu of a current data submission. See § 712.30(a)(3).

Details of the reporting requirements, the basis for exemptions, and a facsimile of the reporting form, are provided in 40 CFR part 712. Copies of the form are available from the TSCA Environmental Assistance Division, whose address is given under **FOR FURTHER INFORMATION CONTACT.**

B. Health and Safety Data Reporting Rule

Listed below are the general reporting requirements of the section 8(d) model rule.

1. Persons who, in the 10 years preceding the date a substance is listed, either have proposed to manufacture, import, or process, or have manufactured, imported, or processed, the listed substance must submit to EPA a copy of each health and safety study which is in their possession at the time the substance is listed.

2. Persons who, at the time the substance is listed, propose to manufacture, import, or process, or are manufacturing, importing, or processing the listed substance must submit to EPA:

a. A copy of each health and safety study which is in their possession at the time the substance is listed.

b. A list of health and safety studies known to them but not in their possession at the time the substance is listed.

c. A list of health and safety studies that are ongoing at the time the substance is listed and are being conducted by or for them.

d. A list of each health and safety study that is initiated after the date the substance is listed and is conducted by or for them.

e. A copy of each health and safety study that was previously listed as ongoing or subsequently initiated and is now complete—regardless of completion date.

3. Persons who, after the time the substance is listed, propose to manufacture, import, or process the listed substance must submit to EPA:

a. A copy of each health and safety study which is in their possession at the time they propose to manufacture, import, or process the listed substance.

b. A list of health and safety studies known to them but not in their possession at the time they propose to manufacture, import, or process the listed substance.

c. A list of health and safety studies that are ongoing at the time they propose to manufacture, import, or process the listed substance, and are being conducted by or for them.

d. A list of each health and safety study that is initiated after the time they propose to manufacture, import, or process the listed substance, and is conducted by or for them.

e. A copy of each health and safety study that was previously listed as ongoing or subsequently initiated and is now complete—regardless of the completion date.

The bulk of reporting is required at the time the substance is listed. Persons described in categories 1 and 2 do all or most of their health and safety data reporting at the start of the reporting period. The remaining reporting requirements, specifically categories 2(d), 2(e), and 3, continue prospectively.

Detailed guidance for reporting unpublished health and safety data is provided in the **Federal Register** of September 15, 1986 (51 FR 32720). Also found there are the reporting exemptions.

C. Submission of PAIR Reports and Section 8(d) Studies

PAIR reports and section 8(d) health and safety studies must be sent to: TSCA Document Processing Center (TS-790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, ATTN: (insert either PAIR or 8(d) Reporting).

D. Removal of Chemical Substances from the Rules

Any person who believes that section 8(a) or 8(d) reporting required by this rule is unwarranted, should promptly submit to EPA in detail the reasons for that belief. EPA, in its discretion, may remove the substance from this rule for good cause (40 CFR 712.30 and 716.105). When withdrawing a substance from the rule, EPA will issue a rule amendment for publication in the **Federal Register.**

IV. Release of Aggregate Data

EPA will follow procedures for the release of aggregate statistics as prescribed in the **Federal Register** notice of June 13, 1983 (48 FR 27041). Included in the notice are procedures for requesting exemptions from the release of aggregate data. Exemption requests concerning the release of aggregate data on any chemical substance must be received by EPA no later than June 10, 1993.

V. Economic Analysis

A. Preliminary Assessment Information Rule

EPA estimates the PAIR reporting cost of this rule is $29,100. To calculate this figure, EPA used information from the 1986 TSCA Inventory Update and SRI *Directory of Chemical Producers* to generate a list of 12 firms that manufacture and/or import the 13 chemicals at a total of 13 sites. None of the companies identified qualify as a small business as defined in 40 CFR 712.25(c), thus, EPA expects the 12 firms to generate a total of 21 reports.

Reporting costs (dollars)	
(a) 21 reports estimated at $914 per report	$9,906
(b) 13 sites at $762 per site	$19,194
Total cost	$29,100
Mean cost per site: $29,100/13 sites	$2,238
Mean cost per firm: $29,100/12 firms	$2,425
Reporting burden (hours)	
(a) Rule familiarization: 18 h/site X 13 sites	234 h
(b) Reporting: 16 h/report X 21 reports	336 h
Total burden hours	570 h
Average burden per site at 570 h/13 sites	44 h
Average burden per firm at 570 h/12 firms	48 h

EPA costs (dollars):	
Processing cost = 21 reports at $95/report	$1,995

B. Health and Safety Data Reporting Rule

EPA estimates the total reporting costs for establishing section 8(d) reporting requirements for 14 chemicals will be $50,772. This cost estimate is high because the Agency is uncertain about the likely number of respondents to the rule. Although EPA has used the best available data to make its economic projections, much of the information is based upon the 1986 TSCA Inventory Update and secondary information from industry sources. Therefore, EPA tends to overestimate rather than underestimate reporting burden. The estimated reporting costs are broken down as follows:

Initial corporate review	$ 4,988
Site identification	7,482
File searches at site	15,384
Photocopying existing studies	2,293
Title listing	780
Managerial review for CBI	13,354
Reporting on newly-initiated studies	341
Submissions after initial reporting period	6,150
Total	$50,772
Reporting burden (hours)	
Initial review: 2 h/firm X 48 firms	96 h
(b) Reporting: 24.4 h/firm X 48 firms	1,002 h
Total reporting burden hours	1,267 h

VI. Rulemaking Record

The following documents constitute the record for this rule (docket control number OPPTS–82039). All of these documents are available to the public in the TSCA Public Docket Office from 8 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays. The TSCA Public Docket Office is located at EPA Headquarters, rm. NE–G004, 401 M St., SW., Washington, DC.

1. This final rule.
2. The economic analysis for this rule.
3. The Twenty-ninth Report of the ITC.

VII. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This rule is not major because it will not result in an effect on the economy of $100 million or more, an increase in costs or prices, or any of the adverse effects described in the Executive Order.

This amendment was not submitted to the Office of Management and Budget (OMB) for review, because the automatic listing of substances recommended by the ITC is provided for in 40 CFR 712.30(c) and 716.18(b).

B. Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by OMB under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and have been assigned OMB control numbers 2070–0054 for PAIR reporting and 2070–0004 for TSCA section 8(d) reporting.

Public reporting burden for this collection of information is estimated to average 18 hours for PAIR per response and 25.44 hours for section 8(d), 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 Chief, Information Policy Branch, PM–223, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

List of Subjects in 40 CFR Parts 712 and 716

Chemicals, Environmental protection, Hazardous substances, Health and safety data, Recordkeeping and reporting requirements.

Dated: March 2, 1993.

Denise M. Keehner,

Acting Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

Therefore, 40 CFR Chapter I is amended as follows:

PART 712–[AMENDED]

1. In part 712:

a. The authority citation for part 712 continues to read as follows:

Authority: 15 U.S.C. 2607(a).

b. Section 712.30 is amended by adding one category alphabetically in paragraph (x) to read as follows:

§ 712.30 Chemical lists and reporting periods.

* * * * *

(x) * * *

CAS No.	Substance	Effective date	Reporting date
*	* * * * *	*	
Alkyl-, Chloro-, and Hydroxymethyl Diaryl Ethers			
3061-36-7	1,4-Diphenoxybenzene	4/12/93	6/10/93
3586-14-9	Benzene, 1-methyl-3-phenoxy-	4/12/93	6/10/93
13826-35-2	Benzenemethanol, 3-phenoxy-,	4/12/93	6/10/93
28299-41-4	Benzene, 1,1,'-oxybis[methyl-	4/12/93	6/10/93
28984-89-6	1,1'-Biphenyl, phenoxy-	4/12/93	6/10/93
42874-96-4	2-Chloro-1-(3-methylphenoxy)-4-(trifluoromethyl)benzene	4/12/93	6/10/93
50594-77-9	Phenol, 3-[2-chloro-4-(trifluoromethyl)phenoxy]-, acetate	4/12/93	6/10/93
50789-44-1	Benzenemethanol, 3-phenoxy-, acetate	4/12/93	6/10/93
51632-16-7	Benzene, 1-(bromomethyl)-3-phenoxy-	4/12/93	6/10/93
61702-88-3	Benzene, 1,1'-oxybis[(1,1,3,3-tetramethylbutyl)-	4/12/93	6/10/93
63734-62-3	Benzoic acid, 3-[2-chloro-4-(trifluoromethyl)phenoxy]-,	4/12/93	6/10/93
69834-19-1	Benzene, 1,1'-oxybis[dodecyl-	4/12/93	6/10/93
72252-48-3	Benzoic acid, 3-[2-chloro-4-(trifluoromethyl)phenoxy]-, potassium salt	4/12/93	6/10/93
*	* * * * *	*	

PART 716–[AMENDED]

2. In part 716:

a. The authority citation for part 716 continues to read as follows:

Authority: 15 U.S.C. 2607(d).

b. Section 716.120 is amended by adding, in CAS number sequence, one substance to the list in paragraph (a), adding one category alphabetically to paragraph (d), and revising the second column heading in paragraph (d) to read as follows:

§ 716.120 Subtances and listed mixtures to which this subpart applies.

* * * * *

(a) * * *

CAS No.	Substance	Special exemptions	Effective date	Sunset date
*	* * * * *	*	*	
7723-14-0	White phosphorus		4/12/93	4/12/03
*	* * * * *	*	*	

(d) * * *

Category	CAS No.	Special exemptions	Effective date	Sunset date
*	* * * * *	*	*	
Alkyl-, Chloro-, and Hydroxymethyl Diaryl Ethers				
Benzene, 1-(bromomethyl)-3-phenoxy-	51632-16-7		4/12/93	4/12/03
Benzenemethanol, 3-phenoxy-,	13826-35-2		4/12/93	4/12/03
Benzenemethanol, 3-phenoxy-, acetate	50789-44-1		4/12/93	4/12/03
Benzene, 1-methyl-3-phenoxy-	3586-14-9		4/12/93	4/12/03
Benzene, 1,1'-oxybis[dodecyl-	69834-19-1		4/12/93	4/12/03
Benzene, 1,1,'-oxybis[methyl-	28299-41-4		4/12/93	4/12/03
Benzene, 1,1'-oxybis[(1,1,3,3-tetramethylbutyl)-	61702-88-3		4/12/93	4/12/03
Benzoic acid, 3-[2-chloro-4-(trifluoromethyl)phenoxy]-,	63734-62-3		4/12/93	4/12/03
Benzoic acid, 3-[2-chloro-4-(trifluoromethyl)phenoxy], potassium salt	72242-48-3		4/12/93	4/12/03
1,1'-Biphenyl, phenoxy-	28984-89-6		4/12/93	4/12/03
2-Chloro-1-(3-methylphenoxy)-4-(trifluoromethyl)benzene	42874-96-4		4/12/93	4/12/03
1,4-Diphenoxybenzene	3061-36-7		4/12/93	4/12/03
Phenol, 3-[2-chloro-4-(trifluoromethyl)phenoxy]-, acetate	50594-77-9		4/12/93	4/12/03
*	* * * * *	*	*	

[FR Doc. 93-5659 Filed 3-11-93; 8:45 am]
BILLING CODE 6560-50-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 921101-2301]

Summer Flounder Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency interim rule; extension of effective dates.

SUMMARY: An emergency interim rule that modified the boundary line defining the seasonal mesh exemption area established in Amendment 2 to the Fishery Management Plan for the Summer Flounder Fishery is in effect through March 9, 1993. The emergency interim rule provides for a larger area and simplified configuration of the boundary line of the small mesh exemption area to enhance compliance and enforcement and to allow cooperative NMFS-industry sea sampling studies to be conducted. The Secretary of Commerce (Secretary) extends the emergency interim rule for an additional 52 days from March 10, through April 30, 1993, because conditions warranting the emergency still exist.

EFFECTIVE DATES: March 10, 1993 through April 30, 1993.

ADDRESSES: Copies of the environmental assessment may be obtained from Richard B. Roe, Regional Director, National Marine Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930-3799.

FOR FURTHER INFORMATION CONTACT: Kathi L. Rodrigues, Resource Policy Analyst, 508-281-9324.

SUPPLEMENTARY INFORMATION: Under section 305(c) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), the Secretary promulgated an emergency interim rule (57 FR 58150; December 9, 1992) that modified an irregular boundary to the small mesh exemption area established by Amendment 2 to the FMP (57 FR 57358; December 4, 1992). The Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission both requested emergency action to modify the line because it proved confusing to the industry and its configuration unnecessarily complicated enforcement and administration of the small mesh exemption program. The modified line is a straight line following 72°30' W. longitude from the U.S. coast to the outer boundary of the exclusive economic zone. Because the small mesh exemption program that takes place in the delineated area continues through April 30, and the conditions warranting the emergency still exist, the Council requested extension of the emergency rule from March 10, through April 30, 1993. Therefore, the Secretary extends the emergency interim rule through April 30, 1993.

The emergency rule is exempt from the normal review procedures of the Executive Order 12291 as provided in section 8(a)(1) of that order. This rule was reported to the Director of the Office of Management and Budget with an explanation of why following the procedures of that order were not possible.

List of Subjects in 50 CFR Part 625

Fisheries, Reporting and recordkeeping requirements.

Dated: March 8, 1993.

Nancy Foster,

Acting Deputy Assistant Administrator, National Marine Fisheries Service.

[FR Doc. 93-5726 Filed 3-9-93; 2:39 pm]
BILLING CODE 3510-22-M

50 CFR Part 641

[Docket No. 921235-2335]

Reef Fish Fishery of the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency interim rule; extension of effectiveness.

SUMMARY: An emergency interim rule is in effect through March 30, 1993, that establishes vessel trip limits for red snapper of 2,000 pounds (907 kg) for a vessel that has a red snapper endorsement on its reef fish permit and 200 pounds (91 kg) for a permitted vessel without such endorsement. NMFS extends the emergency interim rule for an additional 90 days because conditions justifying the emergency action remain unchanged and to prevent a lapse in these management measures prior to completion of regulatory action to further extend their period of effectiveness. The intended effect is to respond to social and economic emergencies without jeopardizing the long-term rebuilding program for the overfished red snapper resource.

EFFECTIVE DATES: March 31, 1993, through June 28, 1993.

ADDRESSES: Copies of documents supporting this action may be obtained from Robert A. Sadler, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Robert A. Sadler, 813-893-3161.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico prepared by the Gulf of Mexico Fishery Management Council (Council) and its implementing regulations at 50 CFR part 641, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Under section 305(c) (2)(B) and (c)(3) of the Magnuson Act, NMFS published an emergency interim rule (57 FR 62237, December 30, 1992) effective for 90 days (December 30, 1992, through March 30, 1993) to establish the two-tier trip limit system for the landings of red snapper from the Gulf of Mexico. The Council requested extension of the emergency interim rule because conditions justifying the emergency action remain unchanged and to prevent a lapse in these management measures prior to completion of regulatory action that will further extend their period of effectiveness. NMFS concurs and extends the emergency interim rule for an additional 90 days in accordance with section 305(c)(3)(B) of the Magnuson Act.

In a related emergency interim rule, NMFS closed the commercial fishery for red snapper in the Gulf of Mexico from December 30, 1992, through February 15, 1993 (57 FR 62236, December 30, 1992). Because the commercial fishery for red snapper is no longer closed, this extension of the two-tier trip limits for red snapper deletes provisions related to the closure that were in the initial emergency interim rule.

Details concerning the basis for the emergency interim rule and the classification of the rulemaking are contained in the initial emergency interim rule and are not repeated here.

Classification

This extension of the emergency interim rule is exempt from the normal review procedures of E.O. 12291 as provided for in section 8(a)(1) of that order. It is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of that order.

List of Subjects in 50 CFR Part 641

Fisheries, Fishing, Reporting and recordkeeping requirements.

Nancy Foster,

Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 641 is amended as follows:

PART 641—REEF FISH FISHERY OF THE GULF OF MEXICO

1. The authority citation for part 641 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Section 641.4 is amended by adding paragraphs (m) and (n), effective from March 31, 1993, through June 28, 1993, to read as follows:

§ 641.4 Permits and fees.

* * * * *

(m) *Red snapper endorsement.* (1) As a prerequisite for exemption from the trip limit for red snapper specified in § 641.21(d)(1), a vessel for which a reef fish permit has been issued under this section must have a red snapper endorsement on such permit.

(2) A red snapper endorsement is invalid upon sale of the vessel; however, an owner of a permitted vessel may transfer the red snapper endorsement to another permitted vessel owned by him or her by returning the existing endorsement with an application for an endorsement for the replacement vessel.

(n) *Condition of a permit.* As a condition of a reef fish permit issued under this section, without regard to where red snapper are harvested or possessed, a permitted vessel—

(1) May not exceed the appropriate vessel trip limit for red snapper, as specified in § 641.21(d)(1) or (d)(2); and

(2) May not transfer red snapper at sea, as specified in § 641.21(d)(3).

3. Section 641.7 is amended by adding paragraphs (u) and (v), effective from March 31, 1993, through June 28, 1993, to read as follows:

§ 641.7 Prohibitions.

* * * * *

(u) Exceed the vessel trip limits for red snapper, as specified in § 641.21(d)(1) and (d)(2).

(v) Transfer red snapper at sea, as specified in § 641.21(d)(3).

4. Section 641.21 is amended by adding paragraph (d), effective from March 31, 1993, through June 28, 1993 to read as follows:

§ 641.21 Harvest limitations.

* * * * *

(d) *Red snapper trip and transfer limitations.* (1) Except as provided in paragraph (d)(2) of this section, a vessel for which a reef fish permit has been issued under § 641.4 may not possess on any trip red snapper in excess of 200 pounds (91 kg), whole or eviscerated weight.

(2) A vessel for which a red snapper endorsement has been issued under § 641.4(m) may not possess on any trip red snapper in excess of 2,000 pounds (907 kg), whole or eviscerated weight.

(3) Red snapper may not be transferred at sea from one vessel to another.

[FR Doc. 93-5684 Filed 3-11-93; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Parts 672 and 675

[Docket No. 921109-3016]

RIN 0648-AE45

Groundfish of the Gulf of Alaska; and Groundfish Fishery of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NMFS is implementing a regulatory amendment to create a 20 nautical mile (nm) seasonally expanded trawl fishery closure around the Ugamak Island Steller sea lion rookery in the eastern Aleutian Islands during the pollock roe fishery season conducted in the Bering Sea and Aleutian Islands Area. This regulation is consistent with management measures in place at other Steller sea lion rookeries in this region, and is necessary to minimize possible adverse effects of groundfish fisheries on Steller sea lions. It is intended to further the goals and objectives contained in fishery management plans that govern these fisheries.

EFFECTIVE DATE: March 11, 1993.

ADDRESSES: Copies of the environmental assessment/regulatory impact review/final regulatory flexibility analysis (EA/RIR/FRFA) may be obtained from National Marine Fisheries Service, Fisheries Management Division, P.O. Box 21668, Juneau, AK 99802.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg, Chief, Fishery Management Division, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign groundfish fisheries in the exclusive economic zone (EEZ) of the Gulf of Alaska (GOA) and Bering Sea and Aleutian Islands Area (BSAI) are managed according to the fishery management plans (FMPs) prepared by the North Pacific Fishery Management Council (Council) for these fisheries under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMPs are implemented by regulations for the foreign fishery at 50 CFR part 611 and for the U.S. fishery at 50 CFR parts 672 and 675. General regulations that also pertain to U.S. fisheries appear at 50 CFR part 620.

At times, amendments to the FMPs and/or their implementing regulations are necessary to respond to fishery conservation and management issues. Amendment 25 to the FMP for Groundfish of the GOA and Amendment 20 to the FMP for the Groundfish Fishery of the BSAI were implemented in 1992 to afford protection to Steller sea lions (sea lions), a species listed as threatened under the Endangered Species Act (55 FR 49204; November 26, 1990). Regulations implementing these amendments established the following measures: (1) year-round trawl closures in the GOA and BSAI area within 10 nm of key Steller sea lion rookeries; (2) expanded trawl closures (to 20 nm) at five Steller lion rookeries in the eastern Aleutian Islands during the BSAI pollock roe fishery, January 20–April 15 or the "A" season; and (3) new GOA pollock management districts and limits on pollock seasonal harvest allowances specified for these districts. This regulatory amendment is intended to extend the protections afforded under Amendments 20 and 25.

The BSAI and GOA groundfish fisheries have developed in the geographic area that has historically supported the majority of the Steller sea lion population. This geographic region also has experienced substantial declines in the number of Steller sea lions counted on breeding sites over the last 30 years, which led to their listing as threatened species. Causes of the observed decline are not known, but could be related to changes in the food base of Steller sea lions, intentional killing, incidental take by fishing gear, and disease.

Although the ultimate cause of the species' decline remains unresolved, Steller sea lions are incidentally taken in fishing gear, have been intentionally killed and harassed by fishermen, and may compete with commercial fisheries for food resources. On November 18, 1991, NMFS issued a proposed rule to prohibit groundfish trawling within 10 nm of all BSAI and GOA Steller sea lion rookeries. These restrictions were

proposed primarily to reduce the likelihood that commercial groundfish removals would deplete Steller sea lion prey abundance in key habitats, as well as to reduce incidental and intentional takes of Steller sea lions.

Subsequent to the proposed rulemaking, NMFS evaluated the available BSAI fishery data and identified trends in recent years of (1) increased harvests on the southeastern Bering Sea shelf, (2) increased harvests within the vicinity of BSAI Steller sea lion rookeries, and (3) an increase in the proportion of the catch taken during the first half of the year. From the evaluation, it also appeared likely that the 1992 "A" season closure of the Bogoslof District to directed pollock fishing would further concentrate the first half of the year's harvest onto the southeastern Bering Sea shelf proximal to sea lion rookeries.

The eastern Aleutian Islands' portion of the Steller sea lion's range, which abuts the southeastern Bering Sea shelf, has experienced drastic Steller sea lion population declines—about an 80 percent reduction since the 1970's. There were concerns that the concentrated fishing effort on the southeastern Bering Sea shelf expected during the winter pollock fishery could adversely affect the ability of Steller sea lions to obtain adequate food. Consequently, the final rule for the no-trawl zones included expanded trawl prohibitions during the BSAI pollock "A" season around three of these Steller sea lion rookeries (Akun, Akutan, and Sea Lion Rock) that border the southeastern Bering Sea shelf (January 23, 1992; 57 FR 2683).

Ugamak Island is located within the eastern Aleutian Islands region, very close to Akun and Akutan Islands. The concordance of historic population trends and the observed movements of animals among these three islands indicate that sea lions using these sites behave as one group. Thus, treatment of sea lions within this area as one unit, with a similar management regime at each site, appears warranted from our present knowledge of sea lions. During review of the trawl closure proposal in 1992, NMFS considered a seasonally expanded zone around the Ugamak Island Steller sea lion rookery, similar to those instituted at Akun and Akutan. At that time, this action was rejected primarily because the majority of the fishery catch was centered around Sea Lion Rock, Akun, and Akutan Islands. However, 1992 Steller sea lion research has provided additional justification for an expanded seasonal closure around Ugamak Island, and has caused NMFS to reconsider this previous decision.

The expanded seasonal buffer at Ugamak Island is intended to better encompass Steller sea lion winter habitats and juvenile foraging areas in this portion of the southeastern Bering Sea shelf during the BSAI winter pollock fishery. Satellite telemetry data collected by NMFS in 1992 indicate that the shallow portion of the southeastern Bering Sea shelf is an important feeding area for sea lions. Most of the sea lions with satellite transmitters foraged on the shelf area within the Krenitzen Islands and to the east on the north and south sides of Unimak Island. Establishing a 20 nm seasonal closure around Ugamak island, in addition to the closures at Akun and Akutan Islands, creates a large contiguous no-trawl zone that better envelops winter haulout sites and the foraging zone of pups defined by satellite tracking studies.

During its September 22–28, 1992, meeting, the Council reviewed regulatory measures established in 1992 to afford protection to sea lions, and considered the need for expansion of the 10 nm trawl fishery closure around the Ugamak Island Steller sea lion rookery to 20 nm during the BSAI pollock fishery "A" season. The Council reviewed information and analyses contained in the draft EA/RIR/IRFA prepared for this proposed trawl closure, and considered testimony from its Scientific and Statistical Committee, Advisory Panel, representatives of the fishing industry, and NMFS staff.

The Council considered whether all gear types should be prohibited within the proposed 10–20 nm closure area, and whether Pacific cod trawl fisheries should be allowed to continue to operate within the closed zone. It determined that groundfish harvests by vessels using hook-and-line and pot gear within the closed areas should continue without restriction. The primary reasons for excluding only trawl gear are: (1) the trawl fishery harvests the majority of the catch; (2) the risk of lethal incidental take of sea lions with non-trawl gear is low; and (3) groundfish harvest with trawl gear results in the bycatch of other non-target species, such as juvenile pollock, squid, octopus, and herring, which also are important prey items for sea lions.

The Council also determined that an exception for the Pacific cod trawl fleet would be inconsistent with trawl closures around all other GOA and BSAI rookeries. Allowing trawling within 10–20 nm of the Ugamak Island rookery for Pacific cod would not separate important sea lion foraging habitat from the trawl fleet as intended, and might result in adverse interactions between trawl vessels and sea lions. Also, permitting Pacific cod trawl fisheries to operate in the closed area would be difficult to enforce, given existing agency enforcement resources. Available data indicate that the fleet should be able to harvest the total allowable Pacific cod catch in the GOA and BSAI despite the closure.

After considerable discussion, the Council recommended that regulations adopted under Amendments 20 and 25 be modified to expand the trawl fishery exclusion area around Ugamak Island during the BSAI pollock fishery "A" season, effective for 1 year only. On December 7, 1992, NMFS proposed that groundfish trawling be prohibited within 10–20 nm of the Ugamak Island Steller sea lion rookery during the BSAI pollock fishery "A" season, but did not include the 1-year automatic termination recommended by the Council. The reasons for not including a sunset provision are: (1) NMFS has determined that the proposed closure is necessary to aid the species' recovery and has no evidence to suggest that this management action will no longer be necessary after 1993; (2) the effectiveness of the buffer zone could not reasonably be assessed after only a 1-year period; and (3) NMFS intends to reevaluate the need for, and efficacy of, all the Steller sea lion trawl exclusion areas on an annual basis. Changes in the trawl restriction prohibitions will be made whenever they are deemed necessary.

No public comments were received on the proposed rule. NMFS has approved the above-described regulatory amendment to seasonally expand the Steller sea lion protection area around Ugamak Island during the BSAI "A" season pollock fishery, as proposed on December 7, 1992.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this rule is necessary for the conservation and management of the groundfish fisheries off Alaska, and that it is consistent with the Magnuson Act and other applicable law.

The Alaska Region prepared an environmental assessment for this rule. The Assistant Administrator concluded that the fisheries as managed by 50 CFR parts 672 and 675 will have no significant impact on the human environment. A copy of the EA may be obtained (see **ADDRESSES**).

An informal consultation under the Endangered Species Act was concluded for this action on October 9, 1992. As a result of the informal consultation, the Regional Director determined that

fishing activities under this rule are not likely to adversely affect endangered or threatened species or critical habitat.

The Assistant Administrator determined that the final rule is not a major rule requiring a regulatory impact analysis under E.O. 12291. The Council prepared a regulatory impact review that concludes that none of the proposed measures in this rule would cause impacts considered significant for purposes of this Executive Order. A copy of this review is available (see ADDRESSES).

The Alaska Region prepared a final regulatory flexibility analysis as part of the regulatory impact review that concludes this rule could have a significant economic effect on a substantial number of small entities. Vessels operating out of Dutch Harbor, particularly in the Pacific cod trawl fishery, are expected to be most affected by the proposed action. No loss in catch or value is anticipated; however, travel costs may increase slightly for some vessels. A copy of this analysis is available (see ADDRESSES).

This final rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

The Alaska Regional Director, NMFS, determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal management program of Alaska. This determination has been submitted for review by the responsible State agency under section 307 of the Coastal Zone Management Act. The State agency did not respond within the statutory time period, therefore, consistency is inferred.

This final rule does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under E.O. 12612.

The Assistant Administrator has waived the 30-day delayed effectiveness date of this rule under section 553 of the Administrative Procedure Act. This determination was reached because this rule should be in effect to afford protection to the threatened Steller sea lions near the Ugamak sea lion rookery when the trawl fishing season commences on January 20, 1993. Although the ultimate cause of the sea lion's decline remains unresolved, sea lions are incidentally taken in fishing gear, have been intentionally killed by fishermen, and may compete with commercial fisheries for food resources. The conservation benefits for Steller sea lions of the rule would be lost for the 1993 fishing year if its effectiveness were delayed.

List of Subjects in 50 CFR Parts 672 and 675

Fisheries, Reporting and recordkeeping requirements.

Dated: March 9, 1993.

Nancy Foster,

Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 672 and 675 are amended as follows:

PART 672—GROUNDFISH OF THE GULF OF ALASKA

1. The authority citation for part 672 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 672.24, paragraph (e)(2) is revised to read as follows:

§ 672.24 Gear limitations.

* * * * *

(e) * * *

(2) *Seasonal closures.* During January 1 through April 15, or a date earlier than April 15 if adjusted under 50 CFR 675.20(a)(8), trawling is prohibited in the Gulf of Alaska within 20 nautical miles of each of the following three Steller sea lion rookeries:

Island	From		To	
	Lat.	Long.	Lat.	Long.
Akun I	54°17.5 N	165°34.0 W	54°18.0 N	165°31.0 W
Akutan I	54°03.5 N	166°00.0 W	54°05.5 N	166°05.0 W
Ugamak I	54°14.0 N	164°48.0 W	54°13.0 N	164°48.0 W

Note: The bounds of each rookery extend in a clockwise direction from the first set of geographic coordinates, along the shoreline at mean lower low water, to the second set of coordinates; if only one set of geographic coordinates is listed, the rookery extends around the entire shoreline of the island at mean lower low water.

PART 675—GROUNDFISH FISHERY OF THE BERING SEA AND ALEUTIANS ISLANDS AREA

3. The authority citation for part 675 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

4. In § 675.24, paragraph (f)(1)(ii) is revised to read as follows:

§ 675.24 Gear limitations.

* * * * *

(f) * * *

(1) * * *

(ii) *Seasonal closures.* During January 1 through April 15, or a date earlier than April 15 if adjusted under 50 CFR 675.20(a)(8), trawling is prohibited within 20 nautical miles of each of the following six Steller sea lion rookeries:

Island	From		To	
	Lat.	Long.	Lat.	Long.
Sea Lion Rks	55°28.0 N	163°12.0 W		
Akun I	54°17.5 N	165°34.0 W	54°18.0 N	165°31.0 W
Akutan I	54°03.5 N	166°00.0 W	54°05.5 N	166°05.0 W
Ugamak I	54°14.0 N	164°48.0 W	54°13.0 N	164°48.0 W

Island	From		To	
	Lat.	Long.	Lat.	Long.
Seguam I	52°21.0 N	172°35.0 W	52°21.0 N	172°33.0 W
Agligadak I	52°06.25 N	172°54.0 W		

Note: The bounds of each rookery extend in a clockwise direction from the first set of geographic coordinates, along the shoreline at mean lower low water, to the second set of coordinates; if only one set of geographic coordinates is listed, the rookery extends around the entire shoreline of the island at mean lower low water.

[FR Doc. 93-5745 Filed 3-11-93; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 58, No. 47
Friday, March 12, 1993

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.

FEDERAL HOUSING FINANCE BOARD

12 CFR Part 900

Hearing For the Study of the Role of the Federal Home Loan Bank System

AGENCY: Federal Housing Finance Board.

ACTION: Notice of public hearing location.

SUMMARY: The Federal Housing Finance Board (Finance Board) has determined that its previously announced hearing will take place in the Amphitheater on the second floor of the Office of Thrift Supervision (OTS).

DATES: The public hearing will be held on March 25 and 26 at 10 a.m.

ADDRESSES: The hearing will take place at the OTS, located at 1700 G Street, NW., Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: James H. Gray Jr., Associate General Counsel, (202) 408–2552 or Bruce W. McDougal, Attorney-Advisor, (202) 408–2505, Office of Legal and External Affairs, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION: On Tuesday, February 16, 1993, the Finance Board published a notice of public hearing for the Study of the Role of the Federal Home Loan Bank System. See 58 FR 8563 (1993). At the time that the notice was published, the Finance Board had not yet determined the location for the hearing. The Finance Board has now determined that the hearing will take place on March 25 and 26, 1993, at 10 a.m. at the OTS Amphitheater, located on the second floor of the OTS headquarters building at 1700 G Street, NW., Washington, DC 20552.

By the Federal Housing Finance Board.

Philip L. Conover,

Managing Director.

[FR Doc. 93–5685 Filed 3–11–93; 8:45 am]

BILLING CODE 6725–01–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Proposed Rule Concerning Composition of Various Self-Regulatory Organization Governing Boards and Major Disciplinary Committees

AGENCY: Commodity Future Trading Commission.

ACTION: Proposed rule.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is proposing a rulemaking which would implement the statutory directives of sections 5a, 8c, and 17 of the Commodity Exchange Act as they were amended by section 206 of the Future Trading Practices Act of 1992 ("1992 Act").[1]

The proposed rulemaking would establish a new § 1.64 which would require various self-regulatory organizations ("SROs") to adopt rules establishing composition requirements for their governing boards and major disciplinary committees. Proposed § 1.64 also would require that upon a final SRO disciplinary action involving a customer transaction which caused financial harm to the customer, the customer be notified of the case's pertinent facts and disposition. The proposed rulemaking also would amend existing § 1.63 so that persons with certain disciplinary histories would be prohibited from serving on any SRO oversight panel.

DATES: Comments on the proposed rule and rule amendments must be received by April 12, 1993.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254–6314.

FOR FURTHER INFORMATION CONTACT: David P. Van Wagner, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254–8955.

[1] Public Law 102–546, section 206, 106 Stat. 3590 (1992).

SUPPLEMENTARY INFORMATION:

I. Introduction

One of the purposes for the passage of the 1992 Act was to amend the Commodity Exchange Act ("Act") to establish "higher standards for service on governing boards and disciplinary committees" of SROs.[2] Historically, the Act had not directly imposed any standards for service on such SRO deliberative bodies.[3] Section 206 of the 1992 Act amended the Act to require that the Commission establish various standards with respect to the composition of SRO governing boards and disciplinary committees. In general, section 206 requires a greater diversity of representation on SRO governing boards and disciplinary committees in order to promote the public interest in the self-regulatory process.

In response to section 206's mandate, the Commission is proposing a new Regulation 1.64. The proposed regulation generally requires that SRO governing boards include meaningful representation of a variety of market participants. The Commission believes that proposed Regulation 1.64 effectuates section 206 and as such should help foster the integrity and impartiality of governing boards' decisionmaking. Proposed Regulation 1.64 also would require that SRO major disciplinary committees be of sufficient diversity to prevent preferential treatment in disciplinary proceedings.

The section 206 amendments to the Act also require that the commission adopt regulations prohibiting service on SRO governing boards, disciplinary committees or oversight panels by persons who have committed various violations of the Act or the law. Existing Commission Regulation 1.63 already generally imposes a three-year ban on service on SRO governing boards, disciplinary committees and arbitration panels for persons found to have committed major violations. Accordingly, as part of this rulemaking, the Commission is proposing to extend

[2] 138 Cong. Rec. H10926 (daily ed. October 2, 1992); H.R. Rep. No. 102–978, 102d Cong., 2d Sess., 47 (1992).

[3] Existing Commission Regulation 1.63, which was promulgated by the Commission pursuant to the general rulemaking authority of Section 8a(5) of the Act, does impose service standards for SRO governing boards, disciplinary committees and arbitration panels. However, those standards are limited to excluding participation by persons with certain types of disciplinary histories.

Regulation 1.63's prohibition to service on oversight panels.

Finally, as required by the section 206 amendments to the Act, proposed Regulation 1.64 includes a requirement that upon the disposition of an exchange disciplinary action involving a customer transaction which caused financial harm to the customer, the exchange must provide written notice of the details of the action to the futures commission merchant ("FCM") which cleared the trade. In addition, each FCM involved in the clearing or carrying of the transaction must pass similar notice to the FCM with which it dealt until the ultimate customer is informed.

II. Description of Proposed Rulemaking

A. Scope of Proposed Regulation 1.64—SROs

In compliance with section 206 of the 1992 Act, proposed Commission Regulation 1.64 would impose various composition requirements on SRO governing boards and major disciplinary committees. Section 206(a) amended section 5a of the Act to establish similar requirements for the governing board of each "contract market's board of trade" and for the major disciplinary committees of each "contract market." The Commission has interpreted section 206(a) to mandate composition requirements for each futures exchange (*i.e.*, board of trade). Section 206(b) amended section 17 of the Act to establish composition requirements for each registered futures association's governing board and major disciplinary committee.

In this regard, the Commission notes that section 206 of the 1992 Act does not explicitly apply to clearing organizations, and neither did the House and Senate bills which were the predecessors to the 1992 Act (H.R. 707, 102d Cong., 1st Sess. (1991) and S. 207, 102d Cong., 1st Sess. (1991)). The Senate bill's legislative history, in fact, indicates that a nearly identical provision in the Senate bill was not to be imposed on clearing organizations but that "contract markets should consider applying the principles of [the provision] to their clearinghouses and other bodies in appropriate cases to engender greater public confidence in the integrity and openness of exchange decisionmaking." S. Rep. No. 102–22, 102d Cong., 1st Sess., 38 (1991).

In addition, section 206(a)'s amendments to Section 5a(14) of the Act contain references to "exchange" which appear as if they were intended to be synonymous with a "contract market's board of trade." For instance, section 206 requires that the governing board of each contract market's board of trade have members representing "participants in a variety of pits or principal groups of commodities traded on the exchange" and commercial interest members representing various users of "principal commodities traded on the exchange."

The Commission believes that section 206(a)'s amendments to section 5a(15) of the Act do not require application of major disciplinary committee composition requirements on clearing organizations. As with the above-mentioned amendments to Section 5a(14) of the Act, section 206(a)'s amendments to section 5a(15) also indicate that composition requirements are not mandated for clearing organizations. Clearing organizations could not practically comply with many aspects of section 206(a) such as the requirement that half of each major disciplinary committee consists of persons with a "trading status other than that of the subject" of a proceeding. In addition, amended section 5a(15)(B)(ii) states that major disciplinary committees may be required to include persons who "are not members of the exchange."

Based upon this interpretation, the Commission is proposing that Regulation 1.64's composition requirements pertain to the governing boards and major disciplinary committees of exchanges and registered futures associations, but not clearing organizations.[4] The Commission invites comment, however, on whether any or all of the requirements of proposed Regulation 1.64 should apply to the governing boards and major disciplinary committees of clearing organizations.

B. Governing Board Composition Requirements

Proposed Commission Regulations 1.64(b) (1) through (3) would establish separate but related composition requirements for SRO governing boards. While SROs must establish separate rules complying with Regulations 1.64(b) (1), (2) and (3), respectively, it is possible that a single board member could satisfy the requirements of more than one of Regulation 1.64's requirements.[5] For example, the president of a grain processing concern could address the respective requirements of Regulations 1.64(b) (2) and (3) that SRO boards have public and commercial representatives.

1. Proposed Regulation 1.64(b)(1)—Diversity Standards

Under proposed Commission Regulation 1.64(b)(1), each SRO would have to implement rules requiring that its governing board be comprised of persons from a variety of membership interests who will meaningfully represent the SRO members' diverse interests. Regulation 1.64(a)(4) defines an SRO's membership interests to include floor brokers, floor traders, FCMs and various commercial users of commodities or any set of alternative categories proposed by an SRO which is consistent with the purposes of Commission Regulation 1.64, which reflects the representational categories referred to in Section 206 of the 1992 Act.[6]

Regulation 1.64 would give latitude to each SRO to establish a board composition scheme which is most appropriate to that particular SRO. However, any scheme must establish, by rule, some fixed form of categorical representation which will ensure that the various interests which could be affected by the decisionmaking of an SRO governing board will be fairly represented on the board.

2. Proposed Regulation 1.64(b)(2)—Public Representatives

Under proposed Regulation 1.64(b)(2), each SRO would be required to adopt a rule requiring that at least 20% of the regular voting members of its governing board[7] be members of the public who are capable of contributing to the board's deliberations. Regulation 1.64(b)(2) would establish a two-part test for who would constitute a public member of the board. First, the person would have to be knowledgeable of

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[4] The Commission notes that section 17A(b)(3)(B) of the Securities Exchange Act of 1934 imposes various fair participation and representation requirements on securities clearing organizations. The Securities and Exchange Commission in interpreting this provision gives discretion to each clearing organization as to whether or not to have public representation on governing boards. Securities Exchange Act Release No. 34–16900, 45 FR 41920, 41924 (June 23, 1980).

[5] With respect to the comparable composition requirements in the Senate bill, the Senate report indicates that qualified board members may satisfy more than one board composition requirement so long as such overlapping does not "reduce the level of nonmember public directors to below 20 percent." S. Rep. No. 102–22, 102d Cong., 1st Sess., 37 (1991).

[6] For example, registered futures associations such as the National Futures Association ("NFA") may not have floor broker or floor trader membership categories, however, they may have FCM, introducing broker ("IB"), commodity trading advisor or commodity pool operator members. In that case, the association could propose a compositional scheme for its board which takes into account its unique set of membership categories.

[7] Proposed Regulation 1.64(a)(3) defines a "regular voting member of a governing board" to mean "any person who is eligible to vote routinely on matters being considered by the board and excludes those members who are only eligible to vote in the case of a tie vote by the board."

futures trading or financial regulation or otherwise have a background which would enable him to make a meaningful contribution to the governing board's decisionmaking process. Second, the person could not have certain commodity industry affiliations. Specifically, the public member must not have been a Commission registrant or SRO member within the prior year. In addition, the public member must not have received more than ten percent of his income for the prior year as compensation for work done for any particular SRO, SRO member or Commission registrant.[8]

Proposed Regulation 1.64(b)(2) is an attempt to ensure board representation by persons who will be sufficiently independent to represent and protect the public interest. In defining what constitutes a governing board public member, the Commission has attempted to exclude persons whose interests might be so closely aligned with a particular SRO, registrant, or SRO member as to be considered unrepresentative of the general public interest. However, the provision would not exclude persons who are actively involved with and knowledgeable about the commodities industry in general.

As mandated by section 206 of the 1992 Act, proposed Regulation 1.64(b)(2) would require that there be a minimum of 20 percent public member representation on SRO governing boards. Accordingly, any SRO compositional scheme which had less than 20 percent representation for public members would be inconsistent with the 1992 Act and this provision.[9]

3. Proposed Regulation 1.64(b)(3)—Commercial Interest Representatives

Proposed Commission Regulation 1.64(b)(3) states that each contract market must adopt a rule which requires that at least ten percent of the regular voting members of its governing board be comprised of persons who primarily produce, manufacture, process, export, merchandise or commercially use any of the commodities underlying a futures product traded on that contract market.[10] Like the other SRO board composition requirements of proposed Regulation 1.64, the requirement for representation of commercial interests on SRO governing boards is intended to ensure effective representation for all market participants in each SRO's decisionmaking process.

The Commission notes that Section 206 of the 1992 Act mandates a ten percent commercial interest representation requirement for contract market governing boards, but not for the boards of registered futures associations. However, the active representation of commercial interests on the boards of registered futures associations may provide for a more meaningful exchange of views on various issues affecting all industry participants. Accordingly, the Commission invites comment as to whether it would be appropriate to extend Regulation 1.64(b)(3)'s commercial interest representation requirement to registered futures associations.

C. Major Disciplinary Committee Composition Requirements

Proposed Commission Regulations 1.64(b) (4) through (6) would establish compositional requirements for SRO major disciplinary committees. Like Regulation 1.64's requirements for SRO governing boards, SROs must establish rules which individually satisfy Regulations 1.64(b) (4), (5) and (6).

1. Proposed Regulation 1.64(b)(4)—Diversity Standards

Section 206 of the 1992 Act amended sections 5a(15)(A) and 17(b)(12)(A) of the Act to require that the major disciplinary committees of contract markets and registered futures associations, respectively, be diverse enough to ensure fairness and prevent special treatment or preference in disciplinary proceedings and the assessment of penalties. The Commission's proposed Regulation 1.64(b)(4) would implement these provisions by requiring that each SRO maintain rules specifying diversity standards for major disciplinary committees. Under Regulation 1.64(b)(4), the Commission expects that responsive SRO rules would establish some form of categorical representation on major disciplinary committees in order to ensure that the persons discharging disciplinary responsibilities would treat accused parties fairly and impartially. Within these guidelines, SROs may develop their own means of satisfying proposed Regulation 1.64(b)(4), subject to review by the Commission.[11]

For the purposes of proposed Commission Regulation 1.64, "major disciplinary committee" is defined by Regulation 1.64(a)(2) as a panel of persons who, as a group, are "empowered by [an SRO] to bring disciplinary charges, to conduct disciplinary hearings, to settle disciplinary charges, to impose sanctions or to hear appeals thereof."

The Commission is proposing this definition of a major disciplinary committee after having considered alternatives which it believes would be unsatisfactory. For instance, it would be impractical to formulate a definition based upon the types of rule violations which a disciplinary committee considers because of the wide variety of rule violations at the various SROs. While many SROs have similar types of major rule violations, many major rule violations are unique to particular SROs. Similarly, defining what constitutes a major disciplinary committee based upon the type of sanctions which could be imposed would be problematic given the lack of any uniform industry standards for sanction levels.

Accordingly, the Commission concluded that by defining a major disciplinary committees in terms of panels which operate as a group in a conducting disciplinary matters, the proposed definition would exclude SRO disciplinary committee members and personnel who can dispose of minor disciplinary violations with summary fines or other limited penalties. The Commission believes that any disciplinary matter which is significant enough to warrant an adjudicatory panel, is a matter which should require the protections that Regulation 1.64 would provide. This approach is consistent with current industry practice whereby disciplinary matters

[8] The Commission seeks comment on the extent to which SROs currently compensate public members of their governing boards and how such situations should be addressed under the income standard which proposed Regulation 1.64(b)(2) would use to define public board members.

[9] For example, an SRO governing board of 17 persons would have to have at least four public members. This would be required although, in fact, three public members, constituting 17.6 percent of such a board, would be closer to 20 percent than four public members, constituting 23.5 percent of such a board. The Commission invites comments as to whether there would be any alternative manner in which the 20 percent public member requirement of Section of 206 could be effectuated consistent with its terms.

[10] The ten percent representation requirement for commercial interest representatives on governing boards is a statutorily-required minimum requirement. As with the percentage calculation of public members on SRO governing boards, any proposed SRO composition scheme in which the percentage of commercial representatives must be rounded-up to reach ten percent of the board would be inconsistent with proposed Regulation 1.64(b)(3).

[11] While proposed Regulation 1.64 states that SROs must have rules requiring a certain level of diversity in both their governing boards (Regulation 1.64(b)(1)) and their major disciplinary committees (Regulation 1.64(b)(4)), the purposes of these two diversity requirements differ. Regulation 1.64(b)(1) is intended to provide meaningful representation in the SRO rulemaking process, while Regulation 1.64(b)(4) is intended to ensure fairness and impartiality in the SRO disciplinary process. Accordingly, what constitutes an acceptably diverse composition scheme may differ between governing boards and major disciplinary committees.

with a higher degree of seriousness are dealt with by disciplinary panels.

The Commission believes the ability "to bring disciplinary charges, to conduct disciplinary hearings, to settle disciplinary charges, to impose sanctions [and] to hear appeals" are each disciplinary powers which could have a detrimental effect if they are not applied fairly and impartially. Accordingly, the proposed definition of a major disciplinary committee would cover any SRO panel which had any one of these powers.[12]

The diversity requirements of proposed Regulation 1.64(b)(4), as well as the representational requirements of Regulation 1.64(b) (5) and (6) described below, apply to any panel of persons who have the disciplinary powers enumerated in Regulation 1.64(a)(2). Thus, if an SRO has a disciplinary committee structure in which a large disciplinary committee has a variety of smaller subsidiary committees which, as panels, can bring or settle disciplinary charges, conduct disciplinary hearings or hear appeals of disciplinary sanctions, each such subsidiary committee would be required to satisfy the requirements of proposed Regulations 1.64(b) (4) through (6).

2. Proposed Regulation 1.64(b)(5)—Non-Member Representatives

As mandated by Section 206 of the 1992 Act, the Commission is proposing a new Regulation 1.64(b)(5) which would require that each SRO specify by rule that each of its major disciplinary committees have at least one member who is not a member of the SRO.[13] This requirement would apply to all SRO major disciplinary committees, regardless of the person or rule violation involved in a disciplinary proceeding. By having at least one non-member on each major disciplinary committee, proposed Regulation 1.64(b)(5) would prevent the situation in which an SRO member is judged exclusively by people who might have close, daily contact with the accused.

Proposed Regulation 1.64(b)(5) would satisfy Section 206(c)'s requirement that, at a minimum, there be a person who is a non-member of the SRO or any major disciplinary committee conducting a proceeding in which: (1) the person charged was a member of the SRO's governing body or a major disciplinary committee, or (2) the subject matter relates to price manipulation or attempted manipulation.

The Commission believes that the presence of at least one non-member of an SRO on each major disciplinary committee should promote fairness and impartiality in the commodity industry's disciplinary proceedings. The Commission believes that proposed Regulation 1.64(b)(5)'s requirement should not be too burdensome for the SROs. Each major disciplinary committee would have to have only a single SRO non-member. In addition, proposed Regulation 1.64(b)(5) would not require that each SRO major disciplinary committee have one "public" member, but instead it would require that the committee have one non-member of the SRO. Accordingly, the requirement could be met by a wide variety of more readily available people, including industry professionals who would not be considered public members of an SRO governing board under Regulation 1.64(b)(2).

3. Proposed Regulation 1.64(b)(6)—Representatives of Differing Membership Interests

In response to section 5a(15)(B), as it was amended by section 206 of the 1992 Act, proposed Regulation 1.64(b)(6) states that each SRO must establish rules requiring that more than 50 percent of each major disciplinary committee be made up of persons representing a membership interest other than that of the person who is the subject of the disciplinary proceeding. As indicated above, Regulation 1.64(a)(4) would define "membership interest" as a membership category such as floor brokers, floor traders or FCMs; commercial users of commodities such as producers, processors, or distributors; or, members of the SRO that use trading pits other than those used by the subject of the disciplinary proceeding.[14] The premise of Commission Regulation 1.64(b)(6) is that persons who work in close proximity to one another (*e.g.*, people who trade in the same trading pit) or who have professional ties to one another (*e.g.*, floor brokers who establish formal or informal associations with each other) may not be, or may appear to not be, totally objective in adjudicating disciplinary proceedings involving their colleagues. By requiring that half of each major disciplinary committee consist of persons who have a different membership interest than the accused, proposed Regulation 1.64(b)(6) should help to discourage special or preferential treatment in the conduct of disciplinary proceedings and the assessment of disciplinary sanctions.

In submitting rules in compliance with proposed Regulation 1.64(b)(6), SROs may propose alternative categories of membership interests to those listed in Regulation 1.64(b)(6)(i). In proposing any such alternative set of categories, however, the submitting SRO must demonstrate to the Commission that their proposed approach is consistent with the purposes of Regulation 1.64(b)(6).

D. Proposed Regulation of 1.64(c)—Customer Notification of Disciplinary Actions

Proposed Regulation 1.64(c) states that when a futures exchange takes final disciplinary action against a member for trading violations resulting in financial harm to a customer, the exchange must provide written notice of the action to the FCM that cleared the transaction.[15] In addition, the clearing FCM must provide the same written notice to the

[12] As part of this rulemaking, the Commission also is proposing to amend Commission regulation 1.63(a)(2)'s definition of "disciplinary committee" to duplicate the operative characteristics of a "major disciplinary committee" under proposed Regulation 1.64(a)(2). Under this approach, the only distinction between these two definitions would be that a Regulation 1.64 major disciplinary committee would have to be a panel which exercised its disciplinary powers as a group, while a Regulation 1.63 disciplinary committee could be one or more persons who could exercise the same powers. The Commission invites comment regarding the effect of this proposed amendment of Regulation 1.63.

[13] For a registered futures association, Regulation 1.64(b)(5) would require that each of the association's major disciplinary committees have at least one member who is not regulated by the association. The use of the term non-regulatee rather than non-member is intended to address the situation which now exists at NFA where associated persons ("APs") are not NFA members but are regulated by NFA.

[14] For the purposes of registered futures associations, proposed Regulation 1.64(b)(6) would require that at least 50 percent of each major disciplinary committee consist of persons who are in a different "regulatory category" than the person charged in the disciplinary proceeding. "Regulatory category" should be interpreted to include not only the association's different membership categories such as FCMs and IBs, but also any category of persons who are regulated by the registered futures association but are not association members (*e.g.*, APs at the NFA).

[15] For these purposes, proposed Regulation 1.64(a)(5) defines "final disciplinary action" to mean any exchange final decision as that term is defined by exchange rules implementing the requirements of Commission Regulations 8.20 and 8.28. Accordingly, a "final disciplinary action" under Commission Regulation 1.64 would include not only instances where a disciplinary committee makes a determination that a person has committed a rule violation, but also those instances where a person settles disciplinary charges against him in a settlement agreement with an exchange. This definition differs from Regulation 1.63(a)(5)'s definition of an SRO "final decision" in that such a decision may not be arrived at until after a member's appeal rights are exhausted. With Regulation 1.64(a)(5)'s definition of "final disciplinary action," proposed Regulation 1.64(c) would require customer notification of a disciplinary action even if it was pending appeal. Under this approach, the Commission believes that customers could more promptly learn of disciplinary actions and that, therefore, they would be in the best possible position to pursue any available recourse.

customer involved, or, in a case where two or more FCMs have cleared and carried the transaction, each FCM involved must provide written notice to the FCM with which it dealt until notice is provided to the ultimate customer. The written notice describing the disciplinary action must include the same type of information which is required in Regulation 9.11 notices.[16]

Regulation 1.64(c) should help public customers effectively to exercise their rights with respect to the treatment of their orders by exchange members. For example, a customer who learns of an abuse of his order of which he might otherwise have been ignorant, would be better able to evaluate his business relationship with the member or to initiate legal action. Additionally, proposed Regulation 1.64(c)'s notice requirement should generate closer scrutiny of exchange activities.

E. Proposed Amendments to Regulation 1.63

1. Prohibition of Oversight Panel Service

In compliance with section 206 of the 1992 Act, the Commission is proposing amendments to existing Regulation 1.63 which would disqualify persons with certain disciplinary histories from serving on any SRO oversight panel and which would require each SRO to implement rules in this regard.[17] Upon a finding of a disqualifying offense,[18] the amendment to Regulation 1.63 would bar oversight panel service for a period of three years from the date of such finding or for the length of any criminal sentence, SRO expulsion or suspension, Commission registration suspension, or failure to pay a disciplinary fine, resulting from the finding, whichever was longer.

The proposed amendment to Regulation 1.63(a) would define an SRO oversight panel to mean any body of persons having the authority to "review, recommend or establish policies or procedures with respect to the self-regulatory duties of the [SRO], including, but not limited to, compliance activities and disciplinary policies." With this proposed definition of oversight panel, Regulation 1.63 would establish a minimum qualification standard for bodies which are charged with the responsibility of formulating and carrying out an SRO's self-regulatory responsibilities.

2. Public Listing of SRO Major Rule Violations

Commission Regulation 1.63(d) currently requires that each SRO publish a listing of its own rule violations which would not constitute a disqualifying "disciplinary offense" under current Commission Regulation 1.63(a)(4)(i).[19] The Commission took this approach in adopting Regulation 1.63 because, at the time that the regulation was proposed, various SROs contended that a comprehensive listing of disqualifying SRO rule violations would be too cumbersome. Section 206 of the 1992 Act, however, requires that each SRO establish and make publicly available a listing of those SRO major rule violations which would disqualify a person from governing board or disciplinary committee service at that SRO. Accordingly, the Commission is proposing to amend Regulation 1.63(d) to require that each SRO establish, maintain and make available to the general public a notice of all those rules of the SRO which if violated would constitute a "disciplinary offense" under Regulation 1.63. This requirement would enable any person who had been found to have committed a rule violation by an SRO to determine whether that violation was in fact a "disciplinary offense" for the purposes of Regulation 1.63 and whether he would be disqualified from future SRO committee service. Also, an SRO upon ascertaining that a potential committee selectee had violated some rule at another SRO, could review that other SRO's listing of "disciplinary offenses" to determine whether the potential selectee should be disqualified from committee service.

F. Additional Requirements of Section 206 of the 1992 Act

The Commission notes that various other requirements of section 206 of the 1992 Act are satisfied by Commission Regulation 1.63, thus eliminating the need to establish any new Commission regulations. For instance, section 206 of the 1992 Act requires that SROs prohibit disciplinary committee service by persons with certain disciplinary records. As indicated above, Commission Regulation 1.63 already prohibits service on disciplinary committees, as well as on governing boards and arbitration panels, by persons who have committed disciplinary offenses.

III. Conclusion

The Commission believes that the proposed new Regulation 1.64 and the proposed amendments to Regulation 1.63 meet the statutory directives of Sections 5a, 8c and 17 of the Act as they were amended by Section 206 of the 1992 Act. Toward that end, where the 1992 Act permits the Commission to exercise discretion, the Commission has endeavored to permit SROs flexibility in complying with the proposed rulemaking and to take into account existing industry practices.

IV. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601 *et seq.* (1988), requires that agencies, in proposing rules, consider the impact of those rules on small businesses. The Commission has previously determined that contract markets are not "small entities" for purposes of the RFA, and that the Commission, therefore, need not consider the effect of proposed rules on contract markets. 47 FR 18618, 18619 (April 30, 1982).

Furthermore, the Chairman of the Commission previously has certified on behalf of the Commission that comparable rule proposals effecting registered futures associations, if adopted, would not have had a significant economic impact on a substantial number of small entities. 51 FR 44866, 44868 (December 12, 1986). Accordingly, the Acting Chairman, on behalf of the Commission, hereby certifies, pursuant to section 3(a) of the RFA, 5 U.S.C. 605(b), that the proposed rulemaking, if adopted, would not have a significant economic impact on a substantial number of small entities.

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[16] Commission Regulation 9.11 requires that notices of exchange disciplinary actions include:

(1) The name of the person against whom the disciplinary action or access denial action was taken;

(2) A statement of the reasons for the disciplinary action or access denial action together with a listing of any rules which the person who was the subject of the disciplinary action or access denial action was charged with having violated or which otherwise serve as the basis of the exchange action;

(3) A statement of the conclusions and findings made by the exchange with regard to each rule violation charged or, in the event of settlement, a statement specifying those rule violations which the exchange has reason to believe were committed;

(4) The terms of the disciplinary action or access denial action; [and]

(5) The date on which the action was taken and the date the exchange intends to make the disciplinary or access denial action effective * * *

[17] Commission Regulation 1.63 already establishes a similar disqualification standard with respect to SRO disciplinary committees, arbitration panels and governing boards.

[18] Under Commission Regulation 1.63, disqualifying offenses would include, among other things, various SRO rule violations and any violation of the Act or the Commission's regulations.

[19] Regulation 1.63(a)(4)(i) defines "disciplinary offense" to mean committing or having supervisory responsibility for any act which violates an SRO's rules with exclusions for minor recordkeeping and trade timing violations as well as decorum and attire violations.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1980 ("PRA"), 44 U.S.C. 3501 *et seq.* (1988), imposes certain requirements on federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the PRA. In reviewing this proposed rulemaking the Commission has determined that it does not impose any information collection requirements as defined by the PRA. In compliance with the PRA, the Commission has submitted the proposed rulemaking and its associated information collection requirements to the Office of Management and Budget ("OMB"). The burden associated with the entire collection, including this proposed regulation, is as follows:

Average burden hours per response: 611.26.

Number of respondents: 4201.

Frequency of response: On occasion.

The burden associated with the proposed regulation is as follows:

Average burden hours per response: .25.

Number of respondents: 13.

Frequency of response: On occasion.

Persons wishing to comment on the information that would be required by the proposed rulemaking should contact Gary Waxman, OMB, room 3228, NEOB, Washington, DC 20503, (202) 395–7340. Copies of the information collection submission to OMB are available from Joe F. Mink, CFTC Clearance Officer, 2033 K Street, NW., Washington, DC 20581, (202) 254–9735.

List of Subjects in 17 CFR Part 1

Commodity futures, Contract markets, Clearing organizations, Registered futures associations, Members of contract market.

In consideration of the foregoing, and based on the authority contained in the Commodity Exchange Act and, in particular, Sections 3, 4b, 5, 5a, 6, 6b, 8, 8a, 9, 17, and 23(b) thereof, 7 U.S.C. 5, 6b, 7, 7a, 8, 13a, 12, 12a, 13, 21 and 26(b) the Commission is proposing to amend Title 17, Chapter I, Part 1 of the Code of Federal Regulations is amended as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

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

Authority: 7 USC 2, 2a, 4, 4a, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 7, 7a, 8, 9, 12, 12a, 12c, 13a, 13a–1, 16, 19, 21, 23, and 24, unless otherwise stated.

2. Section 1.63 is proposed to be amended by adding paragraph (a)(7) and revising paragraphs (a)(2), (a) (4) through (6), (b) introductory text, and (c) through (f) to read as follows:

§ 1.63 Service on self-regulatory organization governing boards or committees by persons with disciplinary histories.

(a) * * *

(2) *Disciplinary committee* means any person or panel empowered by a self-regulatory organization to bring disciplinary charges, to conduct disciplinary hearings, to settle disciplinary charges, to impose sanctions or to hear appeals thereof.

* * * * *

(4) *Oversight panel* means any panel empowered by a self-regulatory organization to review, recommend or establish policies or procedures with respect to the self-regulatory duties of the self-regulatory organization, including, but not limited to, compliance activities and disciplinary policies.

(5) *Final decision* means:

(i) A decision of a self-regulatory organization which cannot be further appealed within the self-regulatory organization, is not subject to the stay of the Commission or a court of competent jurisdiction, and has not been reversed by the Commission or any court of competent jurisdiction; or,

(ii) Any decision by an administrative law judge, a court of competent jurisdiction or the Commission which has not been stayed or reversed.

(6) *Disciplinary offense* means:

(i) Any violation of the rules of a self-regulatory organization except those rules related to:

(A) Decorum or attire,

(B) Financial requirements, or

(C) Reporting or recordkeeping unless resulting in fines aggregating more than $5,000 within any calendar year;

(ii) Any rule violation described in paragraphs (a)(6)(i) (A) through (C) of this section which involves fraud, deceit or conversion or results in a suspension or expulsion;

(iii) any violation of the Act or the regulations promulgated thereunder; or,

(iv) any failure to exercise supervisory responsibility with respect to acts described in paragraphs (a)(6)(i) through (iii) of this section when such failure is itself a violation of either the rules of a self-regulatory organization, the Act or the regulations promulgated thereunder.

A disciplinary offense must arise out of a proceeding or action which is brought by a self-regulatory organization, the Commission, any federal or state agency, or other governmental body.

(7) *Settlement agreement* means any agreement consenting to the imposition of sanctions by a self-regulatory organization, a court of competent jurisdiction or the Commission.

(b) Each self-regulatory organization must maintain in effect rules which have been submitted to the Commission pursuant to section 5a(a)(12)(A) of the Act and § 1.41 or, in the case of a registered futures association, pursuant to section 17(j) of the Act, that render a person ineligible to serve on its disciplinary committees, arbitration panels, oversight panels or governing board who:

* * * * *

(c) No person may serve on a disciplinary committee, arbitration panel, oversight panel or governing board of a self-regulatory organization if such person is subject to any of the conditions listed in subparagraphs (b)(1) through (6) of this section.

(d) Any rule submitted pursuant to paragraph (b) of this section must include a listing of all those rules of the self-regulatory organization which if violated would constitute a disciplinary offense under paragraph (a)(6)(i) of this section. Each self-regulatory organization shall establish, maintain and make available to the general public a notice listing such rules.

(e) Each self-regulatory organization shall submit to the Commission within thirty days of the end of each calendar year a certified list of any persons who have been removed from its disciplinary committees, arbitration panels, oversight panels or governing board pursuant to the requirements of this regulation during the prior year.

(f) Whenever a self-regulatory organization finds by final decision that a person has committed a disciplinary offense and such finding makes such person ineligible to serve on that self-regulatory organization's disciplinary committees, arbitration panels, oversight panels or governing board, the self-regulatory organization shall inform the Commission of that finding and the length of the ineligibility in any notice it is required to provide to the Commission pursuant to either Section 17(h)(1) of the Act or § 9.11 of this chapter.

3. Section 1.64 is proposed to be added to read as follows:

§ 1.64 Composition of various self-regulatory organization governing boards and major disciplinary committees.

(a) *Definitions.* For purposes of this section:

(1) *Self-regulatory organization* means "self-regulatory organization" as defined in § 1.3(ee), but shall not include a "clearing organization" as defined in § 1.3(d).

(2) *Major disciplinary committee* means any panel of persons who, as a group, are empowered by a self-regulatory organization to bring disciplinary charges, to conduct disciplinary hearings, to settle disciplinary charges, to impose sanctions or to hear appeals thereof.

(3) *Regular voting member of a governing board* means any person who is eligible to vote routinely on matters being considered by the board and excludes those members who are only eligible to vote in the case of a tie vote by the board.

(4) *Membership interest* means a membership category or a group of market users which shall include:

(i)(A) Floor brokers,

(B) Floor traders,

(C) Producers, consumers, processors, distributors, or merchandisers of commodities,

(D) Futures commission merchants, and

(E) Members of the aforementioned categories who participate in particular contract markets or principal groups of commodities on the board of trade, or

(ii) Any alternative set of membership categories or market users proposed by a self-regulatory organization which the self-regulatory organization demonstrates fairly reflects the composition of its membership and is otherwise consistent with the purposes of this section.

(5) *Final disciplinary action* means any contract market "final decision" as that term is defined by contract market rules implementing the requirements of §§ 8.20 and 8.28 of this chapter.

(b) Each self-regulatory organization must maintain in effect rules which have been submitted to the Commission pursuant to section 5a(a)(12)(A) of the Act and § 1.41 or, when applicable to a registered futures association, pursuant to section 17(j) of the Act, that require that:

(1) The governing board of each self-regulatory organization be comprised of persons from a variety of membership interests who will meaningfully represent the self-regulatory organization's diversity of interests;

(2) Twenty percent or more of the regular voting members of the self-regulatory organization's governing board be comprised of persons who:

(i) Are knowledgeable of futures trading or financial regulation or are otherwise capable of contributing to governing board deliberations, and

(ii)(A) Are not and for the prior year have not been members of a self-regulatory organization,

(B) Are not and for the prior year have not been registered with the Commission in any capacity, and

(C) Are not receiving and for the prior year have not received more than ten percent of their income as compensation for work performed for any self-regulatory organization, self-regulatory organization member or Commission registrant;

(3) Ten percent or more of the regular voting members of the contract market's governing board be comprised of persons who are primarily engaged in the business of producing, manufacturing, processing, exporting, merchandising or commercially using any of the commodities underlying a commodity futures or commodity option contract traded on the contract market;

(4) Each of the self-regulatory organization's major disciplinary committees be comprised of persons representing a variety of membership interests sufficient to ensure fairness and to prevent special treatment or preference for any person in the conduct of the committee's responsibilities;

(5) At least one member of each of the self-regulatory organization's major disciplinary committees be a person who is not a member of that self-regulatory organization or, in the case of a registered futures association, is not regulated by such registered futures association; and

(6) More than 50% of each of the self-regulatory organization's major disciplinary committees be comprised of persons representing a membership interest or, in the case of a registered futures association, a regulatory category at the association other than that of the subject of the disciplinary proceeding.

(c) Upon any final disciplinary action in which a contract market finds that a member has committed a rule violation that involved the execution of a transaction for a customer and resulted in financial harm to such customer:

(1)(i) The contract market shall promptly provide written notice of the disciplinary action to the futures commission merchant that cleared the transaction; and,

(ii) Each futures commission merchant involved in the clearing or carrying of such transaction shall promptly provide written notice of the disciplinary action to the individual or entity maintaining the account for which the transaction was executed, as such individual or entity is identified on the records of the clearing or carrying futures commission merchant, upon receipt of such notice from a contract market or another futures commission merchant.

(2) The written notice required by paragraph (c)(1) of this section shall include the information listed in § 9.11(b) of this chapter as well as the principal facts of the case involved.

Issued in Washington, DC, on March 2, 1993, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93-5180 Filed 3-11-93; 8:45 am]

BILLING CODE 6351-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL-4605-7]

Location Change of Open Meeting on Proposed Wood Furniture Rules and/or Control Techniques Guidelines

AGENCY: Environmental Protection Agency.

ACTION: Notice of meeting.

SUMMARY: The location of the March 25-26 meeting discussing the possible use of Regulatory Negotiation or some other consensus-based approach to develop proposed rules regulating hazardous air pollutant emissions and/or a Control Techniques Guidelines covering volatile organic compound emissions associated with wood furniture manufacturing (58 FR 12352, Mar. 4, 1993) has been changed from the Omni Europa "Chapel Hill" to the Omni Europa "Durham".

DATES: The meeting will take place on March 25-26. On March 25, it will start at 9 a.m. and end at 5 p.m. On March 26, it will start at 8 a.m. and end by 3 p.m.

ADDRESSES: The meeting will take place at the Omni Europa Hotel, 201 Foster Street, Durham, NC., 27201, (919) 683-6664.

FOR FURTHER INFORMATION CONTACT: For additional information on substantive aspects of the meeting, please contact Ellen Ducey of EPA's Office of Air Quality Planning and Standards, (919) 541-5408. For additional information on procedural or administrative matters please contact Susan Wildau or John Lingelbach, EPA's co-convenors, at (303) 442-7367.

Dated: March 9, 1993.

Chris Kirtz,

Director, Consensus and Dispute Resolution Program.

[FR Doc. 93-5871 Filed 3-11-93; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[AK2-1-5480; AD-FRL-4603-4]

Approval and Promulgation of State Implementation Plan: Alaska

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The EPA proposes approval of the state implementation plan (SIP) revision submitted by the State of Alaska for the purpose of bringing about the attainment of the national ambient air quality standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM-10). The implementation plan was submitted by the state to satisfy certain federal Clean Air Act requirements for an approvable moderate nonattainment area PM-10 SIP for Eagle River, Alaska.

DATES: Comments on this proposed action must be postmarked by April 12, 1993.

ADDRESSES: Comments should be addressed to: Christi A. Lee, Environmental Protection Agency, 1200 Sixth Avenue, AT-082, Seattle, Washington 98101. Copies of the state's submittal and other information are available for inspection during normal business hours at the following locations:

Air and Radiation Branch (AK2-1-5480), U.S. Environmental Protection Agency, 1200 Sixth Avenue, AT-082, Seattle, Washington 98101.

Alaska Department of Environmental Conservation, 410 Willoughby, suite 100, Juneau, Alaska 99801-1795.

FOR FURTHER INFORMATION CONTACT: Christi Lee, U.S. Environmental Protection Agency, 1200 Sixth Avenue, AT-082, Seattle, Washington 98101, Telephone: (206) 553-1814.

SUPPLEMENTARY INFORMATION:

I. Background

The Eagle River, Alaska, area was designated nonattainment for PM-10 and classified as moderate under sections 107(d)(4)(B) and 188(a) of the Clean Air Act, upon enactment of the Clean Air Act Amendments of 1990.[1] See 56 FR 56694 (November 6, 1991). The air quality planning requirements for moderate PM-10 nonattainment areas are set out in subparts 1 and 4 of Part D, Title I of the Act.[2] The EPA has issued a "General Preamble" describing EPA's preliminary views on how EPA intends to review SIP's and SIP revisions submitted under Title I of the Act, including those state submittals containing moderate PM-10 nonattainment area SIP requirements (see generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)). Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of Title I advanced in today's proposal and the supporting rationale. In today's rulemaking action on the Alaska moderate PM-10 SIP for Eagle River, EPA is proposing to apply its interpretations taking into consideration the specific factual issues presented. Additional information supporting EPA's action on this particular area is available for inspection at the addresses indicated above. EPA will consider any timely submitted comments before taking final action on today's proposal.

Those states containing initial moderate PM-10 nonattainment areas were required to submit, among other things, the following provisions by November 15, 1991:

1. Provisions to assure that reasonably available control measures (RACM) (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology—RACT) shall be implemented no later than December 10, 1993;

2. Either a demonstration (including air quality modeling) that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994 or a demonstration that attainment by that date is impracticable;[Insert date 30 days after the date of publication]. [Insert date 30 days after the date of publication]. [Insert date 30 days after the date of publication]. [Insert date 30 days after the date of publication]. [Insert date 30 days after the date of publication].

3. Quantitative milestones which are to be achieved every 3 years and which demonstrate reasonable further progress (RFP) toward attainment by December 31, 1994; and

4. Provisions to assure that the control requirements applicable to major stationary sources of PM-10 also apply to major stationary sources of PM-10 precursors except where the Administrator determines that such sources do not contribute significantly to PM-10 levels which exceed the NAAQS in the area. See sections 172(c), 188, and 189 of the Act.

Some provisions are due at a later date. States with initial moderate PM-10 nonattainment areas were required to submit a permit program for the construction and operation of new and modified major stationary sources of PM-10 by June 30, 1992 (see section 189(a)). Such states also must submit contingency measures by November 15, 1993 which become effective without further action by the state or EPA, upon a determination by EPA that the area has failed to achieve RFP or to attain the PM-10 NAAQS by the applicable statutory deadline (see section 172(c)(9) and 57 FR 13543-44).

II. Today's Action

Section 110(k) of the Act sets out provisions governing EPA's review of SIP submittals (see 57 FR 13565-13566). In today's action, EPA is proposing to approve the plan revision certified by the Lieutenant Governor on June 21, 1991 and submitted to EPA on October 15, 1991 because it meets all of the applicable requirements of the Act.

A. Analysis of State Submission

1. Procedural Background

The Act requires states to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. Sections 110(a)(2) and 110(l) of the Act provides that each implementation plan submitted by a state must be adopted after reasonable notice and public hearing.[3]

EPA also must determine whether a submittal is complete and therefore warrants further EPA review and action (see section 110(k)(1) and 57 FR 13565). EPA's completeness criteria for SIP submittals are set out at 40 CFR part 51, appendix V (1991), as amended by 56 FR 42216 (August 26, 1991). EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law if a completeness determination is not made by EPA six months after receipt of the submission.

[1] The 1990 Amendments to the Clean Air Act made significant changes to the Act. See Public Law 101-549, 104 Stat. 2399. References herein are to the Clean Air Act, as amended ("the Act"). The Clean Air Act is codified, as amended, in the U.S. Code at 42 U.S.C. sections 7401, *et seq.*

[2] Subpart 1 contains provisions applicable to nonattainment areas generally and subpart 4 contains provisions specifically applicable to PM-10 nonattainment areas. At times, subpart 1 and subpart 4 overlap or conflict. EPA has attempted to clarify the relationship among these provisions in the "General Preamble" and, as appropriate, in today's notice and supporting information.

[3] Section 172(c)(7) of the Act requires that plan provisions for nonattainment areas meet the applicable provisions of section 110(a)(2).

After providing adequate public notice, the Alaska Department of Environmental Conservation (ADEC) held a public hearing on November 21, 1989 to entertain public comment on the implementation plan for the Eagle River nonattainment. Following the public hearing the plan was adopted by the state and signed by the Governor on July 15, 1990, and submitted to EPA as a proposed revision to the SIP on July 17, 1990. The state subsequently readopted the SIP revisions and resubmitted them to EPA on October 15, 1991.

The SIP revision was reviewed by EPA to determine completeness shortly after its submittal, in accordance with the completeness criteria set out at 40 CFR Part 51, Appendix V (1991), as amended by 57 FR 42216 (August 26, 1991). The submittal was found to be complete and a letter dated February 19, 1992, was forwarded to the Director of ADEC indicating the completeness of the submittal and the next steps to be taken in the review process.

2. Accurate Emissions Inventory

Section 172(c)(3) of the Act requires that nonattainment plan provisions include a comprehensive, accurate, current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. Because the submission of the emissions inventory is a necessary adjunct to an area's attainment demonstration (or demonstration that the area cannot practicably attain), the emissions inventory must be received with the demonstration (see 57 FR 13539).

ADEC submitted an emissions inventory for base year 1987. Eagle River's base year emissions inventory identified the major source categories as fugitive dust from paved and unpaved streets and windblown dust. Since the PM–10 sources in the area are seasonal in nature and worst case emissions from different sources may not occur concurrently, a separate inventory was compiled for each of the four seasons. The primary source of fall seasonal PM–10 is locally generated road dust. Windblown dust, sanding material and vehicle-generated dust from paved roads are significant sources of springtime PM–10. The combined contribution of all other sources was estimated to be less than ten percent of total emissions in both the spring and fall seasons.

EPA is proposing to approve the emissions inventory because it generally appears to be accurate and comprehensive, and provides a sufficient basis for determining the adequacy of the attainment demonstration for this area.[4] For further details see the Technical Support Document (TSD) corresponding with this action, which is available at the address indicated above.

3. RACM (Including RACT)

As noted, the initial moderate PM–10 nonattainment areas must submit provisions to assure that RACM (including RACT) are implemented no later than December 10, 1993 (see sections 172(c)(1) and 189(a)(1)(C)). The General Preamble contains a detailed discussion of EPA's interpretation of the RACM (including RACT) requirement (see 57 FR 13539–13545 and 13560–13561). The PM–10 problem in the area is more severe in the fall and for this reason, separate design concentrations were determined for fall and spring. The fall 24-hour design value of 238 $\mu g/m^3$ and the spring design value of 166 $\mu g/m^3$ are based on monitored values. (The design value, which reflects high PM–10 concentrations in the area, is the basis for determining the amount of reduction needed to attain the NAAQS). Spring season emissions are presently below the threshold emission rate necessary to ensure attainment of the PM–10 NAAQS as a result of the completion of paving projects. Fall season PM–10 levels are projected to be in attainment after completion of anticipated projects by the end of 1992.

In light of the PM–10 sources in the area described in the emissions inventory discussion above, the Eagle River attainment plan targeted controls of fugitive dust from unpaved and paved streets for PM–10 emission reductions.[5] The Municipality of Anchorage has identified funds that will be devoted to implementing the road paving and surfacing projects intended to address the resuspended road dust problem in the area. EPA views these measures as enforceable control measures as required by sections 10(a)(2)(A) and 172(c)(6) of the Act. The Municipality and ADEC should inform EPA if they believe the commitment to implement these measures is not enforceable. The measures intended to address resuspended road dust are described in further detail below. Note that most of the measures in question were scheduled for completion prior to today's action. Therefore, in taking final action on this SIP, EPA intends to consider any comments addressing the progress that has been made in implementing the measures.

A 40 percent reduction in fall emissions is required to attain the NAAQS. The plan uses a fall emission reduction of 56 percent from controls on resuspended road dust. A significant reduction in fall PM–10 emissions occurred between 1987 and 1991 as a result of road paving and surfacing projects in Eagle River. Of the 22 miles of unpaved roads in the nonattainment (NA) area, 3.4 miles were strip-paved by mid-1989. In addition to these paving projects, 3.2 miles of recycled asphalt paving (RAP) has been applied to gravel roadways in the NA area. RAP is a product salvaged from road construction projects. To achieve the emission reduction goals, the Eagle River Rural Road Service Board (ERRRSB) has included 8.6 miles of existing gravel roadway within the PM–10 NA area on a priority list for paving or recycled asphalt improvements. The ERRRSB received $1.5 million in FY 92 capital funds for road projects. A significant portion is allocated for strip paving and approximately half is designated for RAP projects which would surface about 25 additional miles of road. This would include all areas in the NA area and a few outlying areas. The Municipality expected to complete most of the road surfacing projects in the May through October 1992 construction season. A small number of the hot asphalt paving projects may be delayed one year for pavement engineering. The Municipality of Anchorage expects to complete all 8.6 miles of road surfacing by the end of 1993.

By the end of 1989, fall PM–10 emissions were estimated to have been reduced by 32 percent. An additional 24 percent emission reduction is projected to result from planned 1992–93 projects. A total emission reduction of 12 percent from paving, 28 percent from recycled asphalt projects and 15 percent from reduced track out of dirt onto paved streets results in a projected overall emission reduction of 56 percent. This estimated reduction exceeds the 40 percent reduction required to reach attainment.

An 11 percent reduction is required for spring emissions to yield compliance

[4] The EPA issued guidance on PM–10 emissions inventories prior to the enactment of the Clean Air Act Amendments in the form of the 1987 *PM–10 SIP Development Guideline*. The guidance provided in this document appears to be consistent with the Act.

[5] Where sources of PM–10 contribute insignificantly to the PM–10 problem in the area, EPA's policy is that it would be unreasonable (and would not constitute RACM) to require the sources to implement potentially available control measures. 57 FR 13540. As indicated, the combined contribution of all other sources is estimated to be less than ten percent of total emissions. For this reason, EPA believes it would be unreasonable to require these other sources to implement potentially available control measures. Further, EPA believes implementation of such additional controls in this case would not expedite attainment and, therefore, such measures are not "reasonably" required. 57 FR 13543.

with the NAAQS. The plan uses a spring emission reduction of 12 percent from controls on resuspended road dust. Spring emissions have already been reduced by 8% as a result of improvements in winter sanding and street clean-up practices instituted in the winter of 1987–1988. The Alaska Department of Transportation has estimated that the quantity of road sand applied to state and municipal roads has been cut from 17,000 to 10,000 tons during a typical winter. Furthermore, by tightening material specifications, the silt fraction (grain size less than 75 microns) of the sanding material has been reduced. In addition to reductions achieved through improved winter sanding methods, road paving and recycled asphalt projects are estimated to reduce spring emissions by an additional 4 percent. Implementation of these two measures results in a total estimated reduction of 12 percent in spring emissions.

Changes in the quantity of road sanding material applied during winter, the tightening of sanding material specifications and road surfacing projects have sufficiently reduced emissions to achieve NAAQS attainment in the spring season.

EPA has reviewed the ADEC's explanation and associated documentation and concluded that it adequately justifies the control measures to be implemented. The implementation of ADEC's moderate PM–10 nonattainment plan control strategy will provide for attainment of the PM–10 NAAQS in the Eagle River, Alaska nonattainment area by December 31, 1992. By this notice, EPA is proposing to approve the ADEC's control strategy as satisfying the RACM (including RACT) requirement.

4. Demonstration

As noted, the initial moderate PM–10 nonattainment areas must submit a demonstration (including air quality modeling) showing that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994 (see section 189(a)(1)(B)(i) of the Act). The General Preamble sets out EPA's guidance on the use of modeling for moderate area attainment demonstrations (57 FR 13539). Alternatively, if ADEC does not submit a demonstration of attainment, ADEC must show that attainment by December 31, 1994 is impracticable (section 189(a)(1)(B)(ii)).

The Municipality of Anchorage Air Pollution Control Agency (AAPCA) in consultation with the Alaska Department of Environmental Conservation (ADEC) conducted an attainment demonstration using receptor modeling for Eagle River, Alaska and a "grid-by-grid rollback" approach. This demonstration indicates that the NAAQS for PM–10 will be attained by 1992 in the Eagle River nonattainment area and maintained in future years. The 24-hour PM–10 NAAQS is 150 micrograms/cubic meter ($\mu g/m^3$), and the standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu g/m^3$ is equal to or less than one (see 40 CFR section 50.6). The annual PM–10 NAAQS is 50 $\mu g/m^3$, and the standard is attained when the expected annual arithmetic mean concentration is less than or equal to 50 $\mu g/m^3$ (id). The demonstration predicted that the 24-hour design concentration in the attainment year of 1992 will be below 150 $\mu g/m^3$, thus demonstrating attainment of the 24-hour PM–10 NAAQS. Ambient data show that the area has never approached an exceedance of the annual standard. Since no violations of the annual NAAQS have been noted with the current emissions inventory and since the inventory was "rolled back" to show attainment of the 24-hour NAAQS, no violations of the annual NAAQS are likely. Therefore, EPA believes that ADEC has adequately demonstrated that the annual standard has been attained in the Eagle River nonattainment area.

The control strategy used to achieve these design concentrations is summarized in the section titled "RACM (including RACT)." For a more detailed description of the attainment demonstration and the control strategy used, see the TSD.

5. PM–10 Precursors

The control requirements which are applicable to major stationary sources of PM–10, also apply to major stationary sources of PM–10 precursors unless EPA determines such sources do not contribute significantly to PM–10 levels in excess of the NAAQS in that area (see section 189(e) of the Act).

The emissions inventory for the Eagle River nonattainment area did not reveal any significant stationary sources of PM–10 precursors, and stationary sources as a whole provide an insignificant contribution to Eagle River's ambient PM–10 concentrations as demonstrated through receptor modeling for the area. Thus, ambient PM–10 precursor concentrations in the Eagle River nonattainment area are considered to be de minimis and EPA is proposing to grant the area the exclusion from PM–10 precursor control requirements authorized under section 189(e) of the Act.

6. Quantitative Milestones and Reasonable Further Progress (RFP)

The PM–10 nonattainment area plan revisions demonstrating attainment must contain quantitative milestones which are to be achieved every three years until the area is redesignated attainment and which demonstrate RFP, as defined in section 171(1), toward attainment by December 31, 1994 (see section 189(c) of the Act). RFP is defined in section 171(1) as such annual incremental reductions in emissions of the relevant air pollutant as are required by part D or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable NAAQS by the applicable date.

In implementing RFP for this initial moderate area, EPA has reviewed the attainment demonstration and control strategy for the area to determine whether annual incremental reductions are different from those provided in the SIP and should be required in order to ensure attainment of the PM–10 NAAQS by December 31, 1994 (see section 171(1)). Eagle River demonstrates attainment in 1992 and maintenance through 1994, and therefore satisfies the initial quantitative milestone requirement (see 57 FR 13539) and RFP for the area.

7. Enforceability Issues

All measures and other elements in the SIP must be enforceable by the state and EPA (see sections 172(c)(6), 110(a)(2)(A) and 57 FR 13556). EPA criteria addressing the enforceability of SIP's and SIP revisions were stated in a September 23, 1987 memorandum (with attachments) from J. Craig Potter, Assistant Administrator for Air and Radiation, et al. (see 57 FR 13541). Nonattainment area plan provisions must also contain a program that provides for enforcement of the control measures and other elements in the SIP (see section 110(a)(2)(C)).

The particular control measures contained in the SIP are addressed above under the section headed "RACM (including RACT)." These control measures apply to the types of activities identified in that discussion including, for example, fugitive dust from paved and unpaved streets. The SIP provides that the affected activities will be controlled throughout the entire nonattainment area.

As discussed previously, a state grant has been allocated by the municipality to finance various road surfacing and paving measures to address PM–10 emissions from road dust. In addition, both the state and local municipality have legal authority to adopt levy taxes,

adopt annual budgets and borrow funds. EPA believes the SIP measures to address PM–10 emissions are enforceable. Further, the ADEC has a program that will ensure that control measures contained in the Eagle River PM–10 SIP (i.e., Title 21 of the Anchorage Municipal Code (AMC), sections 21.85.030 and 21.45.080.w.7) are adequately enforced.

8. Contingency Measures

As provided in section 172(c)(9) of the Act, all moderate nonattainment area SIP's that demonstrate attainment must include contingency measures (see generally 57 FR 13543–13544). These measures must be submitted by November 15, 1993 for the initial moderate nonattainment areas. Contingency measures should consist of other available measures that are not part of the area's control strategy. These measures must take effect without further action by the state or EPA, upon a determination by EPA that the area has failed to make RFP or attain the PM–10 NAAQS by the applicable statutory deadline. Since contingency measures were not due with the November 15, 1991 moderate PM–10 nonattainment area SIP requirements, EPA is not taking any action on this requirement in today's proposal.

III. Implications of Today's Action

EPA is proposing to approve the plan revision submitted to EPA on November 15, 1991, for the Eagle River nonattainment area. Among other things, ADEC has demonstrated that the Eagle River moderate PM–10 nonattainment area will attain the PM–10 NAAQS by December 31, 1992.

As noted, additional submittals for the initial moderate PM–10 nonattainment areas are due at later dates. EPA will determine the adequacy of any such submittal as appropriate.

IV. Request for Public Comments

EPA is requesting comments on all aspects of today's proposal. As indicated at the outset of this notice, EPA will consider any comments postmarked by April 12, 1993.

V. Administrative Review

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under the Regulatory Flexibility Act, 5 U.S.C. Section 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. sections 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic 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 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. section 7410(a)(2).

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: February 18, 1993.

Dana A. Rasmussen,

Regional Administrator.

[FR Doc. 93–5660 Filed 3–11–93; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[WA6–1–5519; AD–FRL–4603–6]

Approval and Promulgation of State Implementation Plans: Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The EPA proposes approval of the state implementation plan (SIP) submitted by the State of Washington for the purpose of bringing about the attainment of the national ambient air quality standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM–10). The implementation plan was submitted by the State to satisfy certain Federal Clean Air Act requirements for an approvable moderate PM–10 nonattainment area SIP for Thurston County, Washington.

DATES: Comments on this proposed action must be postmarked by April 12, 1993.

ADDRESSES: Comments should be addressed to: George Lauderdale, Environmental Protection Agency, Air and Radiation Branch, Docket No. WA6–1–5519, 1200 Sixth Avenue, AT–082, Seattle, Washington 98101.

Copies of the State's submittal and other information are available for inspection during normal business hours at the following location:

Air and Radiation Branch (WA6–1–5519), U. S. Environmental Protection Agency, 1200 Sixth Avenue, AT–082, Seattle, Washington 98101.

State of Washington Department of Ecology, College Street Building, 4550 Third Avenue Southeast, Olympia, Washington 98504.

FOR FURTHER INFORMATION CONTACT: George Lauderdale, Environmental Protection Agency, Air and Radiation Branch, Docket No. WA6–1–5519, 1200 Sixth Avenue, AT–082, Seattle, Washington 98101.

SUPPLEMENTARY INFORMATION:

I. Background

The Thurston County, Washington, area (i.e. cities of Olympia, Tumwater, and Lacey) was designated nonattainment for PM–10 and classified as moderate under sections 107(d)(4)(B) and 188(a) of the Clean Air Act, upon enactment of the Clean Air Act Amendments of 1990.[1] See 56 FR 56694 (November 6, 1991). The air quality planning requirements for moderate PM–10 nonattainment areas are set out in subparts 1 and 4 of Part D, Title I of the Act.[2] The EPA has issued a "General Preamble" describing EPA's preliminary views on how EPA intends to review SIP's and SIP revisions submitted under Title I of the Act, including those State

[1] The 1990 Amendments to the Clean Air Act made significant changes to the Act. See Pub. L. No. 101–549, 104 Stat. 2399. References herein are to the Clean Air Act, as amended ("the Act"). The Clean Air Act is codified, as amended, in the U.S. Code at 42 U.S.C. sections 7401, et seq.

[2] Subpart 1 contains provisions applicable to nonattainment areas generally and subpart 4 contains provisions specifically applicable to PM–10 nonattainment areas. At times, subpart 1 and subpart 4 overlap or conflict. EPA has attempted to clarify the relationship among these provisions in the "General Preamble" and, as appropriate, in today's notice and supporting information.

submittals containing moderate PM–10 nonattainment area SIP requirements (see generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)). Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of Title I advanced in today's proposal and the supporting rationale. In today's rulemaking action on the State of Washington's moderate PM–10 SIP for the Thurston County area, EPA is proposing to apply its interpretations taking into consideration the specific factual issues presented. Additional information supporting EPA's action on this particular area is available for inspection at the address indicated above. EPA will consider any timely submitted comments before taking final action on today's proposal.

Those States containing initial moderate PM–10 nonattainment areas (those areas designated nonattainment under section 107(d)(4)(B)) were required to submit, among other things, the following provisions by November 15, 1991:

1. Provisions to assure that reasonably available control measures (RACM) (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology—RACT) shall be implemented no later than December 10, 1993;

2. Either a demonstration (including air quality modeling) that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994 or a demonstration that attainment by that date is impracticable;

3. Quantitative milestones which are to be achieved every 3 years and which demonstrate reasonable further progress (RFP) toward attainment by December 31, 1994; and

4. Provisions to assure that the control requirements applicable to major stationary sources of PM–10 also apply to major stationary sources of PM–10 precursors except where the Administrator determines that such sources do not contribute significantly to PM–10 levels which exceed the NAAQS in the area. See sections 172(c), 188, and 189 of the Act.

Some provisions are due at a later date. States with initial moderate PM–10 nonattainment areas were required to submit a permit program for the construction and operation of new and modified major stationary sources of PM–10 by June 30, 1992 (see section 189(a)). Such States also must submit contingency measures by November 15, 1993 which become effective without further action by the State or EPA, upon a determination by EPA that the area has failed to achieve RFP or to attain the PM–10 NAAQS by the applicable statutory deadline (see section 172(c)(9) and 57 FR 13543–13544).

II. Today's Action

Section 110(k) of the Act sets out provisions governing EPA's review and processing of SIP submittals (see 57 FR 13565–13566). In today's action, EPA is proposing to approve the plan revision submitted to EPA for the Thurston County area on February 17, 1989 as subsequently revised by addenda submitted on December 26, 1989, November 15, 1991, and April 8, 1992 (hereafter generally referred to as a single submittal). EPA is proposing to approve the submittal because it appears to meet all of the applicable requirements of the Act. EPA invites public comment on the action.

A. Analysis of State Submission

1. Procedural Background

The Act requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. Section 110(a)(2) of the Act provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing.[3] Section 110(l) of the Act similarly provides that each revision to an implementation plan submitted by a State under the Act must be adopted by such State after reasonable notice and public hearing. EPA also must determine whether a submittal is complete and therefore warrants further EPA review and action (see section 110(k)(1) and 57 FR 13565). EPA's completeness criteria for SIP submittals are set out at 40 CFR part 51, appendix V (1991), as amended by 56 FR 42216 (August 26, 1991). EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law if a completeness determination is not made by EPA six months after receipt of the submission.

After providing adequate public notice, the State of Washington Department of Ecology (WDOE) held a public hearing on September 22, 1988, to entertain public comment on the PM–10 implementation plan for the Thurston County nonattainment area. Following the public hearing the plan was adopted by WDOE and signed by the Governor on February 8, 1989, and submitted to EPA on February 17, 1989, as a proposed revision to the SIP. Each of the subsequent addenda, described above, were similarly adopted by the WDOE after reasonable notice and public hearing.

The SIP revision was reviewed by EPA to determine completeness shortly after its submittal, in accordance with the completeness the criteria set out at 40 CFR part 51, appendix V (1991), as amended by 56 FR 42216 (August 26, 1991). A letter dated April 21, 1992, was forwarded to the Director of WDOE indicating the completeness of the submittal and the next steps to be taken in the review process.

2. Accurate Emissions Inventory

Section 172(c)(3) of the Act requires that nonattainment plan provisions include a comprehensive, accurate, current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. Because the submission of the emissions inventory is a necessary adjunct to an area's attainment demonstration (or demonstration that the area cannot practicably attain), the emissions inventory must be received with the demonstration (see 57 FR 13539).

The State of Washington Department of Ecology submitted an emissions inventory for base year 1985. The base year inventory identified residential wood combustion as the predominant source of PM–10 in the nonattainment area. The inventory also identified resuspended road dust as a smaller source. Other sources were determined to be insignificant. All exceedances of the PM–10 24-hour standard have occurred during the winter wood heating season.

EPA is proposing to approve the emissions inventory because it generally appears to be accurate and comprehensive, and provides a sufficient basis for determining the adequacy of the attainment demonstration for this area.[4] For further details the reader is referred to the Technical Support Document (TSD) corresponding with this action, which is available at the EPA address indicated above.

3. RACM (Including RACT)

As noted, the initial moderate PM–10 nonattainment areas must submit

[3] Section 172(c)(7) of the Act requires that plan provisions for nonattainment areas meet the applicable provisions of section 110(a)(2).

[4] The EPA issued guidance on PM–10 emissions inventories prior to the enactment of the Clean Air Act Amendments in the form of the 1987 *PM–10 SIP Development Guideline*. The guidance provided in this document appears to be consistent with the amended Act.

provisions to assure that RACM (including RACT) are implemented no later than December 10, 1993 (see sections 172(c)(1) and 189(a)(1)(C)). The General Preamble contains a detailed discussion of EPA's interpretation of the RACM (including RACT) requirement (see 57 FR 13539–13545 and 13560–13561). Residential wood combustion and resuspended road dust were identified as contributing to the PM–10 nonattainment problem in the Thurston County, Washington nonattainment area and will be controlled as follows.

a. Residential Wood Combustion

The Washington State Legislature adopted a comprehensive, statewide residential wood combustion control program in 1987. The Washington Department of Ecology promulgated regulations to implement the program in 1987 (WAC 173–433). The local agency, Olympic Air Pollution Control Authority (OAPCA), initiated a mandatory woodsmoke curtailment program throughout its six county jurisdictional area, including the Thurston County nonattainment area, in the winter of 1987–88, pursuant to WAC 173–433 (adopted 12/16/87, and later amended 9/17/90).

The curtailment program currently being implemented and that EPA is proposing to approve in today's action is a two stage plan. At Stage I, which is imposed when ambient PM–10 levels reach 75 $\mu g/m^3$, the use of uncertified stoves and fireplaces is banned. At Stage II, imposed when PM–10 levels reach 105 $\mu g/m^3$, all wood heating, including fireplaces, certified and uncertified woodstoves, is prohibited. The program exempts homes with no other adequate source of heat. The Washington State regulations contain additional controls, including the prohibition of all fuels except dry, seasoned wood in woodheating devices. Plume opacity for woodheating devices is limited to 20%, with brief allowances for fire starting and stoking.

OAPCA serves as the primary enforcement agency for the curtailment and opacity portions of the control program. Both OAPCA and WDOE administer public education programs targeted at residential wood burning. Throughout the state, WDOE also enforces its ban on the sale of uncertified woodstoves.

In addition to the above described controls, the Washington State Clean Air Act of 1991 introduced several changes to the enabling legislation which further strengthens the program. The fee on the sale of new woodstoves rose from $15 to $30, and also applies to fireplace sales. The installation of any uncertified stove is prohibited after January 1, 1992. Finally, the law requires that after July 1, 1992 new or substantially remodeled constructions in urban growth areas or PM–10 nonattainment areas must include a non-wood heat source so that wood is not the sole source of adequate heat.

EPA is proposing to approve the WDOE's and OAPCA's residential wood combustion measures described above as sufficient to meet RACM. The WDOE's submittal contains additional residential wood combustion measures that will take effect in the next few years. One significant additional measure is the requirement for new stoves sold after January 1, 1995 to meet stricter emission standards than the current EPA new source performance standards. EPA believes that these measures will help ensure future maintenance of the PM–10 NAAQS in the area and is proposing to approve them in today's action because they further strengthen the SIP. The TSD contains a more detailed discussion of the control measures EPA is proposing to approve today.

The Thurston plan predicts that during curtailment periods a 70% reduction in solid fuel burning device emissions will be achieved through implementation of the mandatory program. This emission reduction credit is greater than the 50% credit given in the Guidance Document for Residential Wood Combustion Emission Control Measures (September 1989) EPA–450/2–89–015.

The 1989 and 1991 addenda to the plan provide details of OAPCA's effective enforcement program. The strength of the Washington legislated woodsmoke program and, OAPCA's effective implementation of the program demonstrates to EPA's satisfaction that the Thurston area is achieving a sufficient compliance rate to justify the 70% emission reduction credit. Further, a PM–10 NAAQS exceedance has not been monitored in the Thurston County area since the mandatory curtailment was initiated in the 1988–89 heating season.

b. Resuspended Road Dust and other sources of PM–10:

1. Fugitive Dust

The Thurston emission inventory identified urban fugitive dust (primarily resuspended road dust) as a relatively minor contributor to exceedances in Thurston. Urban fugitive dust is estimated to contribute approximately 7% to the nonattainment problem in the area. Moreover, the plan demonstrates expeditious attainment without implementation of potentially available control measures on fugitive dust sources. Therefore, such measures are not "reasonably" required and, thus, do not represent RACM for the area (57 FR 13543).

2. Prescribed Burning

Prescribed burning is not a significant contributor to PM–10 concentrations in the Thurston County area. Where sources of PM–10 do not contribute significantly to the PM–10 problem in an area, EPA's policy is that a state is not reasonably required to implement potentially available control measures for such sources (57 FR 13543). It should, however, be noted that Washington State regulations (WAC 173–425) ban all outdoor burning in all PM–10 or CO nonattainment areas in the state. This ban should help ensure maintenance of the PM–10 NAAQS in the area and EPA is proposing to approve the measure because it strengthens the SIP.

3. RACT (Applicable to Point Sources)

The General Preamble states that generally EPA recommends that available control technology be applied to those existing sources in the nonattainment area that are reasonable to control in light of the attainment needs of the area and the feasibility of such controls. The Thurston nonattainment area contains no major point sources of PM–10 and the imposition of available control technology on other existing sources would not expedite attainment; therefore, implementation of available control technology is not reasonably required in this plan (57 FR 13543).

The regulations and supporting documentation contained in the Thurston County SIP revision demonstrate that WDOE and OAPCA observed EPA's applicable guidance in determining RACM for this area. A more detailed discussion of the individual source contributions, their associated control measures and an explanation as to why certain available control measures were not implemented, can be found in the TSD.

EPA has reviewed WDOE's explanation and associated documentation and concluded that it adequately justifies the control measures to be implemented. The implementation of the State of Washington's moderate PM–10 nonattainment plan control strategy will provide for attainment of the PM–10 NAAQS in the Thurston County, Washington nonattainment area as expeditiously as practicable and prior to December 31, 1994. By this notice, EPA

is proposing to approve the WDOE's control strategy as satisfying the RACM (including RACT) requirement.

4. Demonstration

As noted, the initial moderate PM–10 nonattainment areas must submit a demonstration (including air quality modeling) showing that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994 (see section 189(a)(1)(B)(i) of the Act). The General Preamble sets out EPA's guidance on the use of modeling for moderate area attainment demonstrations (57 FR 13539). Alternatively, if the State does not submit a demonstration of attainment, the State must show that attainment by December 31, 1994 is impracticable (section 189(1)(B)(ii)).

WDOE conducted dispersion modeling for Thurston using the guideline model RAM and the non-guideline dispersion model WYNDvalley. Both models performed adequately in Thurston. EPA recommended the use of WYNDvalley to demonstrate attainment, as its initial performance was superior to RAM. However, WDOE chose to use the RAM model for the plan's attainment demonstration due to time constraints involved with the developmental nature of the WYNDvalley model. At a critical time during plan preparation some suspected potential deterioration in the efficacy of WYNDvalley model was discovered. This problem was later corrected and applied in the Thurston area (December 26, 1989 addendum).

Receptor modeling was also conducted in the Thurston nonattainment area (Olympic Aerosol Characterization Study, Khalil et al., 1986). The analysis employed included chemical mass balance (CMB), gaseous tracer model (GTM), and regression analyses of filters collected at the Mountain View School primary impact monitoring site. The CMB analysis indicated that woodsmoke contributes about 85–90% of ambient PM–10 concentrations on the high pollution days analyzed.

WDOE was able to satisfactorily reconcile the dispersion and receptor modeling after adjusting dispersion modeling inputs. The reconciliation was conducted according to EPA's modeling protocol. This demonstration indicates that the NAAQS for PM–10 will be attained by 1991 in the Thurston County, Washington nonattainment area and maintained in future years. The 24-hour PM–10 NAAQS is 150 micrograms/cubic meter ($\mu g/m^3$), and the standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu g/m^3$ is equal to or less than one (see 40 CFR section 50.6). The annual PM–10 NAAQS is 50 $\mu g/m^3$, and the standard is attained when the expected annual arithmetic mean concentration is less than or equal to 50 $\mu g/m^3$(id.).

The demonstration predicted that the 24-hour design concentration in the attainment year of 1991 will be below the national standard of 150 $\mu g/m^3$ throughout the nonattainment area, thus demonstrating attainment of the 24-hour PM–10 NAAQS.

Thurston County has not exceeded the 24-hour standard since January of 1988. Thurston recorded one exceedance of the PM–10 annual standard for the year 1985, but has not violated the standard, which is based on a three-year average. EPA is proposing to approve the attainment demonstration for the Thurston County nonattainment area.[5] The control strategy used to achieve the attainment date design concentrations is summarized in the section titled "RACM (including RACT)". A more detailed description of the attainment demonstration is contained in the TSD.

5. PM–10 Precursors

The control requirements which are applicable to major stationary sources of PM–10, also apply to major stationary sources of PM–10 precursors unless EPA determines such sources do not contribute significantly to PM–10 levels in excess of the NAAQS in that area (see section 189(e) of the Act). The General Preamble contains guidance addressing how EPA intends to implement section 189(e) (see 57 FR 13539–13540 and 13541–13542).

The Thurston County, Washington nonattainment area emissions inventory revealed no major stationary sources of PM–10 precursors or any significant minor stationary sources of PM–10 precursors, and stationary sources as a whole provide an insignificant contribution to the Thurston County, Washington ambient PM–10 concentrations as demonstrated through air quality modeling in the nonattainment area. Thus, ambient PM–10 precursor concentrations in the Thurston County nonattainment area are considered to be de minimis and EPA is proposing to grant the area the exclusion from PM–10 precursor control requirements authorized under section 189(e) of the Act. Note that today's proposed exclusion is based on the current character of the area. It is possible that future growth could change the significance of precursors in the area. EPA intends to issue future guidance addressing such potential changes in the significance of precursor emissions in an area.

6. Quantitative Milestones and Reasonable Further Progress (RFP)

The PM–10 nonattainment area plan revisions demonstrating attainment must contain quantitative milestones which are to be achieved every 3 years until the area is redesignated attainment and which demonstrate RFP, as defined in section 171(1), toward attainment by December 31, 1994 (see section 189(c) of the Act). Reasonable further progress is defined in section 171(1) as such annual incremental reductions in emissions of the relevant air pollutant as are required by Part D or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable NAAQS by the applicable date.

For the initial moderate PM–10 nonattainment area, the emissions reductions progress made between the SIP submittal due date of November 15, 1991 and the attainment date of December 31, 1994 (only 46 days beyond the November 15, 1994 milestone date) will satisfy the first milestone requirement (57 FR 13539). The de minimis timing differential makes it administratively impracticable to require separate milestone and attainment demonstrations.

In implementing RFP for this initial moderate area, EPA has reviewed the attainment demonstration and control strategy for the area to determine whether annual incremental reductions different from those provided in the SIP should be required in order to ensure attainment of the PM–10 NAAQS by December 31, 1994 (see section 171(1)). The State of Washington's PM–10 SIP for Thurston County, Washington demonstrates attainment in 1991 and maintenance through 1994, and therefore satisfies the RFP requirement.

7. Enforceability Issues

All measures and other elements in the SIP must be enforceable by the State and EPA (see sections 172(c)(6), 110(a)(2)(A), and 57 FR 13556). EPA criteria addressing the enforceability of SIP's and SIP revisions were stated in a September 23, 1987 memorandum (with attachments) from J. Craig Potter, Assistant Administrator for Air and Radiation, et al. (see 57 FR 13541). Nonattainment area plan provisions must also contain a program that

[5] EPA believes that an attainment demonstration for the annual PM–10 NAAQS is unnecessary. As indicated, annual PM–10 NAAQS have never been violated in the area. Further, the control measures EPA is proposing to approve today should serve to maintain air quality below the annual NAAQS.

provides for enforcement of the control measures and other elements in the SIP (see section 110(a)(2)(C)).

The particular control measures contained in the SIP are addressed above under the section headed "RACM (including RACT)." These control measures apply to the types of activities identified in that discussion including, primarily, residential wood combustion. The SIP applies to residential wood combustion sources throughout the nonattainment area. As noted, exemptions to the mandatory curtailment program are limited to those homes with no other adequate source of heat.

RCW 70.94.331(6) requires WDOE to enforce air quality and emissions standards "throughout the state except where a local authority is enforcing the state regulations or its own regulations which are more stringent than those of the state." RCW 70.94.380 requires that emissions standards of local authorities must be at least as stringent as State standards, but may be more stringent. As noted, OAPCA is the local entity that assumes primary responsibility for implementing the residential wood combustion control measures and EPA believes OAPCA's enforcement program is adequately supported and effective. RCW 70.94.410 grants WDOE the authority to enforce the regulations of a local authority in cases where that authority has failed to make good faith efforts to implement its regulations. In addition to the applicable control measures, this includes the applicable record-keeping requirements. These issues are addressed further in supporting technical information.

8. Contingency Measures

As provided in section 172(c)(9) of the Act, all moderate nonattainment area SIP's that demonstrate attainment must include contingency measures (see generally 57 FR 13543–13544). These measures must be submitted by November 15, 1993 for the initial moderate PM–10 nonattainment areas. Contingency measures should consist of other available measures that are not part of the area's control strategy. These measures must take effect without further action by the State or EPA, upon a determination by EPA that the area has failed to make RFP or attain the PM–10 NAAQS by the applicable statutory deadline.

The WDOE has submitted a contingency measure that bans all use of uncertified woodstoves in the Thurston County nonattainment area, if the area fails to attain or maintain the NAAQS for PM–10. State law allows this regulation to take effect on or after July 1, 1995.

After review of the contingency measures described above, EPA is proposing to approve the Thurston County, Washington nonattainment area contingency measures.

III. Implications of Today's Action

EPA is proposing to approve the plan revision submitted to EPA for the Thurston County, Washington area on February 17, 1989 as subsequently revised by addenda submitted on December 26, 1989, November 15, 1991, and April 8, 1992. Among other things, the State of Washington Department of Ecology has demonstrated that the Thurston County moderate PM–10 nonattainment area will attain the PM–10 NAAQS as expeditiously as practicable and no later than December 31, 1994. As noted, additional submittals for the initial moderate PM–10 nonattainment areas are due at later dates. EPA will determine the adequacy of any such submittal as appropriate.

IV. Request for Public Comments

EPA is requesting comments on all aspects of today's proposal. As indicated at the outset of this notice, EPA will consider any comments postmarked by April 12, 1993.

V. Administrative Review

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

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 economic 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 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. section 7410(a)(2).

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, and Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: February 4, 1993.

Dana A. Rasmussen,

Regional Administrator.

[FR Doc. 93–5661 Filed 3–11–93; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 69

[FRL–4602–6]

Special Exemptions From Requirements; Section 325(a) of the Clean Air Act, Territory of Guam

AGENCY: Environmental Protection Agency ("EPA").

ACTION: Notice of proposed rulemaking.

SUMMARY: On October 19, 1992, the Governor of Guam sent to the EPA a petition for a waiver ("Petition") from certain requirements of the Clean Air Act ("CAA"). The Petition was submitted pursuant to section 325(a) of the CAA. Based on its review of the Petition and supplemental information provided by both the Guam Power Authority ("GPA") and the United States Navy ("USN"), the EPA is proposing to partially and conditionally approve the Petition. The Petition requests that proposed electric generating units on Guam be exempted from: several nonattainment area requirements applicable to the Cabras-Piti area which is designated as not attaining the primary national ambient air quality standard ("NAAQS") for sulfur dioxide; the requirement of obtaining a prevention of significant deterioration ("PSD") permit prior to constructing an emissions source; and the CAA prohibition on the use of the intermittent control strategy ("ICS") of

fuel switching. This proposed rulemaking provides a description of the basis for the Petition under section 325(a), the Petition and supporting documentation submitted by the GPA and the USN, and the proposed decision by the EPA on the Petition. Comments on this proposed rulemaking action may be made to the EPA as described below.

DATES: Comments must be received on or before April 12, 1993.

ADDRESSES: Comments may be mailed to: Norman Lovelace, Chief, Office of Pacific Islands and Native American Programs (E–4), Office of External Affairs, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Norman Lovelace, Chief, Office of Pacific Islands and Native American Programs (E–4), Office of External Affairs, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Telephone: (415) 744–1599.

SUPPLEMENTARY INFORMATION:

Background

By submitting the Petition, the Governor of Guam seeks to have a class of sources, proposed electric generating units, exempted from certain requirements of the CAA. As stated by the Governor in the Petition's cover letter to EPA Administrator William Reilly, the Petition is being submitted because "the Territory of Guam is in the midst of a severe energy emergency." Due to a shortage of electric generating capacity, the GPA has instituted periodic, scheduled, and rotating electrical blackouts across the Island of Guam. These blackouts are negatively affecting the provision of drinking water, the treatment of sewage, and vehicle traffic controls. According to information accompanying the Petition, potential peak load demands currently exceed total electric generating capacity by approximately 15%. The capacity shortfall is projected to steadily grow if new generating capacity is not constructed in the near future.

Section 325(a) provides, in pertinent part: Upon petition by the governor of Guam, the Administrator of the EPA is authorized to exempt any persons or source or class of persons or sources in such territory from any requirement under the CAA other than section 112 or any requirement under section 110 or part D of subchapter I necessary to attain or maintain a national ambient air quality standard.

Via a letter dated October 19, 1992, the Governor of Guam submitted to the EPA the Petition which is the subject of this proposed rulemaking. Aside from the Governor's transmittal letter, the Petition, and supporting documents attached thereto, was prepared by the GPA and the USN. The Petition requests that electric generating units on Guam be exempted from: (1) Several nonattainment area requirements applicable to the Cabras-Piti area, including a construction ban, the use of lowest achievable emission rate ("LAER") control equipment, and emission offset requirements; (2) the requirement of obtaining a prevention of significant deterioration ("PSD") permit prior to constructing an emissions source; and (3) the CAA prohibition on the use of the ICS of fuel switching.

In a letter dated January 13, 1993, the Guam Environmental Protection Agency ("GEPA") provided to the EPA its review of and support for the Petition.

Description of Petition and Supporting Documents

The Petition, aside from transmittal letters, consists of a thirty-one page narrative and eighteen supporting exhibits. The narrative portion of the Petition is organized into sections which: (1) Describe the power shortages currently being experienced on Guam and explain why the relief requested in the Petition is necessary; (2) specifically describe the relief being sought by the Petition; (3) argue that the relief sought in the Petition is tailored to the current power shortage; (4) describe an air quality analysis performed on behalf of the GPA; and (5) set forth arguments to justify granting the relief requested in the Petition.

The eighteen supporting exhibits in the Petition were submitted in a separate bound volume and include, among other things, such items as: (1) Correspondence between the various government entities involved in this matter; (2) an air quality analysis performed on behalf of GPA; (3) the current fuel switching protocol for the Cabras and Piti power plants; (4) information concerning Guam's shortfall in electric generating capacity; and (5) a project schedule for the construction of proposed electric generating facilities.

Criteria for Approval

Section 325(a) provides the criteria for approval of a request for exemptions from certain requirements of the CAA: "Such exemption may be granted if the Administrator finds that compliance with such requirement is not feasible or is unreasonable due to unique geographical, meteorological, or economic factors of such territory, or such other local factors as the Administrator deems significant."

These criteria, however, are not the only factors that must be considered. As quoted above, a waiver cannot be approved under section 325(a) where the requirements that would be waived are necessary to attain or maintain a primary NAAQS, and a waiver cannot affect any requirement under section 112 regarding a national emission standard for a hazardous air pollutant.

EPA Evaluation and Proposed Action

The EPA is faced with a number of perplexing problems in evaluating and acting on the Petition. The shortfall in electrical generating capacity on Guam is both real and significant, and the situation requires immediate attention. In addition, circumstances unique to Guam support the granting of a waiver. However, the Petition and its supporting documents do not conclusively demonstrate that the Cabras-Piti area is attaining and will continue to attain the primary NAAQS for sulfur dioxide.

Three special features of Guam support the granting of the waiver sought in the Petition. First, Guam is an isolated island. It does not have the option of obtaining electric power from any outside source. In solving its current crisis and in meeting its future electric power needs, Guam is and must remain self-sufficient. Second, the prevailing trade winds blow any emissions generated in the Cabras-Piti area seaward approximately 90% of the time. The nearest downwind land masses are more than six hundred miles from Guam and the ocean impacts are minimal to nonexistent. As previously acknowledged by the EPA and Congress, the Cabras-Piti area is uniquely suited for the ICS of fuel switching from high sulfur fuel during offshore winds to low sulfur fuel during onshore winds. Third, although not impoverished, Guam is relatively poor compared to the rest of the United States. The per capita income on Guam is just over $7,000 per year. The high costs associated with controlling emissions from electric generating units should not be imposed in the absence of significant air quality benefits.

The Petition asks, among other things, for a waiver of CAA nonattainment area requirements. Section 325(a) does not allow waiver of requirements that are necessary to prevent exceedences of a primary NAAQS. This, in turn, is complicated by assertions in the Petition that the sulfur dioxide nonattainment designation for the Cabras-Piti area is merely an inaccurate hold over from an earlier time and that the area should be redesignated to attainment. However, neither the Petition nor the Guam Environmental

Protection Agency have provided sufficiently complete data to enable redesignation of the Cabras-Piti area to attainment status or justify an unqualified finding that the electrical generators proposed to be built in the Cabras-Piti area will definitely not contribute to or cause exceedences of the primary NAAQS for sulfur dioxide.

The Petition states that the EPA has "acknowledged that in fact all [NAAQS] are being met" in the Cabras-Piti area. The EPA **Federal Register** notice referred to in the Petition states that Guam had submitted an implementation plan which, for planning purposes, demonstrated future attainment of the primary NAAQS for sulfur dioxide. The EPA notice does not state that the primary NAAQS for sulfur dioxide was being met, nor can a future demonstration of attainment be equated to achieving attainment in fact. Attainment status must be confirmed by ambient air quality monitoring and/or modelling.

The Petition claims that an air quality analysis performed by a consultant to GPA adequately demonstrates that "all primary (and secondary) [NAAQS] will be met when the electric generating facilities addressed in this Petition are built and operating." The results of the air quality analysis cannot be considered conclusive. While EPA believes that the analysis is sufficient for conditionally granting a waiver, the analysis is based upon data which is incomplete and inappropriate for purposes of redesignating an area to attainment. For example, the analysis indicated that the second highest ambient SO_2 concentration was greater than 99% of the secondary NAAQS and was 85% of the primary NAAQS. In addition, the meteorological data used in the analysis was not on-site data and, therefore, does not meet the criteria for site specific data required for second level screening for complex terrain such as that found in the Cabras-Piti area. Given the lack of a conclusive analysis, a full modelling effort must be made before attainment of the primary SO_2 NAAQS can be verified.

In view of the need to both protect the air quality on Guam and allow the construction of needed electric generating units, the EPA is proposing to partially and conditionally approve the Petition. With regard to the Petition's request for a waiver of the requirement to obtain a PSD permit prior to construction, the EPA is proposing to approve a waiver, but only for the electric generating units identified in the Petition as Cabras Diesel No. 1, the Tenjo project, and three 6-megawatt diesel generators to be constructed by the USN at Orote, with the following conditions: (1) New each electric generating unit shall not be operated until a final PSD permit is issued for that unit; (2) each new electric generating unit shall not be operated until that unit complies with all requirements of its PSD permit, including, if necessary, retrofitting with the best available control technology; (3) the PSD application for each new electric generating unit shall be deemed complete without the submittal of the required one year of on-site meteorological data, however, EPA will not issue a PSD permit to such a unit prior to submission of such data; and (4) the aspect of the waiver described in this paragraph shall retroactively terminate if the conditions of this paragraph are violated by the GPA or the USN, leaving any effected electric generating unit retroactively subject to all CAA requirements as if the waiver had not been granted.

With regard to the Petition's request for a waiver of the three nonattainment area requirements currently applicable to the Cabras-Piti area, the EPA is proposing to approve a waiver for electric generating units with the following conditions: (1) A tower and meteorological station shall be constructed in the Cabras-Piti area by May 1, 1993; (2) meteorological data shall be collected from the Cabras-Piti station which is sufficient to run air quality models both to demonstrate no exceedences of the primary NAAQS for sulfur dioxide and sufficient to submit a complete request for redesignation of the area to attainment; (3) ambient SO_2 monitors shall be installed and operated in accordance with the procedures set forth at 40 CFR part 58, the PSD air monitoring requirements, and any additional monitoring requested by EPA to verify the efficacy of the ICS of fuel switching; (4) within three years from the effective date of this waiver, Guam shall submit to the EPA a complete request that the Cabras-Piti area be redesignated to attainment for the sulfur dioxide primary NAAQS; (5) new electric generating units constructed in the Cabras-Piti area must submit applications for PSD permits as though the area had been redesignated to attainment for the sulfur dioxide primary NAAQS; (6) if the collected data and air quality analysis does not demonstrate to the EPA's satisfaction that there are no exceedences of the primary NAAQS for sulfur dioxide, the EPA will so notify the GPA and the USN; (7) within six months of such notification, the GPA and the USN shall submit to the GEPA a plan which includes a schedule of emission reductions and/or control measures that will achieve the primary NAAQS for sulfur dioxide within one year; (8) the GPA and the USN shall implement the plan upon approval by the EPA and in accordance with any conditions or modifications specified by the EPA; (9) the existing Cabras and Piti electric generating units shall comply with the fuel switching ICS described in the next paragraph; and (10) the aspect of the waiver described in this paragraph shall retroactively terminate if the conditions of this paragraph are violated by the GPA or the USN, leaving any effected electric generating unit retroactively subject to all CAA requirements as if the waiver had not been granted.

With regard to the Petition's request for a waiver of the prohibition on the use of the ICS of fuel switching, the EPA is proposing to approve a waiver for electric generating units with the following conditions: (1) The protocol for the ICS of fuel switching for electric generating units shall be modified, as set forth in a separate EPA document entitled *Cabras Area ICS*, to make the ICS more effective and enforceable; and (2) the aspect of the waiver described in this paragraph shall retroactively terminate if the conditions of this paragraph are violated by the GPA or the USN, leaving any effected electric generating unit retroactively subject to all CAA requirements as if the waiver had not been granted.

In addition to the conditions described above, the waiver will be periodically reviewed (at intervals no longer than three years) and, as deemed appropriate by the Administrator, can be modified or terminated at any time through rulemaking procedures.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., the EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rulemaking on small entities. 5 U.S.C. 603 and 604. Alternatively, the 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.

This proposed rulemaking will only apply to large sources of air emissions used to generate electrical power on Guam. These sources of electrical power will be constructed, owned, and operated by the GPA and/or the USN. Neither of these organizations is a small entity. Therefore, this proposed

rulemaking will not impact small entities.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget ("OMB") waived Table 2 and Table 3 rulemaking actions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years. The EPA has submitted a request for a permanent waiver for Table 2 and Table 3 rulemaking actions. OMB has agreed to continue the temporary waiver until such time as it rules on the EPA's request.

List of Subjects in 40 CFR Part 69

Air pollution control.

Dated: February 11, 1993.

Carol Browner,

Administrator.

Part 69 of chapter I, title 40 of the *Code of Federal Regulations* would be amended to read as follows:

PART 69—[AMENDED]

1. The authority citation for part 69 continues to read as follows:

Authority: Sec. 325(b), Clean Air Act, as amended (42 U.S.C. 7625–1).

Subpart A—Guam

2. Subpart A is amended by adding text to §69.11 to read as follows:

§69.11 New exemptions.

(a) Pursuant to section 325(a) of the Clean Air Act ("CAA") and a petition submitted by the Governor of Guam ("Petition"), the Administrator of the Environmental Protection Agency ("EPA") conditionally exempts electric generating units on Guam from certain CAA requirements.

(1) A waiver of the requirement to obtain a PSD permit prior to construction is granted for the electric generating units identified in the Petition as Cabras Diesel No. 1, the Tenjo project, and three 6-megawatt diesel generators to be constructed by the USN at Orote, with the following conditions:

(i) Each electric generating unit shall not be operated until a final PSD permit is issued for that unit;

(ii) Each electric generating unit shall not be operated until that unit complies with all requirements of its PSD permit, including, if necessary, retrofitting with the best available control technology;

(iii) The PSD application for each electric generating unit shall be deemed complete without the submittal of the required one year of on-site meteorological data, however, EPA will not issue a PSD permit to such a unit prior to submission of such data; and

(iv) The aspect of the waiver described in this paragraph shall retroactively terminate if the conditions of this paragraph are violated by the GPA or the USN, leaving any effected electric generating unit retroactively subject to all CAA requirements as if the waiver had not been granted.

(2) A waiver of the three nonattainment area requirements (a construction ban, the use of lowest achievable emission rate ("LAER") control equipment, and emission offset requirements) currently applicable to the Cabras-Piti area is granted for electric generating units with the following conditions:

(i) A tower and meteorological station shall be constructed in the Cabras-Piti area by May 1, 1993;

(ii) Meteorological data shall be collected from the Cabras-Piti station which is sufficient to run air quality models both to demonstrate no exceedences of the primary NAAQS for sulfur dioxide and sufficient to submit a complete request for redesignation of the area to attainment;

(iii) Ambient SO_2 monitors shall be installed and operated in accordance with the procedures set forth at 40 CFR Part 58, the PSD air monitoring requirements, and any additional monitoring requested by EPA to verify the efficacy of the ICS of fuel switching;

(iv) Within three years from the effective date of this waiver, Guam shall submit to the EPA a complete request that the Cabras-Piti area be redesignated to attainment for the sulfur dioxide primary NAAQS;

(v) Electric generating units constructed in the Cabras-Piti area must submit applications for PSD permits as though the area had been redesignated to attainment for the sulfur dioxide primary NAAQS;

(vi) If the collected data and air quality analysis does not demonstrate to the EPA's satisfaction that there are no exceedences of the primary NAAQS for sulfur dioxide, the EPA will so notify the GPA and the USN;

(vii) Within six months of such notification, the GPA and the USN shall submit to the GEPA a plan which includes a schedule of emission reductions and/or control measures that will achieve the primary NAAQS for sulfur dioxide within one year;

(viii) The GPA and the USN shall implement the plan upon approval by the EPA and in accordance with any conditions or modifications specified by the EPA;

(ix) The existing Cabras and Piti electric generating units shall comply with the fuel switching ICS described in the next paragraph; and

(x) The aspect of the waiver described in this paragraph shall retroactively terminate if the conditions of this paragraph are violated by the GPA or the USN, leaving any effected electric generating unit retroactively subject to all CAA requirements as if the waiver had not been granted.

(3) A waiver of the prohibition on the use of the ICS of fuel switching is granted for electric generating units with the following conditions:

(i) The protocol for the ICS of fuel switching for electric generating units shall be modified, as set forth in a separate EPA document entitled *Cabras Area ICS*, to make the ICS more effective and enforceable; and

(ii) The aspect of the waiver described in this paragraph shall retroactively terminate if the conditions of this paragraph are violated by the GPA or the USN, leaving any effected electric generating unit retroactively subject to all CAA requirements as if the waiver had not been granted.

(b) The waiver will be periodically reviewed (at intervals no longer than three years) and, as deemed appropriate by the Administrator, can be modified or terminated at any time through rulemaking procedures.

[FR Doc. 93–5729 Filed 3–11–93; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 58, No. 47
Friday, March 12, 1993

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 COMMERCE

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: National Health Interview Survey – Screening Pretest.

Form Number(s): NHIS–NS, NHIS–TH.

Agency Approval Number: None.

Type of Request: New collection.

Burden: 100 hours.

Number of Respondents: 900.

Avg Hours Per Response: 6 and one half minutes.

Needs and Uses: The Bureau of the Census conducts the National Health Interview Survey (NHIS) for the National Center for Health Statistics (NCHS). The NHIS is the principal source of information on the health of the civilian, noninstitutionalized population of the United States. The NCHS is interested in oversampling Blacks and Hispanics. This can be accomplished through a procedure called screening. Screening ensures that a proportion of nonminority units will be screened out while retaining all minority sample units. To determine the Black/Hispanic status of sample households, we are considering visiting neighbors of the sample units if a sample household was not home at the time of the first visit. We would ask the neighbors several questions to screen the sample household in or out of the regular NHIS sample. This submission requests approval to conduct a Screening Pretest of the feasibility and accuracy of visiting neighbors to determine Black/Hispanic status of sample units. The Screening Pretest will determine if the proposed questionnaires and procedures work in the field data collection. It will also provide data on whether the neighbors' reporting of Black/Hispanic status is accurate.

Affected Public: Individuals or households.

Frequency: One time only.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: March 8, 1993.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 93–5672 Filed 3–11–93; 8:45 am]

BILLING CODE 3510–07–F

Foreign-Trade Zones Board

[Order No. 633]

Termination of Foreign-Trade Subzone 15B, Kansas City, MO

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), and the Foreign-Trade Zones Board Regulations (15 CFR part 400), the Foreign-Trade Zones Board has adopted the following order:

Whereas, On April 10, 1985, the Foreign-Trade Zones Board issued a grant of authority to the Greater Kansas City Foreign-Trade Zone, Inc. (GKCFTZ), authorizing the establishment of Foreign-Trade Subzone 15B at General Motor Corporation's automobile manufacturing plant in Kansas City, Missouri (Board Order 284, 50 FR 15769, 4/22/85);

Whereas, GKCFTZ advised the Board on October 23, 1991 (FTZ Docket 65–91), that zone procedures were no longer needed at the facility and requested voluntary termination of Subzone 15B;

Whereas, The request has been revised by the FTZ Staff and the Customs Service, and approval has been recommended;

Now, Therefore, The Foreign-Trade Zones Board terminates the subzone status of Subzone No. 15B effective this date.

Signed at Washington, DC, this 1st day of March, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates, Foreign-Trade Zones Board.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 93–5676 Filed 3–11–93; 8:45 am]

BILLING CODE 3510–DS–M

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of opportunity to request administrative review of antidumping or countervailing duty order, finding, or suspended investigation.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party as defined in section 771(9) of the Tariff Act of 1930 may request, in accordance with § 353.22 or § 355.22 of the Commerce Regulations, that the Department of Commerce ("the Department") conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity To Request a Review

Not later than March 31, 1993, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in March for the following periods:

	Period
Antidumping Duty Proceedings:	
AUSTRALIA: Canned Bartlett Pears (A–602–039)	03/01/92–02/28/93
BANGLADESH: Shop Towels (A–538–802)	09/12/91–02/28/93
CANADA: Iron Constructing Castings (A–122–503)	03/01/92–02/28/93
CANADA: Certain Fresh Cut Flowers (A–122–604)	03/01/92–02/28/93
CHILE: Standard Carnations (A–337–602)	03/01/92–02/28/93
COLOMBIA: Certain Fresh Cut Flowers (A–301–602)	03/01/92–02/28/93
ECUADOR: Certain Fresh Cut Flowers (A–331–602)	03/01/92–02/28/93
FINLAND: Rayon Staple Fiber (A–405–071)	03/01/92–02/28/93
FRANCE: Brass Sheet and Strip (A–427–602)	03/01/92–02/28/93
GERMANY: Brass Sheet and Strip (A–428–602)	03/01/92–02/28/93
ISRAEL: Oil Country Tubular Goods (A–508–602)	03/01/92–02/28/93
ITALY: Certain Valves and Connections of Brass, for Use in Fire Protection Systems (A–475–401)	03/01/92–02/28/93
ITALY: Brass Sheet and Strip (A–475–601)	03/01/92–02/28/93
JAPAN: Ferrite Cores (of the Type Used in Consumer Electronic Products) (A–588–016)	03/01/92–02/28/93
JAPAN: Stainless Steel Butt-Weld Pipe Fittings (A–588–702)	03/01/92–02/28/93
JAPAN: Television Receivers, Monochrome and Color (A–588–015)	03/01/92–02/28/93
SWEDEN: Brass Sheet and Strip (A–401–601)	03/01/92–02/28/93
TAIWAN: Light-Walled Welded Rectangular Carbon Steel Tubing (A–583–803)	03/01/92–02/28/93
THAILAND: Certain Circular Welded Carbon Steel Pipes and Tubes (A–549–502)	03/01/92–02/28/93
THE PEOPLE'S REPUBLIC OF CHINA: Chloropicrin (A–570–002)	03/01/92–02/28/93
Suspension Agreements:	
BRAZIL: Frozen Concentrated Orange Juice (C–351–005)	01/01/92–12/31/92
THAILAND: Certain Yarns Products (C–549–401)	01/01/92–12/31/92
Countervailing Duty Proceedings:	
ARGENTINA: Certain Apparel (C–357–404)	01/01/92–12/31/92
ARGENTINA: Certain Textile Mill Products (C–357–404)	05/16/92–12/31/92
ARGENTINA: Leather Wearing Apparel (C–357–001)	01/01/92–12/31/92
BRAZIL: Certain Castor Oil Products (C–351–029)	01/01/92–12/31/92
BRAZIL: Cotton Yarn (C–351–037)	01/01/92–12/31/92
CANADA: Standard Carnations (C–122–603)	01/01/92–12/31/92
CHILE: Standard Carnations (C–337–601)	01/01/92–12/31/92
FRANCE: Brass Sheet and Strip (C–427–603)	01/01/92–12/31/92
IRAN: In-Shell Pistachios (C–507–501)	01/01/92–12/31/92
ISRAEL: Oil Country Tubular Goods (C–508–601)	01/01/92–12/31/92
MEXICO: Certain Textile Mill Products (C–201–405)	01/01/92–12/31/92
NETHERLANDS: Standard Chrysanthemums (C–421–601)	01/01/92–12/31/92
NEW ZEALAND: Carbon Steel Wire Rod (C–614–504)	01/01/92–12/31/92
PAKISTAN: Cotton Shop Towels (C–535–001)	01/01/92–12/31/92
SOUTH AFRICA: Ferrochrome (C–791–001)	01/01/92–12/31/92
THAILAND: Certain Apparel (C–549–401)	01/01/92–12/31/92
TURKEY: Certain Welded Carbon Steel Pipe and Tube (C–489–502)	01/01/92–12/31/92

In accordance with §§ 353.22(a) and 355.22(a) of the Commerce regulations, an interested party may request in writing that the Secretary conduct an administrative review of specified individual producers or resellers covered by an order, if the requesting person states why the person desires the Secretary to review those particular producers or resellers. If the interested party intends for the Secretary to review sales of merchandise by a reseller (or a producer if that producer also resells merchandise from other suppliers) which was produced in more than one country of origin, and each country of origin is subject to a separate order, then the interested party must state specifically which reseller(s) and which countries of origin for each reseller the request is intended to cover.

Seven copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B–099, U.S. Department of Commerce, Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping Compliance, Attention: Thomas Futtner, in room 3069–A of the main Commerce building. Further, in accordance with § 353.31 or 355.31 of the Commerce Regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the Federal Register a notice of "Initiation of Antidumping (Countervailing) Duty Administrative Review", for requests received by March 31, 1993.

If the Department does not receive, by March 31, 1993, a request for review of entries covered by an order or finding listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute, but is published as a service to the international trading community.

Dated: March 5, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–5674 Filed 3–11–93; 8:45 am]

BILLING CODE 3510–DS–M

[A–583–603]

Stainless Steel Cooking Ware From Taiwan; Determination Not To Revoke Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of determination not to revoke antidumping duty order.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty order on stainless steel cooking ware from Taiwan.

EFFECTIVE DATE: March 12, 1993.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Fargo or Richard Rimlinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION: The Department of Commerce (the Department) may revoke an antidumping duty order, pursuant to §353.25(d)(4)(iii) of the Department's regulations, if no interested party has requested an administrative review for four consecutive annual anniversary months and no interested party objects to the revocation or requests an administrative review.

We had not received a request to conduct an administrative review of the antidumping duty order on stainless steel cooking ware from Taiwan (52 FR 2138, January 20, 1987) for the last four consecutive annual anniversary months. Therefore, pursuant to the Department's regulations, on January 4, 1993, we published in the **Federal Register** a notice of intent to revoke the order and served written notice of the intent to revoke to each interested party on the Department's service list.

On January 25, 1993, several domestic interested parties, All-Clad Metalcrafters, Corning/Revere, Farberware, General Housewares, Metal Ware Corp., Regal Ware, and Vita Craft, objected to our intent to revoke the order. Therefore, because several interested parties objected to the revocation, we no longer intend to revoke this antidumping duty order.

Dated: March 3, 1993.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 93–5675 Filed 3–11–93; 8:45 am]

BILLING CODE 3510–DS–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Indonesia

March 8, 1993.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: March 15, 1993.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6704. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being increased for carryover and the limit for Category 641 is being decreased for carryforward used.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 57 FR 54976, published on November 23 1992). Also see 57 FR 24597, published on June 10, 1992.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 8, 1993.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on June 5, 1992, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Indonesia and exported during the twelve-month period which began on July 1, 1992 and extends through June 30, 1993.

Effective on March 15, 1993, you are directed to amend further the directive dated June 5, 1992 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and Indonesia:

Category	Adjusted twelve-month limit [1]
Levels in Group I	
219	6,497,279 square meters.
313	11,975,019 square meters.
317/617/326	17,824,512 square meters of which not more than 2,902,531 square meters shall be in Category 326.
334/335	165,334 dozen.
336/636	440,000 dozen.
341	648,920 dozen.
342/642	275,000 dozen.
345	305,336 dozen.
443	87,150 numbers.
445/446	54,725 dozen.
604–A [2]	519,701 kilograms.
638/639	1,166,684 dozen.
641	1,559,040 dozen.
645/646	560,773 dozen.
647/648	2,345,643 dozen.
847	305,767 dozen.
Group II	
200, 201, 218, 220, 222-224, 226, 227, 229, 237, 239, 330, 332, 333, 349, 350, 352–354, 359–O [3], 360–363, 369–O [4], 400, 410, 414, 431, 432, 433, 434, 435, 436, 438, 439, 440, 442, 444, 447, 448, 459, 464, 465, 469, 603, 604–O [5], 606, 607, 621, 622, 624, 630, 632, 633, 643, 644, 649, 650, 652–654, 659–O [6], 665, 666, 669–O [7], 670–O [8], 831–836, 838, 839, 840, 842–846, 850–852, 858 and 859, as a group.	64,613,426 square meters equivalent.
Subgroup in Group II	
400, 410, 414, 431, 432, 433, 434, 435, 436, 438, 439, 440, 442, 444, 447, 448, 459, 464, 465 and 469, as a group.	2,664,000 square meters equivalent.

[1] The limits have not been adjusted to account for any imports exported after June 30, 1992.

[2] Category 604–A: only HTS number 5509.32.0000.

[3] Category 359–O: all HTS numbers except 6103.42.2025, 6103.49.3034, 6104.62.1020, 6104.69.3010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025; 6211.42.0010 (Category 359–C); 6112.39.0010, 6112.49.0010, 6211.11.2010, 6211.11.2020, 6211.12.3003 and 6211.12.3005 (Category 359–S).

[4] Category 369–O: all HTS numbers except 6307.10.2005 (Category 369–S).

[5] Category 604–O: all HTS numbers except 5509.32.0000 (Category 604–A)

[6] Category 659–O: all HTS numbers except 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.3038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.3014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.4015, 6211.33.0010, 6211.33.0017, 6211.43.0010 (Category 659–C); 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020 (Category 659–S).

[7] Category 669–O: all HTS numbers except 6305.31.0010, 6305.31.0020 and 6305.39.0000 (Category 669–P).

[8] Category 670–O: all HTS numbers except 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3030 and 4202.92.9020 (Category 670–L).

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 93–5671 Filed 3–11–93; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete a commodity and services previously furnished by such agencies.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 12, 1993.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

It is proposed to add the following services to the Procurement List for production by the nonprofit agencies listed:

Grounds Maintenance, Bureau of Reclamation, Auburn Field Office, Auburn, California, Nonprofit Agency: Pride Industries, Roseville, California

Janitorial/Custodial, Federal Building and U.S. Post Office, 104 West Magnolia, Bellingham, Washington, Nonprofit Agency: Cascade Christian Services, Lynden, Washington

Deletions

It is proposed to delete the following commodity and services from the Procurement List:

Commodity

Gown, Hospital Personnel, 6532–01–045–5381

Services

Commissary Shelf Stocking, Custodial and Warehousing, George Air Force Base, California

Janitorial/Custodial, Social Security Administration Building, 3116 St. Claude Avenue, New Orleans, Louisiana

Janitorial/Custodial, Armed Forces Examining Station and Bureau of Mines Building, Amarillo, Texas

Beverly L. Milkman,

Executive Director.

[FR Doc. 93–5746 Filed 3–11–93; 8:45 am]

BILLING CODE 6820–33–P

Procurement List Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from procurement list.

SUMMARY: This action adds to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List commodities previously furnished by such agencies.

EFFECTIVE DATE: April 12, 1993.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On December 18, 1992, January 8, 15 and 25, 1993, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (57 FR 60176, 58 FR 3262, 4658 and 5959) of proposed additions to and deletions from the Procurement List:

Additions

After consideration of the material presented to it concerning capability of qualified workshops to provide the services, fair market price, and impact of the addition on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will not have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Accordingly, the following services are hereby added to Procurement List:

Janitorial/Custodial, Social Security Administration Operations Building (Ground Floor and Connecting Links), 6401 Security Boulevard, Baltimore, Maryland

Janitorial/Custodial, Federal Building and U.S. Courthouse, 316 N. 26th Street, Billings, Montana

Order Processing, General Services Administration, Northeast Distribution Center, Burlington, New Jersey

This action does not affect current contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Deletions

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Accordingly, the following commodities are hereby deleted from the Procurement List:

Strap, Chin, Parachutist's Steel Helmet, 8470–00–032–2737

Strap, Soldier's Steel Helmet M–1, 8470–00–030–8003

Beverly L. Milkman,

Executive Director.

[FR Doc. 93–5747 Filed 3–11–93; 8:45 am]

BILLING CODE 6820–33–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Base Closure and Realignment Commission Investigative Hearings

AGENCY: Defense Base Closure and Realignment Commission (a Presidentially appointed commission separate from and independent of DoD).

ACTION: Notice of investigative hearings.

SUMMARY: Pursuant to Public Law 101–510, the Defense Base Closure and Realignment Commission announces a series of Washington, DC-based investigative hearings. The general purpose of these hearings is for the Commission to interact with key policy makers within both government and the private sector as a prelude to beginning independent review and analysis of base closure and realignment recommendations from the Secretary of Defense. The specific dates and general topics follow:

March 15

- SECDEF presents closure/realignment recommendations.
- Chairman, JCS discusses the recommended closures/realignments as they relate to force structure plan and overall national defense strategy.
- Service secretaries present views/methodology for service selection process. (2118 Rayburn House Office Building)

March 16

- Assistant Secretary of Defense for Production and Logistics presents testimony on overall DoD policies and methodology of selection process.
- Assistant service secretaries present testimony on detailed selection process. (2118 Rayburn House Office Building)

March 22

- Environmental issues testimony by OSD, Service, and industry experts. (1100 Longworth House Office Building)

March 29

- Testimony on the base closure account, installation disposal/reuse, budget impact, and perspective of former leaders in the area of public policy. (1100 Longworth House Office Building)

April 5

- Strategic defense and chemical weapons issues, military family and retiree issues. (1100 Longworth House Office Building)

April 12

- Economic and industrial-base issues. (1100 Longworth House Office Building)

Each hearing is planned for an all-day session beginning at 10 a.m. The room number and building for each date are annotated in parentheses.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Houston, Director, Communication, at (703) 696–0550.

SUPPLEMENTARY INFORMATION: Changes to the above schedule will be published in the **Federal Register** as soon as known by the Commission. Please call the Commission point of contact to confirm dates, times and locations prior to hearing(s). Less than 15 days notice is being given for the March 15–16 hearings due to final Senate Confirmation of Commissioners was not possible until March 4, 1993

Dated: March 8, 1993.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–5666 Filed 3–11–93; 8:45 am]

BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Family Support Center Information; AF Forms 2800, 2801, and 2805; OMB No. 0701–0070.

Type of Request: Revision of a currently approved collection.

Average Burden Hours/Minutes Per Response: 6 Minutes.

Responses per Respondent: 3.

Number of Respondents: 10,000.

Annual Burden Hours: 3,000.

Annual Responses: 30,000.

Needs and Uses: Military members and their families are offered assistance in adaptation to military life through the programs and services of the Family Support Center (FSC). The FSC serves as the focal point for programs and activities that serve military families. These forms provide information on usage and trends for program evaluation, targeting, and budgeting as well as reports to DoD and Congress.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce. Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington Virginia 22203–4302.

Dated: March 8, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93-5704 Filed 3-11-93; 8:45 am]

BILLING CODE 3810-01-M

The U.S. Strategic Command Strategic Advisory Group: Closed Meeting

AGENCY: USSTRATCOM, Department of Defense.

ACTION: Notice of closed meeting.

SUMMARY: The CINCSTRATCOM has scheduled a closed meeting of the Strategic Advisory Group.

DATES: The meeting will be held from 1 to 2 April 1993.

ADDRESSES: The meeting will be held at Offutt AFB, Nebraska.

FOR FURTHER INFORMATION CONTACT: USSTRATCOM Strategic Advisory Group, Offutt AFB, Nebraska 68113.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to discuss strategic issues that relate to the development of the Single Integrated Operational Plan (SIOP). Full development of the topics will require discussion of information classified TOP SECRET in accordance with Executive Order 12356, 2 April 1982. Access to this information must be strictly limited to personnel having requisite security clearances and specific need-to-know. Unauthorized disclosure of the information to be discussed at the SAG meeting could have exceptionally grave impact upon national defense. Accordingly, the meeting will be closed in accordance with 5 U.S.C. App II Para 10(d) (1976), as amended.

Dated: March 5, 1993.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93-5705 Filed 3-11-93; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Management Service, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before April 12, 1993.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Cary Green, Department of Education, 400 Maryland Avenue, SW., Room 5624, Regional Office Building 3, Washington, DC 20202-4651.

FOR FURTHER INFORMATION CONTACT: Cary Green (202) 708-5174. Individuals who are hearing impaired 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: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Management Service, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Cary Green at the address specified above.

Dated: March 8, 1993.

Cary Green,

Director, Information Resources Management Service.

Office of Elementary and Secondary Education

Type of Review: Revision
Title: Christa McAuliffe Fellowship Program State Application
Frequency: Annually
Affected Public: Individuals or households; State or local governments
Reporting Burden:
Responses: 57
Burden Hours: 285
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0

Abstract: This information is needed in order to make fellowship awards to teachers recommended by statewide selection panels.

Office of Postsecondary Education

Type of Review: Existing
Title: Application to Participate in the State Student Incentive Grant Program
Frequency: Annually
Affected Public: State or local governments
Reporting Burden:
Responses: 57
Burden Hours: 200
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0

Abstract: The State Student Incentive Grant Program uses matching Federal/State funds to provide a nationwide system of grants to assist postsecondary education students with substantial financial need. On this application the States provide information the Department requires to obligate program funds and for program management. The signed assurances legally bind the States to administer the program according to regulatory and statutory requirements.

Office of Postsecondary Education

Type of Review: Revision
Title: Guarantee Agency Monthly Claims & Collections Report (ED Form 1189)
Frequency: Monthly
Affected Public: State or local governments; Non-profit institutions
Reporting Burden:
Responses: 648
Burden Hours: 2,592
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0

Abstract: The Guarantee Agency Monthly Claims and Collections Report (ED Form 1189) is used by a guarantee agency to request payments of reinsurance for default, bankruptcy, death, and disability claims paid to lenders; and for costs incurred for supplemental preclaims assistance. An agency may use the form to make payments for amounts due to ED for

collections on defaulted loans on which reinsurance has been paid and for refunding amounts previously paid on reinsurance claims.

Office of Postsecondary Education

Type of Review: Revision
Title: Guaranty Agency Quarterly/ Annual Report ED Form 1130
Frequency: Quarterly
Affected Public: State or local governments; Non-profit institutions
Reporting Burden:
Responses: 270
Burden Hours: 4185
Recordkeeping Burden:
Recordkeepers: 54
Burden Hours: 108

Abstract: The Guaranty Agency Quarterly/Annual Report is submitted by 54 agencies operating a student loan insurance program under agreement with ED. These reports are used to evaluate agency operations to determine the amount of payments, to Guaranty agencies as authorized by law, and to make reports to Congress.

Office of Postsecondary Education

Type of Review: New
Title: Credit Return System
Frequency: Quarterly
Affected Public: State or local governments; Non-profit institutions
Reporting Burden:
Responses: 48
Burden Hours: 1920
Recordkeeping Burden:
Recordkeepers: 12
Burden Hours: 48

Abstract: Quarterly, the Department of Education will collect data from 12 guarantee agencies on a sample of loans and extrapolate the data to budget and account for the FFEL loan portfolio under the Federal Credit Reform Act of 1990.

Office of Postsecondary Education

Type of Review: New
Title: Dwight D. Eisenhower Leadership Development Program (Guide for the Preparation of Applications—FY 1993)
Frequency: Annually
Affected Public: Non-profit institutions
Reporting Burden:
Responses: 150
Burden Hours: 4800
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0

Abstract: To provide grants that establish prototypes which reach out to young Americans and promote the practical study and teaching of leadership through programs specially prepared to foster the development of new generations of leaders in the areas of national and international affairs.

[FR Doc. 93-5692 Filed 3-11-93; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Fossil Energy

[FE Docket No. 93-18-NG]

Indeck Oswego Limited Partnership and Indeck Yerkes Limited Partnership; Order Granting Blanket Authorization to Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of an order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Indeck Oswego Limited Partnership and Indeck Yerkes Limited Partnership (together Indeck) authorization to import up to 9 billion cubic feet of natural gas from Canada over a two-year period beginning on the date of the first delivery after March 31, 1993, the date Indeck's current authorization expires.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, March 5, 1993.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93-5743 Filed 3-11-93; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. CP93-223-000, et al.]

Northern Natural Gas Company, et al.; Natural Gas Certificate Filings

March 5, 1993.

Take notice that the following filings have been made with the Commission:

1. Northern Natural Gas Company

[Docket No. CP93-223-000]

Take notice that on February 25, 1993, Northern Natural Gas Company, Division of Enron Corp. (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124-1000, filed an application with the Commission in Docket No. CP93-233-000 pursuant to section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon four individually certificated transportation and exchange agreements with Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the request which is open to public inspection.

Norther requests permission and approval to abandon services under its FERC Rate Schedules T-30, X-54, X-55, and X-72 with Panhandle. Northern indicates that it provided Panhandle with proper notice to terminate these transportation and exchange services and that abandonment of these services would have no detrimental impact Panhandle. Northern also states that Panhandle will file a separate application with the Commission to abandon its corresponding services for Northern.

No facilities would be abandoned in this proposal.

Comment date: March 26, 1993, in accordance with Standard Paragraph F at the end of this notice.

2. Great Plains Natural Gas Company

[Docket No. CP93-222-000]

Take notice that on February 22, 1993, Great Plains Natural Gas Company (Great Plains), P.O. Box 176, Fergus Falls, Minnesota 56538-0176, filed in Docket No. CP93-222-000 an application pursuant to section 7(f) of the Natural Gas Act wherein it requests issuance of a Commission order (a) making a service area determination within which Great Plains may enlarge or extend its facilities without further Commission authorization; (b) holding that Great Plains qualifies as a local distribution company (LDC) in the service area to be determined, for purposes of section 311 of the Natural Gas Policy Act of 1978 (NGPA); and (c) waiving the regulatory requirements ordinarily applicable to natural gas companies under the NGA and NGPA, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Great Plains states that it is engaged in the retail distribution of natural gas for use in seventeen communities in the state of Minnesota and one community in the state of North Dakota and that its rates and services provided to these communities are regulated by the Minnesota Public Utilities Commission (MPUC) and the North Dakota Public Service Commission (NDPSC). The communities served include Fergus Falls, Pelican Rapids, Breckenridge, Crookston, Belview, Boyd, Clarkfield,

Danube, Dawson, Echo, Granite Falls, Marshall, Montevideo, Redwood Falls, Renville, Sacred Heart, and Wood Lake, all in Minnesota, and Wahpeton, North Dakota. Except for service to the communities of Fergus Falls, Pelican Rapids, Breckenridge and Wahpeton, Great Plains states that all its facilities in these communities are strictly distribution facilities and therefore exempt from Commission jurisdiction pursuant to section 1(b) of the NGA.

Great Plains states that by the Commission's Opinion No. 469 issued on August 10, 1965, in Midwestern Gas Transmission Company (Midwestern), *et al.*, Docket No. CP64–308, *et al.*, 34 FPC 457, it was authorized to construct and operate a high-pressure transmission lateral to serve the communities of Fergus Falls, Pelican Rapids and Breckenridge, all in Minnesota and the community of Wahpeton in North Dakota. This transmission line measures approximately 65 miles and extends from the interconnection with Viking Gas Transmission Company's (formerly Midwestern) system at Luce in north central Otter Tail County, Minnesota through the communities of Pelican Rapids and Fergus Falls in Otter Tail County, Minnesota and the community of Breckenridge in Wilkin County, Minnesota across the Red River to the community of Wahpeton in Richland County, North Dakota. Great Plains states that the exclusive function of this transmission line is to transport gas to Great Plains' distribution facilities in the four above communities served and that it is the area served by these transmission facilities that Great Plains proposes to be designated by the Commission as Great Plains service area.

Thus, Great Plans requests that the Commission make a service area determination for Great Plains pursuant to section 7(f) of the NGA, consisting of Otter Tail and Wilkin Counties, Minnesota and Richland County, North Dakota. In support of its request Great Plains states that it satisfies the criteria the Commission has cited in the past in considering section 7(f) applications. That is, Great Plains does not make any gas sales for resale, nor does it have any plans to do so; its rates and services within the requested service area are regulated by the MPUC and NDPSC; it does not have an extensive transmission system; and the requested service area determination would have no effect on neighboring distribution companies.

Great Plains also seeks a waiver by the Commission of all reporting and accounting requirements and rules and regulations which are ordinarily applicable to natural gas companies, so that Great Plains will have the same regulatory treatment as any other LDC that is not regulated by the Commission. Great Plains states that such a waiver is appropriate since it would eliminate costly reporting, accounting, and regulatory requirements duplicating those already imposed by the MPUC and NDPSC.

Lastly, Great Plains requests that the Commission grant it treatment as a LDC for purposes of section 311 of the NGPA. Great Plains states that such treatment would ensure that it would have access to transportation of gas by interstate pipelines under section 311 of the NGPA, and would be consistent with other orders of the Commission under section 7(f).

Comment date: March 26, 1993 in accordance with Standard Paragraph F at the end of the notice.

3. Colorado Interstate Gas Company

[Docket No. CP93–227–000]

Take notice that on February 26, 1993, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP93–227–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation service for Coastal Gas Marketing Company (Coastal), all as more fully set forth in the application which is on file, with the Commission and open to public inspection.

CIG proposes to abandon the transportation of up to 50,000 Mcf per day for Coastal from various points on CIG's system to points in Hutchinson and Moore Counties, Texas. It is stated that the transportation service was carried out under the terms of a transportation agreement on file as CIG's Rate Schedule X–61 of its FERC Gas Tariff, Original Volume No. 2. It is asserted that the term of the agreement has expired and that no gas has been transported under the agreement since 1987. It is further asserted that Coastal does not desire to extend the agreement. It is explained that the abandonment will have no effect on CIG's system design capacity or operation.

No facilities are proposed to be abandoned herein.

Comment date: March 26, 1993, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date 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 Regulation's under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining 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 Rule.

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.

Lois D. Cashell,

Secretary.

[FR Doc. 93–5707 Filed 3–11–93; 8:45 am]

BILLING CODE 6717–01–M

Office of Fossil Energy

[FE Docket No. 93–10–NG]

TransCanada Pipelines Limited; Order Granting Blanket Authorization to Import and Export Natural Gas

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of an order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting TransCanada PipeLines Limited authorization to import up to 500,000 Mcf day of Canadian natural gas and export up to 500,000 Mcf per day of Canadian natural gas over a two-year term beginning on the date of fist import or export.

A copy of this order is available for inspection and copying in the Office of Fuels Program Docket Room, 3F–056,

Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, March 5, 1993.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93–5744 Filed 3–11–93; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00352; FRL–4573–3]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act, this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. Because EPA is requesting an expedited review, this notice includes the specific data items being collected. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before March 29, 1993.

ADDRESSES: Additional information supporting this action is available for public inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays in: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 1132, Cystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, Telephone: (703–305–5805).

FOR FURTHER INFORMATION CONTACT: Sandy Farmer, Information Policy Branch, Environmental Protection Agency (PM–223Y), 401 M St., SW., Washington, DC 20460, Telephone: (202) 260–2740.

SUPPLEMENTARY INFORMATION:

This is a request for reinstatement of a previously approved collection (EPA ICR number 0152.04; OMB number 2070–0020), for the Notice of Arrival of Pesticides and Devices (NOA) Form (EPA Form No. 3540–1) in support of the Federal Insecticide, Fungicide, and Rodenticide Act and U.S. Customs Service regulations (19 CFR 12.112 – 12.117) which require that an NOA be submitted to the Regional EPA office by importers of pesticides and devices prior to their importation, and a copy to the U.S. Customs Service at the time of importation.

I. Elements of the Notice of Arrival of Pesticides and Devices Form

The NOA form will contain the following information requirements:

1. *The name and address of broker or agent.* Self explanatory.

2. *Name and address of importer or consignee.* Self explanatory.

3. *Name and address of shipper.* The person exporting the pesticide to the United States.

4. *EPA registration number.* This is the product registration number assigned to the pesticide product by EPA at the time of registration. If the product is a device not obligated to have a registration number, the importer must write the word "device" in the block.

5. *EPA producer establishment number.* The pesticide product or device must have the establishment number where the product underwent final product printed on the label. That establishment number which appears on the product or device is the information sought in this box.

6. *Brand name of product.* Name under which the product is sold.

7. *Major active ingredients and percentage of each:* If the product is registered by the EPA, this question may be left blank. If the product is not registered, then the active ingredients must be entered (or two major ingredients) and their percentages of each.

8. *Unit size.* Self explanatory.

9. *Quantity.* Self explanatory.

10. *Total net weight.* Self explanatory.

11. *Country of origin.* The country where the pesticide producing establishment is located.

12. *Port of entry.* Self explanatory.

13. *Carrier.* For example, the ship's name, airline or trucking company, etc..

14. *Entry number.* Self explanatory.

15. *Entry date.* Self explanatory.

16. *Confidential business information declaration.* Information required in blocks 4, 5, 6, and 7 are not entitled to FIFRA/CBI treatment under section 7(d) and under labeling requirements for pesticides at 40 CFR 156.10. Information provided in those blocks will be made public without further notice.

17. *Location of goods for examination after importation.* Self explanatory.

18. *Remarks.* Self explanatory.

19. *Printed name of importer or agent, telephone number.* Self-explanatory.

20. *Signature of importer or agent, date signed.* Self explanatory.

EPA Form 3540–1 is a four part carbon identified as: Official File Copy (white), Customs' Copy (yellow), Importer's Copy (gold), and U.S. EPA Copy (pink).

II. Form and Instructions

The form and instructions follow

BILLING CODE 6560–50–F

EPA

United States Environmental Protection Agency
Washington, DC 20460

Notice of Arrival of Pesticides and Devices

Note: Read instructions on reverse before completing form

Send Completed Form to Appropriate Regional Office Listed on the Reverse of this Form.

Form Approved
OMB No. 2070-0020
Approval expires 11-30-91

Part I: To Be Completed by Importer or Agent

1. Name and Complete Address of Broker or Agent

☐ Return Form to this Address

2. Name and Complete Address of Importer or Consignee

☐ Return Form to this Address

3. Name and Address of Shipper

4. EPA Registration Number

5. EPA Producer Establishment No.

6. Brand Name of Product

7. Major Active Ingredients and Percentage of Each

8. Unit Size

9. Quantity

10. Total Net Weight

11. Country of Origin

12. Port of Entry

13. Carrier

14. Entry Number

15. Entry Date

16. I assert that information constituting Confidential Business Information is shown in the above blocks numbered: (Note Blocks 4,5,6,7 are not entitled to CBI treatment --see instructions)

17. Location of Goods for Examination After Importation

18. Remarks

Certification

I certify that the statements I have made on this form and all attachments thereto are true, accurate, and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

19. Printed Name of Importer or Agent

Telephone Number

20. Signature of Importer or Agent

Date Signed

Part II: To Be Completed by U.S. Environmental Protection Agency

Action to be taken on shipment by U.S. Customs Service

☐ Release Shipment ☐ Detain for Inspection ☐ Release shipment to consignee under bond. Shipment must be held intact pending inspection

☐ Other *(Specify)*

Remarks

Signature and Title of EPA Official

Date

Part III: To Be Completed by U.S. Customs Service

The information shown in Part I was comparted with the entry papers for this shipment and no discrepancies were noted. The shipment was handled as instructed by EPA in Part II. Any deviations should be brought to the attention of EPA before releasing shipment and should also be noted in "Remarks."

Remarks

Signature of District Director of Customs

Date

EPA Form 3540-1 (Rev. 6-90) Previous Editions Are Obsolete

Official File Copy

Instructions

Customs Regulations. 19 CFR Part 12.112, require an importer desiring to import pesticides or devices into the United States to submit EPA Form 3540-1, Notice of Arrival of Pesticides and Devices, to the U.S. Environmental Protection Agency prior to the arrival of the shipmnent in the United States. This form will be used by:

Importer or Agent. The Importer or his agent must complete Part I of the form to the maximum extent possible. It may be necessary to complete some of the items at the time of entry, e.g., entry data, carrier. To expedite the handling of pesticide shipments, submit this form to the EPA office listed below having jurisdiction over the state/territory in which the Port of Entry is located prior to the arrival of the shipment.

EPA. Part II of this form will be completed by EPA. EPA will retain the EPA Copy for its files and return the other copies to the importer or agent for presentation to Customs at the time of entry.

Customs - Customs will compare the information shown on this form with the entry documents and the shipment. Bring any discrepancies to the attention of EPA before the shipment is released and noted in the remarks section. If the importation is not handled by Customs in the manner instructed in Part II, this should also be noted in the remarks. All data left blank by the importer (e.g., entry date) must be completed at this time. After completion of Part III and signing the form, Customs will return the Official File Copy to EPA and retain the Custom's Copy.

The following blocks are self-explanatory - 1, 2 ,8, 9, 10, 12, 14, 15, 17, 18, 19, and 20.

3. **Name and Address of Shipper.** The name and address of person exporting the pesticide to the United States.

4. **EPA Registration No.** The product registration number assigned at the time of registration which identifies the product. If the product is a device, write the word "device" in this block.

5. **EPA Producer Establishment No.** The producing establishment registration number which identifies where the product or device was produced.

6. **Brand Name of Product.** Name under which the product is sold.

7. **Major Active Ingedients and Percentage of Each.** If block 4 contains registration number, leave blank. If no registration number, list active ingredients (or two major ingredients and percentage of each).

11. **Country of Origin.** The country in which the pesticide producer is located.

13. **Carrier.** E.g., ship's name, airline or trucking company.

16. **Confidential Business Information (CBI) Designation.** Please note that the information provided in blocks 4,5,6 and 7 is not entitled to confidential treatment under section 7(d) of FIFRA and under labeling requirements for pesticides at 40 CFR 156.10 Information provided in those blocks will be made public with no further notice.

EPA Regional Offices	States Covered			EPA Regional Offices	States Covered		
EPA Region I J.F. Kennedy Fed Bldg Boston MA 02203-2211	CT NH	MA RI	ME VT	EPA Region VI 1445 Ross Ave. Dallas, TX 75202-2733	AR, OK	LA TX	NM
EPA Region II Woodbridge Ave. Edison, NJ 08837	NJ PR	NY VI		EPA Region VII 726 Minnesota Ave Kansas City, KS 66101	IA, MO	KS NB	
EPA Region III 841 Chestnut Building Philadelphia, PA 19107	DE MD VA	DC PA WV		EPA, Region VIII Suite 500 One Denver Place 999 18th St. Denver, CO 80202-2413	CO ND UT	MT SD WY	
EPA Region IV 345 Courtland St.NE Atlanta, GA 30365	AL KY SC	FL MS TN	GA NC	EPA,Region IX 1235 Mission St. San Francisco, CA 94105	AZ GU PI	AS HI WK	CA NV
EPA Region V 230 South Dearborn St. Chicago, IL 60604	IL OH MN	IN MI WI		EPA, Region X 1200 Sixth Ave Seattle, WA 98101	AK OR	ID WA	

EPA Form 3540-1 (Rev. 6-90)

BILLING CODE 6560-50-C

III. Public Burden

Public reporting burden for this collection of information is estimated to be .3 hour per NOA including time for reviewing instructions, searching existing data sources, gathering and maintaining data, and completing and reviewing the application.

Respondents: Persons importing pesticide products and devices.

Estimated number of respondents: 7,000 annually.

Estimated number of responses per respondent: One.

Frequency of collection: Once per pesticide or device imported.

Estimated total annual burden on respondents: 2,100 hours.

An expedited request is made under the Paperwork Reduction Act (5 CFR 1320.18). To provide the NOA to persons intending to import pesticides or devices, and to provide time to print sufficient copies of the forms for persons already requesting them, the EPA has requested OMB clearance by late February 1993. Send comments regarding the burden estimate, or any aspect of this collection of information, including suggestions for reducing the burden to: Sandy Farmer, Environmental Protection Agency, Information Policy Branch (PM-223Y), 401 M St., SW., Washington, DC 20460, and Matthew Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC 20503.

Dated: February 3, 1993.

Paul Lapsley,

Director, Regulatory Management Division, Office of Policy Planning and Evaluation.

[FR Doc. 93-5727 Filed 3-11-93; 8:45 am]

BILLING CODE 6560-50-F

[FRL-4603-9]

Notice of Approval of PSD Permits

Notice is hereby given that the Environmental Protection Agency (EPA), Region 6, has issued Prevention of Significant Deterioration (PSD) permits to the following:

1. Belvieu Olefins Partners Project—Permit PSD-TX-796, which was issued on January 2, 1992, authorized the construction of a new oleflex facility to be located adjacent to Hatcherville Road, approximately 1 mile west of State Highway 146, near Mont Belvieu, Chambers County, Texas.

2. City Public Service—Permit PSD-TX-742M-1 modifies PSD-TX-742 to authorize changes in the coal handling facility at the existing Calaveras Lake Generating Station located at 9599 Gardner Road, approximately 5 miles northeast of Elmendorf, Bexar County, Texas. This modified permit was issued on February 11, 1992.

3. Graham Energy, Limited—Permit PSD-TX-665M-2 modifies permit PSD-TX-665M-1 to authorize the injection of acid gases, currently being routed to the flare, into the formation. The company also replaced two compressor engines of equivalent size, and equipped all four of the compressor engines with catalytic converters. This facility will no longer be a PSD major stationary source as a result of this request. However, the source prefers to retain its permit and have it modified. A special provision has been added to restrict the facility's use of the flare only in periods of upset and/or emergency conditions. This modified permit was issued on February 11, 1992.

4. Amoco Chemical Company—Permit PSD-TX-793, which was issued on February 27, 1992, authorizes the debottlenecking of the No. 2 olefins plant at the existing Chocolate Bayou complex located on FM Road 2004, approximately 7 miles southeast of Liverpool, Brazoria County, Texas.

5. Koch Refining Company—Permit PSD-TX-413M-4 modifies PSD-TX-413M-2 to authorize the modification of the existing continuous catalyst regenerator unit and increase the throughput of the naphtha hydrotreater unit at the East plant located at 9254 Up River Road, Corpus Christi, Nueces County, Texas. Permit PSD-TX-413M-3 has been incorporated into PSD-TX-413M-4. This modified permit was issued on March 31, 1992.

6. Capitol Aggregates, Incorporated—Permit PSD-TX-120M-3 modifies PSD-TX-120M-2 to authorize the installation of a new finishing mill parallel to the existing mill at the Portland cement facility located at 11551 Nacogdoches Road, San Antonio, Bexar County, Texas. This modified permit was issued on April 2, 1992.

7. Mesa Operating Limited Partnership—Permit PSD-TX-798, which was issued on May 4, 1992, authorizes the increase of the natural gas processing capacity from 80 MMSCFD to 120 MMSCFD at the existing Fain natural gas processing plant located off Highway 287, approximately 20 miles northwest of Amarillo, Potter County, Texas.

8. Belvieu Environmental Fuels Project—Permit PSD-TX-797, issued on May 13, 1992, authorizes the construction of a 15,000 barrel per day methyl-tertiary-butyl-ether production facility at the intersection of FM Road 1942 and Hatcherville Road in Mont Belvieu, Chambers County, Texas.

9. Shintech, Incorporated—Permit PSD-TX-285M-4 modifies PSD-TX-285M-3 to authorize the construction of a new polyvinyl chloride (PVC) production train (EX-6) capable of producing 360 million pounds of PVC per year, and the increase of the capacity of train EX-5 by 50 million pounds of PVC per year at the PVC facility located at 5618 Highway 332 East, Freeport, Brazoria County, Texas. This modified permit was issued on May 18, 1992.

10. Mobil Chemical Company—Permit PSD-TX-755, which was issued on May 21, 1992, authorizes the construction of an olefins unit at the existing olefins plant located at 9822 LaPorte Freeway, Houston, Harris County, Texas.

11. Mobil Oil Corporation—Permit PSD-TX-768M-1 modifies PSD-TX-768 to authorize an increase in the amount of crude processed and to increase the high quality gasoline rate at the existing refinery located at the end of Burt Street, Beaumont, Jefferson County, Texas. This modified permit was issued on May 28, 1992.

12. International Paper Corporation—Permit PSD-TX-766, which was issued on June 10, 1992, authorizes the installation of a flake dryer and the increase from 124,700 tons per year of product based on 6800 hours per year of operation to 227,760 tons per year of product based on 8760 hours per year of operation at the existing oriented strand board plant located on Highway 59 in Nacogdoches, Nacogdoches County, Texas.

13. Phibro Energy USA—Permit PSD-TX-767M-1 modifies PSD-TX-767 to authorize the shut down of grandfathered boilers BS-5 and BS-11 instead of grandfathered boiler BS-7 after the start-up of the permitted cogeneration units at the existing refinery located at 9701 Manchester, Houston, Harris County, Texas. This modified permit was issued on June 10, 1992.

14. Oryx Energy Company—Permit PSD-TX-741M-2 modifies PSD-TX-741M-1 to authorize the installation of two natural gas fired compressor engines and a small heater to the existing compressor station located off FM Road 2294, approximately 4.5 miles southwest of San Isidro, Starr County, Texas. This modified permit was issued on June 10, 1992.

15. Oyster Creek, Limited—Permit PSD-TX-800, which was issued on June 10, 1992, authorizes the construction of a natural gas fired turbine cogeneration facility at the existing Dow Chemical Company complex located at the intersection of State Highway 332 and

FM Road 523, approximately one mile northeast of Freeport, Brazoria County, Texas.

16. Mobil Oil Corporation—Permit PSD–TX–799, which was issued on June 18, 1992, authorizes the construction of a cogeneration facility at the existing refinery located at the end of Burt Street, Beaumont, Jefferson County, Texas.

17. Cogen Lyondell, Incorporated—Permit PSD–TX–493M–3 modifies PSD–TX–493M–2 to authorize the sampling of only one of the five sources, since the units are identical, using the alternative fuel mixture authorized in TX–493M–2 at the existing cogeneration facility located at 2330 Sheldon Road, Channelview, Harris County, Texas. This modified permit was issued on June 24, 1992.

18. Structural Metals, Incorporated—Permit PSD–TX–708M–2 modifies PSD–TX–708 to authorize an increase in the carbon monoxide emission limit from the electric arc furnace "C" from 103 lb/hr to 148 lb/hr, and the installation of a ladle metallurgy station on "C" at the existing steel mill located near the intersection of FM road 1620 and FM Road 464, approximately 2.5 miles west of Seguin, Guadalupe County, Texas. Modification request numbered TX–708M–1 is incorporated into TX–708M–2 and the consolidated permit was issued on June 30, 1992.

19. Shintech, Incorporated—Permit PSD–TX–285M–5 modifies PSD–TX–285M–4 to authorize the addition of a seventh polyvinyl chloride (PVC) storage silo to the existing storage silo facility and increase the throughput from 55 million pounds per month to 80 million pounds per month at the PVC facility located at 5618 Highway 332 East, Freeport, Brazoria County, Texas. This modified permit was issued on July 22, 1992.

These permits have been issued under EPA's Prevention of Significant Air Quality Deterioration Regulations at 40 CFR 52.21, as amended August 7, 1980. The time period established by the Consolidated Permit Regulations at CFR 124.19 for petitioning the Administrator to review any condition of the permit decisions has expired. Such a petition to the Administrator is, under 5 U.S.C. 704, a prerequisite to the seeking of judicial review of the final agency action. No petitions for review of these permits have been filed with the Administrator.

Documents relevant to the above actions are available for public inspection during normal business hours at the Air, Pesticides and Toxics Division, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202.

Under section 307(b)(1) of the Clean Air Act, judicial review of the approval of these actions is available, if at all, only by the filing of a petition for a review in the United States Fifth Circuit Court of Appeals within 60 days of March 12, 1993. Under section 307(b)(2) of the Clean Air Act, the requirements, which are the subject of today's notice, may not be challenged later in civil or criminal preceedings brought by EPA to enforce these requirements.

This notice will have no effect on the National Ambient Air Quality Standards.

The Office of Management and Budget has exempted this information notice from the requirements of section 3 of Executive Order 12291.

Dated: February 4, 1993.

Joe D. Winkle,

Acting Regional Administrator, Region 6.

[FR Doc. 93–5662 Filed 3–11–93; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4604–5]

Proposed Consent Decree in Settlement of Litigation; Suit to Compel Promulgation of Conformity Regulations Under Clean Air Act Section 176(c)

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act ("Act"), notice is hereby given of a proposed consent decree in settlement of litigation instituted against the Environmental Protection Agency ("EPA") regarding the fact that EPA has not promulgated final rules under section 176(c)(4) of the Act establishing criteria and procedures for determining the conformity of certain federal actions to State Implementation Plans (SIPs) providing for attainment of the National Ambient Air Quality Standards (NAAQS). *Environmental Defense Fund, Inc., et al.*, v. *EPA, et al.*, N.D. 92–1636 TEH.

The parties to the litigation, desiring to settle the matter without extensive proceedings, entered into a proposed consent decree that obligates EPA to propose such conformity regulations by March 8, 1993, and to promulgate final conformity regulations by October 15, 1993. The proposed consent decree has been signed by counsel for all parties and is currently pending before the court. Pursuant to section 113(g), the decree may not be entered by the court until the public has had the opportunity to comment on the terms of the proposed decree.

For a period of thirty [30] days following the date of publication of this notice, the Agency will receive written comments relating to the proposed consent decree. EPA or the Department of Justice may withhold or withdraw consent to the proposed decree if the comments disclose facts or circumstances that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

Copies of the proposed consent decree are available from Sara Schneeberg, Air and Radiation Division (LE–132A), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 260–7723. Written comments should be sent to Sara Schneeberg at the above address and must be submitted on or before April 12, 1993.

Dated: February 18, 1993.

Gerald H. Yamada,

Deputy General Counsel.

[FR Doc. 93–5731 Filed 3–11–93; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4604–7]

Clean Air Act; Contractor Access to Confidential Business Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with 40 CFR 2.301(h)(2) EPA has determined that Wayne State University requires access, on a need-to-know basis, to CBI materials submitted to EPA under title II, section 208, of the Clean Air Act (CAA). This access is necessary to this contractor's performance under EPA contract number 68–W3–0013.

DATES: The transfer of such data to this EPA contractor will occur on April 1, 1993.

FOR FURTHER INFORMATION CONTACT: Clifford D. Tyree, Project Manager/Freedom of Information Act Officer, Certification Division, Ann Arbor, MI 48105, telephone (313) 668–4310.

SUPPLEMENTARY INFORMATION: Title II of the Clean Air Act (CAA) requires that manufacturers of light-duty vehicles, light-duty truck, heavy-duty engines, and motorcycles meet applicable exhaust emission standards. Section 208 of the CAA requires these manufacturers to provide "* * * such information as the Administrator may reasonably

require * * *." Because this information is collected under section 208 of the Act, EPA possesses the authority to disclose said information to its authorized representatives. EPA provides a recommended application format identifying the information needed to support their assertions their vehicles/engines comply with the applicable emission standards. Each manufacturer is required to submit an application for certification for a certificate of conformity to the applicable regulations. These data include vehicle descriptions, engine/vehicle descriptions, emission control system descriptions and calibrations, and sales information. EPA has encouraged the manufacturers to submit as much of this information as possible in an electronic format, and a majority of manufacturers do so. To accomplish this, each manufacturer has obtained an account at the contract computer center and provides EPA with access to their account containing this information. EPA accesses this information and compiles it in the appropriate files for use in support of each manufacturer's application for certification.

Under contract No. 63-W3-0013, Wayne State University will continue to provide computer timesharing services for the Certification Division to access the data submitted by the manufacturers to support their respective exhaust emission and fuel economy programs. This contractor's responsibility is to maintain the integrity of the transfer of these data. In order to perform this function the contractor may, on a need-to-know basis, have access to these data. The contractor's address is:

Wayne State University, Computing Information Technology, 5925 Woodward Avenue, Detroit, Michigan 48202. This contract will prohibit the use of the information for any purpose not specified in the contract; will prohibit the disclosure, in any form, to a third party; and will require that each official and employee of the contractor with access to the confidential information sign an agreement to protect the information from unauthorized release or access.

Dated: March 4, 1993.

Michael H. Shapiro,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 93-5730 Filed 3-11-93; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4602-9]

Final Documents: Employee Commute Options Guidance; Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The Employee Commute Options final guidance is now available that provides EPA's interpretation of the employer trip reduction provision of the Clean Air Act, section 182(d)(1)(B).

DATES: The guidance document was issued December 17, 1992.

ADDRESSES: The document is available to Federal, State, and local governmental Agencies and may be requested from Ms. Marjorie Sinclair, Emission Control Strategies Branch, U.S. EPA National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, Michigan 48105. Telephone: (313) 668-4259. Facsimile: (313) 668-4531. It is suggested that requests be made by facsimile. Copies of the document will be available for public viewing in the National Vehicle and Fuel Emissions Laboratory Library, at the same address. The document will be available to non-governmental requestors through the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161. Telephone: (703) 487-4650. A copy of the document may be downloaded via computer modem from the Technology Transfer Network Bulletin Board System of the Office of Air Quality Planning and Standards. The guidance is available from the Clean Air Act Amendments heading of the top menu listed under Title I, Policy Guidance Documents. Modem access number is: (919) 541-5342 300/1200/2400/HST Dual Standard 9600 baud. Voice contact number is: (919) 541-5384.

FOR FURTHER INFORMATION CONTACT: Ms. Constance H. Ruth, Emission Control Strategies Branch, U.S. EPA National Vehicles and Fuels Emission Laboratory, 2565 Plymouth Road, Ann Arbor, Michigan 48105. Facsimile: (313) 668-4531.

SUPPLEMENTARY INFORMATION: Section 182(d)(1)(B) of the Clean Air Act as amended November 15, 1990, requires States in severe and extreme ozone nonattainment areas and serious carbon monoxide nonattainment areas to submit to the Environmental Protection Agency state implementation plans to develop Employee Commute Options programs for employers with 100 or more employees. Such employers need to develop compliance plans designed to increase the average passenger occupancy of their employees who commute to work during the peak period by 25% above the average passenger occupancy of the nonattainment area. Employers will submit to the State such compliance plans within two years after the State has submitted a state implementation plan to the Environmental Protection Agency. Employer compliance plans shall "convincingly demonstrate compliance" not later than four years after the state implementation plan has been submitted to the Environmental Protection Agency.

The guidance document provides those States subject to this provision with EPA's interpretation of this statutory requirement. Included in the document are: Pertinent definitions; information regarding state implementation plan submittal requirements; averaging, banking and trading; costs and benefits; and best practices.

Dated: March 2, 1993.

Michael H. Shapiro,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 93-5663 Filed 3-11-93; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-4597-5]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared February 22, 1993 Through February 26, 1993 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 10, 1992 (57 FR 12499).

Other

ERP No. A-NSF-A29003-00, Initial Environmental Evaluation (IEE) of the US Antarctic Program's, Management of Food Wastes at McMurdo Station, Antarctica for 1993-1995.

Summary:

EPA's comments concerned the amount and type of waste being generated or expected to be generated and subjected to the various waste management practices. EPA believed that portions of the IEE contain information that is inconsistent with the

references cited, and that additional data is needed on the reliability of this new technology to manage food wastes in an extreme environment.

Draft EISs

ERP No. D–BLM–K60023–CA Rating EO2, Rail-Cycle-Bolo Station Class III Nonhazardous Waste Landfill Project, Construction and Operation, Federal Land Exchange and Right-of-Way Grants, San Bernardino County, CA.

Summary:

EPA expressed environmental objections due to potential project impacts to air and water quality and the need for additional information in the Final EIS regarding air quality impacts, groundwater monitoring, design and management of the leachate collection system and landfill cover, and the biological opinion for the desert tortoise.

ERP No. D–FRC–E03004–00 Rating EC2, West-East Cross Interstate Natural Gas Pipeline Project, Construction and Operation, Section 10 and 404 Permits, NPDES Permit and Right-of-Way Grant, several Parishes, LA and several Counties, MS.

Summary:

EPA indicated that the functions and values of forested wetlands projected to be lost along the pipeline corridor need to be restored or otherwise mitigated. EPA recommended that the FERC commit to the environmental recommendations presented in the DEIS as FERC licensing conditions.

ERP No. D–FRC–K05051–CA Rating EC2, Lower Mokelumne River Hydroelectric Project Modifications, Licensing, (FERC. No. 29116–004), Parts of Pardee and Camanhe Dams, Mokelumne River, CA.

Summary:

EPA expressed concerns due to potential cumulative impacts to flows from upstream developments and their effect on the project sponsor's ability to achieve the project goals. The DEIS did not fully discuss issues, of potential minimum flow, pool impacts, and temperature effects.

ERP No. D–USA–K11016–CA Rating EO2, Fort Ord Disposal and Reuse Installation, Implementation, Establishment of Presidio of Monterey (POM) Annex, Cities of Marina and Seaside, Monterey County, CA.

Summary:

EPA expressed environmental objections due to the need for adequate coordination between base reuse and hazardous waste cleanups and hazardous waste management, impacts to air and water quality, the protection and preservation of significant natural resources, such as wetlands, and the evaluation of achievable reuse alternatives. EPA noted that the proposed alternatives may not be achievable or acceptable without modifications to encourage economic development in an environmental framework.

Final EISs

ERP No. F–AFS–B61017–NH, Loon Mountain Ski Area, South Mountain Expansion Project, Special Use Permit, White Mountain National Forest, Grafton County, NH.

Summary: EPA had environmental objection to the proposed development of a ski area on South Mountain in Lincoln, New Hampshire, based on longstanding concerns about impacts to water resources from artificial snowmaking water withdrawals and the ability of local infrastructure (wastewater treatment, water supply, and traffic operations) to accommodate projected growth as a result of the project. EPA also raised serious concerns about the cumulative impacts that would result from this and other ski area expansions in the White Mountain National Forest.

ERP No. FR-AFS-K65138–CA, Red Hill Planning Area Timber Sale, Implementation, Sequoia National Forest, Tule River Ranger District, Tulare County, CA.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

Dated: March 9, 1993.

B. Katherine Biggs,

Director, Special Programs and Analysis Division Office of Federal Activities.

[FR Doc. 93–5756 Filed 3–11–93; 8:45 am]

BILLING CODE 6560–50–P

[FRL 4063–7]

The Green Pages Listing of U.S. Suppliers of Environmental Products and Services

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: U.S. Environmental Protection Agency, in cooperation with Delphos International and the Department of Commerce, will publish a new directory called *The Green Pages* which will feature U.S. suppliers of environmental products and services.

The Green Pages will be bound into the 1993 edition of *THE EXPORT YELLOW PAGES* and will also be published as a stand-alone directory. In addition to worldwide distribution of 50,000 copies of *THE EXPORT YELLOW PAGES*, as many as 10,000 copies of *The Green Pages* will be distributed free of charge by EPA and other federal agencies.

Company listings are free of charge. To learn how to have your company listed in the 1993 edition of *The Green Pages*, contact Delphos International at 202–337–6300 by March 26, 1993.

DATES: Submit company information by March 26, 1993.

ADDRESSES: Submit information to Delphos International by phone at 202–337–6300.

FOR FURTHER INFORMATION CONTACT: If you have any further questions about this notice, please contact Scott Bidner, 202–260-2087.

Dated: March 5, 1993.

Scott Bidner,

International Activities Specialist.

[FR Doc. 93–5679 Filed 3–11–93; 8:45 am]

BILLING CODE: 6560–50–P

[ER–FRL–4597–4]

Environmental Impact Statements; Notice of Availability

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 260–5076 or (202) 260–5075.

Weekly receipts of Environmental Impact Statements filed March 1, 1993 through March 5, 1993 pursuant to 40 CFR 1506.9.

EIS No. 930063, DRAFT EIS, AFS, MT, Buck-Little Boulder Timber Sales, Timber Harvest, Implementation, Bitterroot River, Bitterroot National Forest, West Fork Ranger District, Ravalli County, MT, Due: April 26, 1993, Contact: Chris Linkenhoker (406) 821–3269.

EIS No. 930064, DRAFT EIS, GSA, CA, Calexico East Border Station Construction and Road Construction, CA–7 between the new Port of Entry and CA–98 that borders the United States and Mexico, Funding and Right-of-Way Permit, City of Calexico, Imperial County, CA, Due: April 26, 1993, Contact: Alan R. Campbell (415) 744–5857.

EIS No. 930065, DRAFT EIS, NRC, UT, Uranium and Thorium Byproduct Material Disposal Project, Construction and Operation, Licenses, Salt Lake City, Tooele County, UT, Due: April 26, 1993, Contact: John J. Surmeier (301) 504–3439.

EIS No. 930066, FINAL EIS, AFS, CA, Last Chance Helicopter Timber Sale,

Harvesting Timber and Road Construction/Reconstruction, Plumas National Forest, Greenville Ranger District, Plumas County, CA, Due: April 12, 1993, Contact: Michael R. Williams (916) 284–7126.

EIS No. 930067, DRAFT SUPPLE, COE, CA, New San Clemente Project, Dam and Reservoir Construction, Monterey Peninsula Water Supply Management, New Information about the New Los Padres Project, Section 404 Permit, Carmel River, Monterey County, CA, Due: April 26, 1993, Contact: Roger Golden (415) 744–3344.

EIS No. 930068, FINAL EIS, TVA, TN, GA, AL, Tennessee River Chip Mill Barge Terminals, Construction and Operation, Issuance of Barge Terminal Permit and COE Section 10 and 404 Permit, several Counties, AL and TN, Due: April 12, 1993, Contact: M. Paul Schmierbach (615) 632–6584.

EIS No. 930069, DRAFT EIS, AFS, UT, WY, North Slope Oil and Gas Leasing, Application for Permit to Drill, High Uinta Mountains, Evanston and Mountain View Ranger Districts, Wasatch-Cache National Forest and Flaming Gorge District, Ashley National Forest, Intermountain Region, Summit and Daggett Counties, UT and Uinta County, WY, Due: May 11, 1993, Contact: Barry Buckhardt (801) 524–5030.

EIS No. 930070, FINAL EIS, AFS, AR, Mount Magazine State Park, Construction, Operation and Maintenance, Recreational Development Plan, Special Use Permit, Ozark National Forest, Logan County, AR, Due: April 12, 1993, Contact: Rob Kopack (501) 963–3076.

EIS No. 930071, DRAFT EIS, UAF, MI, Wurtsmith Air Force Base Disposal and Reuse, Implementation, Iosco County, MI, Due: April 26, 1993, Contact: Ltc. Gary Gaumgartel (210) 536–3869.

EIS No. 930072, FINAL EIS, FHW, NY, NY–96 Improvement, Meadow Street in the City of Ithaca to Duboise Road in the Town of Ithaca, Funding and COE Section 10 and 404 Permit, Tompkins County, NY, Due: April 12, 1993, Contact: Harold J. Brown (518) 472–3616.

EIS No. 930073, DRAFT EIS, UAF, AK, Ionospheric Research Facility for the High Frequency Active Auroral Research Program, Construction and Operation, Site Selection, COE Section 404 Permit and NPDES Permit, AK, Due: April 26, 1993, Contact: John Heckscher (617) 377–5121.

EIS No. 930074, DRAFT EIS, SFW, Refuges 2003—A Plan for the Future, National Wildlife Refuge Management Plan, Implementation, Due: June 10, 1993, Contact: Rob Shallenberger (703) 358–1744.

EIS No. 930075, DRAFT EIS, IBR, CA, Reclamation Reform Act of 1982 Implementation in the Central Valley Project, CA, Due: April 26, 1993, Contact: Darrell Cauley (303) 236–0511.

Dated: March 9, 1993.

B. Katherine Biggs,

Director, Special Programs and Analysis Division, Office of Federal Activities.

[FR Doc. 93–5754 Filed 3–11–93; 8:45 am]

BILLING CODE: 6560–50–P

[OPP–00353; FRL–4575–4]

Science Advisory Board/FIFRA Scientific Advisory Panel Special Joint Committee, Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that a Special Joint Committee (SJC) of the Science Advisory Board and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) will hold a meeting which is open to the public. The main purpose of the meeting is to review pertinent, available information regarding the carcinogenicity of 2,4-D to humans. The Agency is asking the SJC to evaluate the weight of evidence of carcinogenicity of 2,4-D. Principal subjects to be discussed include human epidemiology data, a dog epidemiology study conducted by the National Cancer Institute, and results of laboratory animal testing with the main emphasis on carcinogenicity studies. The committee will also review other pertinent supporting information such as mutagenicity studies and metabolism data, as well as relevant information on contaminants in 2,4-D products. The committee will also be asked to comment on any additional studies, data, or other relevant information which should be considered by the Agency in forming an opinion or determination of the carcinogenicity of 2,4-D.

DATES: The meeting, which is open to the public, will be held on April 1 and 2, 1993. The meeting will start at 9 a.m. each day, and adjourn not later than 5 p.m. each day.

ADDRESSES: The meeting will be held at the Doubletree Hotel, 300 Army-Navy Drive, Arlington, VA. Telephone (703) 521–0286. Copies of documents relating to this review process, may be obtained by contacting: By mail: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, US Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: By mail: Robert B. Jaeger, Designated Federal Official, FIFRA Scientific Advisory Panel (H7509C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 819B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305–5369/5244 or: Samuel R. Rondberg, Designated Federal Official, Science Advisory Board (A101F), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. (202) 260–6552.

SUPPLEMENTARY INFORMATION: Any member of the public wishing to submit written comments should contact Robert B. Jaeger at the address or the phone number given above to be sure that the meeting is still scheduled and to confirm the Committee's agenda. Interested persons are permitted to file written statements before the meeting. To the extent that time permits and upon advance notice to the Designated Federal Official, interested persons may be permitted by the chairman of the SJC to present oral statements at the meeting. There is no limit on written comments for consideration, but oral statements before the Subpanel are limited to approximately 5 minutes. Since oral statements will be permitted only as time permits, the Agency urges the public to submit written comments in lieu of oral presentations. The public docket will be available for public inspection in room 1132 Bay at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. All statements will be made part of the record and will be taken into consideration by the Committee.

Persons wishing to make oral and/or written statements should notify the Designated Federal Official and submit twenty copies of each no later than March 24, 1993, in order to ensure appropriate consideration by the Committee.

Dated: March 8, 1993.

Victor J. Kimm,

Acting Assistant Administrator, Prevention, Pesticides and Toxic Substances.

[FR Doc. 93–5728 Filed 3–11–93; 8:45 am]

BILLING CODE 6560–50–F

[FRL-4603-5]

Proposed Administrative Settlement Under Section 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act; Western Sand & Gravel Superfund Site, Burrillville & North Smithfield, RI

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of proposed administrative settlement and request for public comment.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is proposing to enter into an administrative settlement to address claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9601. Notice is being published to inform the public of the proposed settlement and of the opportunity to comment. The settlement is intended to resolve the liability under CERCLA of Franklin Environmental Services, Inc., for costs incurred by EPA in conducting response actions at the Western Sand and Gravel Superfund Site in Burrillville and North Smithfield, Rhode Island as of December 10, 1991.

DATES: Comments must be provided on or before April 12, 1993.

ADDRESSES: Comments should be addressed to the Docket Clerk, U.S. Environmental Protection Agency, Region I, JFK Federal Building—RCG, Boston, Massachusetts 02203, and should refer to: In the matter of Western Sand & Gravel Superfund Site, Burrillville and North Smithfield, Rhode Island, U.S. EPA Docket No. I-92-1066.

FOR FURTHER INFORMATION CONTACT: Brian Rohan, U.S. Environmental Protection Agency, Office of Regional Counsel, RCU, J.F.K. Federal Building, Boston, Massachusetts 02203, (617) 565-3699.

SUPPLEMENTARY INFORMATION: In accordance with section 122(i)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9622(i)(1), notice is hereby given of a proposed administrative settlement concerning the Western Sand & Gravel Superfund Site in Burrillville and North Smithfield, Rhode Island. The settlement was approved by EPA Region I on January 14, 1993 subject to review by the public pursuant to this Notice. Franklin Environmental Services, Inc. has executed a signature page committing it to participate in the settlement. Under the proposed settlement, Franklin is required to pay $39,216.73 to the Hazardous Substances Superfund, as well as contribute to the performance of the third operable unit remedy at the Site. Several other parties have previously agreed to perform that remedy. EPA believes the settlement is fair and in the public interest.

EPA is entering into this agreement under the authority of section 122(h) of CERCLA. Section 122(h) of CERCLA provides EPA with authority to consider, compromise, and settle a claim under section 107 of CERCLA for costs incurred by the United States if the claim has not been referred to the U.S. Department of Justice for further action. The U.S. Department of Justice approved this settlement in writing on February 18, 1993.

EPA will receive written comments relating to this settlement for thirty (30) days from the date of publication of this Notice.

A copy of the proposed administrative settlement may be obtained in person or by mail from Brian Rohan, U.S. Environmental Protection Agency, Office of Regional Counsel, JFK Federal Building—RCU, Boston, Massachusetts 02203, (617) 565-3699.

The Agency's response to any comments received will be available for public inspection with the Docket Clerk, U.S. Environmental Protection Agency, Region I, JFK Federal Building—RCG, Boston, Massachusetts (U.S. EPA Docket No. I-92-1066).

Dated: February 24, 1993.

Patricia L. Meaney,

Acting Regional Administrator.

[FR Doc. 93-5665 Filed 3-11-93; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4602-8]

Privacy Act; Contract Manager Record System

AGENCY: Environmental Protection Agency.

ACTION: Notice of a new Privacy Act system of records.

SUMMARY: As required by the Privacy Act of 1974 (5 U.S.C. 552a) the Environmental Protection Agency (EPA) is proposing to establish and maintain a new system of records, the "*Contract Manager Record System*". The purpose of the system is to assure the proficiency of the Agency's contract management workforce by identifying and tracking those EPA employees who have been certified as contract managers under the Agency's certification program set forth in Chapter 7 of the EPA Contract Management Manual. Records in this system will be used to validate certification and/or training accomplishments, interim certification, and requirements in support of the contract managers award program. The system contains data on EPA employees who have taken the contract management training courses required for certification, including the Basic training course, the Contract Administration training course and the Recertification course.

The Privacy Act permits agencies to disclose information without the consent of the individual for "routine uses", that is for purposes that are compatible with the use for which the information is collected. The routine uses proposed for this system meet this compatibility requirement.

EFFECTIVE DATE: This proposed system of records shall be effective, without further notice, May 11, 1993, unless EPA receives comments which would result in a contrary determination.

ADDRESSES: Comments should be addressed to: D. Kent Goodger, Environmental Protection Agency, Procurement Policy Staff, Procurement and Contracts Management Division, (PM-214F), 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: D. Kent Goodger, Procurement Analyst, PPS, PCMD, (PM-214F) 401 M Street SW., Washington, DC 20460. Telephone number: (202) 260-4570.

Dated: February 22, 1993.

Sallyanne Harper,

Acting Assistant Administrator.

EPA-31

SYSTEM NAME:

Contract Manager Record System, EPA/PCMD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

U.S. Environmental Protection Agency, Procurement Policy Staff, Procurement and Contracts Management Division, (PM-214F), 499 South Capitol Street SW., 2nd floor, Washington, DC 20003.

CATEGORIES OF INDIVIDUALS IN SYSTEM:

Environmental Protection Agency (EPA) employees performing contract management or contract management related functions which are subject to the Agency certification program and who are certified, as set forth in Chapter 7 of the EPA Contracts Management Manual.

CATEGORIES OF RECORDS IN SYSTEM:

This system contains training records pertaining to the EPA Procurement

Contracts Management Division (PCMD) certification program for contract managers. Records in the system include the individuals' training histories which contain such data as full name, title, organization, mail code, business address, work phone number, information about previously taken contract management courses, course completion dates, and interim certification status.

AUTHORITY FOR MAINTENANCE OF SYSTEM:

41 U.S.C. 414 (The Office of Federal Procurement Policy Act of 1974, as amended).

PURPOSE(S):

Records in this system are used to assure a proficient contract management workforce by identifying EPA employees who have been certified as Contract Managers, pursuant to the certification requirements contained in Chapter 7 of the EPA Contract Management Manual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USE:

Records in this system may be disclosed:

1. To a Member of Congress or a congressional office in response to an inquiry from that member or office made at the request of the individual to whom the record pertains.

2. To EPA contractors, grantees or volunteers who have been engaged to assist EPA in the performance of a contract, or other activity related to this system of records and who need to have access to the records in order to perform the activity.

3. To a Federal agency which has requested information relevant to its decision in connection with the hiring or retention of an employee; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a certification or other benefit.

4. To a Federal, State or local agency where necessary to enable EPA to obtain information relevant to an EPA decision concerning the hiring or retention of an employee; the letting of a contract; or the issuance of a certification or other benefit.

5. To an appropriate Federal, State, local or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation or order, where there is an indication of a violation or potential violation of the statute, rule, regulation or order which is relevant to the purposes for which the records are maintained.

6. To the Department of Justice to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation in which one of the following is a party or has an interest: (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her official capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that the litigation is likely to affect the Agency.

7. In a proceeding before a court, other adjudicative body or grand jury, or in an administrative or regulatory proceeding, to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to the proceeding in which one of the following is a party or has an interest: (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that the litigation is likely to affect the Agency. Such disclosures include, but are not limited to, those made in the course of presenting evidence, conducting settlement negotiations, and responding to subpoenas and requests for discovery.

8. To representatives of the General Services Administration and the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

9. To prospective employers for the purpose of informing them of the certification status of individuals covered by this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Various portions of the system are maintained in computer tape and in hardcopy files.

RETRIEVABILITY:

Information is retrieved from the computer database by an employee's name, identification number or office mail code. Information is retrieved from hardcopy files by an employee's name.

SAFEGUARDS:

Access to records in this system is limited to authorized EPA employees. Records on the computer disks are protected from access by a unique identification code. Hardcopy files are maintained in a locked cabinet. Both the computer and cabinet are in rooms protected by door locks in a building with restricted access.

RETENTION AND DISPOSAL:

Records will be deleted from the Contract Manager Record System upon the employee's separation from the Agency. (EPA Record Control Schedules, Appendix B, Schedule 5)

SYSTEM MANAGER(S) AND ADDRESS:

Director, Policy and Management Support Staff, Procurement and Contracts Management Division (PM-214F), U.S. Environmental Protection Agency, 499 South Capitol Street SW., Washington, DC 20003.

NOTIFICATION PROCEDURES:

Written inquiries should be addressed to the System Manager. The requester should provide his name, mail code, office address and phone number. Oral inquiries may also be made to the system manager. Additional information and requirements will be provided if necessary.

RECORD ACCESS PROCEDURES:

Same as notification procedures.

CONTESTING RECORDS PROCEDURES:

Same as notification procedures. In addition, the requester should describe the corrective action sought and supporting justification for the correction.

RECORD SOURCE CATEGORIES:

Employees on whom records are maintained; Agency acquisition management officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 93-5664 Filed 3-11-93; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Approved by Office of Management and Budget

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96-511. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 632-6934.

Federal Communications Commission

OMB Control No.: 3060–0454

Title: Regulation of International Accounting Rates, CC Docket No. 90–337

Expiration Date: 01/31/95

Description: In the Order on Reconsideration in CC Docket No. 90–337, the Commission amended the reporting requirements found in 47 CFR 64.1001(g) to require that a U.S. common carrier submitting a waiver or notification pursuant to the International Settlements Policy (ISP) certify that it has informed the relevant foreign administration that U.S policy requires that competing U.S. carriers have access to accounting rates negotiated by the filing carrier with the foreign administration on a nondiscriminatory basis. The Commission also issued a Third Further Notice of Proposed Rulemaking in CC Docket No. 90–337 which solicited, among other things, comments on extending the scope of the international resale policy to end users international private lines interconnected to the public switched network at a U.S. carrier's central office.

OMB Control No.: 3060–0530

Title: Expanded Interconnection with Local Exchange Companies Facilities, Memorandum and Opinion and Order, CC Docket No. 91–141

Expiration Date: 01/31/94

Description: In the Memorandum Opinion and Order issued in CC Docket No. 91–141, the Commission modified certain requirements adopted in the Expanded Interconnection Order. Local exchange carriers (LECs) are required to file initial tariffs for a subset of their central offices and to establish new procedures for the tariffing of additional central offices thereafter. Petitions for exemptions from the physical collocation requirement with respect to specific central offices based on space availability must be filed with the initial tariff filing. With respect to other offices, LECs must file petitions for exemption based on insufficient space at the same time that they file tariff revisions offering expanded interconnection at those central offices.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–5658 Filed 3–11–93; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a request for OMB review of the information collection system described below.

Type of Review: Revision of a currently approved collection.

Title: Activities and Investments of Savings Associations.

Form Number: None.

OMB Number: 3064–0104.

Expiration Date of OMB Clearance: May 31, 1993.

Respondents: Savings associations.

Frequency of Response: On occasion.

Number of Respondents: 45.

Number of Responses Per Respondent: 1.

Total Annual Responses: 45.

Average Number of Hours Per Response: 8.89.

Total Annual Burden Hours: 400.

OMB Reviewer: Gary Waxman, (202) 395–7340, Office of Management and Budget, Paperwork Reduction Project 3064–0104, Washington, DC 20503.

FDIC Contact: Steven F. Hanft, (202) 898–8907, Office of the Executive Secretary, room F–400, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

Comments: Comments on this collection of information are welcome and should be submitted before May 11, 1993.

ADDRESSES: A copy of the submission may be obtained by calling or writing the FDIC contact listed above. Comments regarding the submission should be addressed to both the OMB reviewer and the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: The information in this collection is used by the FDIC to fulfill its statutory obligation (12 U.S.C. 1831e) to enforce certain thrift industry restrictions and filing requirements.

Dated: March 8, 1993.

Federal Deposit Insurance Corporation

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 93–5725 Filed 3–11–93; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89–777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Commodore Cruise Line Limited, (d/b/a/ Crown Cruise Line) 800 Douglas Road, suite 700, Coral Gables, Florida 33134

Vessel; CROWN DYNASTY.

Dated: March 8, 1993.

Joseph C. Polking,

Secretary.

[FR Doc. 93–5650 Filed 3–11–93; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89–777 (46 U.S.C. 817(d)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Commodore Cruise Line Limited, (d/b/a Crown Cruise Line) and Crown Dynasty Inc., 800 Douglas Road, Suite 700, Coral Gables, Florida 33134

Vessel: CROWN DYNASTY.

Dated: March 8, 1993.

Joseph C. Polking,

Secretary.

[FR Doc. 93–5651 Filed 3–11–93; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Delmar Bancorp; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has 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.

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 April 1, 1993.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. Delmar Bancorp, Delmar, Maryland; to engage *de novo* through its subsidiary, Delmar Insurance Agency, Inc., Delmar, Maryland, in offering and selling all types of insurance and annuity products, including, without limitation, property, casualty, liability, health and title insurance, term and whole life insurance, and fixed rate and variable rate annuity products in Delmar, Maryland, and Delmar, Delaware, pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 8, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-5700 Filed 3-11-93; 8:45 am]

BILLING CODE 6210-01-F

GFH Corp., 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 April 5, 1993.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. GFH Corp., Elmhurst, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Community Bank of Elmhurst, Elmhurst, Illinois, a *de novo* bank.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. West Tennessee Financial Corporation, Selmer, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of Community Bank of West Tennessee, Selmer, Tennessee, through conversion of First Federal Savings Bank of West Tennessee, Selmer, Tennessee.

C. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. United Bankers' Bancorporation, Bloomington, Minnesota; to become a bank holding company by acquiring 85 percent of the voting shares of United Bankers' Bank, Bloomington, Minnesota.

Board of Governors of the Federal Reserve System, March 8, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-5701 Filed 3-11-93; 8:45 am]

BILLING CODE 6210-01-F

Northern Trust Corporation, Chicago, Illinois; Application to Engage in Nonbanking Activities

Northern Trust Corporation, Chicago, Illinois (Applicant), has applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) (BHC Act) and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)) to engage *de novo* through its wholly owned subsidiary, Northern Futures Corporation, Chicago, Illinois (Company), a futures commission merchant (FCM) registered under the Commodity Exchange Act (7 U.S.C. 1 *et seq.*), in the following activities:

(1) Executing and clearing the following financial commodities contracts: Standard & Poor's 100 Stock Price Index futures, and Standard & Poor's Over-the-Counter 250 Stock Index futures on the Chicago Mercantile Exchange; and The Bond Buyer Long-Term Municipal Bond Index futures and options thereon, and The Major Market Index futures on the Chicago Board of Trade;

(2) Brokering the following financial commodities contracts for execution and clearance by non-affiliated FCMs: Deutsche Aktienindex 30 Stock Index futures, and German Government Bond Index futures on the Deutsche Terminborse GmbH; Dutch Government Bond Index futures on the Financiele Termijnmarkt Amsterdam NV; Hang Seng Stock Index futures on the Hong Kong Futures Exchange Limited; Value Line Average Stock Index futures, Value Line Futures (Mini) Index futures, and Value Line Futures (Maxi) Index futures on the Kansas City Board of Trade; The Financial Times-Stock Exchange 100 Equity Index futures and options thereon, options on Eurodollar futures, U.K. Bond futures, and options on U.S. Treasury Bond futures on the London International Financial Futures Exchange; French Government Bond Index futures on the Marche a Terme

d'Instruments Financiers; New York Stock Exchange Composite Index futures and options thereon on the New York Futures Exchange; National Over-the-Counter Index futures on the Philadelphia Board of Trade; Nikkei 225 Stock Average futures on the Singapore International Monetary Exchange; All Ordinaries Share Index futures, and Australian Government Bond futures on the Sydney Futures Exchange; and Tokyo Stock Price Index futures, and Japanese Government Bond futures on the Tokyo Stock Exchange; and

(3) Providing related investment advisory services.

Applicant proposes to conduct these activities throughout the United States.

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with Board approval, engage in any activity which the Board, after due notice and opportunity for hearing, has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto.

The Board previously has approved acting as an FCM in executing, clearing, and providing investment advisory services with respect to the proposed financial commodities contracts. *See, e.g., National Westminster Bank PLC*, 78 Federal Reserve Bulletin 953 (1992); *The Sanwa Bank, Limited*, 77 Federal Reserve Bulletin 64 (1991); *The Hongkong and Shanghai Banking Corporation*, 76 Federal Reserve Bulletin 770 (1990). Applicant has stated that it will conduct the proposed activities using the same methods and procedures and subject to the same prudential limitations established by the Board in its previous orders, including the conditions and limitations set forth in §§ 225.25(b)(18) and (19) of the Board's Regulation Y (12 CFR 225.25(b)(18) and (19)).

The Board has not previously approved the brokering of futures contracts or options on futures contracts on behalf of customers for execution and clearance by non-affiliated FCMs. Applicant contends that the proposed brokering activities are virtually identical to the FCM execution, clearance, and investment advisory activities previously approved by the Board, and are similar to services that banks currently provide their customers. Accordingly, Applicant believes that the proposed futures brokerage activities are closely related to banking within the meaning of section 4(c)(8) of the BHC Act.

Applicant also believes that the proposed activities will benefit the public by promoting competition. Applicant also believes that approval of this application will allow Company to provide a wider range of services and added convenience to its customers. Applicant believes that the proposed activities will not result in any unsound banking practices or other adverse effects.

In publishing the proposal for comment, the Board does not take a position on issues raised by the proposal. Notice of the proposal is published solely in order to seek the views of interested persons on the issues presented by the application and does not represent a determination by the Board that the proposal meets, or is likely to meet, the standards of the BHC Act.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than April 9, 1993. Any request for a hearing on this application must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement of the reasons why 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.

This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Chicago.

Board of Governors of the Federal Reserve System, March 8, 1993.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 93-5702 Filed 3-11-93; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 93F-0050]

E. I. du Pont de Nemours and Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that E. I. du Pont de Nemours and Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of perfluoroalkylethyl acrylate copolymer, produced by the copolymerization of perfluoroalkylethyl acrylate, octadecyl methacrylate, vinylidene chloride, 2-hydroxyethyl methacrylate, and polyoxyethylene methacrylate, as an oil and water repellent in paper and paperboard intended for food-contact use.

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9500.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B4360) has been filed by E. I. du Pont de Nemours and Co., Du Pont Chemicals, Jackson Laboratory, Chambers Works, Deepwater, NJ 08023. The petition proposes to amend the food additive regulations in § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) to provide for the safe use of perfluoroalkylethyl acrylate copolymer, produced by the copolymerization of perfluoroalkylethyl acrylate, octadecyl methacrylate, vinylidene chloride, 2-hydroxyethyl methacrylate, and polyoxyethylene methacrylate, as an oil and water repellent in paper and paperboard intended for food-contact use.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: March 3, 1993.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93-5695 Filed 3-11-93; 8:45 am]

BILLING CODE 4160-01-F

[Docket No. 93F-0001]

Mitsubishi Petrochemical Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Mitsubishi Petrochemical Co. has filed a petition proposing that the food additive regulations be amended to

correct an error in nomenclature. The amendment would add *N*-methacryloyloxyethyl-*N*, *N*-dimethylammonium-α-*N*-methyl carboxylate chloride sodium salt, octadecyl methacrylate, ethyl methacrylate, cyclohexyl methacrylate, *N*-vinyl-2-pyrrolidone copolymer for use as an antistatic agent in polyolefin films that contact foods under certain conditions of use. The amendment would also remove the erroneous listing of *N*-methacryloyl ethyl-*N*, *N*-dimethylammonium-α-*N*-methyl carboxylate, octadecyl methacrylate, ethyl methacrylate, cyclohexyl methacrylate, *N*-vinyl-2-pyrrolidone copolymer from the regulations.

FOR FURTHER INFORMATION CONTACT: Edward J. Machuga, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9528.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B4352) has been filed by Mitsubishi Petrochemical Co., c/o Center for Regulatory Services, 2347 Paddock Lane, Reston, VA 22091. The petition proposes that § 178.3130 *Antistatic and/or antifogging agents in food-packaging materials* (21 CFR 178.3130) of the food additive regulations be amended to correct an error in nomenclature. The amendment would list *N*-methacryloyloxyethyl-*N*, *N*-dimethylammonium-α-*N*-methyl carboxylate chloride sodium salt, octadecyl methacrylate, ethyl methacrylate, cyclohexyl methacrylate, *N*-vinyl-2-pyrrolidone copolymer (CAS Reg. No. 66822-60-4) for use as an antistatic agent at levels not to exceed 0.2 percent by weight of polyolefin films that contact foods under certain conditions of use. The amendment would also remove the erroneous listing of *N*-methacryloyl ethyl-*N*, *N*-dimethylammonium-α-*N*-methyl carboxylate, octadecyl methacrylate, ethyl methacrylate, cyclohexyl methacrylate, *N*-vinyl-2-pyrrolidone copolymer (CAS Reg. No. 64913-46-8) from the regulations.

The agency has determined under 21 CFR 25.24(a)(9) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: March 3, 1993.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93-5696 Filed 3-11-93; 8:45 am]

BILLING CODE 4160-01-F

[Docket No. 93F-0015]

Regutech Associates; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Regutech Associates has filed a petition proposing that the food additive regulations be amended to provide for the safe use of aspartame in frostings, toppings, fillings, glazes, and icings for precooled bakery products.

FOR FURTHER INFORMATION CONTACT: F. Owen Fields, Center for Food Safety and Applied Nutrition (HFS-207), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9523.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3A4355) has been filed by Regutech Associates, 158 West Boston Post Rd., Mamaroneck, NY 10543-3605. The petition proposes to amend the food additive regulations in § 172.804 *Aspartame* (21 CFR 172.804) to provide for the safe use of aspartame in frostings, toppings, fillings, glazes, and icings for precooled bakery products.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: March 3, 1993.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93-5697 Filed 3-11-93; 8:45 am]

BILLING CODE 4160-01-F

[Docket No. 93F-0033]

Sumitomo Chemical America, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Sumitomo Chemical America, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 3,9-bis[2-{3-(3-*tert*-butyl-4-hydroxy-5-methylphenyl)propionyloxy}-1,1-dimethylethyl]-2,4,8,10-tetraoxaspiro[5.5]undecane as an antioxidant for polyethylene intended for use in food-contact articles.

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFS-216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9500.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B4358) has been filed by Sumitomo Chemical America, Inc., 345 Park Ave., New York, NY 10154. The petition proposes that the food additive regulations in § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of 3,9-bis[2-{3-(3-*tert*-butyl-4-hydroxy-5-methylphenyl)propionyloxy}-1,1-dimethylethyl]-2,4,8,10-tetraoxaspiro[5.5]undecane as an antioxidant for polyethylene complying with § 177.1520 *Olefin polymers* (21 CFR 177.1520) intended for use in food-contact articles.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: March 3, 1993.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93-5698 Filed 3-11-93; 8:45 am]

BILLING CODE 4160-01-F

[Docket No. 88F-0403]

Takeda Chemical Industries, Ltd.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 9B4116), filed on behalf of Takeda Chemical Industries, Ltd., proposing that the food additive regulations be amended to provide for the safe use of 3-isocyanatomethyl-3,5,5-trimethylcyclohexylisocyanate trimer as a new cross-linking agent, and to change the use level of components of the polyurethane-polyester resin-epoxy adhesives used in the production of high temperature laminates intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9500.

SUPPLEMENTARY INFORMATION: In the Federal Register of January 27, 1989 (54 FR 4083), FDA published a notice that it had filed a petition (FAP 9B4116) on behalf of Takeda Chemical Industries, Ltd., c/o 1730 Rhode Island Ave. NW., Washington, DC 20036. The petition proposed that § 177.1390 *Laminate structures for use at temperatures of 250° F and above* (21 CFR 177.1390) be amended to provide for the safe use of 3-isocyanatomethyl-3,5,5-trimethylcyclohexylisocyanate trimer as a new cross-linking agent, and to change the use level of components of the polyurethane-polyester resin-epoxy adhesives used in the production of high temperature laminates intended for use in contact with food. Takeda Chemical Industries, Ltd., has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: March 3, 1993.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93-5699 Filed 3-11-93; 8:45 am]

BILLING CODE 4160-01-F

Indian Health Service

Tribal Management Program for American Indians/Alaska Natives: Grants Application Announcement

AGENCY: Indian Health Service, HHS.

ACTION: Final funding priorities.

SUMMARY: The Indian Health Service (IHS) announces final funding priorities for Tribal Management Grants for American Indians/Alaska Natives, under the authority of section 103(b)(2) of the Indian Self-Determination and Education Assistance Act, Pub. L. 93-638, as amended by Pub. L. 100-472, 25 U.S.C. 450h(B)(2).

Proposed funding priorities were published for public comment in the Federal Register on November 23, 1992, at 57 FR 54986. Five comments were received during the 60-day comment period.

COMMENTS AND RESPONSE: A majority of comments recommended that the five priorities be allocated equal funds and that each proposal be ranked according to merit within that funding priority. Another respondent recommended that the priority system be abolished and that each proposal be ranked and funded according to rank. A final comment was that a reasonable amount of the total funding available be allocated to each priority.

The Tribal Management Grant Program assists tribes and tribal organizations to assume operation of all or part of an existing IHS health care program by enabling them to develop and maintain their management capabilities. However, the demand for tribal managements funds has exceeded available resources over the last several years, e.g., in fiscal year 1992, the IHS had 22 applications that were approved but not funded because of lack of funds. The proposed funding priorities are designed to assure competition for the limited funds available for this program purpose. In accordance with the program purpose, the funding priorities place emphasis on: newly recognized tribes; tribes with a stated intent to contract IHS direct operated health care programs; first time applicants; tribes evaluating Federal programs serving them; and Public Law 93-638 contractors seeking to improve current programs without additional contracts. The IHS believes that the priority system best meets the intent of the program. Therefore, the proposed funding priorities will be retained with clarification.

Priority I—An Indian tribe that has received Federal recognition (new, restored, unterminated, funded or unfunded) within the past three (3) years and is preparing to contract under Public Law 93-638 to assume operation of health care services. (Verification of documents is required, e.g., Letter of Acknowledgement).

Priority II—An Indian tribe or Indian tribal organization currently contracting with IHS, with a stated intention to contract all or part of an existing IHS direct operated service unit health program. Applicants meeting this profile must have current certified management systems, e.g., BIA, IHS or CPA certified; and resolutions of support from the tribes affected in a multi-tribal service unit.

Priority III—An Indian tribe or Indian tribal organization stating an interest in contracting IHS health programs for the first time. Applicants meeting this profile must have current certified management systems, e.g., BIA, IHS or CPA certified; or respond to a specific time period within the first quarter of the grant period to establish certified management systems to being receiving Federal funds.

Priority IV—An Indian tribe or Indian tribal organization stating an interest in planning, designing, monitoring, and evaluating Federal health programs serving the tribe, including Federal administration functions.

Priority V—An Indian tribe or Indian tribal organization currently contracting IHS tribal programs, e.g., Community Health Representative program, Alcohol programs, Emergency Medical Services, etc., and are seeking improvement or expansion of existing tribal health management structure without further contacting.

FOR FURTHER INFORMATION CONTACT: For Tribal Management Grant program information contact Ms. Bea Bowman, Division of Community Services, Indian Health Service, Parklawn Building, Room 6A-05, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-6840. For grant application information, contact Mrs. Kay Carpentier, Grants Management Branch, Indian Health Service, Twinbrook Building, Suite 300, 12300 Twinbrook Parkway, Rockville, Maryland 20852, (301) 443-5204. (The telephone numbers are not toll-free.)

This program is described at 93.228 in the Catalog of Federal Domestic Assistance. Executive Order 12373 requiring intergovernmental review is not applicable to this program.

Dated: March 4, 1993.

Michel E. Lincoln,

Acting Director.

[FR Doc. 93-5652 Filed 3-11-93; 8:45 am]

BILLING CODE 4160-16-M

National Institutes of Health

National Cancer Institute; Notice of Meeting of the National Cancer Advisory Board Program Project Task Force

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board Program Project Task Force, March 23, 1993, at the St. Louis Airport Marriott, I-70 at Lambert Airport, St. Louis, Missouri 63134.

The entire meeting will be open to the public from 9 a.m. to approximately 5 p.m. Attendance by the public will be limited to space available. The Task Force will review data and formulate strategy for the overall PO1 review mechanism as its related to the National Cancer Program.

Ms. Carole Frank, Committee Management Specialist, National Cancer Institute, EPN, room 630, 9000 Rockville Pike, National Institute of Health, Bethesda, Maryland 20892 (301/496–5708) will provide summaries of the meeting and a roster of the Task Force members upon request.

Individuals who plan to attend and need special assistance such as sign language interpretation or other reasonable accommodations should contact Mr. Lorrie Smith, (301) 496–5147 in advance of the meeting.

Mrs. Barbara Bynum, Executive Secretary, Program Project Task Force, National Cancer Advisory Board, National Cancer Institute, EPN, room 600A, 9000 Rockville Pike, National Institutes of Health, Bethesda, Maryland 20892 (301/496–5147) will furnish substantive program information.

This notice is being published less than 15 days prior to the meeting due to the difficulty of coordinating the attendance of members because of conflicting schedules.

Dated: March 9, 1993.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 93–5792 Filed 3–11–93; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N–93–1917; FR–3350–N–22]

Office of the Assistant Secretary for Community Planning and Development; Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESSES: For further information, contact James N. Forsberg, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–4300; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A–10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to James N. Forsberg at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Army: Robert Conte, Dept. of Army, Military Facilities, DAEN–ZCI–P; Rm. 1E671, Pentagon, Washington, DC 20310–2600; (703) 693–4583; (This is not a toll-free number).

Dated: March 5, 1993.

Don I. Patch,

Acting Deputy Assistant Secretary for Grant Programs.

Title V, Federal Surplus Property Program Federal Register Report for 03/12/93

Suitable/Available Properties

Buildings (by State)

Alabama

Bldg. T00221
Fort McClellan
Fort McClellan Co: Calhoun AL 36205–5000
Location: Take left turn off Baltzell Gate Road.
Landholding Agency: Army
Property Number: 219110042
Status: Underutilized
Comment: 4125 sq. ft.; one story wood frame; needs major rehab; termite infested; presence of asbestos; off-site use only.

Bldg. T00796
Fort McClellan
Fort McClellan Co: Calhoun AL 36205–5000

Location: Intersection of 19th and 20th Streets.
Landholding Agency: Army
Property Number: 219110043
Status: Unutilized
Comment: 1340 sq. ft.; one story wood frame; needs major rehab; presence of asbestos; off-site use only.

Bldg. T00883
Fort McClellan
3rd Avenue
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219110044
Status: Unutilized
Comment: 760 sq. ft.; one story wood frame; needs major rehab; presence of asbestos; off-site use only.

Bldgs. T01121, T01123, T01124
Fort McClellan
MacArthur Avenue
Fort McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Numbers: 219110048–219110050
Status: Unutilized
Comment: 2400 sq. ft. each; two story wood frame; needs rehab; presence of asbestos; off-site use only.

Bldg. T01125
Fort McClellan
21st Street and MacArthur Avenue
Fort McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219110051
Status: Unutilized
Comment: 2556 sq. ft.; one story wood frame; needs rehab; presence of asbestos; off-site use only.

Bldg. T01394
Fort McClellan
4th Avenue in Area 13 of Post
Fort McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219110052
Status: Unutilized
Comment: 191 sq. ft.; one story tin and lumber building; needs major rehab; off-site use only.

Bldg. T01692
Fort McClellan
25th Street
Fort McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219110053
Status: Unutilized
Comment: 4404 sq. ft.; one story wood frame; needs rehab; presence of asbestos; off-site use only.

Bldgs. T02264, T02266
Fort McClellan
Fort McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Numbers: 219110054–219110055
Status: Unutilized
Comment: 664 sq. ft. each; one story wood frame; needs major rehab; electrical hazard; presence of asbestos; off-site use only.

Bldg. T00123
Post Chapel—Fort Rucker
5th Avenue
Fort Rucker Co: Dale AL 36362
Landholding Agency: Army
Property Number: 219110145
Status: Unutilized
Comment: 4798 sq. ft.; 1 story wood structure; minor repairs.

Bldg. T00108
Fort Rucker
6th Avenue
Fort Rucker Co: Dale AL 36362
Landholding Agency: Army
Property Number: 219120270
Status: Unutilized
Comment: 24992 sq. ft., 1 story wood structure, most recent use—youth center gymnasium, possible asbestos, off-site use only.

Bldg. 8913, Fort Rucker
7th Avenue
Ft. Rucker Co: Dale AL 36362
Landholding Agency: Army
Property Number: 219140025
Status: Unutilized
Comment: 3100 sq. ft., 1 story wood, most recent use—chaplain's conference room, off-site use only.

Bldg. 8914, Fort Rucker
7th Avenue
Ft. Rucker Co: Dale AL 36362–
Landholding Agency: Army
Property Number: 219140026
Status: Unutilized
Comment: 2250 sq. ft., 1 story wood, most recent use—chaplain's headquarters, off-site use only.

Bldgs. T03202–T03203, T03206–T03208, T03211, T03213, T03216–T03217
Cowboy & Crusader Street
Fort Rucker Co: Dale AL 36362–
Landholding Agency: Army
Property Numbers: 219210001–219210009
Status: Unutilized
Comment: 5310 sq. ft., each, two story wood structure, most recent use—barracks, presence of asbestos, off-site use only.

Bldg. T03214, Fort Rucker
Cowboy & Crusader Streets
Ft. Rucker Co: Dale AL 36362
Landholding Agency: Army
Property Number: 219230001
Status: Unutilized
Comment: 3306 sq. ft., 1-story wood structure, most recent use—storehouse, presence of asbestos, off-site use only.

Bldg. T03215, Fort Rucker
Cowboy & Crusader Streets
Ft. Rucker Co: Dale AL 36362
Landholding Agency: Army
Property Number: 219230002
Status: Unutilized
Comment: 3452 sq. ft., 1-story wood structure, most recent use—storehouse, presence of asbestos, off-site use only.

Bldg. 9014, Fort Rucker
5th Avenue
Ft. Rucker Co: Dale AL 36362
Landholding Agency: Army
Property Number: 219240772
Status: Unutilized
Comment: 25' x 50' ft., 1 story wood frame, needs rehab, most recent use—children's chapel, off-site use only.

Arizona

Bldg. S–503
Yuma Proving Ground
Main Admin. Area—2nd St. bet. D & F Sts.
Yuma Co: Yuma/La Paz AZ 85365–9102
Landholding Agency: Army
Property Number: 219011746
Status: Underutilized
Comment: 2123 sq. ft.; possible asbestos; 2nd floor vacant; structural upgrading needed; bldg. scheduled for renovation and used as community center.

Bldg. T67208
U.S. Army Intelligence Center
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219120113
Status: Unutilized
Comment: 2546 sq. ft., one story wood, most recent use—storage.

Bldg. T70224
U.S. Army Intelligence Center
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219120149
Status: Unutilized
Comment: 1252 sq. ft., one story wood, most recent use—Administrative.

Bldgs. 70117–70120
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Numbers: 219120306–219120309
Status: Excess
Comment: 3434 sq. ft. each, 1 story wood structures, presence of asbestos, most recent use—general instructional.

Bldg. 70225—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219120310
Status: Excess
Comment: 3813 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose

Bldg. 83006—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219120311
Status: Excess
Comment: 2062 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose

Bldg. 83007—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219120312
Status: Excess
Comment: 2000 sq. ft., 2 story wood structure, presence of asbestos, most recent use—admin. gen. purpose

Bldg. 83008—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219120313
Status: Excess
Comment: 2192 sq. ft., 2 story wood structure, presence of asbestos, most recent use—admin. gen. purpose

Bldg. 83015—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219120314
Status: Excess
Comment: 2325 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose

Bldg. 81001

Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240720
Status: Unutilized
Comment: 4386 sq. ft., 2 story wood frame, possible asbestos, most recent use—administrative, scheduled to become vacant in 6 months, off-site use only

Bldg. 81017
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240721
Status: Unutilized
Comment: 2269 sq. ft., 1 story wood frame, possible asbestos, most recent use—classroom, scheduled to become vacant in 6 months, off-site use only

Bldg. 81020
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240722
Status: Unutilized
Comment: 4386 sq. ft., 2 story wood frame, possible asbestos, most recent use—administrative, scheduled to become vacant in 6 months, off-site use only

Bldg. 67204
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240723
Status: Unutilized
Comment: 4332 sq. ft., 2 story wood frame, possible asbestos, most recent use—administrative, scheduled to become vacant in 6 months, off-site use only

Bldg. 81010
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240724
Status: Unutilized
Comment: 1955 sq. ft., 1 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only

Bldg. 81013
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240725
Status: Unutilized
Comment: 1955 sq. ft., 1 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only

Bldg. 81024
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240726
Status: Unutilized
Comment: 1265 sq. ft., 1 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only

Bldg. 81025
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240727
Status: Unutilized
Comment: 1265 sq. ft., 1 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only

Bldg. 66151
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240728
Status: Unutilized
Comment: 4194 sq. ft., 2 story wood frame, possible asbestos, most recent use—barracks, scheduled to become vacant in 6 months, off-site use only

Bldg. 72219
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240729
Status: Unutilized
Comment: 2730 sq. ft., 1 story wood frame, possible asbestos, most recent use—barracks, scheduled to become vacant in 6 months, off-site use only

Bldg. 72220
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240730
Status: Unutilized
Comment: 2879 sq. ft., 1 story wood frame, possible asbestos, most recent use—barracks, scheduled to become vacant in 6 months, off-site use only

Bldg. 72221
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240731
Status: Unutilized
Comment: 3736 sq. ft., 1 story wood frame, possible asbestos, most recent use—barracks, scheduled to become vacant in 6 months, off-site use only

Bldg. 85007
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240732
Status: Unutilized
Comment: 4385 sq. ft., 1 story wood frame, possible asbestos, most recent use—barracks, scheduled to become vacant in 6 months, off-site use only

Bldg. 67108
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240733
Status: Unutilized
Comment: 2403 sq. ft., 1 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only

Bldg. 70226
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240734
Status: Unutilized
Comment: 1868 sq. ft., 1 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only

Bldg. 71116
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240735
Status: Unutilized
Comment: 3470 sq. ft., 1 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only

Bldg. 71215
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240736
Status: Unutilized
Comment: 4854 sq. ft., 1 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only

Bldg. 67215
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240737
Status: Unutilized
Comment: 1140 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, off-site use only

Bldg. 67223
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240738
Status: Unutilized
Comment: 1583 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, off-site use only

Bldg. 70110
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240739
Status: Unutilized
Comment: 2675 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70111
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240740
Status: Unutilized
Comment: 2800 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70113
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240741
Status: Unutilized
Comment: 2800 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70114
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240742
Status: Unutilized
Comment: 2544 sq. ft., 1 story wood frame, possible asbestos, scheduled to become

vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70115
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240743
Status: Unutilized
Comment: 2544 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70123
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240744
Status: Unutilized
Comment: 3298 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70124
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240745
Status: Unutilized
Comment: 3298 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70126
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240746
Status: Unutilized
Comment: 3343 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70210
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240747
Status: Unutilized
Comment: 3258 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site only

Bldg. 70211
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240748
Status: Unutilized
Comment: 2966 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70221
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240749
Status: Unutilized
Comment: 2526 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70222
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240750
Status: Unutilized
Comment: 1627 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 71214
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240751
Status: Unutilized
Comment: 3779 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 82013
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240752
Status: Unutilized
Comment: 2193 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 90327
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240753
Status: Unutilized
Comment: 279 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 71213
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240754
Status: Unutilized
Comment: 3779 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—storehouse, off-site use only

Bldg. 82007
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240755
Status: Unutilized
Comment: 4386 sq. ft., 2 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—storehouse, off-site use only

Bldg. 82009
Fort Huachuca
Sierra Vista, AZ, Cochise, Zip: 85635–
Landholding Agency: Army
Property Number: 219240756
Status: Unutilized
Comment: 2444 sq. ft., 2 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—storehouse, off-site use only

Bldg. S–306
Yuma Proving Ground
Yuma, AZ, Yuma/LaPaz, Zip: 85365–9104
Landholding Agency: Army
Property Number: 219240779
Status: Underutilized
Comment: 2659 sq. ft., 2 story wood frame, 2nd floor underutilized, needs rehab, does not meet fire codes.

California

Bldg. 60
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos Co: Orange CA 90720–5001
Landholding Agency: Army
Property Number: 219120315
Status: Unutilized
Comment: 1024 sq. ft., 2 story concrete-wood plaster, possible asbestos, off-site use only, most recent use—nose hanger

Bldg. 95
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos Co: Orange CA 90720–5001
Landholding Agency: Army
Property Number: 219120316
Status: Unutilized
Comment: 392 sq. ft., 1 story raised portable, off-site use only, most recent use—radar maint. shop

Bldg. 186
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos Co: Orange CA 90720–5001
Landholding Agency: Army
Property Number: 219120317
Status: Unutilized
Comment: 996 sq. ft., 1 story steel, off-site use only, most recent use—storage

Bldg. 196
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos Co: Orange CA 90720–5001
Landholding Agency: Army
Property Number: 219120318
Status: Unutilized
Comment: 1029 sq. ft., stucco structure, off-site use only, most recent use—storage

Bldg. 197
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos Co: Orange CA 90720–5001
Landholding Agency: Army
Property Number: 219120319
Status: Unutilized
Comment: 720 sq. ft. 1 story stucco structure, off-site use only, most recent use—storage, possible asbestos

Bldgs. 262–263, 265, 268
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos CA: Orange CA 90720–5001
Landholding Agency: Army
Property Numbers: 219120320–219120323
Status: Unutilized
Comment: 449 sq. ft., trailers, off-site use only, most recent use—storage

Colorado

Bldg. 1677, Fort Carson
Macgrath Avenue
Colorado Springs Co: El Paso CO 80913
Landholding Agency: Army
Property Number: 2192204546
Status: Unutilized
Comment: 9019 sq. ft., 1-story wood structure, most recent use-theater, needs repair, off-site removal only.

Bldg. 704, Fort Carson
Wetzel Avenue

Colorado Springs Co: El Paso CO 80913
Landholding Agency: Army
Property Number: 219240637
Status: Unutilized
Comment: 224 sq. ft., 1 story sheet metal shed, needs repair, off-site use only, most recent use—storage.

Bldg. 1819, Fort Carson
Prussman Blvd.
Colorado Springs Co: El Paso CO 80913
Landholding Agency: Army
Property Number: 219240638
Status: Unutilized
Comment: 1850 sq. ft., 1 story wood frame, needs repair, off-site use only, most recent use—storage, presence of asbestos.

Bldg. 1828, Fort Carson
Specker Avenue
Colorado Springs Co: El Paso CO 80913
Landholding Agency: Army
Property Number: 219240639
Status: Unutilized
Comment: 2488 sq. ft., 1 story wood frame, needs repair, off-site use only, most recent use—storage, presence of asbestos.

Bldg. 3450, Fort Carson
Berkeley Avenue
Colorado Springs Co: El Paso CO 80913
Landholding Agency: Army
Property Number: 219240640
Status: Unutilized
Comment: 1774 sq. ft., 1 story wood frame, needs repair, off-site use only, most recent use—soil lab, presence of asbestos.

Georgia

Bldgs. 4920, 4921, 4910
Fort Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Numbers: 219010002–219010003, 219010105–
Status: Unutilized
Comment: 1888 sq. ft. each; most recent use—barracks; needs rehab

Bldg. 4915
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219010004
Status: Unutilized
Comment: 1297 sq. ft.; most recent use—headquarters building; needs rehab

Bldg. 4914
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219010005
Status: Unutilized
Comment: 810 sq. ft.; most recent use—arms building; needs rehab

Bldg. 5266
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219012364
Status: Unutilized
Comment: 1400 sq. ft.; one story; most recent use—day room; in poor condition; needs major rehab.

Bldgs. 5267–5271, 5283
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Numbers: 219012365–219012370, 219012386
Status: Unutilized
Comment: 2124 sq. ft.; each; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 4936
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219012388
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 4937
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219012389
Status: Unutilized
Comment: 2183 sq. ft.; 1 story; most recent use—dining room; poor condition; needs major rehab.

Bldg. 4938
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219012391
Status: Unutilized
Comment: 1320 sq. ft.; one story; most recent use—administrative; poor condition; needs major rehab.

Bldg. 4939
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219012392
Status: Unutilized
Comment: 1800 sq. ft.; one story; most recent use—classrooms; poor condition; needs major rehab.

Bldg. 4951
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219012394
Status: Unutilized
Comment: 2192 sq. ft.; one story; most recent use—storehouse; poor condition; needs major rehab.

Bldg. 4953
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219012395
Status: Unutilized
Comment: 794 sq. ft.; 1 story; most recent use—storehouse; poor condition; needs major rehab.

Bldg. 4954
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219012397
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—custody fac.; poor condition; needs major rehab.

Bldg. 4926
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219012398
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—classrooms; poor condition; needs major rehab.

Bldg. 4925
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219012400
Status: Unutilized
Comment: 1507 sq. ft.; one story; most recent use—classroom; poor condition; needs major rehab.

Bldg. 4924
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219012401
Status: Unutilized
Comment: 2183 sq. ft.; one story; most recent use—dining room; poor condition; needs major rehab.

Bldgs. 4919, 4918, 4929, 4931, 4912, 4933, 4935
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Numbers: 219012403–219012404, 219012406, 219012410, 219012417–219012418, 219012422
Status: Unutilized
Comment: 1888 sq. ft. each; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldgs. 4917, 4930
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Numbers: 219012405, 219012408
Status: Unutilized
Comment: 810 sq. ft. each; 1 story; most recent use—arms building; poor condition; needs major rehab.

Bldg. 5287
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219012411
Status: Unutilized
Comment: 1216 sq. ft; 1 story; most recent use—arms building; poor condition; needs major rehab.

Bldg. 4934
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219012419
Status: Unutilized
Comment: 1507 sq. ft.; one story; most recent use—dayroom; needs major rehab.

Bldg. 4932
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219012421
Status: Unutilized
Comment: 794 sq. ft.; 1 story; most recent use—storehouse; needs rehab.

Bldgs. 34402, 34404, 35401
Fort Gordon
Augusta Co: Richmond GA 30905–
Location: Located on Barnes Avenue and 20th street.
Landholding Agency: Army
Property Numbers: 219014285–219014287

Status: Unutilized
Comment: 4524 sq. ft. each; 2 story wood structure; needs major rehab; off-site use only.

Bldgs. 1235, 1236
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Numbers: 219014887–219014888
Status: Unutilized
Comment: 9367 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse

Bldg. 1251
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014889
Status: Unutilized
Comment: 18385 sq. ft.; 1 story building; needs rehab; most recent use—Arms Repair Shop.

Bldg. 2591
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014906
Status: Unutilized
Comment: 1663 sq. ft.; 1 story building; needs rehab; most recent use—General storehouse.

Bldgs. 3005–3010
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Numbers: 219014907–219014912
Status: Unutilized
Comment: 7688 sq. ft. each; 2 story building; needs rehab; most recent use—Barracks.

Bldg. 3080
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014913
Status: Unutilized
Comment: 1372 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 3081
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014914
Status: Unutilized
Comment: 2284 sq. ft.; 1 story building; needs rehab; most recent use—Clinic.

Bldg. 4022
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014915
Status: Unutilized
Comment: 1712 sq. ft.; 1 story building; needs rehab; most recent use—Clinic.

Bldg. 4491
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014916
Status: Unutilized
Comment: 18240 sq. ft.; 1 story building; needs rehab; most recent use—Vehicle maintenance shop.

Bldg. 4500
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014917
Status: Unutilized
Comment: 1372 sq. ft.; 1 story building; needs rehab; most recent use—Arms Building.

Bldg. 4511
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014918
Status: Unutilized
Comment: 4720 sq. ft.; 2 story building; needs rehab; most recent use—Barracks.

Bldg. 4633
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014919
Status: Unutilized
Comment: 5069 sq. ft.; 1 story building; needs rehab; most recent use—Training Building.

Bldg. 4634
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014920
Status: Unutilized
Comment: 5069 sq. ft.; 1 story building; needs rehab; most recent use—Training Building.

Bldgs. 4646, 4690
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Numbers: 219014921, 219014923
Status: Unutilized
Comment: 1372 sq. ft. each; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 4649
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014922
Status: Unutilized
Comment: 2250 sq. ft.; 1 story building; needs rehab; most recent use—Headquarters Building.

Bldg. 4751
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014924
Status: Unutilized
Comment: 3960 sq. ft.; 1 story building; needs rehab; most recent use—Recreation building.

Bldg. 4752
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014925
Status: Unutilized
Comment: 2284 sq. ft.; 1 story building; needs rehab; most recent use—Headquarters Building.

Bldg. 95
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219120253
Status: Unutilized
Comment: 1006 sq. ft., 1 story, most recent use—fire station annex, needs rehab

Bldg. 1234
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219120254
Status: Unutilized
Comment: 16148 sq. ft., 2 story, most recent use—officer's club, needs rehab

Bldg. 1684
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219120255
Status: Unutilized
Comment: 2671 sq. ft., 1 story, needs rehab, most recent use—administration/general purpose.

Bldg. 1827
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 2190120257
Status: Unutilized
Comment: 943 sq. ft., 1 story, needs rehab, most recent use—general purpose warehouse.

Bldg. 2150
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219120258
Status: Unutilized
Comment: 3909 sq. ft., 1 story, needs rehab, most recent use—general inst. bldg.

Bldgs. 2212, 2213
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Numbers: 219120259–219120260
Status: Unutilized
Comment: 4720 sq. ft. each, 2 story, needs rehab, most recent use—drug abuse center.

Bldg. 2214
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219120261
Status: Unutilized
Comment: 2253 sq. ft., 1 story, needs rehab, most recent use—enlisted persons dining room.

Bldg. 2215
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219120262
Status: Unutilized
Comment: 1844 sq. ft., 1 story, needs rehab, most recent use—day room.

Bldg. 2409
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219120263
Status: Unutilized
Comment: 9348 sq. ft., 1 story, needs rehab, most recent use—general purpose warehouse.

Bldg. 2548
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219120264
Status: Unutilized
Comment: 2337 sq. ft., 1 story, needs rehab, most recent use—clinic w/0 beds.

Bldg. 2590
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219120265
Status: Unutilized
Comment: 3132 sq. ft., 1 story, needs rehab, most recent use—vehicle maintenance shop.

Bldg. 3828

Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219120266
Status: Unutilized
Comment: 628 sq. ft., 1 story, needs rehab, most recent use—general storehouse.

Bldg. 5284, Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219120267
Status: Unutilized
Comment: 5310 sq. ft.; 2 story; needs rehab; most recent use—trainee barracks.

Bldgs. 3084, 3086, 3089, 3092, 3094, 3097, 2601
Fort Benning GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Numbers: 219220687–219220692, 219220784
Status: Unutilized
Comment: 4720 sq. ft. ea., 2 story, most recent use—barracks. Needs major rehab, off-site removal only.

Bldg. 499, Fort Benning
Fort Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220693
Status: Unutilized
Comment: 840 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 1252, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220694
Status: Unutilized
Comment: 583 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 1253, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220695
Status: Unutilized
Comment: 617 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 1678, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220697
Status: Unutilized
Comment: 9342 sq. ft., 1 story, most recent use—storehouse; needs major rehab, off-site removal only.

Bldg. 1733, Fort Benning
Ft. Benning Co: Muscogee, GA 31905
Landholding Agency: Army
Property Number: 219220698
Status: Unutilized
Comment: 9375 Sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldgs. 3083, 3093, 3100, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Numbers: 219220699, 219220701–219220702
Status: Unutilized
Comment: 1372 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 3091, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220700
Status: Unutilized
Comment: 1635 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 3856, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220703
Status: Unutilized
Comment: 4111 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldgs. 4099, 4490, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Numbers: 219220704, 219220706
Status: Unutilized
Comment: 2740 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 4216, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220705
Status: Unutilized
Comment: 9211 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 4881, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220707
Status: Unutilized
Comment: 2449 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 4941, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220708
Status: Unutilized
Comment: 2485 sq. ft., 1 story, most recent use—storehouse, needs repair, off-site removal only.

Bldg. 4943, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220709
Status: Unutilized
Comment: 960 sq. ft., 1 story, most recent use—storehouse, needs repair, off-site removal only.

Bldg. 4963, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220710
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storehouse, needs repair, off-site removal only.

Bldg. 5214, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220711
Status: Unutilized
Comment: 1520 sq. ft., 1 story, most recent use—storehouse, needs repair, off-site removal only.

Bldg. 2396, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220712
Status: Unutilized
Comment: 9786 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldg. 3011, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220713
Status: Unutilized
Comment: 2775 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldg. 3012, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220714
Status: Unutilized
Comment: 2794 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldgs. 3085, 3088, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Numbers: 219220715–219220716
Status: Unutilized
Comment: 2253 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldgs. 3087, 3095, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Numbers: 219220717–219220718
Status: Unutilized
Comment: 1884 sq. ft., 1 story, most recent use—day room, needs major rehab, off-site removal only.

Bldg. 3246, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220719
Status: Unutilized
Comment: 973 sq. ft., 1 story, most recent use—tailor shop, needs major rehab, off-site removal only.

Bldg. 3730, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220720
Status: Unutilized
Comment: 13587 sq. ft., 1 story, most recent use—gym, needs major rehab, off-site removal only.

Bldgs. 5261–5265, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Numbers: 219220721–219220725
Status: Unutilized
Comment: 1750 sq. ft., 1 story, most recent use—day room, needs major rehab, off-site removal only.

Bldg. 2537, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220726
Status: Unutilized
Comment: 802 sq. ft., 1 story, most recent use—storage, needs major rehab, off-site removal only.

Bldgs. 4882, 4967, Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Numbers: 219220727–219220728
Status: Unutilized

Comment: 6077 sq. ft., 1 story, most recent use—storage, needs repair, off-site removal only.

Bldgs. 1230, 1231 Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Federal Register Notice Date: 08/07/92
Property Numbers: 219220729–219220730
Status: Unutilized
Comment: 4386 sq. ft. ea., 1 story, most recent use—general instruction bldg., needs major rehab, off-site removal only.

Bldg. 4497, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220731
Status: Unutilized
Comment: 4850 sq. ft., 1 story, most recent use—general instruction bldg., needs major rehab, off-site removal only.

Bldg. 4689, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220732
Status: Unutilized
Comment: 3492 sq. ft., 1 story, most recent use—general instruction bldg., needs major rehab, off-site removal only.

Bldgs. 5394, 5396 Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Numbers: 219220733–219220734
Status: Unutilized
Comment: 10944 sq. ft., 1 story, most recent use—general instruction bldg., needs major rehab, off-site removal only.

Bldg. 247, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Numbers: 219220735
Status: Unutilized
Comment: 1144 sq. ft., 1 story, most recent use—offices, needs major rehab, off-site removal only.

Bldgs. 4977, 4978 Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Numbers: 219220736–219220737
Status: Unutilized
Comment: 192 sq. ft. ea., 1 story, most recent use—offices, need repairs, off-site removal only.

Bldg. 3099, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220738
Status: Unutilized
Comment: 2794 sq. ft., 1 story, most recent use—administration, needs major rehab, off-site removal only.

Bldg. 4833, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220739
Status: Unutilized
Comment: 5088 sq. ft., 1 story, most recent use—administration, needs repairs, off-site removal only.

Bldg. 5153, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220740
Status: Unutilized
Comment: 8044 sq. ft., 1 story, most recent use—administration, needs major rehab, off-site removal only.

Bldg. 1240, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220741
Status: Unutilized
Comment: 1197 sq. ft., 1 story, most recent use—recreation, needs major rehab, off-site removal only.

Bldg. 1673, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220742
Status: Unutilized
Comment: 1286 sq. ft., 1 story, most recent use—recreation, needs major rehab, off-site removal only.

Bldg. 3743, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220743
Status: Unutilized
Comment: 6954 sq. ft., 1 story, most recent use—recreation center, needs major rehab, off-site removal only.

Bldgs. 3805, 3806 Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Numbers: 219220744–219220745
Status: Unutilized
Comment: 2330 sq. ft. ea., 1 story, most recent use—recreation bldg., needs major rehab, off-site removal only.

Bldg. 5364, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220746
Status: Unutilized
Comment: 4699 sq. ft., 1 story, most recent use—recreation bldg., needs major rehab, off-site removal only.

Bldg. 4944, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220747
Status: Unutilized
Comment: 6400 sq. ft., 1 story, most recent use—vehicle maintenance shop, need repairs, off-site removal only.

Bldg. 4946, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220748
Status: Unutilized
Comment: 3444 sq. ft., 1 story, most recent use—vehicle maintenance shop, needs major rehab, off-site removal only.

Bldgs. 4947–4949 Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Numbers: 219220749–219220751
Status: Unutilized
Comment: 3444 sq. ft. ea., 1 story, most recent use—vehicle maintenance shop, needs major rehab, off-site removal only.

Bldg. 4960, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220752
Status: Unutilized
Comment: 3335 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only.

Bldg. 4969, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220753
Status: Unutilized
Comment: 8416 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only.

Bldg. 1724, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220754
Status: Unutilized
Comment: 7873 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 1758, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220755
Status: Unutilized
Comment: 7817 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 1680, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220756
Status: Unutilized
Comment: 9243 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 1682, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220757
Status: Unutilized
Comment: 9250 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 3817, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220758
Status: Unutilized
Comment: 4000 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 4372, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220759
Status: Unutilized
Comment: 9190 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 1732, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220760
Status: Unutilized
Comment: 2304 sq. ft., 1 story, most recent use—headquarters bldg., needs major rehab, off-site removal only.

Bldg. 3082, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220761
Status: Unutilized
Comment: 2794 sq. ft., 1 story, most recent use—headquarters bldg., needs major rehab, off-site removal only.

Bldgs. 4884, 4964, 4966, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Numbers: 219220762–219220764

Status: Unutilized
Comment: 2000 sq. ft. ea., 1 story, most recent use—headquarters bldgs., need repairs, off-site removal only.

Bldg. 5105, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220765
Status: Unutilized
Comment: 2350 sq. ft., 1 story, most recent use—headquarters bldg., needs major rehab, off-site removal only.

Bldg. 5260, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220766
Status: Unutilized
Comment: 1750 sq. ft., 1 story, most recent use—headquarters bldg., needs major rehab, off-site removal only.

Bldg. 4679, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220767
Status: Unutilized
Comment: 8657 sq. ft., 1 story, most recent use—supply bldg., needs major rehab, off-site removal only.

Bldg. 4883, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220768
Status: Unutilized
Comment: 2600 sq. ft., 1 story, most recent use—supply bldg., need repairs, off-site removal only.

Bldg. 4965, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220769
Status: Unutilized
Comment: 7713 sq. ft., 1 story, most recent use—supply bldg., need repairs, off-site removal only.

Bldg. 2513, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220770
Status: Unutilized
Comment: 9483 sq. ft., 1 story, most recent use—training center, needs major rehab, off-site removal only.

Bldg. 2526, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220771
Status: Unutilized
Comment: 11855 sq. ft., 1 story, most recent use—training center, needs major rehab, off-site removal only.

Bldg. 2589, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220772
Status: Unutilized
Comment: 146 sq. ft., 1 story, most recent use—training bldg., needs major rehab, off-site removal only.

Bldg. 4486, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220773
Status: Unutilized
Comment: 3238 sq. ft., 1 story, most recent use—chapel, needs major rehab, off-site removal only.

Bldg. 4832, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220774
Status: Unutilized
Comment: 3364 sq. ft., 1 story, most recent use—chapel, needs major rehab, off-site removal only.

Bldg. 233, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220775
Status: Unutilized
Comment: 5006 sq. ft., 1 story, most recent use—repair shop, needs major rehab, off-site removal only.

Bldg. 4970, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220776
Status: Unutilized
Comment: 4912 sq. ft., 1 story, needs repairs, off-site removal only.

Bldg. 4971, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220777
Status: Unutilized
Comment: 1944 sq. ft., 1 story, needs repairs, off-site removal only.

Bldg. 4976, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220778
Status: Unutilized
Comment: 192 sq. ft., 1 story, most recent use—gas station, needs repairs, off-site removal only.

Bldg. 4945, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220779
Status: Unutilized
Comment: 220 sq. ft., 1 story, most recent use—gas station, needs major rehab, off-site removal only.

Bldg. 4979, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220780
Status: Unutilized
Comment: 400 sq. ft., 1 story, most recent use—oil house, needs repairs, off-site removal only.

Bldg. 5200, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220781
Status: Unutilized
Comment: 14934 sq. ft., 2 story, most recent use—theater, needs major rehab, off-site removal only.

Bldg. 5285, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220782
Status: Unutilized
Comment: 1520 sq. ft., 1 story, most recent use—arms bldg., needs major rehab, off-site removal only.

Bldg. 4215, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220785
Status: Unutilized
Comment: 11850 sq. ft., 1 story, most recent use—sales store, needs major rehab, off-site removal only.

Bldg. 4627, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220786
Status: Unutilized
Comment: 1676 sq. ft., 1 story, most recent use—sentry station, needs major rehab, off-site removal only.

Bldg. 5286, Fort Benning
Ft. Benning, GA, Muscogee, Zip: 31905–
Landholding Agency: Army
Property Number: 219220788
Status: Unutilized
Comment: 1520 sq. ft., 1 story, most recent use—arms bldg., needs major rehab, off-site removal only.

Hawaii

P–88
Aliamanu Military Reservation
Honolulu Co: Honolulu HI 96818
Location: Approx. 600 feet from Main Gate on Aliamanu Drive
Landholding Agency: Army
Property Number: 219030324
Status: Unutilized
Comment: 45216 sq. ft. underground tunnel complex, pres. of asbestos, clean-up required of contamination, use of respirator required by those entering property, use limitations.

Bldgs. P–100, P–101
Fort DeRussy
Honolulu Co: Honolulu HI 96815
Landholding Agency: Army
Property Numbers: 219240641–219240642
Status: Unutilized
Comment: 35 sq. ft. ea., 1 story, off-site use only, most recent use—sentry stations

Bldg. T–107
Fort DeRussy
Honolulu Co: Honolulu HI 96815
Landholding Agency: Army
Property Number: 219240643
Status: Unutilized
Comment: 4829 sq. ft., 1 story, off-site use only, most recent use—offices

Bldg. T–107A
Fort DeRussy
Honolulu Co: Honolulu HI 96815
Landholding Agency: Army
Property Number: 219240644
Status: Unutilized
Comment: 3202 sq. ft., 1 story, off-site use only, most recent use—offices

Bldgs. T–108, T–109
Fort DeRussy
Honolulu Co: Honolulu HI 96815
Landholding Agency: Army
Property Numbers: 219240645–219240646
Status: Unutilized
Comment: 2400 sq. ft. ea., 1 story, off-site use only, most recent use—barracks

Bldg. T–110
Fort DeRussy
Honolulu Co: Honolulu HI 96815
Landholding Agency: Army
Property Number: 219240647

Status: Unutilized
Comment: 2754 sq. ft., 1 story, off-site use only, most recent use—barracks

Bldg. T–114
Fort DeRussy
Honolulu Co: Honolulu HI 96815
Landholding Agency: Army
Property Number: 219240648
Status: Unutilized
Comment: 6063 sq. ft., 1 story, off-site use only, most recent use—maintenance shop.

Bldg. P–180
Fort DeRussy
Honolulu Co: Honolulu HI 96815
Landholding Agency: Army
Property Number: 219240649
Status: Unutilized
Comment: 190 sq. ft., 1 story moss rock frame, off-site use only, most recent use—shelter

Bldg. P–182
Fort DeRussy
Honolulu Co: Honolulu HI 96815
Landholding Agency: Army
Property Number: 219240650
Status: Unutilized
Comment: 160 sq. ft., 1 story, off-site use only, most recent use—bus shelter, 3-sided

Bldg. P–195
Fort DeRussy
Honolulu Co: Honolulu HI 96815
Landholding Agency: Army
Property Number: 219240651
Status: Unutilized
Comment: 28 sq. ft., 1 story, off-site use only, most recent use—sentry station

Indiana

Bldg. 703–1C
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111
Location: Gate 22 off Highway 22
Landholding Agency: Army
Property Number: 219013761
Status: Underutilized
Comment: 4000 sq. ft., 2 story brick frame; possible asbestos; most recent use—exercise area.

Bldg. 1011 (Portion of)
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111
Location: East of State Highway 62 at Gate 3
Landholding Agency: Army
Property Number: 219013762
Status: Underutilized
Comment: 4040 sq. ft., 1 story concrete block frame; possible asbestos; secured area with alternate access; most recent use—office.

Bldg. 1001 (Portion of)
Indiana Army Ammunition Plant
Charlestown Co: Clark IN
Location: South end of 3rd Street, East of Highway 62 at entrance gate.
Landholding Agency: Army
Property Number: 219013763
Status: Underutilized
Comment: 55630 sq. ft.; 1 story concrete block; possible asbestos; secured area with alternate access; most recent use—cloth bag manufacturing.

Bldg. 2542
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111
Landholding Agency: Army
Property Number: 219240717
Status: Unutilized
Comment: 1954 sq. ft., 1 story concrete block, secured area w/alternate access, asbestos, most recent use—heating facility

Bldg. 2531
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111
Landholding Agency: Army
Property Number: 219240718
Status: Unutilized
Comment: 119746 sq. ft., 1 story concrete block, secured area w/alternate access, asbestos, most recent use—storage

Kansas

Bldg. T–1351, Fort Riley
Ft. Riley Co: Geary KS 66442
Landholding Agency: Army
Property Number: 219210284
Status: Unutilized
Comment: 4862 sq. ft., 2 story wood frame, most recent use—barracks, needs rehab, presence of asbestos

Bldgs. T–1252, T–1253, Fort Riley
Ft. Riley Co: Geary KS 66442
Landholding Agency: Army
Property Numbers: 219230365–219230366
Status: Unutilized
Comment: 4841 sq. ft. ea., 2 story wood frame, needs rehab, presence of asbestos, most recent use—barracks.

Bldgs. T–1283, T–1284, Fort Riley
Ft. Riley Co: Geary KS 66442
Landholding Agency: Army
Property Numbers: 219230367–219230368
Status: Unutilized
Comment: 4847 sq. ft. ea., 2 story wood frame, presence of asbestos, most recent use—barracks, needs rehab.

Bldgs. T–1353, T–1354, T2551–T2558, T–2571–T2578
Ft. Riley Co: Geary KS 66442
Landholding Agency: Army
Property Numbers: 219230369–219230386
Status: Unutilized
Comment: 4862 sq. ft. ea., 2 story wood frame, presence of asbestos, needs rehab, most recent use—barracks.

Bldgs. T–2550, T–2559, T–2570, T–2579
Ft. Riley Co: Geary KS 66442
Landholding Agency: Army
Property Numbers: 219230387–219230390
Status: Unutilized
Comment: 3186 sq. ft. ea., 1 story wood frame, presence of asbestos, needs rehab, most recent use—dining.

Bldg. T–1254, Fort Riley
Ft. Riley Co: Geary KS 66442
Landholding Agency: Army
Property Number: 219230391
Status: Unutilized
Comment: 2780 sq. ft., 1 story wood frame, presence of asbestos, needs rehab, most recent use—custody facility.

Bldg. T–1255, Fort Riley
Ft. Riley Co: Geary KS 66442
Landholding Agency: Army
Property Number: 219230392
Status: Unutilized
Comment: 2592 sq. ft., 1 story wood frame, presence of asbestos, needs rehab, most recent use—custody facility.

Bldg. T–1350, Fort Riley
Ft. Riley Co: Geary KS 66442
Landholding Agency: Army
Property Number: 219230393
Status: Unutilized
Comment: 2456 sq. ft., 1 story wood frame, presence of asbestos, needs rehab, most recent use—custody facility.

Bldg. T–1633, Fort Riley
Ft. Riley Co: Geary KS 66442
Landholding Agency: Army
Property Number: 219230394
Status: Unutilized
Comment: 3156 sq. ft., 1 story wood frame, presence of asbestos, needs rehab, most recent use—maintenance facility.

Bldg. T–1301, Fort Riley
Ft. Riley Co: Geary KS 66442
Landholding Agency: Army
Property Number: 219230395
Status: Unutilized
Comment: 3339 sq. ft., 2 story wood frame, presence of asbestos, needs rehab, most recent use—craft shop.

Bldg. T–1919, Fort Riley
Ft. Riley Co: Geary KS 66442
Landholding Agency: Army
Property Number: 219230396
Status: Unutilized
Comment: 7758 sq. ft., 2 story wood frame, presence of asbestos, needs rehab, most recent use—theater.

Bldg. T–1921, Fort Riley
Ft. Riley Co: Geary KS 66442
Landholding Agency: Army
Property Number: 219230397
Status: Unutilized
Comment: 3922 sq. ft., 1 story chapel, presence of asbestos.

Bldg. T–2307, Fort Riley
Ft. Riley Co: Geary KS 66442
Landholding Agency: Army
Property Number: 219230398
Status: Unutilized
Comment: 3905 1 story chapel, presence of asbestos.

Bldg. T–2562, Fort Riley
Ft. Riley Co: Geary KS 66442
Landholding Agency: Army
Property Number: 219230399
Status: Unutilized
Comment: 1327 sq. ft., 1 story wood frame, presence of asbestos, needs rehab, most recent use—administration.

Bldgs. T–2563, T–2568 Fort Riley
Ft. Riley Co: Geary KS 66442
Landholding Agency: Army
Property Numbers: 219230400–219230401
Status: Unutilized
Comment: 1327 sq. ft., 1 story wood frame, presence of asbestos, needs rehab, most recent use—administration.

Bldg. T–2569, Fort Riley
Ft. Riley Co: Geary KS 66442
Landholding Agency: Army
Property Number: 219230402
Status: Unutilized
Comment: 1343 sq. ft., 1 story wood frame, presence of asbestos, needs rehab, most recent use—administration.

Kentucky

Bldg. 104
Fort Campbell
Fort Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Number: 219010937
Status: Underutilized

Comment: 15066 sq. ft.; two story; possible asbestos; most recent use—barracks.

Bldgs. 126, 141, 147, 149, 161, 165, 167, 169, 143
Fort Campbell
Fort Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Numbers: 219010938, 219010940–219010946, 219013139
Status: Underutilized
Comment: 12576 sq. ft. each; two story; possible asbestos; most recent use—storage/child care/administration.

Bldg. 122
Fort Campbell
Fort Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Number: 219010939
Status: Underutilized
Comment: 1488 sq. ft.; two story; possible asbestos; most recent use—storage and administration.

Bldg. 2244
Fort Campbell
Fort Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Number: 219010948
Status: Underutilized
Comment: 4248 sq. ft.; possible asbestos; two story; most recent use—storage.

Bldg. 3110
Fort Campbell
Fort Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Number: 219010950
Status: Unutilized
Comment: 1000 sq. ft.; one story; possible asbestos; most recent use—administration.

Bldgs. 5954, 5956, 5958, 5960
Fort Campbell
Fort Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Numbers: 219010953, 219010956, 219010958, 219010961
Status: Unutilized
Comment: 2179 sq. ft. each; one story; possible asbestos; most recent use—Military Vehicle Maintenance Shop, Organizational.

Bldg. 6605
Fort Campbell
Fort Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Number: 219010968
Status: Underutilized
Comment: 1968 sq. ft.; one story; most recent use—storage.

Bldg. 3148
Fort Campbell
Fort Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Number: 219013223
Status: Underutilized
Comment: 2200 sq. ft.; 1 story; possible asbestos; selected periods used for military/training exercises.

Bldg. 00837, Fort Campbell
Ft. Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Number: 219220447
Status: Unutilized
Comment: 2296 sq. ft., 1-story wooden structure with metal siding, presence of asbestos, most recent use—railroad repair shop, off-site removal only.

Bldg. 0236, Fort Knox
Ft. Knox Co: Hardin KY 40121
Landholding Agency: Army
Property Number: 219230306
Status: Underutilized
Comment: 3032 sq. ft., 1 story, needs rehab, off-site use only, most recent use—maintenance shop.

Bldg. 0655, Fort Knox
Ft. Knox Co: Hardin KY 40121
Landholding Agency: Army
Property Number: 219230307
Status: Underutilized
Comment: 1500 sq. ft., 1 story, needs rehab, off-site use only, most recent use—storehouse.

Bldg. 1063, Fort Knox
Ft. Knox Co: Hardin KY 40121
Landholding Agency: Army
Property Number: 219230308
Status: Underutilized
Comment: 1600 sq. ft., 1 story, needs rehab, off-site use only, most recent use—instruction bldg.

Bldg. 1373, Fort Knox
Ft. Knox Co: Hardin KY 40121
Landholding Agency: Army
Property Number: 219230309
Status: Underutilized
Comment: 2034 sq. ft., 1 story, needs rehab, off-site use only, most recent use—administration.

Bldg. 2415, Fort Knox
Ft. Knox Co: Hardin KY 40121
Landholding Agency: Army
Property Number: 219230310
Status: Underutilized
Comment: 7525 sq. ft., 2 story, needs rehab, off-site use only, most recent use—administration.

Bldg. 2417, Fort Knox
Ft. Knox Co: Hardin KY 40121
Landholding Agency: Army
Property Number: 219230311
Status: Underutilized
Comment: 7540 sq. ft., 2 story, needs rehab, off-site use only, most recent use—administration.

Bldg. 2707, Fort Knox
Ft. Knox Co: Hardin KY 40121
Landholding Agency: Army
Property Number: 219230312
Status: Underutilized
Comment: 4598 sq. ft., 2 story, needs rehab, off-site use only, most recent use—administration.

Bldg. 2708, Fort Knox
Ft. Knox Co: Hardin KY 40121
Landholding Agency: Army
Property Number: 219230313
Status: Underutilized
Comment: 3560 sq. ft., 2 story, needs rehab, off-site use only, most recent use—offices.

Bldg. 2711, Fort Knox
Ft. Knox Co: Hardin KY 40121
Landholding Agency: Army
Property Number: 219230314
Status: Underutilized
Comment: 1275 sq. ft., 1 story, needs rehab, off-site use only, most recent use—storage.

Bldg. 7001, Fort Knox
Ft. Knox Co: Hardin KY 40121
Landholding Agency: Army
Property Number: 219230315
Status: Underutilized
Comment: 962 sq. ft., 1 story, needs rehab, off-site use only, most recent use—administration.

Bldg. 7002, Fort Knox
Ft. Knox Co: Hardin KY 40121
Landholding Agency: Army
Status: Underutilized
Comment: 3085 sq. ft., 1 story, needs rehab, off-site use only, most recent use—storage.

Bldgs. 06864, 06866
Fort Campbell
Ft. Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Numbers: 219240757, 219240759
Status: Unutilized
Comment: 1000 sq. ft., 1 story wood frame, most recent use—storage, off-site use only

Bldg. 06865
Fort Campbell
Ft. Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Number: 219240758
Status: Unutilized
Comment: 1200 sq. ft., 1 story wood frame, most recent use—storage, off-site use only

Bldg. 70
Fort Campbell
Ft. Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Number: 219240760
Status: Unutilized
Comment: 979 sq. ft., 1 story wood frame, secured area w/alternate access, off-site use only

Bldg. 0074
Fort Campbell
Ft. Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Number: 219240761
Status: Unutilized
Comment: 5400 sq. ft., 2 story wood frame, secured area w/alternate access, off-site use only

Bldgs. 2184, 2560, 2558
Fort Campbell
Ft. Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Numbers: 219240762–219240764
Status: Unutilized
Comment: 5310 sq. ft. ea., 2 story wood frame, secured area w/alternate access, off-site use only

Louisiana

Bldg. 8026
10th Street
Fort Polk Co: Vernon LA 71459–5000
Landholding Agency: Army
Property Number: 219012724
Status: Underutilized
Comment: 2580 sq. ft., 1 story temporary wood frame; most recent use—storage.

Bldg. 8226
12th Street
Fort Polk Co: Vernon LA 71459–5000
Landholding Agency: Army
Property Number: 219012729
Status: Unutilized
Comment: 2050 sq. ft., 1 story temporary wood frame; possible asbestos; most recent use—dining facility.

Bldg. 8425
8425 H Avenue
Fort Polk Co: Vernon Parish LA 71459–7100

Landholding Agency: Army
Property Number: 219230362
Status: Unutilized
Comment: 4957 sq. ft., 2 story frame structure, needs rehab, most recent use—barracks.

Maryland

Bldgs. E5878, E5879
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford MD 21010–5425
Landholding Agency: Army
Property Numbers: 219012652, 219012653
Status: Unutilized
Comment: 213 sq. ft. each; structural deficiencies; possible asbestos; and contamination.

Bldg. 10302
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford MD 21010–5425
Landholding Agency: Army
Property Number: 219012666
Status: Unutilized
Comment: 42 sq. ft.; possible asbestos; most recent use—pumping station.

Bldg. E5975
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford MD 21010–5425
Landholding Agency: Army
Property Number: 219012677
Status: Unutilized
Comment: 650 sq. ft.; possible contamination; structural deficiencies most recent use—training exercises/chemicals and explosives; potential use—storage.

Bldg. 6599
Fort George G. Meade
Zimborski Road
Fort Meade Co: Anne Arundel MD 20755–
Landholding Agency: Army
Property Number: 219014852
Status: Unutilized
Comment: 4173 sq. ft.; 1 story wood frame; needs rehab; secured area with alternate access.

Bldg. 6687
Fort George G. Meade
Mapes and Zimborski Roads
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219220446
Status: Unutilized
Comment: 1150 sq. ft. presence of asbestos, wood frame, most recent use—veterinarian clinic, off-site removal only.

Bldg. T–115, Fort Detrick
Frederick Co: Frederick MD 21702–5000
Landholding Agency: Army
Property Number: 219230359
Status: Unutilized
Comment: 6200 sq. ft., 1 story, needs rehab. presence of asbestos, most recent use—child care center.

Bldg. 902, Fort Detrick
Frederick Co: Frederick MD 21702–5000
Landholding Agency: Army
Property Number: 219230360
Status: Unutilized
Comment: 4396 sq. ft., 1 story, needs rehab. presence of asbestos, most recent use—thrift shop, office.

Massachusetts

Bldgs. T–2281
Fort Devens
Fort Devens Co: Middlesex/Worce MA 01433–
Landholding Agency: Army
Property Number: 219012344
Status: Unutilized
Comment: 6351 sq. ft. each, wood, two stories, most recent use—housing.

Bldg. T–201
Fort Devens
Fort Devens Co: Middlesex/Worce MA 01433–
Landholding Agency: Army
Property Number: 219012363
Status: Unutilized
Comment: 1000 sq. ft., wood structure-needs rehab, no sanitary facilities, most recent use-company admin/supply.

Bldg. KB–0021
Fort Devens
Ft. Rodman MA 02744–
Landholding Agency: Army
Property Number: 219140027
Status: Unutilized
Comment: 4926 sq. ft., 1 story wood, presence of asbestos, most recent use—storage.

Bldg. KB–0100
Fort Devens
Ft. Rodman MA 02744–
Landholding Agency: Army
Property Number: 219140028
Status: Unutilized
Comment: 9100 sq. ft., 1 story insulated monopanel, most recent use—reserve center.

Bldg. KB–0102
Fort Devens
Ft. Rodman MA 02744–
Landholding Agency: Army
Property Number: 219140029
Status: Unutilized
Comment: 15480 sq. ft., 1 story concrete block, most recent use—reserve center.

Bldg. T–0208
Fort Devens
Ft. Devens Co: Middlesex/Worce MA 01433–
Landholding Agency: Army
Property Number: 219140030
Status: Unutilized
Comment: 4720 sq. ft., 2 story wood, presence of asbestos, needs rehab.

Bldg. T–0209
Fort Devens
Ft. Devens Co: Middlesex/Worce MA 01433–
Landholding Agency: Army
Property Number: 2219140031
Status: Unutilized
Comment: 4720 sq. ft., 2 story wood, presence of asbestos, needs rehab.

Bldg. T–0236
Fort Devens
Ft. Devens Co: Middlesex/Worce MA 01433–
Landholding Agency: Army
Property Number: 219140032
Status: Unutilized
Comment: 4613 sq. ft., 1 story wood, presence of asbestos, needs rehab.

Bldg. T–2676
Fort Devens
Ft. Devens Co: Middlesex/Worce MA 01433–
Landholding Agency: Army
Property Number: 219140033
Status: Unutilized
Comment: 1176 sq. ft., 1 story wood, presence of asbestos, needs rehab.

Michigan

Bldg. 300, Arsenal Acres
24140 Mound Road
Warren, MI 48091
Landholding Agency: Army
Property Number: 219220448
Status: Unutilized
Comment: 52 sq. ft., sentry station, secured area w/alternate access.

Bldg. 301, Arsenal Acres
24140 Mound Road
Warren, MI 48091
Landholding Agency: Army
Property Number: 219220449
Status: Unutilized
Comment: 3125 sq. ft., 2-story colonial style home, secured area w/alternate access.

Bldgs. 302, 303
24140 Mound Road
Warren, MI 48091
Landholding Agency: Army
Property Numbers: 219220450–219220451
Status: Unutilized
Comment: 2619 sq. ft. ea., 2-story colonial style home, secured area w/alternate access.

Bldgs. 304, 305
24140 Mound Road
Warren, MI 48091
Landholding Agency: Army
Property Numbers: 219220452–219220787
Status: Unutilized
Comment: 2443 sq. ft. ea., 2-story colonial style home, secured area w/alternate access.

Missouri

Bldg. 2178
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473
Landholding Agency: Army
Property Number: 219210247
Status: Underutilized
Comment: 2284 sq. ft., 1 story, presence of asbestos, off-site use only.

Bldg. T451
Fort Leonard Wood
Ft. Leonard Co: Pulaski MO 65473
Landholding Agency: Army
Property Number: 219220568
Status: Underutilized
Comment: 4640 sq. ft., 1 story wood frame, presence of asbestos, off-site use only, not handicapped accessible, most recent use—admin/general purpose.

Bldg. T3057
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473
Landholding Agency: Army
Property Number: 219220580
Status: Underutilized
Comment: 2650 sq. ft., 1 story wood frame, presence of asbestos, off-site use only, not handicapped accessible, most recent use—admin/general purpose.

Bldg. 1691
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473
Landholding Agency: Army
Property Number: 219220594
Status: Unutilized

Comment: 2646 sq. ft., 1 story wood frame, presence of asbestos, off-site use only, not handicapped accessible, most recent use—comdr. headquarters bldg.

Bldg. T2383
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473
Landholding Agency: Army
Property Number: 219230228
Status: Underutilized
Comment: 9267 sq. ft., 1 story, presence of asbestos, off-site use only, most recent use—general purpose.

Bldg. T1376
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473
Landholding Agency: Army
Property Number: 219230237
Status: Underutilized
Comment: 1296 sq. ft., 1 story, presence of asbestos, off-site use only, most recent use—Hdqtrs building.

Bldg. T599
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473
Landholding Agency: Army
Property Number: 219230260
Status: Underutilized
Comment: 18270 sq. ft., 1 story, presence of asbestos, off-site use only, most recent use—storehouse.

Bldg. T1311
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473
Landholding Agency: Army
Property Number: 219230261
Status: Underutilized
Comment: 2740 sq. ft., 1 story, presence of asbestos, off-site use only, most recent use—storehouse.

Bldg. T1333
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473
Landholding Agency: Army
Property Number: 219230263
Status: Underutilized
Comment: 1144 sq. ft., 1 story, presence of asbestos, off-site use only, most recent use—storehouse.

Bldg. T3071
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219240719
Status: Unutilized
Comment: 2500 sq. ft., 1 story wood frame, possible asbestos, heating fuel storage tanks nearby, off-site use only, most recent use—mess hall

Nebraska

Bldg. RG–1
Cornhusker Army Ammunition Plant
Old Potash Hwy
Grand Island Co: Hall NE 68803
Landholding Agency: Army
Property Number: 219210292
Status: Unutilized
Comment: 1080 sq. ft., 1 story garage, possible asbestos, secured area with alternate access

Bldg. RG–2
Cornhusker Army Ammunition Plant
Grand Island Co: Hall NE 68803
Landholding Agency: Army
Property Number: 219210293
Status: Unutilized
Comment: 576 sq. ft., 1 story garage, secured area with alternate access

Bldg. RG–3
Cornhusker Army Ammunition Plant
Grand Island Co: Hall NE 68803
Landholding Agency: Army
Property Number: 219210294
Status: Unutilized
Comment: 936 sq. ft., 1 story garage, possible asbestos, secured area with alternate access

Bldg. RG–4
Cornhusker Army Ammunition Plant
Grand Island Co: Hall NE 68803
Landholding Agency: Army
Property Number: 219210295
Status: Unutilized
Comment: 1040 sq. ft., 1 story garage, possible asbestos, secured area with alternate access

Bldg. RG–5
Cornhusker Army Ammunition Plant
Grand Island Co: Hall NE 68803
Landholding Agency: Army
Property Number: 219210296
Status: Unutilized
Comment: 490 sq. ft., 1 story garage, possible asbestos, secured area with alternate access

Bldg. RG–6
Cornhusker Army Ammunition Plant
Grand Island Co; Hall NE 68803
Landholding Agency: Army
Property Number: 219210297
Status: Unutilized
Comment: 510 sq. ft., 1 story garage, possible asbestos, secured area with alternate access

Nevada

Bldgs. 00425–00449
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne Co: Mineral NV 89415–
Landholding Agency: Army
Property Numbers: 219011946–219011952, 219011954, 219011956, 219011959, 219011961, 219011964, 219011968, 219011970, 219011974, 219011976–219011978, 219011980, 219011982, 219011984, 219011987, 219011990, 219011994, 219011996
Status: Unutilized
Comment: 1310–1640 sq. ft. each, one floor residential, semi/wood construction, good condition.

New Jersey

Bldg. 5316
Snyder Avenue
Fort Dix Co: Burlington NJ 08640
Landholding Agency: Army
Property Number: 219210280
Status: Unutilized
Comment: 700 sq. ft., 1 story cinder block structure, windowless

Bldg. 9111, Evans Area
Fort Monmouth—Watson Avenue
Wall Co: Monmouth NJ 07719
Landholding Agency: Army
Property Number: 219210288
Status: Unutilized
Comment: 1126 sq. ft., 1 story, needs major repairs, possible asbestos

Bldg. 9113, Evans Area
Fort Monmouth—Watson Avenue
Wall Co: Monmouth NJ 07719
Landholding Agency: Army
Property Number: 219210289
Status: Unutilized
Comment: 2000 sq. ft., 1 story, needs major repairs, possible asbestos

Bldg. 9126, Evans Area
Fort Monmouth—Watson Avenue
Wall Co: Monmouth NJ 07719
Landholding Agency: Army
Property Number: 219210290
Status: Unutilized
Comment: 384 sq. ft., 1 story, needs major repairs, possible asbestos

Bldg. 2534, Charles Wood Area
Fort Monmouth
Tinton Falls Co: Monmouth NJ
Landholding Agency: Army
Property Number: 219210291
Status: Unutilized
Comment: 5307 sq. ft., 2 story, most recent use—storage, needs rehab, possible asbestos

Bldg. 443, 458, Main Post
Fort Monmouth
Ft. Monmouth Co: Monmouth NJ 07703
Landholding Agency: Army
Property Numbers: 219230363–219230364
Status: Unutilized
Comment: 4720 sq. ft. ea., 2 story structure, needs repair.

New York

Bldg. 503
Fort Totten
Ordnance Road
Bayside Co: Queens NY 11357–
Landholding Agency: Army
Property Number: 219012564
Status: Underutilized
Comment: 510 sq. ft., 1 floor, most recent use—storage, needs major rehab/no utilities.

Bldg. 323
Fort Totten
Story Avenue
Bayside Co: Queens NY 11359–
Landholding Agency: Army
Property Number: 219012567
Status: Underutilized
Comment: 30000 sq. ft., 3 floors, most recent use—barracks & mess facility, needs major rehab.

Bldg. 304
Fort Totten
Shore Road
Bayside Co: Queens NY 11359–
Landholding Agency: Army
Property Number: 219012570
Status: Underutilized
Comment: 9610 sq. ft., 3 floors, most recent use—hospital, needs major rehab/utilities disconnected.

Bldg. 211
Fort Totten
211 Totten Avenue
Bayside Co: Queens NY 11359–
Landholding Agency: Army
Property Number: 219012573
Status: Underutilized
Comment: 6329 sq. ft., 3 floors, most recent use—family housing, needs major rehab, utilities disconnected.

Bldg. 332
Fort Totten

Theater Road
Bayside Co: Queens NY 11359–
Landholding Agency: Army
Property Number: 219012578
Status: Underutilized
Comment: 6288 sq. ft., 1 floor, most recent use—theater w/stage, needs major rehab, utilities disconnected.

Bldg. 504
Fort Totten
Ordnance Road
Bayside Co: Queens NY 11359–
Landholding Agency: Army
Property Number: 219012580
Status: Underutilized
Comment: 490 sq. ft., 1 floor, most recent use—storage, no utilities, needs major rehab.

Bldg. 322
Fort Totten
322 Story Avenue
Bayside Co: Queens NY 11359–
Landholding Agency: Army
Property Number: 219012583
Status: Underutilized
Comment: 30000 sq. ft., 3 floors, most recent use—barracks, mess & administration, utilities disconnected, needs rehab.

Bldg. 326
Fort Totten
326 Pratt Avenue
Bayside Co: Queens NY 11359–
Landholding Agency: Army
Property Number: 219012586
Status: Underutilized
Comment: 6000 sq. ft., 2 floors, most recent use—storage, offices & residential, utilities disconnected/needs rehab.

Bldg. 627
U.S. Military Academy—West Point
Pitcher Road, North Dock
Highland Co: Orange NY 10996–1592
Landholding Agency: Army
Property Number: 219030185
Status: Unutilized
Comment: 23185 sq. ft., 1 story wood frame; needs rehab; presence of asbestos; most recent use—storage warehouse.

Bldgs. T–950, T–959, T–970
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Numbers: 219240483–219240485
Status: Unutilized
Comment: 2360 sq. ft., 1 story wood frame, off-site use only, most recent use—applied instruction.

Bldg. T–953
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240486
Status: Unutilized
Comment: 1296 sq. ft., 1 story wood frame, off-site use only, most recent use—applied instruction.

Bldgs. T–951, T–952, T–956 thru T–958, T–969, T–971 thru T–973, T–975 thru T–978
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Numbers: 219240487–219240499
Status: Unutilized
Comment: 4720 sq. ft. ea., 2 story wood frame, off-site use only, most recent use—applied instruction.

Bldg. T–954
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240500
Status: Unutilized
Comment: 2750 sq. ft., 1 story wood frame, off-site use only, most recent use—applied instruction.

Bldg. T–960
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240501
Status: Unutilized
Comment: 2588 sq. ft., 1 story wood frame, off-site use only, most recent use—applied instruction.

Bldgs. T–961, T–962, T–966, T–967
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Numbers: 219240502–219240505
Status: Unutilized
Comment: 1144 sq. ft. ea., 1 story wood frame, off-site use only, most recent use—applied instruction.

Bldgs. T–968, T–780, T–860, T–861, T–868, T–869, T–2491, T–4810
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Numbers: 219240506, 219240508–219240514
Status: Unutilized
Comment: 1296 sq. ft. ea., 1 story wood frame, off-site use only, most recent use—applied instruction.

Bldg. T–979
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240507
Status: Unutilized
Comment: 2663 sq. ft., 1 story wood frame, off-site use only, most recent use—applied instruction.

Bldg. T–791
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240515
Status: Unutilized
Comment: 1372 sq. ft., 1 story wood frame, off-site use only, most recent use—general storehouse.

Bldg. T–793
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240516
Status: Unutilized
Comment: 2740 sq. ft., 1 story wood frame, off-site use only, most recent use—general storehouse.

Bldg. T–804
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240517
Status: Unutilized
Comment: 3537 sq. ft., 1 story wood frame, off-site use only, most recent use—general storehouse.

Bldg. T–864
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240518
Status: Unutilized
Comment: 1500 sq. ft., 1 story wood frame, off-site use only, most recent use—general storehouse.

Bldg. T–909
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240519
Status: Unutilized
Comment: 1478 sq. ft., 1 story wood frame, off-site use only, most recent use—general storehouse.

Bldgs. T–930, T–934, T–939
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Numbers: 219240520–219240522
Status: Unutilized
Comment: 2588 sq. ft., 1 story wood frame, off-site use only, most recent use—general storehouse.

Bldg. T–1298
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240523
Status: Unutilized
Comment: 960 sq. ft., 1 story wood frame, off-site use only, most recent use—general storehouse.

Bldg. T–2043
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240524
Status: Unutilized
Comment: 100 sq. ft., 1 story wood frame, off-site use only, most recent use—general storehouse (storage).

Bldgs. T–2460 thru T–2463
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Numbers: 219240525–219250528
Status: Unutilized
Comment: 1637 sq. ft. ea., 1 story wood frame, off-site use only, most recent use—general storehouse.

Bldg. T–2485
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240529
Status: Unutilized
Comment: 840 sq. ft., 1 story wood frame, off-site use only, most recent use—general storehouse (storage).

Bldg. T–2486
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240530
Status: Unutilized
Comment: 132 sq. ft., 1 story wood frame, off-site use only, most recent use—general storehouse (storage).

Bldg. T–2487
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240531
Status: Unutilized
Comment: 270 sq. ft., 1 story wood frame, off-site use only, most recent use—general storehouse.

Bldgs. T–2492, T–4811, T–4855, T–4858, T–4865, T–4868
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Numbers: 219240532–219240537
Status: Unutilized
Comment: 1250 sq. ft. ea., 1 story wood frame, off-site use only, most recent use—recreation.

Bldgs. T–781, T–807, T–862, T–863, T–866, T–867, T–931, T–932, T–935 thru T–938, T–2493
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Numbers: 219240538–219240550
Status: Unutilized
Comment: 1114 sq. ft. ea., 1 story wood frame, off-site use only, most recent use—recreation.

Bldgs. T–785, T–809, T–819, T–859, T–920, T–924, T–929, T–940, T–944, T–949
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Numbers: 219240551–219240560
Status: Unutilized
Comment: 2360 sq. ft. ea., 1 story wood frame, off-site use only, most recent use—enlisted personnel dining.

Bldgs. T–850, T–870, T–879
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Numbers: 219240561–219240563
Status: Unutilized
Comment: 2663 sq. ft. ea., 1 story wood frame, off-site use only, most recent use—enlisted personnel dining.

Bldg. T–855
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240564
Status: Unutilized
Comment: 2650 sq. ft., 1 story wood frame, off-site use only, most recent use—enlisted personnel dining.

Bldg. T–919
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240565
Status: Unutilized
Comment: 2670 sq. ft., 1 story wood frame, off-site use only, most recent use—enlisted personnel dining.

Bldg. T–1015
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240566
Status: Unutilized
Comment: 1976 sq. ft., 1 story wood frame, off-site use only, most recent use—enlisted personnel dining.

Bldg. T–1016
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240567
Status: Unutilized
Comment: 3293 sq. ft., 1 story wood frame, off-site use only, most recent use—enlisted personnel dining.

Bldg. T–2401
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240568
Status: Unutilized
Comment: 7811 sq. ft., 1 story wood frame, off-site use only, most recent use—enlisted personnel dining.

Bldg. T–2447
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240569
Status: Unutilized
Comment: 7483 sq. ft., 1 story wood frame, off-site use only, most recent use—enlisted personnel dining.

Bldg. T–4844
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240570
Status: Unutilized
Comment: 2250 sq. ft., 1 story wood frame, off-site use only, most recent use—enlisted personnel dining.

Bldgs. T–4800, T–4809, T–4874, T–4879
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Numbers: 219240571–219240574
Status: Unutilized
Comment: 2500 sq. ft. ea., 1 story wood frame, off-site use only, most recent use—enlisted personnel dining.

Bldgs. T–911, T–912, T–925, T–1017, T–4806, T–4807, T–4845, T–4846, T–4877, T–4878, T–4875, T–4876
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Numbers: 219240575–219240586
Status: Unutilized
Comment: 5310 sq. ft. ea., 2 story wood frame, off-site use only, most recent use—enlisted barracks.

Bldgs. T–787, T–817, T–818, T–852 thru T–854, T–856, T–858, T–871 thru T–878, T–921 thru T–923, T–926, T–927, T–941 thru T–943, T–945 thru T–948, T–1013, T–1014, T–1018, T–1019, T–2474, T–2475
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Numbers: 219240587–219240620
Status: Unutilized
Comment: 4720 sq. ft. ea., 2 story wood frame, off-site use only, most recent use—enlisted barracks.

Bldg. T–684
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240621
Status: Unutilized
Comment: 304 sq. ft., 1 story wood frame, off-site use only, most recent use—exchange cafeteria.

Bldg. T–2409
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240622
Status: Unutilized
Comment: 80 sq. ft., 1 story wood frame, off-site use only, most recent use—standby generator plant.

Bldg. T–2490
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240623
Status: Unutilized
Comment: 525 sq. ft., 1 story wood frame, off-site use only, most recent use—vehicle storage.

Bldg. T–1299
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240624
Status: Unutilized
Comment: 960 sq. ft., 1 story wood frame, off-site use only, most recent use—flammable material storehouse.

Bldg. T–2042
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240625
Status: Unutilized
Comment: 80 sq. ft., 1 story wood frame, off-site use only, most recent use—flammable material storehouse.

Bldg. T–2044
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240626
Status: Unutilized
Comment: 100 sq. ft., 1 story wood frame, off-site use only, most recent use—flammable material storehouse.

Bldg. T–2324
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240627
Status: Unutilized
Comment: 4408 sq. ft., 1 story wood frame, off-site use only, most recent use—admin general purpose.

Bldg. T–928
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240628
Status: Unutilized
Comment: 4720 sq. ft., 2 story wood frame, off-site use only, most recent use—admin general purpose.

Bldg. T–2414
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army

Property Number: 219240629
Status: Unutilized
Comment: 2250 sq. ft., 1 story wood frame, off-site use only, most recent use—admin general purpose.

Bldgs. T–2432, T–2433
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Numbers: 219240630–219240631
Status: Unutilized
Comment: 4340 sq. ft., 1 story wood frame, off-site use only, most recent use—hospital.

Bldg. T–2403
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240632
Status: Unutilized
Comment: 2230 sq. ft., 1 story wood frame, off-site use only, most recent use—officer's quarters trans.

Bldg. T–4896
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240633
Status: Unutilized
Comment: 632 sq. ft. 1 story wood frame, off-site use only, most recent use—officer's quarters trans.

Bldg. T–688
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240634
Status: Unutilized
Comment: 12014 sq. ft., 1 story wood frame, off-site use only, most recent use—theatre w/stage.

Bldg. T–713
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240635
Status: Unutilized
Comment: 840 sq. ft., 1 story wood frame, off-site use only, most recent use—company headquarters.

Bldg. T–1009
Fort Drum
Ft. Drum, NY, Jefferson, Zip: 13602–
Landholding Agency: Army
Property Number: 219240636
Status: Unutilized
Comment: 2360 sq. ft., 1 story wood frame, off-site use only, most recent use—company headquarters.

North Carolina

Bldg. A–3347, Fort Bragg
Ft. Bragg Co: Cumberland NC 28307
Landholding Agency: Army
Property Number: 219230276
Status: Unutilized
Comment: 800 sq. ft., 1 story wood, off-site use only, most recent use—storage.

Bldg. A–2637, Fort Bragg
Ft. Bragg Co: Cumberland NC 28307
Landholding Agency: Army
Property Number: 219230277
Status: Unutilized
Comment: 4720 sq. ft., 2 story wood, needs rehab, off-site use only, most recent use—storage.

Ohio

15 Units Military Family Housing
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266
Landholding Agency: Army
Property Number: 219230354
Status: Unutilized
Comment: 7–3 bedroom units (1824 sq. ft. ea.) 8–4 bedroom units (2430 sq. ft. ea.), 2 story wood frame, presence of asbestos, off-site use only.

7 Units Military Family Housing
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266
Landholding Agency: Army
Property Number: 219230355
Status: Unutilized
Comment: One-4 stall garage and Six-3 stall garages, off-site use only, presence of asbestos.

Oklahoma

Bldg. T–2545, Fort Sill
2544 Sheridan Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219011255
Status: Unutilized
Comment: 1994 sq. ft.; asbestos; wood frame; 2 floors, no operating sanitary facilities; most recent use—barracks.

Bldg. T–2606
Fort Sill
2606 Currie Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219011273
Status: Unutilized
Comment: 2722 sq. ft.; possible asbestos; one floor wood frame; most recent use—Headquarters Bldg.

Bldg. T–3507
Fort Sill
3507 Sheridan Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219011315
Status: Unutilized
Comment: 2904 sq. ft.; possible asbestos; potential heavy metal contamination; wood frame; most recent use—chapel

Bldg. T–3516
Fort Sill
3516 Packard Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219011324
Status: Unutilized
Comment: 1425 sq. ft.; possible asbestos, wood frame, most recent use—administrative.

Bldgs. T–3779, T–3780
Fort Sill
3779 Currie Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Numbers: 219011343, 219011344
Status: Unutilized
Comment: 4720 sq. ft. each; possible asbestos; wood frame; 2 floors, most recent use—barracks.

Bldg. T–4502
Fort Sill
4502 Wilson Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219011376
Status: Unutilized
Comment: 2812 sq. ft.; structurally unsound; possible asbestos; one story wood frame.

Bldg. T–4720
Fort Sill
4720 Hartell Blvd.
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219011405
Status: Unutilized
Comment: 13225 sq. ft.; visual asbestos; wood frame; 2 floors; most recent use—recreation bldg.

Bldg. T–836
Fort Sill
Corner of Macomb Road and Burrell Road
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219014328
Status: Unutilized
Comment: 1341 sq. ft.; 1 story wood frame; most recent use—storage; possible asbestos.

Bldg. T–4919
Fort Sill
4919 Post Road
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219014842
Status: Unutilized
Comment: 603 sq. ft.; 1 story mobile home trailer; possible asbestos; needs rehab.

Bldg. T–4523, Fort Sill
4523 Wilson Road
Lawton Co: Comanche OK 73503
Landholding Agency: Army
Property Number: 219014933
Status: Unutilized
Comment: 1639 sq. ft., 1 story wood frame, needs rehab, possible asbestos, most recent use—storage.

Bldg. S–701
Fort Sill
701 Randolph Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219030183
Status: Unutilized
Comment: 19903 sq. ft.; steel/wood frame; 1 story; needs rehab; possible asbestos; most recent use—general instruction building.

Bldg. T–283 Fort Sill
283 Knox Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219220608
Status: Unutilized
Comment: 2419 sq. ft., wood frame, 2 story, off-site removal only, most recent use—classroom.

Bldg. T–838, Fort Sill
838 Macomb Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219220609
Status: Unutilized
Comment: 151 sq. ft., wood frame, 1 story, off-site removal only, most recent use—vet facility (quarantine stable).

Bldg. T–3539, Fort Sill
3539 Tacy Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army

Property Number: 219220610
Status: Unutilized
Comment: 1594 sq. ft., wood frame, 1 story, off-site removal only, most recent use—headquarters bldg.

Bldg. T–3600, Fort Sill
3600 Tacy Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219220611
Status: Unutilized
Comment: 2267 sq. ft., wood frame, 1 story, off-site removal only, most recent use—storage.

Bldgs. T–3607, T–3621, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Numbers: 219220612–219220613
Status: Unutilized
Comment: 2265 sq. ft. ea., wood frame, 1 story, off-site removal only, most recent use—storage.

Bldg. T–3658, Fort Sill
3658 Tacy Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219220614
Status: Unutilized
Comment: 3091 sq. ft., wood frame, 1 story, off-site removal only, most recent use—storage.

Bldg. T–3681, Fort Sill
3681 Thomas Street
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219220615
Status: Unutilized
Comment: 3673 sq. ft., wood frame, 1 story, off-site removal only, most recent use—detached dayroom.

Bldg. T–3700, Fort Sill
3700 Tacy Street
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219220616
Status: Unutilized
Comment: 3162 sq. ft., wood frame, 1 story, off-site removal only, most recent use—classroom.

Bldg. T–3701 Fort Sill
3701 Walker Street
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219220617
Status: Unutilized
Comment: 2263 sq. ft., wood frame, 2 story, off-site removal only, most recent use—barracks.

Bldg. T–4712, Fort Sill
4712 Hartell Blvd.
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219220618
Status: Unutilized
Comment: 3842 sq. ft., wood frame, 1 story, off-site removal only, most recent use—chapel/administration.

Bldg. P–7452, Fort Sill
Lake Elmer Thomas Rec Area
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219220619
Status: Unutilized
Comment: 450 sq. ft., metal frame, 1 story, off-site removal only, most recent use—garage.

Bldg. T–3660, Fort Sill
3660 Tacy Street
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219230275
Status: Unutilized
Comment: 4659 sq. ft., 1 story wood frame, off-site use only.

Bldg. T–314, Fort Sill
314 Fowler Road
Lawton, Co: Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240652
Status: Unutilized
Comment: 2798 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—admin supply.

Bldg. T–315, Fort Sill
315 Fowler Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240653
Status: Unutilized
Comment: 2787 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—training aids center.

Bldg. T–3541, Fort Sill
3541 Tacy Street
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240654
Status: Unutilized
Comment: 3873 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—admin/supply.

Bldg. T–2702, Fort Sill
2702 Thomas Street
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240655
Status: Unutilized
Comment: 5520 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—admin.

Bldg. T–3311, Fort Sill
3311 Naylor Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240656
Status: Unutilized
Comment: 1468 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—admin.

Bldg. T–3545, Fort Sill
3545 Tacy Street
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240657
Status: Unutilized
Comment: 1647 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—general instruction.

Bldg. T–942, Fort Sill
942 Quinette Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240658
Status: Unutilized
Comment: 149 sq. ft., 1 story metal frame, needs rehab, off-site use only, most recent use—gas station bldg.

Bldg. T–954, Fort Sill
954 Quinette Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240659
Status: Unutilized
Comment: 3571 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—motor repair shop.

Bldgs. T–1050, T–1051 Fort Sill
1050 Quinette Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Numbers: 219240660–219240661
Status: Unutilized
Comment: 6240 sq. ft. ea., 2 story wood frame, needs rehab, off-site use only, most recent use—barracks.

Bldgs. T–3703 thru T–3605, T–3709 Fort Sill
3703 Walker Street
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Numbers: 219240662–219240665
Status: Unutilized
Comment: 4524 sq. ft. ea., 2 story wood frame, needs rehab, off-site use only, most recent use—barracks.

Bldg. T–5121, Fort Sill
5121 Post Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240666
Status: Unutilized
Comment: 8156 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—barracks.

Bldgs. T–2703, T–2704, Fort Sill
2703 Thomas Street
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Numbers: 219240667–219240668
Status: Unutilized
Comment: 5520 sq. ft. ea., 2 story wood frame, needs rehab, off-site use only, most recent use—enlisted barracks.

Bldg. T–2740, Fort Sill
2740 Miner Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240669
Status: Unutilized
Comment: 8210 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—enlisted barracks.

Bldg. T–2745, Fort Sill
2745 Miner Road
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240670
Status: Unutilized
Comment: 8288 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—enlisted barracks.

Bldg. T–1475, Fort Sill
Lawton, OK, Comanche, Zip: 73503–5100
Landholding Agency: Army
Property Number: 219240671
Status: Unutilized
Comment: 544 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—stable.

Bldg. T–2633, Fort Sill
2633 Miner Road
Lawton, OK, Comanche, Zip: 73503–5100

Landholding Agency: Army
Property Number: 219240672
Status: Unutilized
Comment: 19455 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—enlisted mess.

Bldg. T-2701, Fort Sill
2701 Thomas Street
Lawton, OK, Comanche, Zip: 73503-5100
Landholding Agency: Army
Property Number: 219240673
Status: Unutilized
Comment: 5520 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—storage.

Bldg. T-2907, Fort Sill
2907 Marcy Road
Lawton, OK, Comanche, Zip: 73503-5100
Landholding Agency: Army
Property Number: 219240674
Status: Unutilized
Comment: 3861 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—storage.

Bldg. T-2928, Fort Sill
2928 Custer Road
Lawton, OK, Comanche, Zip: 73503-5100
Landholding Agency: Army
Property Number: 219240675
Status: Unutilized
Comment: 2315 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—storage.

Bldg. T-4050, Fort Sill
4050 Pitman Street
Lawton, OK, Comanche, Zip: 73503-5100
Landholding Agency: Army
Property Number: 219240676
Status: Unutilized
Comment: 3177 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—storage.

Bldg. T-5110, Fort Sill
5110 Post Road
Lawton, OK, Comanche, Zip: 73503-5100
Landholding Agency: Army
Property Number: 219240677
Status: Unutilized
Comment: 457 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—storage.

Bldg. P-3032, Fort Sill
3032 Haskins Road
Lawton, OK, Comanche, Zip: 73503-5100
Landholding Agency: Army
Property Number: 219240678
Status: Unutilized
Comment: 101 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—general storehouse.

Bldg. T-5115, Fort Sill
5115 Post Road
Lawton, OK, Comanche, Zip: 73503-5100
Landholding Agency: Army
Property Number: 219240679
Status: Unutilized
Comment: 1,260 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—storehouse.

Bldg. T-3302, Fort Sill
3302 Naylor Road
Lawton, OK, Comanche, Zip: 73503-5100
Landholding Agency: Army
Property Number: 219240680
Status: Unutilized
Comment: 114 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—flammable storage.

Bldg. T-3325, Fort Sill
3325 Naylor Road
Lawton, OK, Comanche, Zip: 73503-5100
Landholding Agency: Army
Property Number: 219240681
Status: Unutilized
Comment: 8832 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—warehouse.

Bldg. T-3540, Fort Sill
3540 Tacy Street
Lawton, OK, Comanche, Zip: 73503-5100
Landholding Agency: Army
Property Number: 219240682
Status: Unutilized
Comment: 3833 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—classroom

Bldg. T-3708, Fort Sill
3708 Walker Street
Lawton, OK, Comanche, Zip: 73503-5100
Landholding Agency: Army
Property Number: 219240683
Status: Unutilized
Comment: 4526 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—day room.

Bldg. T-2911, Fort Sill
291 Craig Road
Lawton, OK, Comanche, Zip: 73503-5100
Landholding Agency: Army
Property Number: 219240684
Status: Unutilized
Comment: 2284 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—dispensary.

Bldg. T-260, Fort Sill
260 Corral Road
Lawton, OK, Comanche, Zip: 73503-5000
Landholding Agency: Army
Property Number: 219240776
Status: Unutilized
Comment: 4838 sq. ft., 2 story wood frame, off-site use only, possible asbestos, most recent use—admin.

Bldg. T-228, Fort Sill
228 Corral Road
Lawton, OK, Comanche, Zip: 73503-5000
Landholding Agency: Army
Property Number: 219240777
Status: Unutilized
Comment: 4884 sq. ft., 2 story wood frame, off-site use only, possible asbestos, most recent use—storage.

Bldg. T-2933, Fort Sill
2933 Marcy Road
Lawton, OK, Comanche, Zip: 73503-5000
Landholding Agency: Army
Property Number: 219240778
Status: Unutilized
Comment: 13545 sq. ft., 1 story wood frame, off-site use only, possible asbestos, most recent use—theatre w/stage.

Bldg. T-1475, Fort Sill
Lawton, OK, Comanche, Zip: 73503-5100
Landholding Agency: Army
Property Number: 219240784
Status: Unutilized
Comment: 544 sq. ft., 1-story wood frame donkey shed, off-site use only

Tennessee

Robert Joel Ridings
US Army Reserve Center
920 Cherokee Avenue
Nashville Co: Davidson TN 37207-
Landholding Agency: Army
Property Number: 219011667
Status: Excess
Comment: 40,000 sq. ft.; 3.67 acres; concrete block; utilities disconnected; site vandallized.

Texas

Bldg. 2
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070-
Landholding Agency: Army
Property Number: 219014815
Status: Unutilized
Comment: 94606 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 4
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070-
Landholding Agency: Army
Property Number: 219014816
Status: Unutilized
Comment: 1350 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 17
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070-
Landholding Agency: Army
Property Number: 219014817
Status: Unutilized
Comment: 68 sq. ft.; wood and metal frame; subject to sewer pipeline easement; needs rehab.; most recent use—guard house.

Bldg. 29
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070-
Landholding Agency: Army
Property Number: 219014818
Status: Unutilized
Comment: 5028 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 30
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070-
Landholding Agency: Army
Property Number: 219014819
Status: Unutilized
Comment: 5323 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 18
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070-
Landholding Agency: Army
Property Number: 219014820
Status: Unutilized
Comment: 9560 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 6
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070-
Landholding Agency: Army
Property Number: 219014821
Status: Unutilized
Comment: 1258 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 7
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: Army
Property Number: 219014822
Status: Unutilized
Comment: 508 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 8
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: Army
Property Number: 219014824
Status: Unutilized
Comment: 171 sq. ft.; 2 story wood and metal frame; subject to sewer pipeline easement; needs rehab; most recent use—watch tower.

Bldg. 16
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: Army
Property Number: 219014825
Status: Unutilized
Comment: 17263 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 19
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: Army
Property Number: 219014826
Status: Unutilized
Comment: 25399 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 31
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: Army
Property Number: 219014827
Status: Unutilized
Comment: 1392 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 9
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: Army
Property Number: 219014828
Status: Unutilized
Comment: 244 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 25
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: Army
Property Number: 219014829
Status: Unutilized
Comment: 1320 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab; most recent use—fire house.

Bldg. 10
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: Army
Property Number: 219014830
Status: Unutilized
Comment: 354 sq. ft.; 2 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 26
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: Army
Property Number: 219014831
Status: Unutilized
Comment: 3518 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 21
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: Army
Property Number: 219014832
Status: Unutilized
Comment: 65 sq. ft.; wood and metal frame; subject to sewer pipeline easement; needs rehab; most recent use—guard house.

Bldg. 22
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: Army
Property Number: 219014833
Status: Unutilized
Comment: 50581 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 27
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: Army
Property Number: 219014834
Status: Unutilized
Comment: 228 sq. ft.; 2 story wood and metal frame; subject to sewer pipeline easement; needs rehab; most recent use—control tower.

Bldg. 32
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: Army
Property Number: 219014835
Status: Unutilized
Comment: 19546 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. P–3350, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220397
Status: Underutilized
Comment: 992 sq. ft., 1-story wood structure, possible asbestos, off-site removal only.

Bldg. P–3824, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220398
Status: Unutilized
Comment: 2232 sq. ft., 1-story concrete structure, within National Landmark Historic District, off-site removal only.

Bldg. 11042, Fort Bliss
El Paso, TX, El Paso, Zip: 79916–
Landholding Agency: Army
Property Number: 21922681
Status: Unutilized
Comment: 6851 sq. ft., 1 story wood structure, most recent use—vehicle maintenance shop, off-site use only.

Bldg. 659, Fort Bliss
El Paso, TX, El Paso, Zip: 79916–
Landholding Agency: Army
Property Number: 21923004
Status: Unutilized
Comment: 630 sq. ft., 1-story wood structure, needs major rehab, most recent use—admin., off-site use only.

Bldg. T–2400, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220435
Status: Underutilized
Comment: 6093 sq. ft., 1-story concrete and tile structure, off-site removal only.

Bldg. 56616, Fort Hood
Ft. Hood, TX, Bell, Zip: 76544–
Landholding Agency: Army
Property Number: 219230295
Status: Unutilized
Comment: 1883 sq. ft., 1-story, most recent use—storage, needs rehab, off-site use only.

Bldgs. 866, 883, Fort Bliss
El Paso, TX, El Paso, Zip: 79916–
Landholding Agency: Army
Property Numbers: 219230317, 219230320
Status: Unutilized
Comment: 972 sq. ft. ea., 1-story wood frame, most recent use—storehouse, off-site use only.

Bldg. 880, Fort Bliss
El Paso, TX, El Paso, Zip: 79916–
Landholding Agency: Army
Property Number: 219230319
Status: Unutilized
Comment: 978 sq. ft., 1-story wood frame, most recent use—storehouse, off-site use only.

Bldgs. 876, 879, 882, Fort Bliss
El Paso, TX, El Paso, Zip: 79916–
Landholding Agency: Army
Property Numbers: 219230343
Status: Unutilized
Comment: 858 sq. ft., 1-story wood frame, most recent use—admin., off-site use only.

Bandstand & Pavillon
Fort Bliss
El Paso, TX, El Paso, Zip: 79916–
Landholding Agency: Army
Property Number: 219230353
Status: Unutilized
Comment: concrete and flag stone, off-site use only.

Harlingen USARC
1920 East Washington
Harlingen Co: Cameron TX 78550–
Landholding Agency: Army
Property Number: 219120304
Status: Excess
Comment: 19440 sq. ft., 1 story brick, needs rehab, with approx. 6 acres including parking areas, most recent use—Army Reserve Training Center.

Bldgs. 6202–6207, 6162–6166
Bradshaw Avenue, Fort Bliss
El Paso, TX, El Paso, Zip: 79916
Landholding Agency: Army
Property Numbers: 219240685–219240695
Status: Unutilized
Comment: 5400 sq. ft., 2 story wood frame, 4-unit residences, needs rehab, off-site use only.

Bldgs. 6208, 6217–6219, 6209–6212, 6227, 6229, 6231, 6233, 6238, 6240, 6242, 6244
Bradshaw Avenue, Fort Bliss
El Paso, Co: El Paso, TX 79916
Landholding Agency: Army
Property Numbers: 219240696–219240711
Status: Unutilized

Comment: 5040 sq. ft. ea., 2 story wood frame, 4-unit residences, needs rehab, off-site use only.

Bldg. 4241, Fort Bliss
4241 Logan Heights
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219240712
Status: Unutilized
Comment: 1383 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—administrative.

Bldgs. 123, 3435, Fort Hood
Battalion
Ft. Hood Co: Bell TX 76544
Landholding Agency: Army
Property Numbers: 219240713–219240714
Status: Unutilized
Comment: 1350 sq. ft. ea., 1 story wood frame, needs rehab, off-site use only.

Bldg. 2204, Fort Hood
Battalion
Ft. Hood Co: Bell TX 76544
Landholding Agency: Army
Property Number: 219240715
Status: Unutilized
Comment: 1512 sq. ft., 1 story wood frame, needs rehab, off-site use only.

Bldg. 2326, Fort Hood
Battalion
Ft. Hood Co: Bell TX 76544
Property Number: 219240716
Status: Unutilized
Comment: 1728 sq. ft., 1 story wood frame, needs rehab, off-site use only.

Virginia

Bldg. T–6015
U.S. Army Logistics Center & Fort Lee
Shop Road
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219012376
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. T–6018
U.S. Army Logistics Center & Fort Lee
Shop Road
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219012396
Status: Unutilized
Comment: 1575 sq ft., 1 floor, no utilities, possible asbestos, needs rehab, off site use only.

Wisconsin

Bldgs. T–1058, T–1027—T–01030, T–01035—T–01040, T–01044, T–01046—T–01053, T–01059, T–01063, T–01069, T–01034, T–01041, T–01057, T–01071—T–01080, T–01082—T–01084
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013435, 219013471–219013480, 219013483, 219013485–219013493, 219013497, 219013502, 219013504–219013505, 219013519, 219013521–219013533
Status: Unutilized
Comment: 4829 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10122
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013436
Status: Unutilized
Comment: 1900 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10123
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013437
Status: Unutilized
Comment: 2405 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10135
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013438
Status: Unutilized
Comment: 97 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—power plant.

Bldg. T–10136
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013439
Status: Unutilized
Comment: 96 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—power plant.

Bldg. T–10127
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013440
Status: Unutilized
Comment: 1148 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. P–10119
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013441
Status: Unutilized
Comment: 215 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. P–10137
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013442
Status: Unutilized
Comment: 192 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—power plant.

Bldgs. T–01088—T–01089, T–01090—T–01093, T–01094—T–01097, T–01014
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013444–219013445, 219013446–219013449, 219013452–219013455, 219013457
Status: Unutilized
Comment: 5295 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10118
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013450
Status: Unutilized
Comment: 1250 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10120
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013451
Status: Unutilized
Comment: 1250 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10113
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013456
Status: Unutilized
Comment: 2393 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10121
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013458
Status: Unutilized
Comment: 506 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T–10100—T–10103, T–10105, T–10107, T–10108
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013459–219013462, 219013463, 219013465–219013466
Status: Unutilized
Comment: 3944 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10106
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013464
Status: Unutilized
Comment: 4105 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10124
Fort McCoy

Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013467
Status: Unutilized
Comment: 3115 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T–10125—T–10126
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013468–219013469
Status: Unutilized
Comment: 3590 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10110
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013470
Status: Unutilized
Comment: 2548 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—vehicle storage.

Bldgs. T–01042, T–01043, T–01045, T–01060—T–01062, T–01022—T–01025, T–01064, T–01085—T–01086
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013481–219013482, 219013484, 219013494–219013496, 219013515–219013518, 219013520, 219013534–219013535
Status: Unutilized
Comment: 4686 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T–01065—T–01067
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013498–219013500
Status: Unutilized
Comment: 4793 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01068
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013501
Status: Unutilized
Comment: 4848 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01032
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013503
Status: Unutilized
Comment: 5588 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01054
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013506
Status: Unutilized
Comment: 4184 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01033
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013507
Status: Unutilized
Comment: 5241 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10112
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013508
Status: Unutilized
Comment: 1273 sq. ft.; 1 story wood frame; posssible asbestos; hospital/patient ward buildings; most recent use—morgue.

Bldg. T–01031
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013509
Status: Unutilized
Comment: 4813 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01002
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013510
Status: Unutilized
Comment: 2573 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01010
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013511
Status: Unutilized
Comment: 8799 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10109
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013512
Status: Unutilized
Comment: 2000 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01098
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013513
Status: Unutilized
Comment: 7133 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01099
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013514
Status: Unutilized
Comment: 3294 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01003
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013536
Status: Unutilized
Comment: 3366 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01001
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013537
Status: Unutilized
Comment: 3350 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01005
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013538
Status: Unutilized
Comment: 3253 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01020
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013539
Status: Unutilized
Comment: 4150 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T–01070, T–01081
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013540–219013541
Status: Unutilized
Comment: 7133 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T–01006—T–01007, T–01009, T–01012—T–01013, T–01015—T–01018
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013542–219013544, 219013546–219013551
Status: Unutilized

Comment: 5295 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01011
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013545
Status: Unutilized
Comment: 4236 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01021
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013552
Status: Unutilized
Comment: 4236 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T–01004, T–01019
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013553–219013554
Status: Unutilized
Comment: 2815 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01056
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013555
Status: Unutilized
Comment: 15657 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01000
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013556
Status: Unutilized
Comment: 3378 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—fire station.

Bldg. T–01055
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54646–5000
Landholding Agency: Army
Property Number: 219013557
Status: Unutilized
Comment: 5471 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. 2112, Fort McCoy
US Highway 21
Ft. McCoy, WI, Monroe, Zip: 54656–
Landholding Agency: Army
Property Number: 219210310
Status: Underutilized
Comment: 582 sq. ft., 1 story, most recent use—ice house, needs repair.

Bldgs. 212–214, 218–220, 223–225, 228–231, 312–314, 318–320, 402–404, 407–410, 412–414, 418–420, 423–425, 428–429, 440–442
Fort McCoy
US Highway 21
Ft. McCoy, WI, Monroe, Zip: 54656–
Landholding Agency: Army
Property Numbers: 219210311–219210350
Status: Underutilized
Comment: 5310 sq. ft. ea., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—housing.

Bldgs. 216–217, 226–227, 316–317, 405–406, 416–417
Fort McCoy
US Highway 21
Ft. McCoy, WI, Monroe, Zip: 54656–
Landholding Agency: Army
Property Numbers: 219210351–219210360
Status: Underutilized
Comment: 2950 sq. ft. ea., 1 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—mess halls.

Bldgs. 426–427, 439
Fort McCoy
US Highway 21
Ft. McCoy, WI, Monroe, Zip: 54656–
Landholding Agency: Army
Property Numbers: 219210361–219210362, 219210364
Status: Underutilized
Comment: 2350 sq. ft. ea., 1 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—mess halls.

Bldg. 438, Fort McCoy
US Highway 21
Ft. McCoy, WI, Monroe, Zip: 54656–
Landholding Agency: Army
Property Number: 219210363
Status: Underutilized
Comment: 2500 sq. ft., 1 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—mess hall.

Bldgs. 221–222, 232–233, 321, 333, 401, 411, 421, 433
Fort McCoy
US Highway 21
Ft. McCoy, WI, Monroe, Zip: 54656–
Landholding Agency: Army
Property Numbers: 219210365–219210368, 219210371–219210375, 219210378
Status: Underutilized
Comment: 3250 sq. ft. ea., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office/storage.

Bldg. 234, Fort McCoy
US Highway 21
Fort McCoy, WI, Monroe, Zip: 54656–
Landholding Agency: Army
Property Number: 219210369
Status: Underutilized
Comment: 2682 sq. ft., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office/storage.

Bldg. 240, Fort McCoy
US Highway 21
Fort McCoy, WI, Monroe, Zip: 54656–
Landholding Agency: Army
Property Number: 219210370
Status: Underutilized
Comment: 1750 sq. ft., 1 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office.

Bldgs. 422, 432, 443
Fort McCoy
US Highway 21
Fort McCoy, WI, Monroe, Zip: 54656–
Landholding Agency: Army
Property Numbers: 219210376–219210377, 219210380
Status: Underutilized
Comment: 2750 sq. ft. es., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office/storage.

Bldgs. 434, 444
Fort McCoy
US Highway 21
Ft. McCoy, WI, Monroe, Zip: 54656–
Landholding Agency: Army
Property Numbers: 219210379, 219210381
Status: Underutilized
Comment: 2682 sq. ft. ea., 2 story, possible asbestos, needs repair, selected periods reserved for military/training exercises, most recent use—office/storage.

Land (by State)

Kansas

Parcel 1
Fort Leavenworth
Combined Arms Center
Fort Leavenworth Co: Leavenworth KS 66027–5020
Landholding Agency: Army
Property Number: 219012333
Status: Underutilized
Comment: 14.4+ acres.

Parcel 3
Fort Leavenworth
Combined Arms Center
Fort Leavenworth Co: Leavenworth KS 66027–5020
Landholding Agency: Army
Property Number: 219012336
Status: Underutilized
Comment: 261+ acres; heavily forrested; no access to a public right-of-way; selected periods are reserved for military/training exercises.

Parcel 4
Fort Leavenworth
Combined Arms Center
Fort Leavenworth Co: Leavenworth KS 66027–5020
Landholding Agency: Army
Property Number: 219012339
Status: Underutilized
Comment: 24.1+ acres; selected periods are reserved for military/training exercises; steep/wooded areas.

Parcel 6
Fort Leavenworth
Combined Arms Center
Fort Leavenworth Co: Leavenworth KS 66027–5020
Location: Extreme north east corner of installation in Flood Plain of the Missouri River.
Landholding Agency: Army
Property Number: 219012340
Status: Underutilized
Comment: 1280 acres; selected periods are reserved for military/training exercises.

Parcel F
Fort Leavenworth

Combined Arms Center
Fort Leavenworth Co: Leavenworth KS 66027–5020
Landholding Agency: Army
Property Number: 219012552
Status: Unutilized
Comment: 33.4 acres; area is land locked; heavily wooded; periodic flooding.

Minnesota

Land
Twin Cities Army Ammunition Plant
New Brighton Co: Ramsey MN 55112–
Landholding Agency: Army
Property Number: 219120269
Status: Underutilized
Comment: Approx. 25 acres, possible contamination, secured area with alternate access.

Nevada

Parcel A
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location: At Foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Landholding Agency: Army
Property Number: 219012049
Status: Unutilized
Comment: 160 acres, road and utility easements, no utility hookup, possible flooding problem.

Parcel B
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location: At Foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Landholding Agency: Army
Property Number: 219012056
Status: Unutilized
Comment: 1920 acres; road and utility easements; no utility hookup; possible flooding problem.

Parcel C
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location: South-southwest of Hawthorne along HWAAP's South Magazine Area at western edge of State Route 359.
Landholding Agency: Army
Property Number: 219012057
Status: Unutilized
Comment: 85 acres; road and utility easements; no utility hookup.

Parcel D
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location: South-southwest of Hawthorne along HWAAP's South Magazine Area at western edge of State Route 359.
Landholding Agency: Army
Property Number: 219012058
Status: Unutilized
Comment: 955 acres; road and utility easements; no utility hookup.

New Jersey

Land—Camp Kilmer
Plainfield Avenue
Edison Co: Middlesex NJ 08817
Landholding Agency: Army
Property Number: 219230357
Status: Underutilized
Comment: approx. 10 acres in the center portion of site, most recent use—ballfields/recreation.

Land—Camp Kilmer
Plainfield Avenue
Edison Co: Middlesex NJ 08817
Landholding Agency: Army
Property Number: 219230358
Status: Underutilized
Comment: approx. 10 acres in the southwest corner of site, most recent use—reserve training, wooded area.

Skaneateles WET Site
Old Seneca Turnpike
Skaneateles Co: Onondaga NY 13152
Landholding Agency: Army
Property Number: 219240781
Status: Unutilized
Comment: 148.9 acres, approx. 10 acres wetland, 3 bldgs. extensively deteriorated, portion near bldg. contaminated w/gasoline.

Tennessee

Milan Army Ammunition Plant
Milan Co: Carroll TN 38358–
Location: Plant boundary in the northeast corner of the plant & housing area
Landholding Agency: Army
Property Number: 219010547
Status: Excess
Comment: 17.2 acres; right of entry legal constraint

Holston Army Ammunition Plant
Kingsport Co: Hawkins TN 61299–6000
Landholding Agency: Army
Property Number: 219012338
Status: Unutilized
Comment: 8 acres; unimproved; could provide access; 2 acres unusable; near explosives.

Land
Milan Army Ammunition Plant
NE corner of plant & housing area
Milan Co: Carroll TN 38358
Landholding Agency: Army
Property Number: 219240780
Status: Unutilized
Comment: 17.2 acres, secured area w/alternate access, most recent use—buffer zone.

Texas

Land Saginaw Army Aircraft Plt
Saginaw Co: Tarrant TX 76070–
Landholding Agency: Army
Property Number: 219014814
Status: Unutilized
Comment: 154.3 acres; includes buildings/structures/parking and air strip.

Vacant Land, Fort Sam Houston
All of Block 1800, Portions of Blocks 1900, 3100 and 3200
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219220438
Status: Unutilized
Comment: 250.33 acres, 85% located in floodplain, possibility of unexploded ordnance.

Suitable/Unavailable Properties

Buildings (by State)

Alaska

Bldgs. 240, 246, 260, 267, 502, 507
Fort Richardson
Ft. Richardson Co: Anchorage AK
Landholding Agency: Army
Property Numbers: 219240766–219240771
Status: Unutilized
Comment: 13059 sq. ft. ea., 3 story wood frame, asbestos/lead paint, off-site use only, most recent use—residential.

Kentucky

Bldgs. 2945
Fort Campbell
Fort Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219012543
Status: Underutilized
Comment: 4248 sq. ft.; 2 story; selected periods are reserved for military/training exercises; possible asbestos.

Bldgs. 144, 145
Ft. Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Numbers: 219013140–219013141
Status: Underutilized
Comment: 12576 sq. ft. each; 2 story; possible asbestos; most recent use—basic training central issue facility.

Massachusetts

Bldg. T–206
Fort Devens
Fort Devens Co: Middlesex/Worce MA 01433–
Landholding Agency: Army
Property Number: 219012345
Status: Underutilized
Comment: 1000 sq. ft.; 1 story, wood, most recent use—day room.

Bldg. T–209
Fort Devens
Fort Devens MA 01433–
Landholding Agency: Army
Property Number: 219030265
Status: Underutilized
Comment: 4070 sq. ft.; 2 story wood frame; needs rehab; most recent use—barracks.

Texas

Bldg. P–16, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220366
Status: Underutilized
Comment: 76,102 sq. ft.; 2-story stone bldg., within National Landmark Historic District

Bldg. P–44, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220367
Status: Unutilized
Comment: 95,332 sq. ft., 3-story concrete bldg., possible asbestos

Bldg. P–122, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220368
Status: Underutilized
Comment: 12,782 sq. ft., 1-story brick bldg., within National Landmark Historic District

Bldg. P–125, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220369
Status: Underutilized
Comment: 1593 sq. ft., 1-story brick bldg., within National Landmark Historic District

Bldg. P–126, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220370
Status: Underutilized
Comment: 12,445 sq. ft., 3-story brick bldg., within National Landmark Historic District

Bldg. P–127, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220371
Status: Underutilized
Comment: 1593 sq. ft., 1-story brick bldg., within National Landmark Historic District

Bldg. P–133, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220372
Status: Underutilized
Comment: 13,232 sq. ft., 2-story brick bldg., within National Landmark Historic District

Bldgs. P–135, P–140, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Numbers: 219220373–219220374
Status: Underutilized
Comment: 1593 sq. ft. ea., 1-story brick bldg., within National Landmark Historic District

Bldg. P–142, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220375
Status: Underutilized
Comment: 4735 sq. ft., 3-story brick bldg., within National Landmark Historic District

Bldgs. P–145, P–146, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Numbers: 219220376–219220377
Status: Underutilized
Comment: 14,813 sq. ft. ea., 3-story brick bldg., within National Landmark Historic District

Bldg. P–155, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220378
Status: Underutilized
Comment: 7374 sq. ft., 2-story brick bldg., within National Landmark Historic District

Bldg. P–197, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220379
Status: Underutilized
Comment: 13,819 sq. ft., 3-story stucco bldg., within National Landmark Historic District

Bldg. P–198, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220380
Status: Underutilized
Comment: 5468 sq. ft., 3-story stucco bldg., within National Landmark Historic District

Bldg. P–252, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220381
Status: Underutilized
Comment: 1830 sq. ft., 1-story stucco bldg.

Bldgs. P–260, P–261, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Numbers: 219220382–219220383
Status: Underutilized
Comment: 1749 sq. ft. ea., 1-story brick bldg., within National Landmark Historic District

Bldg. P–366, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220384
Status: Underutilized
Comment: 2844 sq. ft., 1-story stucco bldg.

Bldg. P–367, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220385
Status: Underutilized
Comment: 19,830 sq. ft., 1-story stucco bldg., possible asbestos

Bldg. P–369, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220386
Status: Underutilized
Comment: 10,361 sq. ft., 2-story concrete bldg.

Bldg. P–912, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220387
Status: Underutilized
Comment: 4390 sq. ft., 1-story stone bldg.

Bldg. P–1029, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220388
Status: Underutilized
Comment: 51,236 sq. ft., 3-story brick structure

Bldg. P–2000, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220389
Status: Underutilized
Comment: 49,542 sq. ft., 3-story brick structure, within National Landmark Historic District

Bldg. P–2001, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220390
Status: Underutilized
Comment: 16,539 sq. ft., 4-story brick structure, within National Landmark Historic District

Bldg. P–2007, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220391
Status: Underutilized
Comment: 13,058 sq. ft., 3-story brick structure, within National Landmark Historic District

Bldg. P–2267, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220392
Status: Underutilized
Comment: 7075 sq. ft., 2-story brick structure, within National Landmark Historic District

Bldg. P–2268, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220393
Status: Underutilized
Comment: 10,260 sq. ft., 2-story brick structure, within National Landmark Historic District, possible asbestos

Bldg. P–2289, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220394
Status: Underutilized
Comment: 4720 sq. ft., 2-story wood structure, possible asbestos

Bldg. P–2509, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220395
Status: Underutilized
Comment: 3147 sq. ft., 1-story wood structure, possible asbestos

Bldg. P–2840, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220396
Status: Underutilized
Comment: 102,194 sq. ft., 4-story concrete structure

Bldg. T–189, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220402
Status: Underutilized
Comment: 11,949 sq. ft., 4-story brick structure, within National Landmark Historic District, possible lead contamination

Bldg. T–300, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220406
Status: Underutilized
Comment: 8352 sq. ft., 1-story wood structure, possible asbestos

Bldg. T–942, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220409
Status: Underutilized
Comment: 2740 sq. ft., 1-story wood structure, within National Landmark Historic District, possible asbestos

Bldg. T–2066, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220424
Status: Underutilized
Comment: 4720 sq. ft., 1-story wood structure, within National Landmark Historic District, possible asbestos

Bldg. T–2067, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220425
Status: Underutilized
Comment: 2664 sq. ft., 1-story wood structure, within National Landmark Historic District, possible asbestos

Bldg. T–2250, Fort Sam Houston
San Antonio, TX, Bexar, Zip: 78234–5000
Landholding Agency: Army
Property Number: 219220432
Status: Underutilized
Comment: 13,483 sq. ft., 3-story brick structure, within National Landmark Historic District, possible asbestos

Suitable/To Be Excessed

Buildings (by State)

California

Bldg. 270

Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos Co: Orange CA 90720–5001
Landholding Agency: Army
Property Number: 219120324
Status: Unutilized
Comment: 90 sq. ft., concrete/aluminum, off-site use only, most recent use—aircraft steam cleaning bldg.

Maryland

Bldg. 101
Walter Reed Army Medical Center
Forest Glen Section
Silver Spring Co: Montgomery MD 20910–
Landholding Agency: Army
Property Number: 219012678
Status: Underutilized
Comment: 18438 sq. ft.; needs rehab; possible asbestos; building listed on National Historic Register.

Bldg. 104
Walter Reed Army Medical Center
Forest Glen Section
Silver Spring Co: Montgomery MD 20910–
Landholding Agency: Army
Property Number: 219012679
Status: Underutilized
Comment: 12495 sq. ft.; needs rehab; possible asbestos; building listed on National Historic Register.

Bldg. 107
Walter Reed Army Medical Center
Forest Glen Section
Silver Spring Co: Montgomery MD 20910–
Landholding Agency: Army
Property Number: 219012680
Status: Unutilized
Comment: 4107 sq. ft.; possible structural deficiencies; possible asbestos; historic property.

Bldg. 120
Walter Reed Army Medical Center
Forest Glen Section
Silver Spring Co: Montgomery MD 20910–
Landholding Agency: Army
Property Number: 219012681
Status: Underutilized
Comment: 2442 sq. ft.; possible structural deficiencies; possible asbestos; historic property.

Unsuitable Properties

Buildings (by State)

Alabama

69 Bldgs.
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–
Landholding Agency: Army
Property Numbers: 219014000, 219014003–219014005, 219014009, 219014012, 219014015–219014051, 219014057, 219014060, 219014068–219014080, 219014291–219014292, 219110109, 219120247–219120250, 219140614–219140615, 219230190
Status: Unutilized
Reason: Secured Area

Bldg. P00894
Fort McClellan
3rd Avenue in Area 8 Motor Pool
Fort McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219110046
Status: Unutilized
Reason: Gas station

Bldg. T00862
Fort McClellan
Off 21st Street between 2nd & 3rd Avenue
Fort McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219130019
Status: Unutilized
Reason: Extensive deterioration

Two Bedroom Apt.
Anniston Army Depot
Wherry Housing—Terrace Homes Apt.
Anniston Co: Calhoun AL 36201–
Landholding Agency: Army
Property Number: 219130108
Status: Excess
Reason: Extensive deterioration

77 Bldgs.
Alabama Army Ammunition Plant
110 Hwy. 235
Childersburg Co: Talladega AL 35044–
Landholding Agency: Army
Property Numbers: 219210018–219210094
Status: Excess
Reason: Secured Area

L006T1, L006T2, L006T3
Troy Municipal Airport
Troy Co: Pike AL 36081
Landholding Agency: Army
Property Number: 219220294
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 3403, 24201–24203, 8418, 8421, 620
Fort Rucker
Ft. Rucker Co: Dale AL 36362
Landholding Agency: Army
Property Numbers: 219220341–219220344, 219230191, 219230192, 219310016
Status: Unutilized
Reason: Extensive deterioration

27 Bldgs.
Phosphate Development Works
Muscle Shoals Co: Colbert AL 35660–1010
Landholding Agency: Army
Property Numbers: 219220789–219220815
Status: Unutilized
Reason: Extensive deterioration

9 Bldgs., Fort McClellan
Ft. McClellan Cot Calhoun AL 36205–5000
Landholding Agency: Army
Property Numbers: 219310006–219310014
Status: Unutilized
Reason: Extensive deterioration

Alaska

16 Bldgs.
Fort Greely
Ft. Greely AK 99790–
Landholding Agency: Army
Property Numbers: 219210124–219210125, 219220319–219220332
Status: Unutilized
Reason: Extensive deterioration

Bldg. 47022, Fort Richardson
Ft. Richardson Co: Anchorage AK 99505
Landholding Agency: Army
Property Number: 219220351
Status: Unutilized
Reason: Within airport rupway clear zone

11 Bldgs., Fort Richardson
Ft. Richardson Co: Anchorage AK 99505
Landholding Agency: Army
Property Numbers: 219220352–219220355, 219230185–219230187, 219240270–219240272, 219310015
Status: Unutilized
Reason: Extensive deterioration. (Some are in a secured area.)

Bldgs. 1126, 1578, Fort Wainwright
Ft. Wainwright Co: Fairbanks AK 99505
Landholding Agency: Army
Property Numbers: 219230183–219230184
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1144, Fort Wainwright
Ft. Wainwright Co: Fairbanks/North AK 99703
Landholding Agency: Army
Property Number: 219240273
Status: Unutilized
Reason: Secured Area. Within airport runway clear zone

Bldgs. 5001, 5002, Fort Wainwright
Ft. Wainwright Co: Fairbanks/North AK 99703
Landholding Agency: Army
Property Numbers: 219240274–219240275
Status: Unutilized
Reason: Secured Area. Floodway

Bldg. 1501, Fort Greely
Ft. Greely AK 99505
Landholding Agency: Army
Property Number: 219240327
Status: Unutilized
Reason: Secured Area

Bldg. 914, Fort Richardson
Ft. Richardson AK 99505
Landholding Agency: Army
Property Number: 219240330
Status: Unutilized
Reason: Secured Area. Within airport runway clear zone. Structural Damage

Arizona

49 Bldgs.
Yuma Proving Ground
Yuma Co: Yuma/La Paz AZ 85365–9102
Landholding Agency: Army
Property Numbers: 219011738, 219011744, 219013931–219013958, 219013962–219013964, 219013966–219013980, 219240332
Status: Underutilized
Reason: Secured Area

32 Bldgs.
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015–
Location: 12 miles west of Flagstaff, Arizona on I–40
Landholding Agency: Army
Property Numbers: 219014560–219014591
Status: Underutilized
Reason: Secured Area

10 properties: 753 earth covered igloos; above ground standard magazines
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015–
Location: 12 miles west of Flagstaff, Arizona on I–40.
Landholding Agency: Army
Property Numbers: 219014592–219014601
Status: Underutilized
Reason: Secured Area

9 Bldgs.
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015–5000
Location: 12 miles west of Flagstaff on I–40
Landholding Agency: Army
Property Numbers: 219030273–219030274, 219120175–219120181

Status: Unutilized
Reason: Secured Area
Bldgs. 22330, 84001
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Numbers: 219210016–219210017
Status: Excess
Reason: Extensive deterioration

Arkansas

Fort Smith USAR Center
Fort Smith
1218 South A Street
Fort Smith Co: Sebastian AR 72901–
Landholding Agency: Army
Property Number: 219014928
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

U.S. Army Garrison
Fort Chaffee
428 Ellis Avenue
Fort Chaffee Co: Sebastian AR 72905–5000
Landholding Agency: Army
Property Number: 219110114
Status: Underutilized
Reason: Fuel pumphouse

Army Reserve Center
Hwy 79 North
Camden Co: Calhoun AR 71701–3415
Landholding Agency: Army
Property Number: 219220345
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5169, Fort Chaffee
Fort Chaffee Co: Sebastian AR 72905–5000
Landholding Agency: Army
Property Number: 219230173
Status: Unutilized
Reason: Extensive deterioration

California

Bldgs. P–99, T–324
Fort Hunter Liggett
Jolon Co: Monterey CA 93944–
Landholding Agency: Army
Property Numbers: 219012413, 219012420
Status: Unutilized
Reason: Latrine, detached structure.

Bldgs. P–177, P–178, 325, S–308, S–308A, T–308B
Fort Hunter Liggett
Jolon Co: Monterey CA 93928–
Landholding Agency: Army
Property Numbers: 219012414–219012415, 219012600, 219240284–219240285, 21924087
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. (Some are in a secured area.)

Bldg. 18
Riverbank Army Ammunition Plant
5300 Claus Road
Riverbank Co: Stanislaus CA 95367–
Landholding Agency: Army
Property Number: 219012554
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area

Bldgs. T–323, T–322
Fort Hunter Liggett
Mission Road
Jolon Co: Monterey CA 93928–
Landholding Agency: Army
Property Numbers: 219012601–219012602
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

11 Bldgs., Nos. 2–8, 156, 1, 120, 181
Riverbank Army Ammunition Plant
Riverbank Co: Stanislaus CA 95367–
Landholding Agency: Army
Property Numbers: 219013582–219013588, 219013590, 219240444–219240446
Status: Underutilized
Reason: Secured Area

9 Bldgs.
Oakland Army Base
Oakland Co: Alameda CA 94626–5000
Landholding Agency: Army
Property Numbers: 219013903–219013906, 219120048–219120051, 219140568
Status: Unutilized
Reason: Secured Area

Bldgs. S–108, S–20, S–290
Sharpe Army Depot
Lathrop Co: San Joaquin CA 95331–
Location: Roth Road
Landholding Agency: Army
Property Numbers: 219014290, 219230178–219230179
Status: Underutilized
Reason: Secured Area

Bldg. S–184
Fort Hunter Liggett
Ft. Hunter Liggett Co: Monterey CA 93928–
Location: POL Road
Landholding Agency: Army
Property Number: 219014602
Status: Underutilized
Reason: Secured Area

15 Bldgs.
Sierra Army Depot
Herlong Co: Lassen CA 96113–
Landholding Agency: Army
Property Numbers: 219014705, 219014708–219014710, 219014713–219014717, 219014719–219014721, 219230180–219230182
Status: Unutilized
Reason: Secured Area

Bldg. P–88
Sierra Army Depot
Road Oil Storage
Herlong Co: Lassen CA 96113–
Landholding Agency: Army
Property Number: 219014707
Status: Unutilized
Reason: Oil Storage Tank

Bldgs. 173, 177, 197
Roth Road—Sharpe Army Depot
Latherop Co: San Joaquin CA
Landholding Agency: Army
Property Numbers: 219014940–219014942
Status: Unutilized
Reason: Secured Area

Bldgs. 13, 171, 178 Riverbank Ammun Plant
5300 Claus Road
Riverbank Co: Stanislaus CA 95367–
Landholding Agency: Army
Property Numbers: 219120162–219120164
Status: Underutilized
Reason: Secured Area

Bldg. 81
Los Alamitos Armed Forces Reserve Center
Los Alamitos Co: Orange CA 90720–5001
Location: Main entrance on Lexington Dr.
Landholding Agency: Army
Property Number: 219120276
Status: Unutilized
Reason: Detached latrine

10 Bldgs., Sharpe Site
Lathrop Co: San Joaquin CA 95331–
Landholding Agency: Army
Property Numbers: 219140262–219140266, 219240151–219240155
Status: Unutilized
Reason: Secured Area

Bldg. T–187, Fort Hunter Liggett
Ft. Hunter Liggett Co: Monterey CA 93928
Landholding Agency: Army
Property Number: 219240321
Status: Unutilized
Reason: Secured Area. Extensive deterioration

Colorado

87 Bldgs.
Pueblo Army Depot
Pueblo Co: Pueblo CO 81001–
Location: 14 miles East of Pueblo City on Highway 50
Landholding Agency: Army
Property Numbers: 219012209, 219012211, 219012214, 219012216, 219012221, 219012223–219012224, 219012226–219012228, 219012230–219012237, 219012239–219012257, 219012260–219012278, 219012280–219012288, 219012290–219012298, 219012300, 219012303, 219012743, 219012745, 219012747–219012748, 219014845, 219120058–219120063
Status: Unutilized
Reason: Secured Area

Bldgs. T–9643, T–9644, 325, T–2436, T–2437, T–2497, T–2498
Fort Carson
Colorado Springs Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Numbers: 219013603–219013604, 219310001–219310005
Status: Unutilized
Reason: Extensive deterioration. (Some are in a secured area.)

26 Bldgs., Pueblo Depot Activity
Pueblo CO 81001
Landholding Agency: Army
Property Numbers: 219240466–219240482
Status: Unutilized
Reason: Secured Area. Extensive deterioration

Georgia

Fort Stewart
Sewage Treatment Plant
Ft. Stewart Co: Hinesville GA 31314–
Landholding Agency: Army
Property Number: 219013922
Status: Unutilized
Reason: Sewage treatment

Facility 12304
Fort Gordon
Augusta Co: Richmond GA 30905–
Location: Located off Lane Avenue
Landholding Agency: Army
Property Number: 219014787
Status: Unutilized
Reason: Wheeled vehicle grease/inspection rack

34 Bldgs.
Fort Gordon
Augusta Co: Richmond GA 30905–

Landholding Agency: Army
Property Numbers: 219140179–219140180, 219220264–219220293, 219240319–219240320
Status: Unutilized
Reason: Extensive deterioration

25 Bldgs.
Fort Gordon
Augusta Co: Richmond GA 30905–
Landholding Agency: Army
Property Numbers: 219140181–219140203, 219140205–219140206
Status: Unutilized
Reason: Structural damage

Bldgs. GT001, GT002, GT003, GT004, 11726–11727
Fort Gordon
Augusta Co: Richmond GA 30905–
Landholding Agency: Army
Property Numbers: 219210136, 219210138–219210139
Status: Unutilized
Reason: Secured Area

8 Bldgs., Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Numbers: 219220333–219220340
Status: Unutilized
Reason: Detached lavatory

21 Bldgs.
Fort Gillem
Forest Park Co: Clayton GA 30050
Landholding Agency: Army
Property Numbers: 219240280–219240283, 219310091–219310107
Status: Unutilized
Reason: Extensive deterioration

Hawaii

PU–01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11
Schofield Barracks
Kolekole Pass Road
Wahiawa Co: Wahiawa HI 96786–
Landholding Agency: Army
Property Numbers: 219014836–219014837
Status: Unutilized
Reason: Secured Area

P–3384 East Range
Schofield Barracks
East Range Road
Wahiawa Co: Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219030361
Status: Unutilized
Reason: Secured Area.

7 Bldgs., Fort Shafter
Honolulu Co: Honolulu HI 96819
Landholding Agency: Army
Property Numbers: 219230128–219230134
Status: Unutilized
Reason: Extensive deterioration.

12 Bldgs., Schofield Barracks
Wahiawa Co: Wahiawa HI 96786
Landholding Agency: Army
Property Numbers: 219230135–219230146
Status: Unutilized
Reason: Extensive deterioration.

P–185, Fort DeRussy
Honolulu Co: Honolulu HI 96815
Landholding Agency: Army
Property Number: 219240119
Status: Unutilized
Reason: Detached latrine.

Illinois

577 Bldgs. and Groups
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436–
Landholding Agency: Army
Property Numbers: 219010153–219010317, 219010319–219010413, 219010415–219010439, 219011750–219011879, 219011881–219011908, 219012331, 219013076–219013138, 219014722–219014781, 219030277–219030278, 219040354, 219140441–219140446, 219210146, 219240457–219240465
Status: Unutilized
Reason: Secured Area; many within 2000 ft. of flammable or explosive materials; some within floodway.

Bldg. 725
Fort Sheridan
Highwood Co: Lake IL 60037–5000
Landholding Agency: Army
Property Number: 219013769
Status: Underutilized
Reason: Secured Area.

Bldgs. 58, 59 and 72, 69, 64, 105
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299–5000
Landholding Agency: Army
Property Numbers: 219110104–219110108
Status: Unutilized
Reason: Secured Area.

Bldg. 133, Rock Island Arsenal
Gillespie Avenue
Rock Island Co: Rock Island IL 61299–
Landholding Agency: Army
Property Number: 219210100
Status: Underutilized
Reason: Extensive deterioration.

Bldgs. 250, 253, Savanna Army Depot Activity
Savanna Co: Carroll IL 61074
Landholding Agency: Army
Property Numbers: 219230126–219230127
Status: Unutilized
Reason: Extensive deterioration.

Indiana

135 Bldgs.
Indiana Army Ammunition Plant (INAAP)
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Numbers: 219010913–219010919, 219010925–219010926, 219010929–219010936, 219010952, 219010955, 219010957, 219010959–219010960, 219010962–219010964, 219010966–219010967, 219010969–219010970, 219011449, 219011454, 219011456–219011457, 219011459–219011464, 219013764, 219013848, 219014608–219014620, 219014622–219014651, 219014653, 219014655–219014661, 219014663–219014683, 219030315, 219120168–219120171, 219140425–219140440
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

6 Bldgs.
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Numbers: 219010920, 219010924, 219010927–219010928, 219014621, 219014652
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

58 Bldgs.
Newport Army Ammunition Plant
Newport Co: Vermillion IN 47966–
Landholding Agency: Army
Property Numbers: 219011584, 219011586–219011587, 219011589–219011590, 219011592–219011627, 219011629–219011636, 219011638–219011641, 219210149–219210151, 219220220, 219230032–219230033
Status: Unutilized
Reason: Secured Area.

29 Bldgs.
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Numbers: 219210152–219210155, 219230034–219230037
Status: Unutilized
Reason: Secured Area.

2 Bldgs.
Atterbury Reserve Forces Training Area
Edinburgh Co: Johnson IN 46124–1096
Landholding Agency: Army
Property Numbers: 219230030–219230031
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 2635, Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111
Landholding Agency: Army
Property Number: 219240322
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Iowa

13 Bldgs.
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Numbers: 219012605–219012607, 219012609, 219012611, 219012613, 219012615, 219012620, 219012622, 219012624, 219120172–219120174
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

33 Bldgs.
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA
Landholding Agency: Army
Property Numbers: 219013706–219013738
Status: Unutilized
Reason: Secured Area

26 Bldgs., Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638
Landholding Agency: Army
Property Numbers: 219230005–219230029, 219310017
Status: Unutilized
Reason: Extensive deterioration

Kansas

37 Bldgs.
Kansas Army Ammunition Plant
Production Area
Parsons Co: Labette KS 67357–
Landholding Agency: Army
Property Numbers: 219011909–219011945
Status: Unutilized
Reason: Secured Area, (Most are within 2000 ft. of flammable or explosive material)

351 Bldgs.
Sunflower Army Ammunition Plant
35425 W. 103rd Street
DeSoto Co: Johnson KS 66018–

Landholding Agency: Army
Property Numbers: 219040005–219040006, 219040032–219040080, 219040086–219040335, 219040337, 219040339–219040353, 219140569–219140577, 219140580–219140592, 219140594, 219140599–219140601, 219140606–219140612
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

25 Bldgs.
Sunflower Army Ammunition Plant
35425 W. 103rd Street
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Numbers: 219040007–219040031
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway

Bldg. 9002
Sunflower Army Ammunition Plant
35525 W. 103rd Street
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number: 219110073
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

62 Bldgs.
Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Numbers: 219140240, 219240029–219240080, 219240438, 219310200–219310207
Status: Unutilized
Reason: Extensive deterioration

11 Latrines
Sunflower Army Ammunition Plant
35425 West 103rd
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Numbers: 219140578–219140579, 219140593, 219140595–219140598, 219140602–219140605
Status: Unutilized
Reason: Detached Latrine

219 Bldgs., Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018
Landholding Agency: Army
Property Numbers: 219240333–219240437
Status: Unutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material, Extensive deterioration

Kentucky

Bldg. 126
Lexington-Blue Grass Army Depot
Lexington Co: Fayette KY 40511–
Location: 12 miles northeast of Lexington, Kentucky.
Landholding Agency: Army
Property Number: 219011661
Status: Unutilized
Reason: Secured Area, Sewage treatment facility

Bldg. 12
Lexington-Blue Grass Army Depot
Lexington Co: Fayette KY 40511–
Location: 12 miles northeast of Lexington Kentucky.
Landholding Agency: Army
Property Number: 219011663
Status: Unutilized
Reason: Industrial waste treatment plant.

5 Bldgs., Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Numbers: 219140557–219140560, 219230070
Status: Unutilized
Reason: Extensive deterioration

Bldgs. TO5650, TO6136, TO6382, TO6486
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Numbers: 219210132–219210135
Status: Unutilized
Reason: Secured Area
Comment: Extensive deterioration

7 Bldgs., Fort Campbell
Ft. Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Numbers: 219240450–219240456
Status: Unutilized
Reason: Extensive deterioration

Bldg. 06862, Fort Campbell
Ft. Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Number: 219240782
Status: Unutilized
Reason: Detached latrine

Louisiana

26 Bldgs.
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Numbers: 219011668–219011670, 219011700, 219011714–219011716, 219011735–219011737, 219012112, 219013571–219013572, 219013863–219013869, 219110124, 219110127, 219110131, 219110135–219110136, 219120290
Status: Unutilized
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material)

Staff Residences
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Numbers: 21920284–219120286
Status: Excess
Reason: Secured Area

Bldg. A–102
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023
Landholding Agency: Army
Property Number: 2191230087
Status: Unutilized
Reason: Extensive deterioration

14 Bldgs.
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023
Landholding Agency: Army
Property Numbers: 219240137–219240150
Status: Unutilized
Reason: Secured Area

Bldg. T–2924, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–7100
Landholding Agency: Army
Property Number: 219240323
Status: Unutilized
Reason: Extensive deterioration

Maryland

56 Bldgs.
Aberdeen Proving Ground
Aberdeen City Co: Harford MD 21005–5001
Landholding Agency: Army
Property Numbers: 219011406–219011417, 219012608, 219012610, 219012612, 219012614, 219012616–219012617, 219012619, 219012623, 219012625–219012629, 219012631, 219012633–219012635, 219012637–219012642, 219012645–219012651, 219012655–219012664, 219013773, 219014711–219014712, 219030316, 219110140, 219240329
Status: Unutilized
Reason: Most are in a secured area. (Some are within 2000 ft. of flammable or explosive material) (Some are in a floodway)

P501
Installation #24235
Ballast House
La Plata Co: Charles MD 20646–
Location: At the end of the access road
Landholding Agency: Army
Property Number: 219011643
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area

2 Bldgs.
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755–
Landholding Agency: Army
Property Numbers: 219014789, 219130039
Status: Unutilized
Reason: Secured Area

Bldg. 10401
Aberdeen Proving Ground
Aberdeen Area
Harford Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219110138
Status: Unutilized
Reason: Sewage treatment plant

Bldg. 10402
Aberdeen Proving Ground
Aberdeen Area
Aberdeen City Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219110139
Status: Unutilized
Reason: Sewage pumping station

Bldgs. 142–146, USARC Gaithersburg
8510 Snouffers School Road
Gaithersburg Co: Montgomery MD 20879–1624
Landholding Agency: Army
Property Numbers: 219120009–219120013
Status: Unutilized
Reason: Secured Area

108 Bldgs. Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Landholding Agency: Army
Property Numbers: 219130048, 219130059, 219140458, 219140460–219140461, 219140465–219140467, 219140472–219140473, 219140477, 219140484, 219140486–219140488, 219140493, 219140497–219140498, 219140510, 219210116–219210123, 219220110–219220111, 219220116–219220128, 219220131–219220134, 219220136–219220148, 219220151–219220155, 219220158, 219220160–219220168,

219220170–219220175, 219220177, 219220180–219220182, 219220188, 219220190–219220193, 219220195–219220197, 219240120–219240122, 219310021–219310033
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 128, 129, 144 Fort Ritchie
Ft. Ritchie Co: Washington MD 21719–5010
Landholding Agency: Army
Property Numbers: 219230088, 219310058–219310059
Status: Underutilized
Reason: Secured Area

Bldg. 4900, Aberdeen Proving Ground
Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219230089
Status: Unutilized
Reason: Within airport runway clear zone

Massachusetts

Material Technology Lab
405 Arsenal Street
Watertown Co: Middlesex MA 02132–
Landholding Agency: Army
Property Number: 219120161
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material. Floodway. Secured Area

14 Bldgs.
Fort Devens
Ft. Devens Co: Middlesex/Worce MA 01433–
Landholding Agency: Army
Property Numbers: 219140241–219140254
Status: Unutilized
Reason: Extensive deterioration

Bldgs. T–102, T–110, T–111, Hudson Family Hsg
Natick RD&E Center
Bruen Road
Hudson Co: Middlesex MA 01749
Landholding Agency: Army
Property Numbers: 219220105–219220107
Status: Unutilized
Reason: Extensive deterioration

Bldg. 3462, Camp Edwards
Massachusetts Military Reservation
Bourne Co: Barnstable MA 024620–5003
Landholding Agency: Army
Property Number: 219230095
Status: Unutilized
Reason: Secured Area. Extensive deterioration

Bldgs. 3596, 1209–1211 Camp Edwards
Massachusetts Military Reservation
Bourne Co: Barnstable MA 02462–5003
Landholding Agency: Army
Property Numbers: 219230096, 219310018–219310020
Status: Unutilized
Reason: Secured Area

Michigan

Bldgs. 602, 604
US Army Garrison Selfridge
Mt. Clemens Co: Macomb MI 48043–
Landholding Agency: Army
Property Numbers: 219012355–219012356
Status: Unutilized
Reason: Within airport runway clear zone. Floodway. Secured Area

Detroit Arsenal Tank Plant
28251 Van Dyke Avenue
Warren Co: Macomb MI 48090–
Landholding Agency: Army
Property Number: 219014605
Status: Underutilized
Reason: Secured Area

Bldgs. 5755–5756
Newport Weekend Training Site
Carleton Co: Monroe MI 48166
Landholding Agency: Army
Property Numbers: 219310060–219310061
Status: Unutilized
Reason: Secured Area. Extensive deterioration

25 Bldgs.
Fort Custer Training Center
2501 26th Street
Augusta Co: Kalamazoo MI 49102–9205
Landholding Agency: Army
Property Numbers: 219014947–219014963, 219140447–219140454
Status: Unutilized
Reason: Secured Area

Minnesota

Bldgs. 113, 575, 598
Twin Cities Army Ammunition Plant
New Brighton Co: Ramsey MN 55112–
Landholding Agency: Army
Property Numbers: 219120165–219120167
Status: Unutilized
Reason: Secured Area

12 Bldgs.
Twin Cities Army Ammunition Plant
Old Highway 8
New Brighton Co: Ramsey MN 55112–
Landholding Agency: Army
Property Numbers: 219210014–219210015, 219220227–219220235, 219240328
Status: Unutilized
Reason: Secured Area. Within 2000 ft. of flammable or explosive material

Bldgs. 580, 586
Twin Cities Army Ammunition Plant
New Brighton Co: Ramsey MN 55112
Landholding Agency: Army
Property Numbers: 219310055–219310056
Status: Underutilized
Reason: Secured Area

Mississippi

Bldgs. 8301, 8303–8305, 9158
Mississippi Army Ammunition Plant
Stennis Space Center Co: Hancock MS 39529–7000
Landholding Agency: Army
Property Numbers: 219040438–219040442
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area

Missouri

Lake City Army Ammo. Plant
59, 59A, 59C, 59B
Independence Co: Jackson MO 64050–
Landholding Agency: Army
Property Numbers: 219013666–219013669
Status: Unutilized
Reason: Secured Area

Bldgs. #1, 2, 3
St. Louis Army Ammunition Plant
4800 Goodfellow Blvd.
St. Louis Co: St. Louis MO 63120–1798
Landholding Agency: Army
Property Numbers: 219120067–219120069
Status: Unutilized
Reason: Secured Area

4 Bldgs.
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Numbers: 219140350–219140351, 219140422–219140423
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Nebraska

13 Bldgs.
Cornhusker Army Ammunition Plant
Grand Island Co: Hall NE 68802–
Location: 4 miles west (Potash Road)
Landholding Agency: Army
Property Numbers: 219013849–219013861
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldgs. 1L-19, 1CH19, 1P019, A0001, A0004
Cornhusker Army Ammunition Plant
Grand Island Co: Hall NE 68803
Landholding Agency: Army
Property Numbers: 219230092–219230094, 219310238–219310239
Status: Unutilized
Reason: Extensive deterioration

Bldg. A0002
Cornhusker Army Ammunition Plant
Grand Island Co: Hall NE 68803–
Landholding Agency: Army
Property Number: 219310240
Status: Unutilized
Reason: Standby Generator Bldg.

Nevada

7 Bldgs.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Landholding Agency: Army
Property Numbers: 219011953, 219011955, 219012061–219012062, 219012106, 219013614, 219230090
Status: Unutilized
Reason: Secured Area

Bldg. 396
Hawthorne Army Ammunition Plant
Bachelor Enlisted Qtrs W/Dining Facilities
Hawthorne Co: Mineral NV 89415–
Location: East side of Decatur Street-North of Maine Avenue
Landholding Agency: Army
Property Number: 219011997
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area

55 Bldgs.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Landholding Agency: Army
Property Numbers: 219012009, 219012013, 219012021, 219012044, 219013615–219013665
Status: Underutilized
Reason: Secured Area (Some within airport runway clear zone; many within 2000 ft. of flammable or explosive material)

62 Concrete Explo. Mag. Stor.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location: North Mag. Area
Landholding Agency: Army
Property Number: 219120150
Status: Unutilized

Reason: Secured Area

259 Concrete Explo. Mag. Stor.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location: South & Central Mag. Areas
Landholding Agency: Army
Property Number: 219120151
Status: Unutilized
Reason: Secured Area

Facility No. 00169
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415
Landholding Agency: Army
Property Number: 219240276
Status: Unutilized
Reason: Extensive deterioration

Bldg. 0C440
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415
Landholding Agency: Army
Property Number: 219240278
Status: Unutilized
Reason: Within airport runway clear zone; Floodway; Extensive deterioration

122 Babbitt Housing Units
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415
Landholding Agency: Army
Property Number: 219240279
Status: Unutilized
Reason: Within airport runway clear zone; Floodway; Extensive deterioration

New Jersey

183 Bldgs.
Armament Res. Dev. & Eng. Ctr.
Picatinny Arsenal Co: Morris NJ 07806–5000
Location: Route 15 north
Landholding Agency: Army
Property Numbers: 219010440–219010474, 219010476, 219010478, 219010639–219010667, 219010669–219010721, 219012423–219012424, 219012426–219012428, 219012430–219012431, 219012433–219012472, 219012474–219012475, 219013787, 219014306–219014307, 219014311, 219014313–219014321, 219030269, 219140617
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

18 Bldgs.
Armament Research Dev. and Engineering Center
Route 15 North
Picatinny Arsenal Co: Morris NJ 07806–
Landholding Agency: Army
Property Numbers: 219012756–219012760, 219012763–219012767, 219230118–219230125
Status: Excess
Reason: Secured Area

11 Bldgs.
Fort Monmouth
Wall Co: Monmouth NJ 07719–
Landholding Agency: Army
Property Numbers: 219012829–219012833, 219012837, 219012841–219012842, 219013786, 219210102, 219230177
Status: Unutilized
Reason: Secured Area

Bldgs. 13–14, 15A, 41, 100, 110–111
Military Ocean Terminal
Bayonne Co: Hudson NJ 07002–
Location: Foot of 32nd Street and Route 169.
Landholding Agency: Army
Property Numbers: 219013890–219013896
Status: Unutilized
Reason: Floodway; Secured Area

Bldgs. 820C, 3598
Armament Research, Dev. & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Numbers: 219240315–219240316
Status: Unutilized
Reason: Secured Area; Extensive deterioration

Bldgs. TO9136, TO3280, TO3174, TO2531, PO3560, PO4146
Fort Dix
Ft. Dix Co: Burlington NJ 08640
Landholding Agency: Army
Property Numbers: 219310174–219310179
Status: Unutilized
Reason: Extensive deterioration

New York

Bldgs. 10, 20, 40
Watervliet Arsenal
Watervliet Co: Albany NY 12189–4050
Landholding Agency: Army
Property Numbers: 219012514, 219012516, 219012519
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 25
Watervliet Arsenal
Watervliet Co: Albany NY 12189–4050
Landholding Agency: Army
Property Number: 219012521
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area
Comment: Contamination

Bldg. 110
Fort Totten
110 Duane Road
Bayside Co: Queens NY 11359–
Landholding Agency: Army
Property Number: 219012589
Status: Unutilized
Reason: Other
Comment: Contamination

Bldgs. 202, 204, Fort Totten
Bayside Co: Queens NY 11357–
Landholding Agency: Army
Property Numbers: 219210130–219210131
Status: Unutilized
Reason: Other
Comment: Extensive deterioration

Bldg. S–7000, Fort Drum
Ft. Drum Co: Jefferson NY 13602
Landholding Agency: Army
Property Number: 219240123
Status: Unutilized
Reason: Detached latrine

Bldg. S–7004, Fort Drum
Ft. Drum Co: Jefferson NY 13602
Landholding Agency: Army
Property Number: 219240124
Status: Unutilized
Reason: Secured Area

Bldg. T–4002, Fort Drum
Ft. Drum Co: Jefferson NY 13602
Landholding Agency: Army
Property Number: 219240125
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. T–689, Fort Drum
Ft. Drum Co: Jefferson NY 13602
Landholding Agency: Army
Property Number: 219240126
Status: Unutilized
Reason: Extensive deterioration

Bldg. 110, Seneca Army Depot
Romulus Co: Seneca NY 14541–5001
Landholding Agency: Army
Property Number: 219240439
Status: Unutilized
Reason: Secured Area

Bldgs. 143, 2084, 2105, 2110
Seneca Army Depot
Romulus Co: Seneca NY 14541–5001
Landholding Agency: Army
Property Numbers: 219240440–219240443
Status: Unutilized
Reason: Secured Area; Extensive deterioration

North Carolina

Bldgs. A–5228, 4–2133, 8–3315, M–6157 Fort Bragg
Fort Bragg Co: Cumberland NC 28307
Landholding Agency: Army
Property Numbers: 219230097–219230099, 219310054
Status: Unutilized
Reason: Extensive deterioration

Ohio

63 Bldgs.
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Numbers: 219012476–219012507, 219012509–219012513, 219012515, 219012517–219012518, 219012520, 219012522–219012523, 219012525–219012528, 219012530–219012532, 219012534–219012535, 219012537, 219013670–219013677, 219013781, 219210148
Status: Unutilized
Reason: Secured Area

Bldgs. T–404, T–78, T–79, T–97, T–80, 309, 317
Defense Construction Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Numbers: 219240331, 219310034–219310039
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated.)

Oklahoma

551 Bldgs.
McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501–5000
Landholding Agency: Army
Property Numbers: 219011674, 219011680, 219011684, 219011687, 219012113, 219013792–219013793, 219013981–219013995, 219014081–219014102, 219014104, 219014107–219014137, 219014141–219014159, 219014162, 219014165–219014216, 219014218–219014274, 219014336–219014559, 219030007–219030127, 219040004
Status: Underutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material.)

P–3042, Fort Sill
3042 Austin Road

Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219130060
Status: Unutilized
Reason: Structurally unsound

27 Bldgs.
Fort Sill
Lawton Co: Comanche Ok 73503–
Landholding Agency: Army
Property Numbers: 219140524–219140530, 219140532–219140537, 219140540–219140541, 219140545–219140555, 219240081
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–3711, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240082
Status: Unutilized
Reason: Detached latrine

Bldgs. 26, 55–56, 463
McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501
Landholding Agency: Army
Property Numbers: 219310050–219310053
Status: Unutilized
Reason: Secured Area

Oregon

11 Bldgs.
Tooele Army Depot
Umatilla Depot Activity
Hermiston Co: Morrow/Umatilla OR 97838–
Landholding Agency: Army
Property Numbers: 219012174–219012176, 219012178–219012179, 219012190–219012191, 219012197–219012198, 219012217, 219012229
Status: Underutilized
Reason: Secured Area

23 Bldgs.
Tooele Army Depot
Umatilla Depot Activity
Hermiston Co: Morrow/Umatilla OR 97838–
Landholding Agency: Army
Property Numbers: 219012177, 219012185–219012186, 219012189, 219012195–219012196, 219012199–219012205, 219012207–219012208, 219012225, 219012279, 219014304–219014305, 219014782, 219030362–219030363, 219120032
Status: Unutilized
Reason: Secured Area

Pennsylvania

Defense Personnel Support Ctr.
2800 South 20th Street
Philadelphia Co: Philadelphia PA 19101–8419
Landholding Agency: Army
Property Number: 219011664
Status: Underutilized
Reason: Other environmental; Secured Area
Comment: Friable asbestos

Hays Army Ammunition Plant
300 Miffin Road
Pittsburgh Co: Allegheny PA 15207–
Landholding Agency: Army
Property Number: 219011666
Status: Excess
Reason: Secured Area

58 Bldgs.
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Numbers: 219140267–219140324
Status: Unutilized
Reason: Other
Comment: Extensive deterioration

South Carolina

5 Bldgs., Fort Jackson
Ft. Jackson Co: Richland SC 29207
Landholding Agency: Army
Property Numbers: 219310062–219310066
Status: Unutilized
Reason: Detached latrines

23 Bldgs., Fort Jackson
Ft. Jackson Co: Richland SC 29207
Landholding Agency: Army
Property Numbers: 219310067–219310089
Status: Unutilized
Reason: Extensive deterioration

Tennessee

Bldg. 100
Volunteer Army Ammo. Plant
Chattanooga Co: Hamilton TN 37422–
Landholding Agency: Army
Property Number: 219010475
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

23 Bldgs.
Volunteer Army Ammo. Plant
Chattanooga Co: Hamilton TN 37422–
Landholding Agency: Army
Property Numbers: 219010477, 219010479–219010500
Status: Underutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material)

23 Bldgs.
Holston Army Ammunition Plant
Kingsport Co: Hawkins TN 61299–6000
Landholding Agency: Army
Property Numbers: 219012304–219012309, 219012311–219012312, 219012314, 219012316–219012317, 219012319, 219012325, 219012328, 219012330, 219012332, 219012334–219012335, 219012337, 219013789–219013790, 219030266, 219140613
Status: Unutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material)

30 Bldgs.
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37422
Landholding Agency: Army
Property Numbers: 219240127–219240136
Status: Unutilized
Reason: Secured Area

Bldgs. I–156, J–52, K–8
Milan Army Ammunition Plant
Milan Co: Gibson TN 38358
Landholding Agency: Army
Property Numbers: 219240447–219240449
Status: Unutilized
Reason: Secured Area

Bldg. Z–183A
Milan Army Ammunition Plant
Milan Co: Gibson TN 38358
Landholding Agency: Army
Property Number: 219240783.
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Texas

Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76079–
Landholding Agency: Army
Property Number: 219011665
Status: Unutilized
Reason: Other
Comment: Easement to city of Saginaw for sewer pipeline ending 5/15/2023

18 Bldgs.
Lone Star Army Ammunition Plant
Highway 82 West
Texarkana Co: Bowie TX 75505–9100
Landholding Agency: Army
Property Numbers: 219012524, 219012529, 219012533, 219012536, 219012539–219012540, 219012542, 219012544–219012545, 219030337–219030345
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 0021A, 0027A
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75661–
Location: State highway 43 north
Landholding Agency: Army
Property Numbers: 219012546, 219012548
Status: Underutilized
Reason: Secured Area

Bldg. 14
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: Army
Property Number: 219014823
Status: Unutilized
Reason: Pump house

Bldg. 9042
Possum Kingdom Rec Area
Star Route, Box 200
Grayford Co: Palo Pinto TX 76045–
Landholding Agency: Army
Property Number: 219040397
Status: Unutilized
Reason: Detached latrine

Bldg. 9046
Possum Kingdom Rec Area
Star Route, Box 200
Grayford Co: Palo Pinto TX 76045–
Landholding Agency: Army
Property Number: 219040399
Status: Unutilized
Reason: Sewage treatment plant

Bldg. 9047
Possum Kingdom Rec Area
Star Route, Box 200
Grayford Co: Palo Pinto TX 76045–
Landholding Agency: Army
Property Number: 219040400
Status: Unutilized
Reason: Chlorine Building

10 Bldg., Red River Army Depot
Texarkana Co: Bowie TX 75507–5000
Landholding Agency: Army
Property Numbers: 219120064, 219130002, 219140255, 219230109–219230115
Status: Unutilized
Reason: Secured Area

Bldg. T–5000
Camp Bullis
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219220100
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

Swimming Pools

Fort Bliss
El Paso Co: El Paso TX 79916
Landholding Agency: Army
Property Number: 219230108
Status: Unutilized
Reason: Extensive deterioration

5 Bldgs., Fort Hood
Ft. Hood Co: Coryell TX 76544
Landholding Agency: Army
Property Numbers: 219310166–219310170
Status: Unutilized
Reason: Detached latrines

Bldgs. 4134, 4135, 4137, Fort Hood
Ft. Hood Co: Coryell TX 76544
Landholding Agency: Army
Property Numbers: 219310171–219310173
Status: Unutilized
Reason: Secured Area

20 Bldgs., Van Horne Park
Fort Bliss
El Paso Co: El Paso TX 79916
Landholding Agency: Army
Property Numbers: 219310180–219310199
Status: Unutilized
Reason: Extensive deterioration

Utah

24 Bldgs.
Tooele Army Depot
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Numbers: 219012115, 219012138, 219012140, 219012150, 219012153, 219012159, 219012162, 219012165–219012166, 219012172, 219012752, 219030366, 219120031, 219120283, 219240263, 219310040–219310049
Status: Unutilized
Reason: Secured Area

18 Bldgs.
Tooele Army Depot
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Numbers: 219012142–219012144, 219012148–219012149, 219012152, 219012155, 219012156, 219012158, 219012163, 219012171, 219012742, 219012751, 219014938, 219120281, 219240265–219240267
Status: Underutilized
Reason: Secured Area

12 Bldgs.
Dugway Proving Ground
Dugway Co: Toole UT 84022–
Landholding Agency: Army
Property Numbers: 219013996–219013999, 219130008, 219130011–219130013, 219130015–219130018
Status: Underutilized
Reason: Secured Area

8 Bldgs.
Dugway Proving Ground
Dugway Co: Toole UT 84022–
Landholding Agency: Army
Property Numbers: 219014693, 21913009–219130010, 219130014, 219220204–219220207
Status: Unutilized
Reason: Secured Area

Bldg. 104
Tooele Army Depot, North Area
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Number: 219120014
Status: Underutilized
Reason: Extensive deterioration

15 Bldgs.
Tooele Army Depot, South Area
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Numbers: 219120015–219120027, 219240264, 219240268
Status: Unutilized
Reason: Extensive deterioration

Virginia

164 Bldgs.
Radford Army Ammunition Plant
Radford Co: Montgomery VA 24141–
Location: State Highway 114
Landholding Agency: Army
Property Numbers: 219010833, 219010836, 219010839, 219010842, 219010844, 219010847–219010890, 219010892–219010912, 219011521–219011577, 219011581–219011583, 219011585, 219011588, 219011591, 219013559–219013570, 219110142–219110143, 219120071, 219140618–219140633
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area

13 Bldgs.
Radford Army Ammunition Plant
Radford Co: Montgomery VA 24141–
Location: State Highway 114
Landholding Agency: Army
Property Numbers: 219010834–219010835, 219010837–219010838, 219010840–219010841, 219010843, 219010845–219010846, 219010891, 219011578–219011580
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area
Comment: Latrine, detached structure

34 Bldgs.
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Numbers: 219120035–219120039, 219130006, 219140260, 219230105–219230106, 219240083–219240118
Status: Unutilized
Reason: Extensive deterioration (Some are in a secured area.)

Bldg. T–221
Vint Hill Farms Station
Warrenton Co: Fauquier VA 22186–
Landholding Agency: Army
Property Number: 219210142
Status: Unutilized
Reason: Extensive deterioration

13 Bldgs.
Radford Army Ammunition Plant
Radford VA 24141
Landholding Agency: Army
Property Numbers: 219220210–219220218, 219230100–219230103
Status: Unutilized
Reason: Secured Area

5 Bldgs.
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801
Landholding Agency: Army
Property Numbers: 219220312, 219220314, 219220316–219220318
Status: Underutilized
Reason: Extensive deterioration

Bldg. T–551, Fort Monroe
Ft. Monroe VA 23651
Landholding Agency: Army
Property Number: 219230104
Status: Unutilized
Reason: Extensive deterioration

44 Bldgs., Fort A.P. Hill
Bowling Co: Caroline VA 22427
Landholding Agency: Army
Property Numbers: 219240288–219240314
Status: Underutilized
Reason: Detached latrines

Bldg. B7103–01, Motor House
Radford Army Ammunition Plant
Radford VA 24141
Landholding Agency: Army
Property Number: 219240324
Status: Unutilized
Reason: Secured Area. Within 2000 ft. of flammable or explosive material. Extensive deterioration

Bldg. 191, Fort Eustis
Newport News VA 23604
Landholding Agency: Army
Property Number: 219310090
Status: Underutilized
Reason: Extensive deterioration

32 Bldgs., Fort Pickett
Blackstone Co: Nottoway VA 23824
Landholding Agency: Army
Property Numbers: 219310133–219310159, 219310161–219310165
Status: Unutilized
Reason: Extensive deterioration

Washington

Bldg. 209
Yakima Firing Center
Yakima Co: Yakima WA 98901–5000
Location: Exit 26 off I–82 on Yakima Firing Center Road
Landholding Agency: Army
Property Number: 219040363
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material. Secured Area

25 Bldgs., Fort Lewis
Ft. Lewis Co: Pierce WA 98433–5000
Landholding Agency: Army
Property Numbers: 219310108–219310132
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated.)

Bldg. 785, Vancouver Barracks
Vancouver Co: Clark WA 98661–3896
Landholding Agency: Army
Property Number: 219240325
Status: Unutilized
Reason: Extensive deterioration

Bldg. T209, Fort Lawton Cemetary
Seattle Co: King WA 98199
Landholding Agency: Army
Property Number: 219240326
Status: Unutilized
Reason: Extensive deterioration

Wisconsin

6 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Numbers: 219011094, 219011209–219011212, 219011217
Status: Underutilized

Reason: Within 2000 ft. of flammable or explosive material. Other environmental. Secured Area.
Comment: Friable asbestos.

154 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Numbers: 219011104, 219011106, 219011108–219011113, 219011115–219011117, 219011119–219011120, 219011122–219011139, 219011141–219011142, 219011144, 219011148–219011208, 219011213–219011216, 219011218–219011234, 219011236, 219011238, 219011240, 219011242, 219011244, 219011247, 219011249, 219011251, 219011254, 219011256, 219011259, 219011263, 219011265, 219011268, 219011270, 219011275, 219011277, 219011280, 219011282, 219011284, 219011286, 219011290, 219011293, 219011295, 219011297, 219011300, 219011302, 219011304–219011311, 219011317, 219011319, 219011320–219011321, 219011323
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Other environmental. Secured Area.
Comment: Friable asbestos.

Bldg. P–10111
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe WI 54656–5000
Landholding Agency: Army
Property Number: 219013443
Status: Unutilized
Reason: Structure is boiler plant for hospital.

4 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI
Landholding Agency: Army
Property Numbers: 219013871–219013873, 219013875
Status: Underutilized
Reason: Secured Area

3 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI
Landholding Agency: Army
Property Numbers: 219013876–219013878
Status: Unutilized
Reason: Secured Area

Bldgs. 6513–27, 6823–2, 6861–4
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Numbers: 219210097–219210099
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area.

144 Bldgs., Fort McCoy
US Hwy. 21
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Numbers: 219210103–219210115, 219240161–219240162, 219240164–219240262, 219310208–219310237
Status: Unutilized
Reason; Extensive deterioration

17 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913
Landholding Agency: Army
Property Numbers: 219220295–219220311
Status: Unutilized
Reason: Secured Area

Land (by State)

Alabama

23 acres and 2284 acres
Alabama Army Ammunition Plant
110 Hwy. 235
Childersburg Co: Talladega AL 35044–
Landholding Agency: Army
Property Numbers: 219210095–219210096
Status: Excess
Reason: Secured Area

Alaska

Campbell Creek Range
Fort Richardson
Anchorage Co: Greater Anchorage AK 99507
Landholding Agency: Army
Property Number: 219230188
Status: Unutilized
Reason: Inaccessible

Georgia

Facility EH001
Fort Gordon
Augusta Co: Richmond GA 30905–
Location: Located at the Eisenhower Army Medical Center
Landholding Agency: Army
Property Number: 219014786
Status: Unutilized
Reason: Heliport—concrete pad

Illinois

Group 66A
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436–
Landholding Agency: Army
Property Number: 219010414
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area

Parcel 1
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436–
Location: South of the 811 Magazine Area, adjacent to the River Road.
Landholding Agency: Army
Property Number: 219012810
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material. Floodway

Parcel No. 2, 3
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436–
Landholding Agency: Army
Property Numbers: 219013796–219013797
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material. Floodway

Parcel No. 4, 5, 6
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436–
Landholding Agency: Army
Property Numbers: 219013798–219013800
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Floodway

Homewood USAR Center
18760 S. Halsted Street
Homewood Co: Cook IL 60430–
Landholding Agency: Army
Property Number: 219014067
Status: Underutilized
Reason: Secured Area

38,000 sq. ft. & 4,000 sq. ft. of Land
Rock Island Arsenal
South Shore Moline Pool Miss. River
Moline Co: Rock Island IL 61299–5000
Landholding Agency: Army
Property Numbers: 219240317–219240318
Status: Unutilized
Reason: Floodway

Indiana

Newport Army Ammunition Plant
East of 14th St. & North of S. Blvd.
Newport Co: Vermillion IN 47966–
Landholding Agency: Army
Property Number: 219012360
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area

Maryland

Carroll Island, Graces Quarters
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford MD 21010–5425
Landholding Agency: Army
Property Numbers: 219012630, 219012632
Status: Underutilized
Reason: Floodway. Secured Area

Nebraska

Land
Cornhusker Army Ammunition Plant
Potash Road
Grand Island Co: Hall NE 68802–
Location: 4 miles west of Grand Island
Landholding Agency: Army
Property Number: 219013785
Status: Underutilized
Reason: Floodway

New Jersey

Land
Armament Research Development & Eng. Center
Route 15 North
Picatinny Arsenal Co: Morris NJ 07806–
Landholding Agency: Army
Property Number: 219013788
Status: Unutilized
Reason: Secured Area

New York

Watervliet Arsenal
Watervliet Co: Albany NY 12189–4050
Location: East of Main Arsenal Reservation
Landholding Agency: Army
Property Number: 219012508
Status: Excess
Reason: Easement to N.Y. State, 6-lane highway construction.

Oklahoma

McAlester Army Ammo. Plant
McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501–
Landholding Agency: Army
Property Number: 219014603
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

Pennsylvania

Lickdale Railhead
Fort Indiantown Gap
Lickdale Co: Lebanon PA 17038–
Landholding Agency: Army
Property Number: 219012359

Status: Excess
Reason: Floodway

Tennessee

Land
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN
Landholding Agency: Army
Property Number: 219013791
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area

Volunteer Army Ammo. Plant
Chattanooga Co: Hamilton TN
Location: Area around VAAP—outside fence in buffer zone.
Landholding Agency: Army
Property Number: 219013880
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area

Utah

Land—32 Acres
Tooele Army Depot
Tooele Co: Tooele UT 84084
Landholding Agency: Army
Property Number: 219240269
Status: Unutilized
Reason: Secured Area

Virginia

Fort Belvoir Military Reservation—5.6 Acres
South Post located West of Pohick Road
Fort Belvoir Co: Fairfax VA 22060–
Location: Rightside of King Road
Landholding Agency: Army
Property Number: 219012550
Status: Unutilized
Reason: Within airport runway clear zone. Secured Area
Comment: 5.6 acres

Wisconsin

Land
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Location: Vacant land within plant boundaries.
Landholding Agency: Army
Property Number: 219013783
Status: Unutilized
Reason: Secured Area

[FR Doc. 93–5550 Filed 3–11–93; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Final Certification of No Adverse Impact on Theodore Roosevelt National Park and Lostwood Wilderness Area Under Section 165(d)(2)(C)(iii) of the Clean Air Act

AGENCY: Office of the Secretary, U.S. Department of the Interior.

ACTION: Notice of final determination of no adverse impact under section 165(d)(2)(C)(iii) of the Clean Air Act.

SUMMARY: This notice announces the final determination by the Federal Land Manager (FLM) of Theodore Roosevelt National Park (NP) and the Lostwood Wilderness Area (WA) that a proposed major modification to an existing source in the State of North Dakota subject to Prevention of Significant Deterioration (PSD) of air quality requirements will not adversely affect the resources of the park or wilderness area. The Department of the Interior has made the final determination after full consideration of the best available information and the public comments received on the issues involved. The intent of this notice is to announce the final determination of no adverse impact and to respond to the public comments received on this matter.

EFFECTIVE DATE: This certification of no adverse impact is effective as of March 8, 1993.

ADDRESSES: (To conform with EPA notices and our convenience) Copies of the FLM's final certification letter and other supporting documentation are available for public inspection and copying between the hours of 8:30 a.m. to noon and from 1:30 p.m. to 3:30 p.m., Monday through Friday, at the following locations: U.S. Department of the Interior, National Park Service, Air Quality Division, room 3229, 1849 C Street, NW., Washington, DC; National Park Service, Air Quality Division, 12795 W. Alameda Parkway, Room 215, Lakewood, CO; Theodore Roosevelt National Park Headquarters, Medora, ND; and Lostwood National Wildlife Refuge, Kenmare, ND. A reasonable fee may be charged for copying materials.

FOR FURTHER INFORMATION CONTACT: John Bunyak, Air Quality Division, National Park Service—AIR, P.O. Box 25287, Denver, CO 80225, Telephone Number: (303) 969–2071; Facsimile Machine Number: (303) 969–2822.

SUPPLEMENTARY INFORMATION: Dakota Gasification Company (DGC) has submitted an application to the North Dakota State Department of Health and Consolidated Laboratories (State) to amend the PSD permit for the Great Plains Synfuels Plant (GPSP). The GPSP is located near Beulah, North Dakota, approximately 120 kilometers east of Theodore Roosevelt NP and 150 kilometers southeast of the Lostwood WA. The facility was originally permitted in 1977 and began operation in 1984. The air pollution control equipment initially installed as best available control technology (BACT) failed to comply with the permitted sulfur dioxide (SO_2) limit, and the current SO_2 emissions continue to exceed the permitted limit.

In their application, DGC proposes to: (1) Redefine BACT for SO_2 from the main stack, (2) increase the maximum sulfur content of the coal utilized, and (3) increase main stack nitrogen oxide (NO_X) emissions as a result of the higher nitrogen levels in the fuel and increased firing of liquid fuels in the boiler. The net changes in actual and permitted emissions at the GPSP (in tons per year) as a result of the proposed modification are summarized in the following table.

Pollutant	Permitted emissions	Actual emissions	Proposed emissions	Net change in permitted emissions	Net change in actual emissions
Sulfur dioxide	8,988	33,459	15,409	+6,421	−18,050
Nitrogen oxides	3,451	4,012	3,795	+344	−217
Particulate matter	891	2,416	874	−17	−1,542
Carbon monoxide	[1] 2,519	2,110	2,240	−279	+130

[1] Carbon monoxide emissions were not listed in the permit, but were included in the original analysis for the facility.

As the above table shows, although the proposed modification would result in significant net increases in *permitted* SO_2 and NO_X emissions from the GPSP, the modification would also result in substantial reductions in current actual SO_2, NO_X, particulate matter, and carbon monoxide emissions. The substantial reduction in actual SO_2 emissions would result from the installation of a wet limestone flue gas desulfurization system, which will control SO_2 emissions from the main boiler stack by at least 93 percent.

Results of the State's dispersion modeling analyses indicate that the modified facility would meet the National Ambient Air Quality Standards (NAAQS) and Class II increments, but would significantly contribute to exceedances of the SO_2 Class I

increment at both Theodore Roosevelt NP and the Lostwood WA. Given the modeled Class I increment exceedances, DGC had several options available for obtaining a modified permit. One option was to request certification from the FLM under section 165(d)(2)(C)(iii) of the Clean Air Act, 42 U.S.C. 7475(d)(2)(C)(iii), that the project would have no adverse impact on the resources of Theodore Roosevelt NP or the Lostwood WA, even though the Class I SO_2 increment would be exceeded. Another option would be to reduce emissions further, so that the source would not significantly contribute to increment exceedances. DGC chose to request FLM certification of no adverse impact.

After review of the State's modeling analysis and other supporting information, on November 5, 1992, the FLM announced the preliminary determination that DGC's proposed permit modification would not cause an unacceptable, adverse impact on the visibility and other air quality related values at Theodore Roosevelt NP or the Lostwood WA. (See 57 FR. 52,788). At that time, the FLM provided for a 30-day public comment period and solicited comments on this preliminary determination.

Discussion of Public Comments

The FLM received no comments or additional information opposing the preliminary determination. The only comments received during the 30-day public comment period were those provided by the State in a December 1, 1992, letter. The State questioned the FLM's inclusion of the Lostwood WA in the preliminary notice because "only one Class I increment exceedance was predicted there, and one exceedance is allowable under the Prevention of Significant Deterioration Rules." In other words, the Class I increment at the Lostwood WA was "exceeded," but not "violated."

Whether an "exceedance" or a "violation" of the Class I increment triggers the need for the FLM's certification process is not clear. The Clean Air Act provides for a State issuance of a permit in cases where the FLM certifies that emissions from the proposed facility "will have no adverse impact on the air quality-related values of such lands (including visibility) notwithstanding the fact that the change in air quality resulting from emissions from such facility will cause or contribute to concentrations which *exceed* the maximum allowable increases for class I areas." 42 U.S.C. 7475(d)(2)(C)(iii) (emphasis added). Therefore, to avoid possible procedural errors with this certification, and to err on the side of protecting the resource, as mandated by the Clean Air Act, the FLM also evaluated potential adverse impacts on the Lostwood WA, and reported the results of this evaluation in the notice. Since the FLM has found "no adverse impacts" to either the Lostwood WA or Theodore Roosevelt NP in this case, the legal question raised by the State did not affect the outcome. For future cases, however, the FLM will consider the question further and consult with the Environmental Protection Agency to resolve it.

The State also clarified the modeling analyses they performed for the DGC project. The FLM acknowledges and appreciates these clarifying comments.

Findings and Final Determination

The findings of the FLM's review of DGC's proposed modification of the Great Plains Synfuels Plant PSD permit are as follows:

1. The proposed increase in allowable emissions should not increase perceptible plume impacts or contribute to regional haze impacts in either Theodore Roosevelt NP or the Lostwood WA.

2. The substantial reductions in actual emissions from the GPSP (over 18,000 tons per year of SO_2) should result in an overall environmental improvement compared to existing conditions at the plant.

3. There is no evidence of existing adverse impacts on biological resources due to air pollution at either Theodore Roosevelt NP or the Lostwood WA.

4. In general, the air quality in North Dakota appears to have improved, for various reasons, since the FLM's last certification of no adverse impacts in 1984.

5. The maximum predicted pollutant concentrations at Theodore Roosevelt NP and the Lostwood WA are well below the alternate Class I increments provided for in the Clean Air Act.

6. There is no reason to believe that the proposed new allowable emissions from the GPSP would cause or contribute to impairment of the structure and functioning of ecosystems at Theodore Roosevelt NP or the Lostwood WA. Likewise, there should be no impairment to the visitor experience, or diminution of the national significance of the park or wilderness area.

Based on the above findings, and the overall analysis, the FLM concludes that the proposed DGC permit modification would not cause an unacceptable, adverse impact on the natural resources of Theodore Roosevelt NP or the Lostwood WA.

These findings and review are based on emissions as proposed by the DGC and the analysis presented by the State of North Dakota. The conclusion reached in this review should not be extrapolated to any future permit applications in the vicinity of Theodore Roosevelt NP or the Lostwood WA. Each future application must be reviewed on a case-by-case basis, because a source's emission parameters, such as stack height, gas temperature, and geographic location, determine its interaction with other sources and hence, the potential for adverse effects. New applicants that contribute to Class I increment exceedances must demonstrate to the FLM's satisfaction that the proposed source will not cause or contribute to an adverse impact on the resources of Theodore Roosevelt NP or the Lostwood WA.

Dated: March 8, 1993.

Joseph E. Doddridge,

Acting Assistant Secretary for Fish and Wildlife and Parks, Federal Land Manager of Theodore Roosevelt National Park and Lostwood Wilderness Area.

[FR Doc. 93-5691 Filed 3-11-93; 8:45 am]

BILLING CODE 4310-10-M

Bureau of Land Management

[ID-020-4210-05; I-29559]

Twin Falls County, ID, Hub Butte Landfill Proposal; Intent To Prepare an Environmental Impact Statement/Plan Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an Environmental Impact Statement/Plan Amendment (EIS/PA).

SUMMARY: Notice is hereby given that the Bureau of Land Management is proposing to prepare an EIS/PA for Twin Falls County's proposed Hub Butte Sanitary Landfill Project and for their proposal to purchase public lands in Twin Falls County, Idaho for that project.

DATES: The public, state and local governments and other Federal agencies are asked to participate in the EIS/PA process. Written comments will be accepted for 30 days following the date this notice is published in the Federal Register.

ADDRESSES: Written comments should be addressed to: Gerald Quinn, District Manager, Bureau of Land Management, Burley District Office, Route 3, Box 1, Burley, ID 83318.

FOR FURTHER INFORMATION CONTACT: Scott Barker, Project Manager, Burley

District Office, Route 3, Box 1, Burley, ID 83318; phone (208) 678–5514.

SUPPLEMENTARY INFORMATION: Twin Falls County plans to construct and operate a municipal solid waste landfill in compliance with subtitle D of the Resource Conservation and Recovery Act of October 21, 1976, as amended (42 U.S.C. 6941–6949a) and in accordance with the regulations at 40 CFR part 258. In order to accomplish this objective, they propose to purchase a parcel of public land in an area of Twin Falls County locally known as Hub Butte. The parcel of public land proposed to be purchased is legally described as follows:

Boise Meridian, Idaho

T. 11 S., R. 17 E.,
Sec. 31: SE¼SW¼SE¼, S½SE¼SE¼;
Sec. 32: W½SW¼SW¼SE¼, SW¼SW¼SE¼.
T. 12 S., R. 17 E.,
Sec. 5: West Half of Lot 2, Lots 3, 4, W½SW¼NE¼, S½NW¼, SW¼, W½W½SE¼;
Sec. 6: Lot 1, East Half of Lot 2, E½SW¼NE¼, SE¼NE¼, E½W½SE¼, E½SE¼;
Sec. 7: N½NE¼NE¼, NE¼NW¼NE¼;
Sec. 8: NW¼NW¼NE¼, N½N½NW¼.
Containing 1,083.77 acres, more or less.

The Bureau of Land Management's scoping process for the EIS/PA will include: (1) Identification of significant issues; (2) identification of sensitive or critical environmental impacts; (3) identification of reasonable alternatives (at present the only alternative identified is that of no action); (4) notifying groups, individuals and agencies so that additional information concerning these issues and concerns can be obtained. The proposed date for publishing the Draft Environmental Impact Statement is August 1, 1993.

Issues that have been identified to date include, but are not limited to:

—Effects on members of the Western Stockgrowers Association, grazing permits, grazing patterns, range improvements and rangeland resources, including threatened and endangered plant species both from the construction and operation of the landfill and from the lands leaving federal ownership.
—Impacts on wildlife including threatened and endangered species from construction and operation of the landfill.
—Impacts on cultural resources within the proposed sale area both from construction of the landfill and from the lands leaving federal ownership.
—Visual impacts and impacts to air quality resulting from construction and operation of the landfill.
—Socio-economic impacts associated with the landfill.
—Possible or potential impacts to ground water supplies as a result of operating the landfill.

Dated: March 3, 1993.

Gerald L. Quinn,
District Manager.

[FR Doc. 93–5683 Filed 3–11–93; 8:45 am]

BILLING CODE 4310–GG–M

[AZ–040–03–4351–03–ADVB]

Safford District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with Public Law 94–579 and 43 CFR part 1780, that a meeting of the Safford District Advisory Council will be held.

DATES: Thursday, April 15, 1993, 10 a.m. to 4 p.m.

ADDRESSES: Safford District Office, 711 14th Ave., Safford, AZ 85546.

FOR FURTHER INFORMATION CONTACT: Diane Drobka, Public Affairs Officer, Safford District, 711 14th Ave., Safford, AZ 85546. Telephone (602) 428–4040.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Introductions
2. Elect Chairperson
3. Review Council goals and involvement
4. Wild and Scenic Rivers
5. Razorback Sucker Critical Habitat
6. BLM 2015 restructuring
7. Dedication/Open House
8. Management Updates:
   a. Update of Gila Box planning effort
   b. Status AZCO Mine EIS
   c. Black Hills Back County Byway
   d. Grazing Advisory Board meeting highlights
   e. RMP Record of Decision
   f. Clifton Ranger District—Interagency Visitor Center

The meeting will be open to the public. Interested persons may make oral statements to the Council between 1 and 2 p.m., or may file written statements for consideration by the Council. Anyone wishing to make an oral statement must notify the District Manager by Wednesday, April 14, 1993.

Summary minutes of the Council meeting will be maintained in the District Office and will be available for public inspection and reproduction (during business hours) within thirty (30) days following the meeting.

Dated: March 5, 1993.

Frank L. Rowley,
Acting District Manager.

[FR Doc. 93–5653 Filed 3–11–93; 8:45 am]

BILLING CODE 4310–32–M

[ID–050–1520–02]

Shoshone District Advisory Council; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed topics for a meeting of the Shoshone (Idaho) District Advisory Council.

DATES: Wednesday, April 14, 1993, at 9 a.m.

ADDRESSES: Shoshone District BLM Office, 400 West F Street, Shoshone, Idaho.

FOR FURTHER INFORMATION CONTACT: District Manager Mary Gaylord, P.O. Box 2–B, 400 West F Street, Shoshone, ID 83352. Telephone (208) 886–7201.

SUPPLEMENTARY INFORMATION: The proposed topics for the meeting include:

1. Status of the Bennett Hills Resource Management Plan
2. Fire Rehabilitation Status and Issues
3. Sanitary Landfill Issues
4. Status of Fossil River Mineral Withdrawal
5. Report on Idaho BLM Executive Conference
6. Presentation on the Big Wood River
7. Other topics as needed

The Shoshone District Advisory Council is established under section 309 of the Federal Land Policy and Management Act of 1976 (Pub. L. 94–579; U.S.C. 1701 *et seq.*) as amended. Operation and administration of the Council will be in accordance with the Federal Advisory Committee Act of 1972 (Pub. L. 92–463; 5 U.S.C. appendix 1) and Department of Interior regulations, including 43 CFR part 1784.

The meeting is open to the public. Anyone may present oral statements or may file a written statement with the District Manager regarding matters on the agenda. Oral statements will be limited to ten minutes.

Anyone wishing to make an oral statement should notify the District Manager by April 12, 1993. Records of the meeting will be available in the Shoshone District Office for public inspection or copying within 30 days after the meeting.

Dated: March 3, 1993.

Mary C. Gaylord,

District Manager.

[FR Doc. 93-5656 Filed 3-11-93; 8:45 am]

BILLING CODE 4310-GG-M

[NV-930-4210-05; N-37750]

Termination of Recreation and Public Purposes Classification and Opening Order, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice terminates a Recreation and Public Purposes Classification N-37750. The land will be opened to the public land laws generally, including the mineral leasing and material sale laws, and to location under the mining laws.

EFFECTIVE DATE: Termination of the classification is effective on March 12, 1993. The land will be open to entry at 10 a.m. on April 12, 1993.

FOR FURTHER INFORMATION CONTACT: Mary Clark, Nevada State Office, Bureau of Land Management, 850 Harvard Way, Reno, NV 89520, (702) 785-6530.

SUPPLEMENTARY INFORMATION: In 1984, 670 acres of land in White Pine County, Nevada, were classified as suitable for lease under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869, 869-1 to 869-4).

In accordance with the classification, the lands were segregated from all further appropriation including location under the mining laws and applications under the mineral leasing and material sale laws.

A lease was subsequently issued to White Pine County for a public shooting facility. By notice published in the **Federal Register** on April 21, 1992 (57 FR 14587), 580 acres of the leased lands were classified as suitable for disposal under the Recreation and Public Purposes Act and those lands were conveyed to White Pine County by patent issued September 18, 1992. The classification and segregation as to those 580 acres terminated automatically upon issuance of the patent. The County has relinquished the lease as to the remaining 90 acres which are described as follows:

Mount Diablo Meridian, Nevada

T. 16 N., R. 64 E.,
Sec. 4, SW¼SW¼SE¼;
Sec. 9, W½W½E½.

Pursuant to section 7 of the Taylor Grazing Act (48 Stat. 1272) and the authority delegated by Appendix 1 of Bureau of Land Management Manual 1203, the aforementioned Recreation and Public Purposes classification is hereby terminated as it affects the above described lands.

At 10 a.m. on April 12, 1993 those lands will become open to the operation of the public land laws generally, and the mineral leasing and material sale laws, subject to existing rights, the provisions of existing withdrawals, and the requirements of applicable laws, rules, and regulations.

At 10 a.m. on April 12, 1993 the above described lands will become open to location under the United States mining laws. Appropriation of the land under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

The lands have been and will remain open to appropriation under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869, 869-1 to 869-4).

Billy R. Templeton,

State Director, Nevada.

[FR Doc. 93-5655 Filed 3-11-93; 8:45 am]

BILLING CODE 4310-HC-M

[MT-070-03-4210-05; MTM80913]

Realty Action; Recreation and Public Purposes (R&PP) Act Classification; Lewis & Clark County, MT

AGENCY: Bureau of Land Management, Butte District Office, Interior.

ACTION: Recreation and Public Purposes (R&PP) Act classification; Lewis & Clark County, MT.

SUMMARY: The following described lands in Lewis & Clark County, Montana, have been examined and found suitable for sale to the State of Montana for inclusion and management as part of the Beartooth State Wildlife Management Area. The lands are located northeast of Helena, Montana, in the proximity of Holter Lake, within and adjacent to the Beartooth Wildlife Management Area.

Principal Meridian, Montana

T13N R3W
Section 2: Lots 6, 7
Section 12: Lots 3, 4, 5
T14N R2W
Section 12: E½NE¼, NW¼NE¼, NE¼NW¼, S½.

Containing 607.11 acres.

The lands are not needed for Federal purposes. The sale is consistent with the Headwaters Resource Management Plan and would be in the public interest.

The patent, when issued, will be subject to the following terms, conditions and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches or canals constructed by the United States in accordance with 43 U.S.C. 945.

3. The lands will be sold subject to all valid, existing rights (e.g., rights-of-way, easements and leases of record).

4. The sale must meet the requirements of 43 U.S.C. 869 *et seq.*

Publication of this notice in the **Federal Register** segregates the public lands described above from all forms of appropriation under the public land laws, including the general mining laws, except for sale under the Recreation and Public Purposes Act.

DATES: Interested parties may submit comments April 26, 1993 to the Bureau of Land Management at the address shown below. Any adverse comments will be evaluated by the BLM, Montana State Director, who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Information related to this realty action, including the Environmental Assessment, is available for review at the Butte District Office, 106 No. Parkmont, Box 3388, Butte MT 59702.

Dated: March 2, 1993.

Orval L. Hadley,

Acting District Manager.

[FR Doc. 93-5718 Filed 3-11-93; 8:45 am]

BILLING CODE 4310-DN-M

[MT-025-93-4210-04; MTM 80345]

Realty Action; Exchange of Public and Private Lands and Minerals in Musselshell and Yellowstone Counties, MT

AGENCY: Bureau of Land Management, Miles City District Office, Montana, Interior.

ACTION: Notice of Realty Action M80345. Exchange of public and private lands

and minerals in Musselshell and Yellowstone Counties, Montana.

SUMMARY: The following described lands and minerals have been determined suitable for disposal by exchange to the Meridian Minerals Company (Meridian) under the authority of section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

Principal Meridian, Montana

Selected public surface land to be acquired by Meridian in Musselshell County, Montana.

T. 6 N., R. 26 E.,
Section 12, Lot 4, W2SW, SESW.

Aggregating 153.96 acres of public surface.

Selected federal minerals except oil and gas to be acquired by Meridian in Musselshell County.

T. 6 N., R. 26 E.,
Section 12, All;
Section 14, All.

Aggregating 1257.55 acres of federal minerals.

Offered surface and mineral estate to be acquired by the BLM in Yellowstone County, Montana.

T. 1 S., R. 26 E.,
Section 23, NESW, N2SE, SESE.

Aggregating 160.00 acres of surface and mineral estate.

DATES: From a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 940, Miles City, MT 59301. Any adverse comments will be evaluated by the BLM Montana State Director who may sustain, vacate or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of Interior.

FOR FURTHER INFORMATION CONTACT: Information related to this exchange including the environmental assessment is available for review at the Bureau of Land Management, Billings Resource Area Office, 810 Main, Billings, Montana 59105 or the Miles City District Office, Garryowen Road, Miles City, MT 59301.

SUPPLEMENTARY INFORMATION: The public lands and minerals described above are segregated from settlement, sale location, and entry under the public land laws, including the mining laws, but not from the mineral leasing laws nor from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976, for a period of two years from the date of publication of this notice. The exchange will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals in accordance with 43 U.S.C. 945.
2. All valid existing rights of record (rights-of-way, easements, leases).
3. The exchange must meet the requirements of 43 CFR 4110.4–2(b).
4. Agreement by Meridian not to surface mine the selected coal estate.
5. Any other applicable terms and conditions.

This exchange is consistent with BLM policies and planning and has been discussed with state and local officials. The public interest will be served by completion of this exchange because it will enable the BLM to acquire lands with high public values and will increase management efficiency of public lands in the area.

Sandra E. Sacher,
Associate District Manager.

[FR Doc. 93–5443 Filed 3–11–93; 8:45 am]

BILLING CODE 4310–DN–M

[WY–060–4210; WYW 101848]

Realty Action; Exchange/Sale of Public Lands in Campbell County, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, exchange/sale of public lands in Campbell County for private lands in Campbell County.

SUMMARY: The following public surface estate has been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Sixth Principal Meridian

T. 53 N., R. 70 W.
Sec. 19, lot 17;
Sec. 30, lots 7, 8, 12, 13, 14, 15.
T. 53 N., R. 71 W.
Sec. 10, lot 8;
Sec. 11, lots 9, 10;
Sec. 15, lots 3, 4, 5, 6;
Sec. 20, lots 6, 7;
Sec. 21, lots 2, 3, 7;
Sec. 24, lots 9, 10;
Sec. 25, lots 1, 8;
Sec. 29, lots 2, 3, 5, 6, 7, 10;
Sec. 30, lots 9, 10, 11, 12, 13, 14, 15, 16, 20;
Sec. 32, lot 2.

The above land aggregates 1,534.73 acres in Campbell County.

In exchange, the United States proposes to acquire the following private surface estate from Bonnie and Glen Clabaugh.

Sixth Principal Meridian

T. 53 N., R 71 W.
Sec. 3, lots 2, 3, SE¼NW¼, W½SE¼;
Sec. 10, lot 7, SW¼NE¼;
Sec. 11, lots 5, 6, 7, 8;
Sec. 12, lots 1, 2, 3, 4, 5, 6, 7, 8.
T. 54 N., R. 71 W.
Sec. 34, NE¼, NE¼NW¼, S½NW¼, SW¼SE¼;
Sec. 35, SW¼SW¼.

The above land aggregates 1,126.03 acres in Campbell County.

The following described lands will be considered for sale or exchange at a later date, first to the adjoining landowners, currently, Bonnie and/or Glen Clabaugh, pending cultural testing of the land and/or any necessary mitigation. These disposal actions will be under the authority of section 203 and/or section 206 of the Federal Land Policy and Management Act of 1976, as amended, 43 U.S.C. 1713, 1716, 1719;

Sixth Principal Meridian

T. 53 N., R. 71 W.,
Sec. 15, lots 2, 7;
Sec. 21, lot 1;
Sec. 24, lots 7, 11, 12;
Sec. 25, lots 9, 16;
Sec. 28, lot 1;
Sec. 29, lots 1, 8, 9;
Sec. 32, lots 3, 4;
Sec. 35, lot 11.

The above land aggregates 603.20 in Campbell County.

If an exchange action is the chosen disposal method, a list of lands to be acquired by the United States will be published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Dave Pomerinke, Area Manager, Buffalo Resource Area, BLM, 189 Cedar, Buffalo, Wyoming 82834, (307) 684–5586.

SUPPLEMENTARY INFORMATION: The purpose of this land adjustment action is to facilitate land management in the area by both the private party and the BLM by repositioning both the scattered parcels of private and public lands. This disposal is in the public interest and would provide additional legal access to larger blocks of public lands. The lands acquired by BLM would provide high recreational values and increase potential for wildlife habitat improvement while at the same time disposing of small, isolated and unmanageable pieces of public land.

No significant negative impacts are anticipated from this exchange or any future pending exchange or sale of the additional disposal parcels.

This land adjustment action is consistent with the Buffalo Resource Area Resource Management Plan and has been discussed with State and local officials. The public interest will be served by completion of this exchange or any future disposal action.

The Federal parcels that contain unknown or potentially eligible cultural

sites will be properly evaluated or mitigated prior to any disposal action.

The publication of this notice segregates the 1,534.73 acres of public land described in the above exchange from settlement, sale, location, and entry under the public land laws, including the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976.

Those 603.20 acres of land to be considered for disposal at a future date are not included in this segregation.

Any patent issued will be subject to all valid existing rights.

Specific Patent reservations include:

1. A reservation to the United States of a right-of-way for ditches or canals in accordance with Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove minerals. A more detailed description of this reservation, which will be incorporated into the patent document, is available for review at the Bureau of Land Management, Buffalo Resource Area Office.

For a period of forty-five (45) days, from the date of issuance of this Notice in the **Federal Register**, interested parties may submit comments for all lands identified in this Notice for land adjusting action to the Bureau of Land Management, District Manager, Casper, 1701 East E. Street, Casper, Wyoming 82601. Any adverse comments will be evaluated by the State Director, who may sustain, vacate, or modify this realty action. In the absence of any objections, this proposed realty action will become final.

Dated: March 4, 1993.

Mike Karbs,

Casper District Manager.

[FR Doc. 93-5657 Filed 3-11-93; 8:45 am]

BILLING CODE 4310-22-M

Fish and Wildlife Service

Availability of Draft Environmental Impact Statement; Refuges 2003—A Plan for the Future of the National Wildlife Refuge System

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Availability of a draft environmental impact statement for the management of national wildlife refuges.

SUMMARY: The U.S. Fish and Wildlife Service (Service) has prepared, for public review, a Draft Environmental Impact Statement for the management of national wildlife refuges, entitled: "Refuges 2003—A Plan for the Future of the National Wildlife Refuge System." This draft has been prepared pursuant to the National Environmental Policy Act of 1969. The draft statement describes six alternatives and a "no action" option for managing the national wildlife refuges and the environmental consequences of their implementation, respectively.

DATES: Comments on the draft statement should be received no later than June 14, 1993. During this public review period, public meetings will be held at various locations throughout the United States to be scheduled at a later date. Notices of these public meetings will be published in the **Federal Register**.

ADDRESSES: Written comments may be addressed to: Assistant Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 1849 C Street, NW., MS 670 ARLSQ, Washington, DC 20240; Telephone (703) 358-1744.

FOR FURTHER INFORMATION CONTACT: Rob Shallenberger, Division of Refuges, U.S. Fish and Wildlife Service, 1849 C Street NW., MS 670 ARLSQ, Washington, DC 20240; Telephone (703) 358-1744.

SUPPLEMENTARY INFORMATION: The Service has prepared a draft environmental impact statement entitled "Refuges 2003—A Plan for the Future of the National Wildlife Refuge System" pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. This draft statement was developed with assistance from the comments received at the various public meetings held throughout the United States, a team of wildlife and environmental experts in the various fields reviewed in the draft statement, and the expertise of the professional staff within the Division of Refuges of the Service, including field stations, Regional Offices and the Washington Office. A summary of the draft statement has been prepared and will be sent to all persons and organizations who participated in any part of the review process, such as scoping meetings or in other types of communication with the planning team. Copies of the complete draft statement will be sent to Federal and State agencies, local governments, and other organizations and individuals who have already requested copies. A limited number of copies of both documents are available upon request at the Division of Refuges, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, 670 ARLSQ, Arlington, VA 22203.

Written and oral comments will be accepted at the public meetings to be scheduled, the notice of which will be provided in the **Federal Register**. To be considered in the preparation of the final environmental impact statement, all comments should be received no later than June 14, 1993.

Copies of the Draft Environmental Impact Statement are available for public review at the Regional Offices of the Service at the following addresses:

Region 1—California, Hawaii, Idaho, Nevada, Oregon, and Washington.
Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Eastside Federal Complex, suite 1692, 911 NW. 11th Avenue, Portland, Oregon 97232-4181; Telephone (503) 231-6214.

Region 2—Arizona, New Mexico, Oklahoma and Texas.
Assistant Regional Director—Refuges and Wildlife U.S. Fish and Wildlife Service, Box 1306, Albuquerque, New Mexico 87103; telephone (505) 766-1829.

Region 3—Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin.
Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota, 55111; Telephone (612) 725-3507.

Region 4—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, South Carolina, Puerto Rico and the Virgin Islands.
Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, Georgia 30303; Telephone (404) 331-0833.

Region 5—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia.
Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 300 W. Gate Center Drive, Hadley, Massachusetts 01035; Telephone (413) 253-8200.

Region 6—Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming.
Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Box 25486, Denver Federal Center, Denver, Colorado, 80225; Telephone (303) 236-8145.

Region 7—Alaska.
Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 1011 E. Tudor Rd., Anchorage, Alaska 99503; Telephone (907) 786-3538.

Dated: February 11, 1993.

Richard H. Smith,

Deputy Director.

[FR Doc. 93-5448 Filed 3-11-93; 8:45 am]

BILLING CODE 4310-55-M

North American Wetlands Conservation Council; Availability of Document

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that a final document, U.S. Grant Application Instructions Package For Funding Consideration Through the North American Wetlands Conservation Council Under Authority of North American Wetlands Conservation Act is available.

DATES: Proposals may be submitted at any time. FY 1994 proposals will be accepted through August 16, 1993.

SUPPLEMENTARY INFORMATION: This document provides the schedules, review criteria, definitions, description of information required in the proposal, and a format for proposals submitted for Fiscal Year 1994 funding. This document was prepared to comply with the "North American Wetlands Conservation Act." The Act established a North American Wetlands Council. This Federal-State-Private body annually recommends wetland acquisition, restoration, and enhancement conservation projects to the Migratory Bird Conservation Commission. These project recommendations will be selected from proposals made in accordance with this document. Proposals from State and private sponsors require a minimum of 50 percent non-Federal matching funds.

ADDRESSES: Copies of this document can be obtained by contacting the U.S. Fish and Wildlife Service, Publications Unit, 4401 N. Fairfax Drive, Mail Stop 130 Webb, Arlington, Virginia 22203 during normal business hours (7:45 am–4:15 pm) in writing or by phone (703) 358–1711.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Streeter, Coordinator, North American Wetlands Conservation Council, Arlington Square Building, Room 110, U.S. Fish and Wildlife Service, Department of the Interior, Arlington, VA 22203, telephone (703) 358–1784.

Dated: March 5, 1993.

Bruce Blanchard,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 93–5740 Filed 3–11–93; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

General Management Plan; Petrified Forest National Park; Notice of Availability of Final General Management Plan and Environmental Impact Statement

SUMMARY: In accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91–190, the National Park Service has prepared a Final General Management Plan/ Environmental Impact Statement (GMP/ EIS) for Petrified Forest National Park.

The Draft General Management/ Environmental Impact Statement (GMP/ EIS) was circulated for public review between November 15, 1991 and January 31, 1992 (56 FR 58395). Both the Draft and Final GMP/EIS describe and analyze a proposal and three alternatives, for future management and use of the park. The proposal, Alternative 2, provides for the development of a research center/visitor center complex, relocation of some housing and maintenance facilities, adaptive use of historic structures for interpretive, administrative and concession purposes, and improvement of an existing access road. The proposal also addresses potential expansion of the park's administrative boundary. Alternative 1 is the no action alternative. Alternative 3 would replace and expand the inadequate facilities on site with the north visitor center remaining at the headquarters area and the residential area at Giant Logs expanded to meet staff housing needs. Alternative 4 would remove most existing development from the Giant Logs area and replace it with a new visitor center. In most other respects, Alternatives 3 and 4 would be the same as the proposal.

The 30 day no action period on the Final GMP/EIS will end April 4, 1993. Requests for additional information and/or copies of the Final GMP/EIS should be directed to: Superintendent, Petrified Forest National Park, P.O. Box 2217, Petrified Forest National Park, AZ 86028, telephone number (602) 524–6228.

Copies of the Final GMP/EIS are available at the park headquarters and at libraries located in the park's vicinity. Copies also are available for inspection at the following address: Western Regional Office, National Park Service, Division of Planning, Grants and Environmental Quality, 600 Harrison St., suite 600, San Francisco, CA 94107–1372.

Dated: January 11, 1993.

Stanley T. Albright,

Regional Director, Western Region.

[FR Doc. 93–5677 Filed 3–11–93; 8:45 am]

BILLING CODE 4310–70–M

Underground Railroad Advisory Committee; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, 5 U.S.C. appendix, that a meeting of the Underground Railroad Advisory Committee will be held on March 31, 1993, at the Second National Bank Building in Independence National Historical Park, 420 Chestnut Street, Philadelphia, Pennsylvania. The meeting will begin at 9:30 a.m. and will adjourn at approximately 4 p.m.

The Underground Railroad Advisory Committee was established by Public Law 101–628 to advise the Secretary of the Interior in preparation of a study of alternatives for commemorating and interpreting the Underground Railroad, sites and routes used by slaves escaping to freedom before the conclusion of the Civil War.

This will be the first meeting of the Committee. The matters to be discussed at the meeting include:

—Organization and responsibilities of the Committee
—National Park Service study process, criteria, and procedures
—Study background and progress with data collection
—Interpretive themes for the study
—Various concepts for resource protection and management
—Future Committee meetings and opportunities for public involvement in the study.

The meeting will be open to the public. However, space and facilities to accommodate members of the public are limited and people will be accommodated on a first-come, first-served basis. Anyone may file a written statement concerning the matters to be discussed at the committee meeting. For further information about the meeting or submitting statements, contact Mr. John Paige, Underground Railroad Study Team Captain, National Park Service, Denver Service Center—TEA, P.O. Box 25287, Denver, CO 80225–0287, Telephone 303/969–2356.

Dated: March 8, 1993.

Denis P. Galvin,

Associate Director for Planning and Development, Washington Office.

[FR Doc. 93–5706 Filed 3–11–93; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

Intent To Engage In Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

A. 1. Parent corporation and address of principal office: Alex Lee, Inc. (a North Carolina corporation), 120 Fourth Street, SW., Hickory, North Carolina 28601.

2. Wholly owned subsidiaries which will participate in the operations, and States of incorporation;

Institution Food House, Inc. (North Carolina)
Lowe's Food Stores, Inc. (North Carolina)
Merchants Distributors, Inc. (North Carolina)
Merchants Transport of Hickory, Inc. (North Carolina)

B. 1. Parent corporation and address of principal office: Michael Foods, Inc., 324 Park National Bank Building, 5353 Wayzata Boulevard, Minneapolis, MN 55416.

2. Wholly owned subsidiaries which will participate in the operations, and State(s) of incorporation:

The M.G. Waldbaum Company, State of Incorporation: Nebraska
Kohler Mix Specialties, State of Incorporation: Minnesota
Northern Star Co., State of Incorporation: Minnesota
Crystal Farms RDC, State of Incorporation: Minnesota
Sunnyside Vegetable Packing, Inc., State of Incorporation: New Jersey

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93-5720 Filed 3-11-93; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage In Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Michael Foods, Inc., 324 Park National Bank Building, 5353 Wayzata Boulevard, Minneapolis, MN 55416.

2. Wholly owned subsidiaries which will participate in the operations, and State(s) of incorporation: The M.G. Waldbaum Company, State of Incorporation: Nebraska; Kohler Mix Specialties, State of Incorporation: Minnesota; Northern Star Co., State of Corporation: Minnesota; Crystal Farms RDC, State of Incorporation: Minnesota; Sunnyside Vegetable Packing, Inc., State of Incorporation: New Jersey.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93-5721 Filed 3-11-93; 8:45 am]

BILLING CODE 7035-01-M

[Amendment No. 1 to Directed Service Order No. 1512]

Rocky Mountain Pipe Company/Fagan Iron & Metal, Inc./Dry Wall Products of Denver, Inc./ et al.

AGENCY: Interstate Commerce Commission.

ACTION: Amendment to Directed Service Order.

SUMMARY: Pursuant to 49 U.S.C. 11125(b)(1), the Commission is authorizing The Great Western Railway Company (GWRC) d/b/a Platt Valley Railway (PVR) to operate as a "Directed Rail Carrier" (DRC) over the Denver Railway, Inc. (DRI)—uncompensated and without Federal subsidy under 49 U.S.C. 11125(b)(5)—for an additional period of 180 days.

This extension of the Commission's directed service order is based on numerous factors including a Commission field investigation that indicates that the railroad's present cash position does not allow the acquisition of locomotive equipment or the hiring of Federal Railroad Administration certified crews at this time. As a result, any resumption of operations by DRI over its lines at this time remains impossible.

To assure continuation of rail service to shippers that are affected by the DRI's discontinuance of operations, the Commission is authorizing GWRC/PVR, as DRC, to continue to provide directed service over DRI's two line segments in Denver, CO for an additional 180 days. See 49 U.S.C. 11125(a)(1), (a)(3), and (b)(1).

DATES: *Effective Date:* Amendment No. 1 to Directed Service Order No. 1512 shall become effective at 11:59 a.m., EST, March 9, 1993. GWRC/PVR shall notify DRI and the Commission that it is continuing its operations pursuant to this amended authority.

Expiration Date: Unless otherwise modified by order of the Commission, Directed Service Order No. 1512 will expire at 11:59 a.m., September 4, 1993.

FOR FURTHER INFORMATION CONTACT: Bernard Gaillard, (202) 927-5500, or Melvin F. Clemens, Jr., (202) 927-5538, [FAX (202) 927-5529], [TDD for hearing impaired: (202) 927-5721].

SUPPLEMENTARY INFORMATION: On January 8, 1993, at the request of shippers who were being denied rail service due to the cessation of operations by the DRI, the Commission issued Directed Service Order No. 1512 (DSO 1512). That order authorized GWRC/PVR to operate over DRI's lines in an industrial district of Denver, CO, for a period of 60 days without compensation from the Federal Government. DSO 1512 expires on March 9, 1993.

On February 24, 25, and 26, 1993, the Commission's Office of Compliance and Consumer Assistance conducted an on-site inspection of the DRI properties and interviewed officials representing shippers, GWRC/PVR, the directed rail carrier, and DRI. Based on these interviews, we have verified from shippers that there is a continued need for rail services after March 9, 1993. GWRC/PVR, the directed rail carrier, has indicated its willingness to continue its directed service operations on the same terms and conditions as presently contained in DSO 1512. DRI, which had temporarily discontinued its service due to the absence of locomotive power required to perform the switching services for DRI shippers, has indicated that it remains unable to resume its operations and supports continued directed service.

We have confirmed also, that on February 3, 1993 the principals of the DRI, Harvey E. Webb, President and Mary J.K. Webb, Secretary and Treasurer, have filed a Chapter 7 personal bankruptcy petition in the United States Bankruptcy Court for the District of Colorado, Case No. 93-11058 SBB.

In a related matter, Harvey Webb, on behalf of the DRI, filed a petition with the Commission on January 23, 1993 requesting that the Commission reconsider its decision to direct service to the extent that the Commission might consider extending the authority contained in DSO 1512 beyond the initial 60 days. However, the bankruptcy petition, coupled with indications from our on-site review and comments by Mr. Webb's attorney, confirm that DRI is not presently able to provide rail service to shippers, and moot Mr. Webb's request for the Commission to reconsider any extension of the authority contained in DSO 1512.

Shippers have indicated their need for rail services beyond March 9, 1993. Also, GWRC/PVR has agreed to

continue its operations as DRC under the same terms and conditions as are currently contained in DSO 1512. This amendment allows GWRC/PVR to continue to provide directed service to affected shippers for an additional period of 180 days, the maximum period allowable under 49 U.S.C. 11125(b)(1).

Considering DRI's continuing inability to maintain sufficient locomotive equipment to provide continuous rail service to its shippers, which caused its earlier cessation of operations, we find that DRI's current situation meets the statutory standards of 49 U.S.C. 11125(a) (1) and (3).

In view of the urgent need for continued rail service over lines of the DRI, this decision grants the shippers' requests and authorizes GWRC/PVR to continue to provide uncompensated directed service in the public interest.

Based on our field investigation and the absence of any comments in response to our order of January 8, 1993 opposing extension of DSO 1512, we have decided to exercise our authority under 49 U.S.C. 11125 to extend this authority.

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

It is ordered:

Based upon its agreement to do so without any form of compensation from the Federal Government, GWRC/PVR is authorized to enter upon and operate DRI's lines at Denver, CO pursuant to this voluntary directed service order under 49 U.S.C. 11125 for an additional period of 180 days.

Notice of this decision shall be given to the general public by publication in the **Federal Register**.

Amendment No. 1 to Directed Service Order No. 1512 shall become effective at 11:59 a.m., March 9, 1993. GWRC/PVR shall notify the Commission and DRI immediately that it has commenced continued operations under this authority.

Directed Service Order No. 1512 will expire at 11:59 a.m., September 4, 1993, unless otherwise modified by the Commission.

Decided: March 5, 1993.

By the Commission, Chairman McDonald, Vice Chairman Simmons, Commissioners Phillips, Philbin and Walden.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–5722 Filed 3–11–93; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 32239]

Molalla Western Railway—Acquisition and Operation Exemption—Southern Pacific Transportation Co.

Molalla Western Railway, a non-carrier, has filed a notice of exemption to acquire and operate a 10.418-mile rail line segment from Southern Pacific Transportation Company (SP), extending from the point of interchange with SP at milepost 747.568 near Canby, to milepost 757.986 at Molalla, in Clackamas County, OR. The notice became effective on February 24, 1993.[1]

Any comments must be filed with the Commission and served on: Richard A. Samuels, Molalla Western Railway, P.O. Box 22548, Portland, OR 97269.

This 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: March 4, 1993.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–5723 Filed 3–11–93; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–12; Sub–No. 144X]

Southern Pacific Transportation Company—Abandonment Exemption—in Lafayette and St. Landry Parishes, LA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Commission exempts the Southern Pacific Transportation Company (SPT) from the prior approval requirements of 49 U.S.C. 10903–10904 to permit SPT to abandon a 19-mile line of railroad between milepost 1.00 at or near the Alex Junction rail station and milepost 20.00 at or near the Veltin rail station in Lafayette and St. Landry Parishes, LA (the Alex Junction-Veltin line), subject to the employee protective conditions in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979), public use, and interim trail use/rail banking conditions.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on April 11, 1993. Formal expressions of intent to file an offer[1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by March 22, 1993. Petitions for stay must be filed by March 29, 1993. Requests for a public use condition in conformity with 49 CFR 1152.28(a)(2) must be filed by April 1, 1993. Petitions to reopen must be filed by April 6, 1993.

ADDRESSES: Send pleadings referring to Docket No. AB–12 (Sub–144X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioners' representatives: Karl Morell, Louis Gitomer, 919 18th Street, NW., Suite 210, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder, (202) 927–5610. [TDD for hearing impaired: (202) 927–5721]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD service (202) 927–5721.]

Decided: March 5, 1993.

By the Commission, Chairman McDonald, Vice Chairman Simmons, Commissioners Phillips, Philbin, and Walden.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 93–5724 Filed 3–11–93; 8:45 am]

BILLING CODE 7035–01–M

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[1] Under 49 CFR 1150.32(b), a notice of exemption does not become effective until 7 days after filing. Here, because the notice was not filed until February 17, 1993, consummation should not have taken place until on or after February 24, 1993. According to applicant's representative, consummation took place on February 22, 1993. We caution applicant in the future to ensure that it properly files its verified notice of exemption 7 days prior to the expected consummation date.

[1] *See Exempt. of Rail Line Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

DEPARTMENT OF JUSTICE

Federal Bureau of Prisons

Intent To Prepare a New Draft Environmental Impact Statement (DEIS) for the Construction and Operation of a Metropolitan Detention Center (MDC) in Philadelphia, Pennsylvania

AGENCY: Bureau of Prisons, Justice.

ACTION: Notice of intent to prepare a new Draft Environmental Impact Statement (DEIS).

SUMMARY:

Proposed Action

In 1991, the Federal Bureau of Prisons (Bureau) announced a proposal to construct and operate a 750 bed Metropolitan Detention Center to house detainees awaiting trial, sentencing or having other business with the Federal Courts in Philadelphia, Pennsylvania. The proposed facility would include space for inmate housing, administration, programs, services and parking. At that time, a Notice of Intent was published in the **Federal Register** and received wide publicity in the Philadelphia news media. A Scoping Meeting was held and a Draft Environmental Impact Statement (DEIS) was published on June 12, 1992.

The Bureau's proposal and subsequent publication of the DEIS brought out a number of community concerns regarding the preferred site and its proximity to the Philadelphia downtown business district. During the public hearing on the DEIS, several alternative sites were suggested by the participants. Additionally, several alternative sites were also suggested during meetings with City officials and community leaders.

In response to these community concerns, the Bureau made the decision to evaluate all of the suggested alternative sites to determine if any of the sites met the Bureau's criteria for a MDC. During this evaluation, the Bureau determined that two of the suggested alternative sites, in addition to the one site previously identified in the DEIS were suitable for further consideration. In the course of the Bureau's evaluation of the suggested sites, it was discovered that several had previously been evaluated and therefore eliminated from further consideration.

In response to the comments received and alternative sites suggested, the Bureau made the decision to begin the EIS process again. Holding a new Scoping Meeting on this proposal will ensure full public understanding of the proposal, sites to be considered, opportunity to provide direct input and scope of the studies to be conducted in the EIS process.

During the EIS process of evaluating the three sites, several issues will receive a detailed examination including utilities, traffic patterns, noise levels, visual intrusion, cultural resources, and socio-economic impacts.

Alternatives: In developing the EIS, the options of "no action" and "alternative sites" for the proposed facility will be fully and thoroughly examined.

Scoping Process: During the preparation of the EIS, there will be opportunities for public participation. The Scoping Meeting will be held at a location convenient for the public, State and local agencies to attend. The meeting will be well publicized in local news media and will be held at a time which will make it possible for the public and interested agencies to participate. A number of informational meetings have already been held to insure that the public, City and State officials have an understanding of this proposal. The Bureau of Prisons will continue these meetings with interested community leaders, officials and citizens as needed during the EIS process.

DEIS Preparation: Public notice will be given concerning the availability of the Draft and Final EIS for public review and comment.

Address: Questions concerning the proposed action and the EIS can be answered by: Debra J. Hood, Site Selection Specialist, U.S. Bureau of Prisons, 320 First Street, NW., Washington, DC 20534, Telephone: (202) 514–6470.

Dated: March 9, 1993.

Patricia K. Sledge,

Chief, Site Selection and Environmental Review Branch.

[FR Doc. 93–5762 Filed 3–11–93; 8:45 am]

BILLING CODE 4410–5–M

DEPARTMENT OF LABOR

Employment Standards Administration

Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decisions, together with any modifications issued, must be made a part of every contract for performance of the described work writhing the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution

Avenue, N.W., Room S–3014, Washington, D.C. 20210.

New General Wage Determination Decisions

The numbers of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume and State.

Volume II

Arkansas:
AR93–9 (Mar. 12, 1993) .....
AR93–29 (Mar. 12, 1993) .....

Volume III

Oregon:
OR93–5 (Mar. 12, 1993) .....
Washington:
WA93–12 (Mar. 12, 1993) .....

Modification to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Delaware:
DE93–2 (Feb. 19, 1993) .....
DE93–5 (Feb. 19, 1993) .....
Kentucky:
KY93–1 (Feb. 19, 1993) .....
KY93–2 (Feb. 19, 1993) .....
KY93–29 (Feb. 19, 1993) .....
New York:
NY93–8 (Feb. 19, 1993) .....
NY93–13 (Feb. 19, 1993) .....
NY93–21 (Feb. 19, 1993) .....
NY93–22 (Feb. 19, 1993) .....
Virginia:
VA93–13 (Feb. 19, 1993) .....
West Virginia:
WV93–2 (Feb. 19, 1993) .....

Volume II

Indiana:
IN93–4 (Feb. 19, 1993) .....
Minnesota:
MN93–3 (Feb. 19, 1993) .....
Missouri:
MO93–1 (Feb. 19, 1993) .....
New Mexico:
NM93–1 (Feb. 19, 1993) .....
Oklahoma:
OK93–14 (Feb. 19, 1993) .....

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 783–3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 5th day of March 1993.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 93–5501 Filed 3–11–93; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: Office of National Archives and Records Administration, Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 USC 3303a(a).

DATES: Request for copies must be received in writing on or before April 26, 1993. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of Health and Human Services, Centers for Disease Control (N1–442–91–8). Paper copies of microfilmed poliomyelitis and polio vaccine files, 1950–85.

2. Department of Health and Human Services, Health Resources and Services

Administration (N1–512–93–1). Fire protection surveys of Army and Air Force healthcare facilities.

3. Department of Health and Human Services, Office of the Assistant Secretary for Health (N1–514–92–1). Revisions to comprehensive records schedule.

4. Department of State, Bureau of African Affairs (N1–59–93–18). Routine, facilitative, and duplicative records of the assistant secretary.

5. Department of State, Bureau of African Affairs (N1–59–93–19). Routine, facilitative, and duplicative records of the Office of Regional Affairs.

6. Department of State, Bureau of African Affairs (N1–59–93–20). Routine, facilitative, and duplicative records of the Public Affairs Staff.

7. Department of State, Bureau of African Affairs (N1–59–93–21). Duplicative records of the Economic Policy Staff.

8. Department of State, Bureau of African Affairs (N1–59–93–22). Routine, facilitative, and duplicative records of the Office of the Executive Director.

9. Department of State, Bureau of African Affairs (N1–59–93–23). Routine, facilitative, and duplicative records of geographic offices.

10. Tennessee Valley Authority, Resource Development (N1–142–90–16). Routine operational and administrative records relating to flood protection.

11. Tennessee Valley Authority (N1–142–92–20). Records relating to employee health services.

12. Department of Transportation, Maritime Administration (N1–357–93–1). Electronic inventory of equipment, parts, manuals, and drawings.

13. Bureau of Labor Statistics, Division of System Design (N1–257–93–1). Computer mainframe benchmark records used to solicit and monitor compliance of the Bureau's timeshare contract.

14. Commission on Interstate Child Support (N1–220–93–4). Routine and administrative records.

15. Federal Energy Regulation Commission, Office of Hydropower Licensing (N1–13–93–1). Hydropower licensing case files.

16. Federal Judicial Center (N1–516–92–2). Routine and facilitative correspondence, memoranda, and other documentation.

17. National Archives and Records Administration (N1–GRS–93–2). Addition to General Records Schedule 1, Civilian personnel Records, to cover case files relating to the appointment of handicapped individuals.

Dated: March 4, 1993.

Raymond A. Mosley,

Acting Archivist of the United States.

[FR Doc. 93–570 Filed 3–11–93; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL COMMISSION ON JUDICIAL DISCIPLINE AND REMOVAL

AGENCY: National Commission on Judicial Discipline and Removal.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given in the public interest and pursuant to the Federal Advisory Committee Act that a public meeting of the National Commission on Judicial Discipline and Removal will be held on April 1 and 2, 1993, in Washington, DC. On April 1, the first session of the meeting will convene at 9:30 a.m. and adjourn at approximately 12:30 p.m., and the second session of the meeting will convene at 1:30 p.m. and adjourn at approximately 5 p.m. On April 2, the third session of the meeting will convene at 9:30 a.m. and adjourn at approximately 12:30 p.m., and the fourth session of the meeting will convene at 1:30 p.m. and adjourn at approximately 5 p.m. All four sessions of the meeting will be held in room 628 of the Dirksen Senate Office Building, located at Constitution Avenue and First Street, NE.

AUTHORITY: This public meeting will be the ninth meeting for the National Commission, a body composed of thirteen members appointed by the Speaker of the House, the President, the President *pro tem* of the Senate, the Chief Justice of the United States and the Conference of State Chief Justices. The National Commission, established by Public Law 101–650 (title IV), is assigned three statutory duties. The first is to investigate and study the problems and issues involved in the tenure (including discipline and removal) of Article III (appointed to serve for life) Federal judges. The second is to evaluate the advisability of proposing alternatives to current arrangements with respect to such problems and issues, including alternatives for the discipline and removal of Federal judges that would require constitutional amendments. Finally, the Commission is required to prepare and submit a report to the Congress, the Chief Justice, and the President setting forth a detailed statement of its findings and conclusions together with any recommendations for legislative and administrative actions as are considered appropriate. The due date for the Commission's final report is August 1, 1993. The Commission is not authorized to consider specific complaints against Federal judges.

Ordinarily the provisions of the Federal Advisory Committee Act are not applicable to legislative or judicial agencies. Nonetheless, since the Commission is composed of representatives of all three branches of the Federal government, a good faith commitment to open meetings is incorporated in the Commission's By-laws.

STATUS: All four sessions of the meeting will be open to the public. A portion of any session of the meeting may be held in executive session to consider administrative matters involving privacy interests.

MATTERS TO BE CONSIDERED: This meeting will be the second in a series of Commission meetings designed to consider proposed recommendations for legislative or administrative action arising as responses to reports from consultants who have prepared research papers previously discussed at length by the Commission about specific topics.

CONTACT PERSONS FOR FURTHER INFORMATION: Contact Michael J. Remington or William J. Weller at the National Commission on Judicial Discipline and Removal, suite 690, 2100 Pennsylvania Ave, NW., Washington, DC, 20037–3202; or call (202) 254–8169.

SUPPLEMENTARY INFORMATION: Minutes of the meeting will be available for public inspection during regular working hours at the Commission office approximately thirty (30) working days following the meeting.

William J. Weller,

Deputy Director.

[FR Doc. 93–5755 Filed 3–11–93; 8:45 am]

BILLING CODE 6820–DM–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget (OMB) Review

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

1. Type of submission, new, revision, or extension: Revision

2. The title of the information, collection: Grant and Cooperative Agreement Provisions

3. The form number if applicable: Not applicable

4. How often the collection is required: Occasionally, Quarterly, Semi-Annually

5. Who will be required or asked to report: Recipients of grants and cooperative agreements

6. An estimate of the number of responses: 216

7. An estimate of the total number of hours needed to complete the requirement or request: 2,065 (9.6 hours per response)

8. An indication of whether section 3504(h), Public Law 96–511 applies: Not applicable

9. Abstract:

The Division of Contracts and Property Management uses provisions, required to obtain or retain a benefit, in its awards and cooperative agreements to ensure: adherence to Public Laws, that the Government's rights are protected, that work proceeds on schedule, and that disputes between the Government and the recipient are settled.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, NW., (Lower Level), Washington, DC. Comments and questions can be directed by mail to the OMB reviewer: Ronald Minsk, Office of Information and Regulatory Affairs, NEOB–3019, (3150–0107), Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3084.

The NRC Clearance Officer is Brenda Jo Shelton, (301) 492–8132.

Dated at Bethesda, Maryland this 3rd day of March, 1993.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 93–5751 Filed 3–11–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 40–8943]

Ferret Exploration Company of Nebraska, Inc.; Final Finding of No Significant Impact Regarding Increased Production Flow Rate at the Crow Butte In Situ Leach Facility, Dawes County, Nebraska

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final finding of no significant impact.

1. Proposed Action

The proposed administrative action is to issue a license amendment authorizing increased maximum flow rates at the Crow Butte In Situ Leach (ISL) Facility by revising Source Material License SUA–1534.

2. Reasons for the Final Finding of No Significant Impact

The Crow Butte ISL facility, owned by Ferret Exploration Company of Nebraska, Inc. (Ferret), is an operating uranium recovery facility. Activities authorized by Source Material License SUA–1534 include in situ leaching of uranium from subsurface ore bodies, and uranium recovery in a surface processing plant and associated facilities. Ferret's licensed maximum plant flow capacity is 2500 gallons per minute (gpm), and the licensee requests to increase the licensed maximum flow rate to 3500 gpm. The NRC staff evaluated a supplemental Environmental Report, submitted by the licensee on November 20, 1992, addressing the likely increase in radon-222 emissions and the estimated radiological dose to environmental receptors.

In accordance with title 10, Code of Federal Regulations, part 51, § 51.21, NRC prepared an environmental assessment addressing the proposed change. As a result of that assessment, the NRC has determined not to prepare an environmental impact statement. The following statements support the Finding of No Significant Impact and summarize the environmental assessment:

A. In accordance with 10 CFR part 51.60, the licensee submitted a Supplemental Environmental Report documenting the potential environmental effects of the proposed change.

B. Radiological effluents and doses resulting from the proposed operation of the well field and processing plant are predicted to be only small percentages of regulatory limits and will be continuously monitored.

In accordance with 10 CFR part 51.32, the Director, Uranium Recovery Field Office, made the determination to issue a final finding of no significant impact for publication in the **Federal Register**.

This finding and the environmental assessment setting the basis for the finding, are available for public inspection at the Commission's Uranium Recovery Field Office at 730 Simms Street, Denver, Colorado, and at the Commission's Public Document Room at 2120 L Street, NW., Washington, DC.

Dated at Denver, Colorado, this 4th day of March 1993.

For the Nuclear Regulatory Commission.

Ramon E. Hall,

Director, Uranium Recovery Field Office.

[FR Doc. 93–5752 Filed 3–11–93; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–271–OLA–5, ASLBP No. 93–676–02–OLA–5]

Vermont Yankee Nuclear Power Corporation; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

Vermont Yankee Nuclear Power Corporation

Vermont Yankee Nuclear Power Station

Facility Operating License No. DPR–28

This Board is being established pursuant to a notice published by the Commission on January 21, 1993, in the **Federal Register** (58 FR 5427, 5435) entitled, "Notice Of Consideration Of Issuance Of Amendment To Facility Operating License, Proposed No Significant Hazards Consideration Determination, And Opportunity For A Hearing." The proposed amendment would allow a one-time extension from 7 to 14 days of the Limiting Condition for Operation to permit extensive "B" diesel generator maintenance while the reactor is at full power.

The Board is comprised of the following administrative judges:

Ivan W. Smith, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Richard F. Cole, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Peter S. Lam, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

All correspondence, documents and other materials shall be filed with the Judges in accordance with 10 CFR 2.701.

Issued at Bethesda, Maryland, this 5th day of March 1993.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 93-5753 Filed 3-11-93; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Company; Notice of Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No 174 to Facility Operating License No. DPR-32 and Amendment No. 173 to Facility Operating License No. DPR-37, issued to the Virginia Electric and Power Company (the licensee), which revised the Technical Specifications for operation of the Surry Power Station, Units 1 and 2, located in Surry County, Virginia. These amendments are effective as of the date of issuance.

The amendments modified the Technical Specifications to provide specific operability requirements for the actuation logic and, as part of the associated action statement, reinstate the permissible bypass condition.

The application for the amendment 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 and Opportunity for Hearing in connection with this action was published in the **Federal Register** on October 20, 1992 (57 FR 47884). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment (58 FR 11874).

For further details with respect to the action see (1) the application for amendments dated September 4, 1992, (2) Amendment No. 174 to License No. DPR-32 and Amendment No. 173 to License No. DPR-37, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Assessment. All of these items are 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 located at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Document Control Desk.

Dated at Rockville, Maryland this 5th day of March 1993.

For the Nuclear Regulatory Commission.

Bart C. Buckley,

Senior Project Manager, Project Directorate I-4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93-5749 Filed 3-11-93; 8:45 am]

BILLING CODE 7590-01-M

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

Design and Implementation of a Global Budgeting System; Meeting

The Prospective Payment Assessment Commission (ProPAC) has been asked to report to Congress on the design and implementation of a global budgeting system, focusing on health care spending for institutional services. The Commission's report, due July 1, 1993, will not contain recommendations regarding the desirability of adopting such a system. ProPAC will be considering this topic at its next meeting. The meeting will be held on April 13, 1993 at the Madison Hotel, in Executive Rooms 1, 2, and 3, 15th and M Streets, NW., Washington, DC.

Start at 9:30 a.m., a panel of invited experts will discuss the range of design and implementation decisions associated with various approaches to global budgeting. From 1:30 p.m. to 5 p.m., the Commission will invite individuals and organizations to comment on the important considerations in designing and implementing global budgets. The presentations should focus on issues that would need to be resolved in developing this policy. Parties interested in presenting their views to the Commission should contact Mrs. Jay Younes at 202/401-8490 by April 2 to indicate their desire to participate. Written materials may be submitted in lieu of or in addition to comments at the meeting. ProPAC, 300 7th Street, SW., suite 301B, Washington, DC 20024.

Donald A. Young,

Executive Director.

[FR Doc. 93-5617 Filed 3-11-83; 8:45 am]

BILLING CODE 6820-SW-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-31957; File No. SR-DTC-93-01]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Fee Schedule for DTC Services

March 5, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on February 9, 1993, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (File No. SR-DTC-93-01) as described in Items I, II, and III below, which Items have been prepared primarily 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

DTC is filing a revised fee schedule for DTC services. The proposed rule change, which will be effective for services provided by DTC on and after March 1, 1993, will adjust the fees charged for various DTC services to bring them closer to, or to, their respective estimated service costs for 1993.[2]

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

[1] 15 U.S.C. 78s(b)(1).

[2] DTC understands that Commission publication of the notice soliciting comments on the revised fee schedule does not constitute Commission approval of any inter-depository interface fee for third-party deliveries. Letter from Jack R. Wiener, Associate Counsel, DTC, to Ester Saverson, Jr., Branch Chief, Division of Market Regulation, Commission (February 8, 1993).

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

The purpose of the proposed rule change, which will be effective for services provided by DTC on and after March 1, 1993, is to adjust the fees charged for various DTC services to bring them closer to, or to, their respective estimated service costs for 1993.

DTC previously has revised its annual service fees to conform them with estimated service costs. Specifically, DTC gradually revised its annual service fees over a period of several years so as to align them with estimated service costs in 1991. DTC continued this process when preparing its 1992 fee schedule and aligned service fees with estimated 1992 service costs. To ensure that this annual alignment continues, DTC's Board of Directors completed a review of its estimated unit service costs for 1993 and adjusted many DTC service fees accordingly.[3]

DTC believes that the proposed rule change is consistent with the requirements of section 17A of the Act, and the rules and regulations thereunder, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its participants.

(B) Self Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will impose any burden on competition 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

DTC informed participants and other users of its services of the proposed fee revisions by a memorandum dated January 12, 1993, entitled "1993 Revisions of DTC Service Fees." Because participants have supported gradual moves towards cost-based fees in the past and because DTC believes that the fee changes are modest overall, DTC decided that a formal period for participant comment was not considered necessary this year.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder, because the proposed rule change establishes or changes a due, fee, or other charge imposed by the self-regulatory organization. At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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 in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to the File No. SR–DTC–93–01 and should be submitted by April 2, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–5710 Filed 3–11–93; 8:45 am]

BILLING CODE 8010–01–M

[3] The 1993 fee schedule has been formulated to yield $14 million less in operating revenue during the twelve months it will be in effect than the 1992 fee schedule would have yielded.

[4] 17 CFR 200.30–3(a)(12).

[Release No. 34–31958; File No. SR–DTC–93–02]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to an Increase in the Fixed Net Debit Cap Employed in DTC's Same-Day Funds Settlement System

March 8, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on February 19, 1993, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (SR–DTC–93–02) as described in Items I, II, and III below, which Items have been prepared primarily by DTC. 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 proposed rule change consists of a $75 million increase in the fixed net debit cap employed in DTC's Same-Day Funds Settlement ("SDFS") system.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC 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. DTC 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

DTC employs a fixed net debit cap in its SDFS system in order to assure that DTC's resources are sufficient to complete settlement even if, due to insolvency or (as would be more likely) a temporary operational problem, an SDFS participant were to fail to settle its debit obligation.[2] This cap, which is

[1] 15 U.S.C. 78s(b)(1).

[2] Each participant's net debit is limited throughout the processing day by a net debit cap that is the lesser of: (1) The adjustable cap, that is a multiple of the participant's deposits to the SDFS Participant's Fund, and (2) the fixed debit cap.

75% of (a) aggregate cash deposits to the SDFS Participants Fund ("Fund") and (b) DTC's internal and external lines of credit, is currently set at $310 million. Now that limits on expansion of DTC's Commercial Paper ("CP") program have been eliminated,[3] DTC expects that a number of additional CP issuer programs will begin to be distributed through its facilities. DTC is concerned that with this anticipated increase in volume the fixed net debit cap at its current level could have the undesirable effect of temporarily blocking substantial numbers of book-entry deliveries. In order to ease the flow of transactions through the system, DTC has decided to raise the cap by increasing its external committed line of credit by $100 million. DTC believes that the resources available to it to collateralize borrowings, if any, under the increased line of credit are more than adequate.[4]

DTC believes the proposed rule change is consistent with section 17A(b)(3)(A) of the Act [5] because it will facilitate the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds in its custody or control for which it is responsible.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will impose any burden on competition 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

The Public Securities Association's CP Task Force, comprised of representatives of CP issuers, issuing/paying agents and dealers, strongly supports the proposed rule change.

[3] See Securities Exchange Act Release No. 30986 (August 11, 1992), 57 FR 35856 (SR-DTC-92-01), relating to the permanent approval of DTC's CP program. Limits on the expansion of the CP program were removed in late 1992 once DTC's off-site disaster recovery facility, which permits recovery of both the SDFS and NDFS settlement systems within three hours of a disaster, became fully operational.

[4] DTC's line of credit agreement provides that any borrowing may be collateralized by collateral securities in the account of a failing participant as well as by securities that have been deposited by DTC participants to the Fund. On January 31, 1993, deposits to the Fund included securities having a principal amount of $528 million.

[5] 15 U.S.C. 78q-1(b)(3)(A).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act [6] and subparagraph (e) of Rule 19b-4 [7] thereunder because it effects a change in an existing service of a registered clearing agency that (i) does not adversely affect the safeguarding of securities or funds in the custody or control of the clearing agency or for which it is responsible and (ii) does not significantly affect the respective rights or obligations of the clearing agency or persons using the service. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission 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 in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to file number SR-DTC-93-02 and should be submitted by April 2, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-5711 Filed 3-11-93; 8:45 am]

BILLING CODE 8010-01-M

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b-4(e) (1980).

[Release No. 34-31956; File No. SR-DTC-92-14]

Self-Regulatory Organizations; The Depository Trust Company; Order Approving a Proposed Rule Change Relating to the Automation of Services for Mortgaged-Backed Put Securities

March 5, 1993.

On August 21, 1992, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") a proposed rule change (File No. SR-DTC-92-14) under section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] to automate the services for mortgage-backed put securities. Notice of the proposal was published in the **Federal Register** on October 16, 1992.[2] No comment letters were received.

I. Description

A. Background

In June of 1991, the Commission approved DTC procedures which permit DTC Participants to exercise repayment, retainment, and relinquishment options on put option securities by providing instructions to DTC over their Participant Terminal System ("PTS") terminals rather than through delivery of hardcopy (i.e., paper) forms to DTC.[3] Under the current proposal, DTC will automate its services for mortgage-backed put securities to allow Participants to exercise monthly repayment options by submitting instructions to DTC over their PTS terminals and to implement the Agent Put System ("APUT") to enable mortgage-backed put agents to access the PTS system.

Generally, mortgage-backed put securities are characterized by a monthly put exercise period during which time Participants can tender their securities for repayment on a regularly scheduled monthly repayment date. The actual repayment of these securities is subject to the amount of funds, if any, made available by the issuer each month. In the event the total dollar value represented by the tendered securities exceeds the available repayment dollars, the put agent selects only a portion of the Participants' put instructions for repayment.[4] The

[1] 15 U.S.C. 78(b)(1) (1988).

[2] Securities Exchange Act Release No. 31304 (October 8, 1992), 57 FR 31304.

[3] Securities Exchange Act Release No. 29381 (June 27, 1991), 56 FR 30781 [File No. SR-DTC-91-10] (notice of filing and immediate effectiveness of proposed rule change automating processing of put option securities instructions).

[4] The put agent usually selects put instructions for repayment on a first in, first out basis if the

remaining unpaid put instructions automatically rollover to the succeeding month on a queue maintained by the put agent and are paid when the issuer makes available sufficient repayment dollars. The unpaid put instructions may stay in the queue for several months until sufficient funds become available. While put instructions remain in the queue, a Participant may elect to withdraw an instruction or "swing" it to the account of another Participant. A swing occurs whenever a customer transfers his account to another DTC Participant. The queue of unpaid put instructions is kept on a first in, first out basis in the name of the submitting customer to help ensure that the older customer instructions are exercised first.

B. DTC's Current Mortgage-Backed Put Instruction Processing System

DTC currently processes Participant's mortgage-backed put instructions completely through the use of hardcopy forms. A Participant electing to put, withdraw, or effect a swing submits an instruction form to DTC.[5] DTC processes the Participant's instruction and then issues instructions to the put agent for execution.[6] When the issuer makes repayment dollars available, the put agent will select the appropriate number of unpaid put instructions for repayment by selecting older put instructions from its queue before exercising newly tendered put instructions. Prior to the repayment date, the put agent sends notification of the upcoming repayment date and the names of the Participants whose put instructions have been selected for exercise to DTC and to the selected Participants. Upon receipt of the repayment dollars from the put agent, DTC allocates the repayments to the selected Participants.[7]

C. Proposed Automated System for Mortgage-Backed Put Processing

DTC's proposed system will enable DTC Participants to submit put instructions via their PTS terminals. In addition, mortgage-backed put agents will be able to access the PTS system through the APUT function. A Participant electing to exercise a put repayment would submit a put instruction to DTC via PTS.[8] Once the Participant confirms the instructions via PTS, DTC processes the transaction and submits the instruction to the put agent via APUT.[9] As with current procedures, newly tendered put instructions are placed in the put agent's queue.

The addition of the APUT function will enable the put agent to manage the queue more efficiently. The put agent has the ability to move instructions to different positions in the queue.[10] Once the put agent alters the queue, the new queue will be available to the Participants over PTS. Notification to DTC and selected Participants about the upcoming repayment date and who the selected Participants are will be accomplished using APUT instead of paper notices.

Repayment procedures will not change. Repayment will be made after the issuer makes funds available, the put agent selects the appropriate put instructions for exercise, and DTC receives the repayment dollars from the put agent.

A Participant electing to withdraw or swing a previously submitted but unexercised put instruction will transmit such instruction via PTS at any time during the month.[11] Withdrawal instructions are subject to the approval of the put agent, and DTC will not adjust the account of the Participant until the approval is received. A withdrawal will pend on the APUT system until it is approved or rejected by the put agent. Participants exercising a swing over PTS will access the appropriate PTS screen and will enter the name of the Participant to whom the instruction is being transferred. Once the transferring Participant confirms the instruction, the transaction is submitted to DTC for processing. DTC then submits the instruction to the put agent via APUT.

The proposed system will provide Participants with the capability to inquire via PTS about the status of unpaid put instructions to determine if any have been selected for repayment on the next repayment date and about the status of withdrawals pending approval by the put agent. In addition, Participants can view the reason supplied by the put agent for rejecting a withdrawal. Currently, information regarding the status of a put or withdrawal can be accessed only by calling the put agent directly.

In addition to automating the processing of put instructions, the system will allow DTC to create "envelopes" in the Reorganization Information for Participants ("RIPS") function of PTS.[12] Each envelope will be automatically activated on the first business day of each month and updated monthly thereafter to provide Participants with notification of that month's exercise period and the terms thereof. Currently, DTC notifies Participants of the exercise periods and the terms thereof via hardcopy notices.

II. Discussion

Section 17A(a)(1)(C)[13] of the Act sets forth Congress' findings that new data processing and communication techniques create the opportunity for more efficient, effective, and safe procedures for clearance and settlement. Section 17A(b)(3)(F)[14] requires that the rules of a clearing agency be designed to assure the safeguarding of securities and

issuer does not make available a sufficient amount of repayment dollars to cover all put instructions.

[5] All put instructions submitted to DTC must identify each underlying customer's name so that the put agent may maintain the queue of unpaid put instructions in the customers' names.

[6] The securities put by a Participant are debited from the Participant's account and credited to the put agent's account by DTC. At the same time, an equal number of the contra-CUSIP number securities are credited to the Participant's account and debited from the put agent's account by DTC. DTC assigns a contra-CUSIP number security to each issue of mortgage-backed put securities. The contra-CUSIP number security is used to identify the number of outstanding puts submitted by a Participant. A Participant's position will remain unchanged until a withdrawal, swing, or payment occurs.

[7] Once DTC receives the payment from the put agent and credits the payment to the selected Participants' accounts, DTC also reduces the Participants' positions in the contra-CUSIP number security.

[8] The put instruction must contain the customers' names with a maximum of twelve customers per instruction. DTC then will create a separate instruction for each customer with the addition of a two-digit sequence number that helps to ensure proper priority in the queue.

[9] The APUT function will only be available to put agents of mortgage-backed securities. The current volume of transactions involving other asset-backed security put agents is insufficient to warrant access to APUT. DTC will continue to issue paper instructions to put agents of other asset-backed securities. Telephone conversation between Carl H. Urist, Deputy General Counsel, DTC, and Peter R. Geraghty, Attorney, Division of Market Regulation, Commission (December 2, 1992).

[10] For example, if a customer is deceased, the Participant notifies the put agent through PTS, and the put agent may move that customer's put to the top of the queue for immediate payment.

[11] The automation of services for mortgage-backed put securities will also be available to Participants who utilize the Release Reorganization Transactions Over PTS ("RTOP") function. The RTOP function requires that an instruction be approved by a person, usually a manager, separate and distinct from the person inputting the instruction before the instruction will be transmitted to DTC. The manager "releases" the instruction DTC. Consequently, for Participants who utilize RTOP all put, withdrawal, and swing instructions will be subject to release via RTOP. Telephone conversation between Carl H. Urist and Peter R. Geraghty, *supra* note 9.

[12] RIPS allows Participants to view information regarding the processing through DTC of issues of securities undergoing reorganization functions such as mergers (cash or stock), tender offers, exchange offers, conversions, warrant exercises, put option exercises, and other types of reorganization activities. An envelope is a screen in the RIPS function that provides information about a particular security. Envelopes are created for each CUSIP number in the PTS system.

[13] 15 U.S.C. 78q–1(a)(1)(C).

[14] 15 U.S.C. 78q–1(b)(3)(F).

funds which are in its custody or control or for which it is responsible. The Commission believes that the automation of services for mortgage-backed put securities proposed in this rule filing is consistent with these provisions of section 17A and that in general it will enhance the safe and efficient operation of the national system for the clearance and settlement of securities transactions.

The Commission believes the automation of services for mortgage-backed put securities will reduce many of the risks and time delays inherent in a system utilizing paper forms. The new system will enable Participants to exercise the various options available to the holders of mortgage-backed put securities via their PTS terminals and will eliminate hardcopy instruction forms for tenders, withdrawals, and swings.

In addition, the proposal seeks to implement the APUT function which will allow put agents to access the PTS system. This function enables put agents to announce electronically a repayment date and the terms thereof through the use of RIPS envelopes.[15] APUT additionally will create a central database for information. Participants will be able to access this information through their PTS terminals to inquire about the status of their puts, withdrawals, and rejected withdrawals. Previously, this information was not centralized at DTC but was maintained independently by the put agent and could be accessed only by contacting the put agent directly. The new system also will enable the put agent to manage the queue of unexecuted instructions more efficiently by providing a centralized location where the queue can be maintained by the put agent and accessed by the Participants for inquiry purposes.

Precautions have been taken to safeguard the securities and funds under DTC's control by restricting access to the PTS and APUT systems to authorized users only. The current security features of the PTS system will be applied to the APUT function. Participants and put agents are assigned user identification numbers. After correctly inputting its identification number, the user will be prompted by the system to enter a password. The user has two opportunities to enter correctly its password. If the password is entered incorrectly the second time, all services to the user are suspended until the DTC/PTS Supervisor is called. A user may have multiple passwords for different functions. For example, one password may be assigned for inquiries and another password may be assigned for updates. A hardcopy audit trail is also automatically generated for all users activities. To further ensure the security of the system, file update transactions are allowed on dedicated communication lines only. The Commission believes these security features will help enable DTC to safeguard the securities and funds which are in its custody or control or for which it is responsible consistent with DTC's obligations under the Act.

The Commission believes the APUT function will provide a more convenient and efficient form of communication regarding put exercise periods and the status of instructions as well as enhance the put agent's ability to manage the queue and reduce the amount of paper in the system by eventually eliminating the distribution of hardcopy notices.

III. Conclusion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular with the requirements of section 17A of the Act.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[16] that the proposed rule change (File No. SR-DTC-92-14) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[17]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-5709 Filed 3-11-93; 8:45 am]

BILLING CODE 8010-01-M

[15] Because the industry standard is to issue mortgage-backed put securities in book entry only form, DTC is the holder of record of the majority of outstanding mortgage-backed put issues. Consequently, an announcement of an upcoming repayment date by a put agent via PTS to DTC with DTC in turn retransmitting the announcement to its Participants will notify most, if not all, holders of the subject issue. (For example, Texas Commerce Bank, the put agent for the largest number of mortgage-backed put securities issues held at DTC, will not act as the put agent for an issuer unless the issue will be in book entry only form. Telephone conversation between Susan Needham, Vice President and Trust Officer, Division Head of Collateralized Mortgage Obligations Division, Texas Commerce Bank, and Peter R. Geraghty, Attorney, Division of Market Regulation, Commission (February 23, 1993).) The obligation of put agents to notify holders of record of any issue that is not issued in book entry only form is not altered by this approval order. In such a situation, the put agent will continue to have the responsibility to notify holders outside the DTC system of upcoming repayment dates.

[16] 15 U.S.C 78s(b)(2).

[17] 17 CFR 200.30-3(a)(12).

[Release No. 34-31960; File No. SR-NSCC-93-2]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of a Proposed Rule Change Relating to Comparison Procedures for Municipal Securities Transactions

March 8, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on January 6, 1993, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by NSCC. 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 proposed rule change would facilitate earlier comparison of trades in municipal securities.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC 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. NSCC 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

NSCC intends to make certain changes to the comparison procedures for municipal securities transactions. These changes are designed to achieve higher rates of trade comparison at earlier points in the comparison process thus increasing certainty and reducing risk in the clearance and settlement of municipal securities transactions.

Original trade input for all municipal securities transactions must be made by the time specified by NSCC on the trade date. (For this purpose, the trade date extends to 2:00 a.m. on the day after the trade date.) Currently, original trade

[1] 15 U.S.C. § 78s(b)(1) (1988).

input is accepted until 1:00 p.m. on the day after the trade date. This change will permit the entire comparison process, including the submission of adjustment input, to be put on an earlier time schedule.

Original trade input for new issue municipal securities transactions that are to settle on the initial settlement date for an issue or a specified number of days after the initial settlement date ("new issue transactions") will be accepted up until the second day prior to the initial settlement date for the issue. This will increase the number of new issue transactions compared through NSCC's facilities because these submissions currently are accepted only until the fifth day prior to the initial settlement date for the issue.

Original input of new issue municipal securities transactions may set forth either a dollar price, a price-to-yield (and concession, if any), or a final settlement price. (Currently only dollar price and price-to-yield submissions are accepted.) If a final settlement price is specified, a settlement date for the transaction, which is either the initial settlement date for the issue or a specified number of days after the initial settlement date, also has to be specified.[2] Original trade input that is submitted between two and five days prior to the initial settlement date for an issue and that does not meet these criteria will be treated as regular way input.

NSCC will engage an agent to keep track of initial settlement dates for new municipal issues. When NSCC is informed of any initial settlement date, either by the agent or the lead underwriter for the issue, or is able to confirm any initial settlement date with the agent, NSCC will calculate a final settlement price for all new issue submissions that specify a dollar price or a price-to-yield (and concession, if any). New issue submissions will be compared on the basis of these final settlement prices.[3]

Under current NSCC comparison procedures, only the syndicate manager for municipal issues may submit syndicate takedown trades for comparison. Currently, submissions that are the buy side of syndicate takedown trades and that are not indicated as syndicate takedown trades will not be recognized as syndicate takedown submissions and will give rise to uncompared submissions while creating advisories against the syndicate manager. Under the proposed changes, for the two days following any syndicate takedown submission NSCC will drop as a possible duplication of the syndicate takedown submission any buy side non-syndicate takedown submission that matches the sell side of the syndicate takedown submission. In addition, NSCC will reject any municipal syndicate takedown submission against brokers' brokers.

Under the proposed changes NSCC may report as compared new issue municipal submissions that have different trade dates if the trade dates are within two days of each other. Furthermore, at the election of the affected participants, any municipal securities transaction may be compared when net buy side and sell side aggregate principal amounts can be matched for a particular issue as long as the transactions would have been compared had such buy side and sell side principal amounts each been specified in a single submission. Because the proposed changes will permit new issue municipal securities submissions to be reported as compared even when they are not identical, any compared new issue municipal securities transaction may be deleted by a participant on the day it is reported to the participant as compared.

The proposed changes to NSCC's comparison procedures for municipal securities transactions will achieve higher rates of trade comparison at earlier points in the comparison process thus increasing certainty and reducing risk in the clearance and settlement of municipal securities transactions. This will remove impediments to and promote the prompt and accurate clearance and settlement of municipal securities transactions in accordance with the Act, as amended, and particularly with Section 17A(b)(3)(F) thereof.

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule will have an impact or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments have been solicited or received. NSCC will notify the Commission of any written comments received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five 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 ninety days of such date if it finds such longer period to be appropriate and publishes its reasons 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 approved.

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 provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of NSCC. All submissions should refer to the File No. SR–NSCC–93–2 and should be submitted by April 2, 1993.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–5712 Filed 3–11–93; 8:45 am]

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[2] Any uncompared new issue transaction that remains unresolved at the open of business on the day prior to its settlement date will be dropped. This means that some new issue transactions may not be able to be moved through the entire range of available trade resolution procedures prior to being dropped. In the extreme case, new issue submissions made on the second day prior to settlement date that do not compare will be dropped without any opportunity for resolution.

[3] The Municipal Securities Rulemaking Board ("MSRB") has approved in principal an amendment to MSRB Rule G–12(b) which would accelerate the time frame that underwriters would have to provide notification of the initial settlement date for new issues.

[Release No. 34–31959; File No. SR–PHILADEP–93–01]

Self-Regulatory Organizations; Philadelphia Depository Trust Company, Inc.; Notice of Filing and Order Granting Accelerated Approval on a Temporary Basis of Proposed Rule Change Relating to the Extension of the Pilot Operation of Its PHILANET Terminal Communication System and the Offering of the Voluntary Offer Instructions Program as Part of the Philanet Pilot Program

March 8, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on January 12, 1993, the Philadelphia Depository Trust Company, Inc. ("PHILADEP") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared primarily by the self-regulatory organization. The Commission is publishing this notice and order to solicit comments on the proposed rule change and to grant approval of the proposed rule change on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

PHILADEP seeks to extend the pilot operation of its PHILADEP Terminal Communication System ("PHILANET") until February 28, 1994. PHILANET is an electronic communications system linking PHILADEP to its Participants through a terminal network. PHILADEP also seeks to add a limited pilot Voluntary Offer Instructions Program ("VOI") to PHILANET. The VOI pilot service enhancement would allow up to five PHILADEP Participants to submit electronically through the PHILANET computer system, voluntary corporate action instructions to PHILADEP's Reorganization Department.

II. Self-Regulatory Organization's Statements 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

On December 30, 1983, the Commission approved SR–PHILADEP–83–03 establishing PHILANET on a pilot basis.[2] PHILANET is an electronic communication system linking PHILADEP to its participants. Subsequently, the Commission has issued several orders extending the temporary approval of PHILANET, the latest of which expired February 28, 1993.[3]

PHILADEP has operated its telecommunications system for nine years without experiencing any instances of unauthorized system access. PHILADEP, however, plans to upgrade its telecommunications system in the near future and has represented that the enhancements, among other things, will increase the security of the system. PHILADEP continues to monitor the adequacy of dial-up safeguards and to implement additional safeguards as necessary to minimize the risk of unauthorized access. PHILADEP expects to file the proposed rule change concerning enhancements to its system during the second quarter of 1993. PHILADEP therefore requests that the Commission extend the PHILANET pilot program until February 28, 1994.

As required by previous temporary approval orders, PHILADEP will continue to provide quarterly reports regarding the number of participants using dial-up access and dedicated lines, the number of lines available (dedicated and dial-up), any security breaches to the system, any operational difficulties that occurred and capacity projections for six months following the date of the report.

PHILADEP also proposes to add VOI on a limited pilot basis to the current PHILANET pilot program.[4] The pilot VOI proposal would allow for the electronic submission of instructions through PHILANET by up to five participants regarding voluntary offers on eligible securities on deposit at PHILADEP. PHILADEP participants who use VOI will enter instructions regarding specific eligible offers in accordance with PHILADEP's established processing procedures. In order to use the VOI service, a participant must sign an agreement with PHILADEP stating that instructions submitted through VOI have the same legal force and effect as those instructions submitted physically in hard copy.

The VOI service incorporates numerous procedural safeguards in its operation. The VOI service will use a two step process to validate instructions: First, account validation and second, transaction validation. PHILADEP's automated systems will accept an instruction only after it has been successfully validated. The requested security position will be journaled from the participant's primary depository account to a reorganization control ("Reorg") account. A further control feature provides for a confirmation ticket to be printed on the participant's PHILANET printer documenting that the instruction was successfully communicated to PHILADEP's reorganization department. VOI is restricted to dedicated lines only.

Under the VOI service, PHILADEP will accept an instruction and will move the security position only when the participant's account at PHILADEP has sufficient shares to validate and fill the instruction. A pending VOI instruction will recycle during a single business day until a sufficient position is available. If the participant has an insufficient position in the account by the end of the business day in which the instruction was originally entered, the VOI instruction will drop from the processing stream. Additionally, PHILADEP's reorganization department has the ability to reject previously accepted voluntary offer instructions through PHILANET's VOI program. The participant will be notified via PHILANET if the offer is rejected for any reason. PHILADEP also will endeavor to notify the participant of a rejected instruction by telephone. Participants who do not have the capability to use VOI will continue to submit hard copy instructions in accordance with existing procedures. Additionally, participants using VOI may instead send the instructions physically.

PHILADEP believes that the VOI service will reduce the processing risk normally associated with hard copy instructions. Participants will be linked to PHILADEP's reorganization department by a secure point-to-point terminal communication connection. In

[1] 15 U.S.C. § 78s(b)(1).

[2] *See* Securities Exchange Act Release No. 20519 (December 30, 1983), 49 FR 966.

[3] *See* SR–PHILADEP–89–02, Securities Exchange Act Release No. 27491 (December 7, 1989), 54 FR 50556; SR–PHILADEP–89–02, Securities Exchange Act Release No. 28172 (July 11, 1990), 55 FR 28493; and SR–PHILADEP–90–04, Securities Exchange Act Release No. 30362 (February 18, 1992), 57 FR 5921.

[4] *See* letter from William W. Uchimoto, General Counsel, PHILADEP, to Ester Saverson, Branch Chief, Division of Market Regulation, Commission dated November 24, 1992 withdrawing File Nos. SR–PHILADEP–92–02 and SR–PHILADEP–92–03.

addition, since the proposed rule change provides for the prompt and accurate clearance and settlement of securities transactions, PHILADEP believes it is consistent with section 17A of the Act and the rules and regulations applicable to PHILADEP thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

PHILADEP does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No comments on the proposed rule change have been solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

PHILADEP has requested that the Commission approve the proposed rule change on an accelerated basis. PHILADEP's current extension of the PHILANET program expired on February 28, 1993. PHILANET has been in operation for over nine years without any significant problems and is the primary communication vehicle between PHILADEP and its participants. The Commission believes that it is desirable for PHILADEP to continue operating its PHILANET program. Thus, the Commission believes that "good cause" exists under Section 19(b)(2) of the Act [5] for approving PHILADEP's proposed rule change prior to the thirtieth day after publication of notice in the **Federal Register.** [6]

The Commission believes that the proposed rule change is consistent with Section 17A of the Act and in particular Sections 17A(b)(3)(A) and (F).[7] These Sections require that a clearing agency be organized and its rules be designed to promote the prompt and accurate clearance and settlement of securities transactions for which it is responsible and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency.

The Commission believes that PHILADEP's proposal is consistent with these goals. The proposal should facilitate the prompt and accurate clearance and settlement of securities transactions by encouraging the use of automation in the settlement process. The Commission also believes that the introduction of PHILADEP's pilot VOI will further these goals by reducing the processing risks that can arise through the use of paper instructions. These include loss of data and delays in processing. Nevertheless, PHILADEP will continue to allow participants to submit hard copy instructions.

One area of concern which remains relates to the need for PHILADEP to develop additional safeguards against unauthorized access to the PHILANET system. The Commission expects PHILADEP to file a proposed rule change concerning enhancements to its security system. Consequently, the Commission is approving PHILADEP's proposed rule change for a temporary period until February 28, 1994.

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 in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. 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 file number SR-PHILADEP-93-01 and should be submitted by April 2, 1993.

V. Conclusion

On the basis of the foregoing, the Commission finds that PHILADEP's proposed rule change is consistent with the Act and in particular with section 17A of the Act. The Commission also finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication in the **Federal Register.**

It is therefore ordered, under section 19(b)(2) of the Act, that the proposed rule change (File No. SR-PHILADEP-93-01) be, and hereby is, approved until February 28, 1994.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-5713 Filed 3-11-93; 8:45 am]

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[5] 15 U.S.C. § 78s(b)(2).

[6] Pursuant to Section 19(b)(4)(A) of the Act, 15 U.S.C. § 78s(b)(4)(A), the Commission contacted the Board of Governors of the Federal Reserve System ("Federal Reserve"), PHILADEP's appropriate regulatory agency, regarding the proposed rule change. Staff of the Federal Reserve believes that the proposed rule change is consistent with PHILADEP's obligation to safeguard securities and funds in its custody or control or for which it is responsible, and did not object to the proposed accelerated approval. Telephone conversation between Jose B. Henriques, Jr., Senior Trust Analyst, Federal Reserve, and Francois-Ihor Mazur, Staff Attorney, Division of Market Regulation, Commission (February 1, 1993).

[7] 15 U.S.C. § 78q-1(b)(3)(A) and (F).

[Release No. 34-31963; File No. SR-GSCC-92-16]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Notice of Filing Relating to the Netting of Forward-Settling Trades in Government Securities

March 8, 1993.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on December 18, 1992, the Government Securities Clearing Corporation ("GSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change 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 proposed rule change would allow GSCC to continue netting forward-settling trades.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, GSCC 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 GSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1) (1988).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) On April 12, 1990, the Commission approved on a temporary basis, until April 30, 1992, a proposed rule change (SR–GSCC–90–01)[2] that expanded GSCC's netting service to include forward-settling trades in Government securities ("forward trades"). That order was subsequently approved through March 31, 1993.[3] By this filing, GSCC requests that such authority be made permanent by the Commission or, in the alternative, that the Commission further extend on a temporary basis GSCC's authority to net forward trades.

In its approval order of April 12, 1990 (the "Approval Order"),[4] the Commission stated that, "in light of its significance to GSCC and its membership, the proposed netting service for forward-settling transactions should be carefully monitored before it becomes a permanent feature of GSCC's netting system." The Approval Order was a lengthy one; however, the essence of the Commission's concerns regarding the proposal may be said to have been the adequacy of each of the following: (1) GSCC's forward mark allocation payment process; (2) the revised Clearing Fund formula; and (3) GSCC's system prices. Each of these concerns is discussed below.

1. The Forward Mark Allocation Calculation

As was stated in the original rule filing (SR–GSCC–90–01), in designing a system for the netting of forward trades, GSCC considered fully applying mark-to-market requirements during the period between trade and settlement, in the same manner as is done for regular-way trading. That is, GSCC considered requiring Netting Members (hereinafter "members") to pay on a daily basis in cash the full amount of mark payments stemming from net settlement positions in forward-settling securities.

In view, however, of the potential for significant amounts of money to have to be passed through GSCC on a daily basis, which might on any particular day drain liquidity from a firm in an unpredictable manner, GSCC chose an alternative approach that realistically reflects, and sufficiently minimizes, the risk of disruption to the settlement process. This method provides for the daily collection of a percentage of any debit mark amount allocable to a forward-settling position (the "forward mark allocation amount") that ensures, on a per-CUSIP basis, that the failure of up to all of the five members with the largest debit mark levels on any given day would not disrupt GSCC's ability to successfully settle that day's Government securities trades.

GSCC's experience to date shows that this approach to the margining of forward trades strikes an appropriate balance between the need for a sufficient margin to ensure GSCC's liquidity and to prevent a loss upon liquidation of a member's position, versus the desire to not unduly drain funds from members. (The sufficiency of GSCC's margining process for forward trades also is supported by the preliminary conclusions of a comprehensive risk assessment of GSCC that has been forwarded to the Commission.) Analyses done by GSCC indicate that, in the morning of a typical date for forward trades, when GSCC faces exposure equal to the difference between the amount of forward mark allocation ("FMA") payments collected on the previous business day (which has not yet been returned) and the amount of transaction adjustment payments ("TAP") owed to GSCC on such day (and not yet paid), the amount already "pre-collected" in FMA payments is a majority (often a large majority) of that day's TAP amount.

To the extent that GSCC has had concerns with its FMA process, it has been with the increasing activity in non new-issue securities (in particular, zero coupon securities). Such activity typically is not as evenly spread among members as the activity in normally recurring issues (such as the weekly Bill issues and the monthly two-year and five-year Note issues). Instead, it tends to be more concentrated in a few members. For a particular CUSIP, this often leads to the total debit mark level of the five members with the largest such debit marks constituting a higher percentage of the daily liquidation exposure incurred by GSCC as regards that CUSIP than if the activity were more evenly spread. Currently, only a maximum of 75 percent of a member's debit mark is collected as FMA.

This matter, together with numerous other margining issues, was addressed in a recent filing (SR–GSCC–91–04)[5] by GSCC, wherein GSCC requested authority to raise the cap on a member's daily FMA payment amount from 75 percent of the calculation to 100 percent. This will increase the dollar amount collected by GSCC in the event that certain members create a relatively large exposure for GSCC vis-a-vis other members.

2. GSCC's Clearing Fund Formula

With regard to the sufficiency of FMA payments, GSCC notes that the Commission, in the Approval Order, indicated a concern that the FMA payment process provide "adequate collateral protection for forward-settling transactions independently from other liquidity sources designed to protect against risks stemming from the settling of regular-way trades." Of course, the source of liquidity protection for next-day trades are Clearing Fund deposits. Thus, the Commission has, in effect, indicated that the Clearing Fund formula must factor in exposure arising from next-day and forward trades independently of each other and cumulatively. GSCC's experience to date confirms that the formula do so in fact do so, and that the nature of GSCC's margining process for forward trades, wherein such trades are both margined for Clearing Fund purposes *and* are subject to a separate margin requirement (the FMA payment process), is quite conservative and prudent in nature. This is particularly true in light of GSCC's recent rule filing (SR–GSCC–91–04) noted above.

GSCC's Clearing Fund formula provides for the collection of 125 percent of the member's average daily funds-only settlement amount over the most recent 20 business days and the greater of: (1) the margin amount on the member's net settlement positions taking into account offsetting positions averaged over the most recent 20 business days or (2) 50 percent of the margin amount for that business day on the member's net settlement positions calculated without taking into account offsetting positions. Currently, a member's net securities and funds-only settlement obligations arising from forward trades are factored into the calculation of such member's Clearing Fund requirement during the post-auction forward-settling period, except that such positions are factored into the 20-day averages only for purposes of determining the current day's margin calculation. GSCC's recently proposed rule filing, SR–GSCC–91–04, will

[2] Securities Exchange Act Release No. 27902 (April 12, 1990), 55 FR 15066.

[3] Securities Exchange Act Release Nos. 30661 (April 30, 1992), 57 FR 19654 (approving the netting of forward settling trades through July 31, 1992); 31065 (August 21, 1992), 57 FR 38255 (approving the netting of forward settling trades through October 30, 1992); and 31384 (October 30, 1992), 57 FR 52807 (approving the netting of forward settling trades through March 31, 1993).

[4] *Supra*, note 2.

[5] Securities Exchange Act Release No. 30135 (December 31, 1991), 57 FR 942.

change this to provide for GSCC to treat forward settlement positions for Clearing Fund calculation purposes essentially as it does all other net settlement obligations, thus providing for a smoother Clearing Fund collection process and greater amounts of margin received from members.

3. Prices

A significant event that has occurred since the issuance of the Approval Order is that GSCC now has close to two-years' worth of its own price volatility data. This data base now is used in assessing and monitoring the adequacy of its margin factors. GSCC hereby represents that the information contained in this data base is being and will continue to be considered on a periodic basis by GSCC's Membership and Standards Committee in reviewing the sufficiency of GSCC's margin factors. It is noteworthy that GSCC has ensured, and will continue to ensure, the sufficiency of its margining process through the use of conservative margin factor criteria.

With regard to obtaining additional third party Government securities price volatility data, in the past, there has been no available source of data that was sufficiently comprehensive and accurate to consider as an alternative to GSCC's internal data base. Indeed, GSCC's own data base is likely always to be more precise than any third-party data source for off-the-run issues, because GSCC receives price data across a broad spectrum of issues and products and is not focused on leading issues within a maturity or product range.

Recently, however, private sector initiatives in the Government securities marketplace have arisen, such as the establishment of GOVPX, Inc., which have made significant steps toward disseminating the type of Government securities price information that would be of particular benefit to GSCC. In view of this, GSCC continues to evaluate the types of third-party price volatility information that are available and the usefulness of such information. GSCC notes in this regard that it continues to believe that its own data base would be able to serve as the most accurate and meaningful source of price volatility data on Government securities in existence if it were to receive trade data from its members on a time-stamped basis.

In sum, in view of GSCC's positive experience to date in the netting of forward trades, the conservative nature of its margining process for forwards and the general strengthening of the process that has taken place, and its ability now to use internal price volatility data to assess the adequacy of its margin factors, GSCC believes that its method for margining forward trades is an appropriate one and that its authority to net forward trades should be made permanent.

(b) The proposed rule change will encompass forward-settling Government securities transactions within the Netting System and, thus, will further promote the prompt and accurate clearance and settlement of securities transactions for which GSCC is responsible. It is therefore consistent with Section 17A of the Act, and section 17A(b)(3)(A) of the Act in particular.

B. Self-Regulatory Organization's Statement on Burden on Competition

GSCC does not believe that the proposed rule will have an impact or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change, Received From Members, Participants, or Others

Comments on the proposed rule change have not been received. GSCC will notify the Commission of any written comments received by GSCC.

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 in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of GSCC. All submissions should refer to File No. SR–GSCC–92–16 and should be submitted by April 2, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–5759 Filed 3–11–93; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–31962; File No. SR–PSE–92–48]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Stock Exchange, Inc., Relating to Requirements That Market Makers Fill Incoming Orders or Update Existing Markets

March 8, 1993.

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 December 22, 1992, the Pacific Stock Exchange ("PSE" or "Exchange") filed with the Securities and Exchange Commission ("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 to expressly require its market makers and lead market makers ("LMMs") to respond to orders, represented in a trading crowd at the currently disseminated bid or offer, either by satisfying the order or by updating the existing market in the subject series.

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

The PSE believes that trading in multiply-listed options is impaired when market makers or specialists at an exchange that is disseminating the best price available in an option series refuses to satisfy an order at the currently disseminated price and fails to update the existing market in the particular options series. Accordingly, the Exchange is proposing a rule that would subject its members to disciplinary action in such situations.

The proposed rule change was designed to address the following situation: Exchange A and Exchange B both list and trade XYZ options. Exchange A's traders are disseminating a bid of $2 for a series of XYZ calls, while Exchange B's traders are disseminating a bid of $2.25 for the same calls. If Exchange B's quotation has not been updated to reflect a recent change in the market (*i.e.*, downward movement in the underlying stock), then its "stale" quotation effectively will prevent traders at Exchange A from buying the calls for $2 without giving the false appearance of a "trade-through." In practice, to avoid an apparent trade-through, traders at Exchange A generally will attempt to cause a change in Exchange B's markets by sending some or all of the sell order to Exchange B. Under the current proposal, Exchange B's traders must either (a) trade at $2.25 or (b) lower their bid price to allow Exchange A to execute the sell order at $2 without the appearance of a trade-through.

The current proposal also would require that if market makers or LMMs [1] update a market pursuant to the Rule, then such new market must be maintained for a "reasonable" period of time. Proposed Commentary .09 to Exchange Rule 6.37 provides that for the purpose of proposed Rule 6.37(d), two minutes is presumed to be a "reasonable" period of time in which to maintain a revised bid or offer. Proposed Commentary .09 further provides, however, that this new bid or offer may be revised before two minutes pass if the following changes occur: (a) A change in the market quote in the underlying security or a change in the size of the market quoted; or (b) a quote change of ¼ of a point (or twice the minimum price differential) resulting from a customer order in another options series on the same underlying security.

The Exchange further proposes to include violations of the rule within the jurisdiction of its Minor Rule Plan so that prompt and meaningful discipline can result from noncompliance with the proposed rule. Under the proposal, a member could be fined $100, $250 or $500 for a first, second, or third violation, respectively. However, such fines would be recommended, but not required, and repeated or aggravated violations could entail formal disciplinary action. The Exchange believes that if the rule is not contained in its Minor Rule Plan, first-time violations might otherwise result in letters of caution.

The Exchange believes that the proposed rule change is consistent with Section 6 of the Act, in general, and furthers the objectives of Section 6(b)(5) of the Act, in particular, in that it facilitates transactions in securities, removes impediments to and perfects the mechanism of a free and open market and a national market system, and promotes just and equitable principles of trade.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

(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 reasons 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 in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, D.C. 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 April 2, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[2]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-5761 Filed 3-11-93; 8:45 am]

BILLING CODE 8010-01-M

[1] The proposed rule change would apply to LMMs pursuant to Exchange Rule 6.82(c)(4), which requires LMMs to "fulfill [] general market maker obligations under Rule 6.37."

[2] 17 CFR 200.30-3(a)(12) (1992).

[Release No. 34-31961; File No. SR-Phlx-92-12]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to Restrictions on Specialists and Registered Options Traders' Entering Orders for Execution on Other Exchanges in Multiply Traded Options

March 8, 1993.

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 December 14, 1992, the Philadelphia Stock Exchange ("Phlx" or "Exchange") filed with the

Securities and Exchange Commission ("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 Phlx proposes to adopt Options Floor Procedure Advice ("Advice") B–12 to require that opening options orders sent for execution on another market for the market maker account of a Phlx Registered Options Trader ("ROT") or specialist be initiated from on the Phlx floor. The proposal also prohibits a Phlx ROT or specialist from sending an opening order to buy or sell options for his or her market functions account to another exchange unless the ROT or specialist is registered in that specific option on the Phlx.

The text of the proposed rule change is available at the Office of the Secretary, Phlx 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

The Phlx proposes to adopt new Advice B–12, which imposes certain restrictions on orders executed for a market maker account. The purpose of these restrictions is to ensure that market maker treatment is afforded appropriately in a multiple trading environment.

Specifically, proposed Advice B–12 would extend the prohibitions contained in Phlx Rule 1014 and Advice B–4 regarding off-floor opening orders to a multiple trading environment. Currently, Commentary .14 to Phlx Rule 1014 and Phlx Advice B–4 prohibit a ROT from placing an opening order for his or her market functions account from off-floor. At this time, because of the number of multiply traded options on the Exchange, the Phlx seeks to adopt Advice B–12 to restrict Phlx ROTs and specialists from sending orders which would establish or increase a position in registered options to other exchanges from off-floor. Instead, the Phlx intends for ROTS and specialists to place their off-floor opening positions in their customer accounts, regardless of whether the execution of such orders occurs on the Phlx or on another exchange.

The Phlx notes that proposed Advice B–12 would only be applicable to the equity options floor. Thus, the Phlx has placed the notation "(O)" after the Advice. In addition, the Phlx notes that the fine schedule for proposed Advice B–12 would run on a three year cycle, such that repeat violations within a three-year period would result in escalating fines.[1]

The Exchange believes that the proposal is consistent with sections 11(a) and 6(b) of the Act. First, the Exchange believes that the proposal is consistent with Section 11(a)(1) of the Act. Section 11(a)(1) prohibits exchange members from executing transactions for their own account on an exchange, but section 11(a)(1)(A) exempts market makers from this prohibition. Accordingly, because the proposed advice reserves market maker treatment for true market maker trades, the Phlx believes that proposed Advice B–12 is consistent with section 11(a) and the rules thereunder. Second, the Phlx believes that the proposed rule change is consistent with section 6(b)(5) of the Act in that it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, and to protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

[1] The fine schedule for Advice B–12 provides that a fine of $500 will be imposed for the first violation and a fine of $1,000 will be imposed for the second violation. The sanction for the third violation is discretionary with the Phlx Business Conduct Committee. In addition, under a rolling three-year cycle, if three years elapse between the first and second violation, the second violation would be treated as a first violation. If there is a violation within three years after the most recent violation, the next highest fine will be issued. Thus, a third violation less than three years after a fine was issued for a second violation would be treated as a "third violation," even though more than three years may have elapsed after the first violation.

(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 reasons 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 in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, D.C. 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 April 2, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[2]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–5760 Filed 3–11–93; 8:45 am]

BILLING CODE 8010–01–M

[2] 17 CFR 200.30–3(a)(12) (1992).

[Rel. No. IC-19318; 812-7940]

First Investors Corporation Inc., et al.; Filing of Reports Pursuant to Temporary Order

March 9, 1993.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of filing of reports pursuant to temporary order under section 9(c) of the Investment Company Act of 1940 (the "Act").

APPLICANTS: First Investors Corporation ("FIC"), First Investors Management Company, Inc., Executive Investors Corporation, Executive Investors Management Company, Inc., and First Investors Life Insurance Company.

RELEVANT 1940 ACT SECTIONS: Permanent order requested under section 9(c) for an exemption from the provisions of section 9(a) of the Act.

SUMMARY OF APPLICATION: Applicants filed an application pursuant to section 9(c) of the Act on June 12, 1992 for both a temporary and permanent order exempting them from the provisions of section 9(a) of the Act, operative as a result of the entry of a securities-related injunction against FIC described therein. A notice of the filing of the application, and a conditional temporary order granting the requested temporary exemption from section 9(a) ("Temporary Order"), were issued in Investment Company Act Release No. 18778 on June 12, 1992. The Temporary Order was conditioned upon, *inter alia*, applicants' undertaking to submit a report by an independent reviewer ("Special Reviewer") reviewing, and making recommendations concerning, the manner in which applicants carry out and have carried out their investment company activities, including the policies, procedures, and internal controls used by the applicants to prevent and detect any violation of applicable laws, rules, and regulations, including the applicable rules and regulations of self-regulatory organizations, relating to their investment company activities (the "Report"). Applicants have filed the Report and their own report setting forth the action they have taken or propose to take concerning the implementation of the Special Reviewer's recommendations ("Applicants' Report"), and the Commission is providing an opportunity for public review of the reports and for interested persons to comment on the application for a permanent section 9(c) order.

FILING DATES: The application was filed on June 12, 1992. The Report was filed on December 9, 1992 and the Applicants' Report was filed on February 5, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 12, 1993, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, c/o First Investors Corporation, 95 Wall Street, New York, New York 10005.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 272-3026, or Elizabeth G. Osterman, Branch Chief, at (202) 272-3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The complete application may be obtained for a fee at the SEC's Public Reference Branch at its Headquarters Office in Washington, DC. Copies of the reports also are available for public inspection in the SEC's Public Reference Branch. For further information, refer to the Temporary Order (Investment Company Act Release No. 18778, June 12, 1992).

Notice of Filing of Report

1. Notice is hereby given that applicants, pursuant to the terms of the Temporary Order, filed the Report on December 9, 1992. Applicants submitted the Applicants' Report to the Commission setting forth the actions they have taken or propose to take in response to the recommendations contained in the Report on February 5, 1993.

2. Interested persons wishing to comment on the application may do so. As noted above, such comments should be filed with the Secretary of the SEC by 5:30 p.m. on April 12, 1993.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-5717 Filed 3-11-93; 8:45 am]

BILLING CODE 8010-01-M

[Investment Company Act Release No. IC-19316; 812-8230]

Prime Value Funds, Inc., et al.; Notice of Application

March 5, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: Prime Value Funds, Inc. (the "Fund") and Forum Financial Services, Inc. ("Forum").

RELEVANT 1940 ACT SECTIONS: Conditional order requested under section 6(c) for exemption from the provisions of sections 2(a)(32), 2(a)(35), 22(c), and 22(d) of the Act and rule 22c-1 thereunder.

SUMMARY OF APPLICATION: Applicants seek a conditional order to permit them to impose a contingent deferred sales load ("CDSL") on the redemption of certain shares, and to waive the CDSL under certain specified instances.

FILING DATES: The application was filed on December 30, 1993 and amended on March 2, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 30, 1993, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicants, 61 Broadway, New York, New York 10006.

FOR FURTHER INFORMATION CONTACT: Mary Kay Frech, Staff Attorney, at (202) 272-7648, or Elizabeth G. Osterman, Branch Chief, at (202) 272-3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. The Fund, a Maryland corporation, is a registered investment company sponsored and managed by Forum, a broker-dealer. Forum also serves as the Fund's distributor. The Fund currently consists of thirteen investment portfolios (the "Portfolios"). Applicants request exemptive relief on behalf of themselves, the Portfolios, and any additional separate investment portfolios of the Fund that may be created in the future.[1]

2. Applicants propose to offer Portfolio shares subject to a CDSL. The CDSL would be imposed at a rate equal to a specified percentage or percentages of the lesser of (i) the net asset value of the shares at the time of purchase, or (ii) the net asset value of the shares at the time of redemption. The CDSL typically would range from 1% to 6.25% (but could be higher or lower) on shares redeemed during the first year after purchase and would be reduced at a rate of either 1.00% or .50% per year over the applicable CDSL period. The CDSL period would range from one to six years.

3. The holding period and amount of the CDSL and the size of purchases to which the CDSL applies are subject to change. However, any change in the specified terms of a CDSL with respect to its implementation by a Portfolio would be disclosed in the prospectus of the Portfolio. Any such change would not affect shares already issued unless such change results in terms more favorable to the shareholders, such as by reducing the amount of the CDSL or reducing the CDSL period. In addition, no CDSL would be imposed on any shares purchased prior to the effective date of the requested order or prior to the amendment of the affected Portfolio's prospectus disclosing the CDSL arrangement.

4. No CDSL would be imposed on (a) redemption proceeds that represent capital appreciation of shares, (b) shares acquired through the reinvestment of dividends or capital gain distributions, or (c) shares held for more than a certain period of time after purchase. In addition, in determining whether a CDSL is applicable, it will be assumed that a redemption is made first of shares not subject to a CDSL, and then other shares in the order of purchase.

5. The Fund will offer an exchange privilege whereby shares of a Portfolio could be exchanged for shares of another Portfolio in accordance with rule 11a–3 under the Act. Shares sold with a CDSL arrangement could be exchanged for shares of another Portfolio sold with the same or lower CDSL arrangement, except that no CDSL would be imposed at the time of an exchange.

6. A Portfolio may offer a reinvestment privilege, whereby shareholders who were assessed a CDSL in connection with the redemption of shares of that or another Portfolio, followed by a reinvestment of some or all of the redemption proceeds in shares of that Portfolio within six months after the redemption (or such other period as the Portfolio may establish from time to time), will be permitted to do so at net asset value and will not be assessed a CDSL on any subsequent redemption of those shares, provided the shareholder's entitlement to the reinvestment privilege is claimed at the time of reinvestment. In the event the reinstatement period is changed after a shareholder redeems out of a Portfolio, the shareholder will be allowed to reinvest within the reinstatement period in effect at the time of the redemption. The Fund does not expect that the reinstatement privilege will be used by shareholders in lieu of the Fund's exchange privilege. A shareholder that wishes to redeem shares of one Portfolio and reinvest in another Portfolio will probably prefer to use the exchange privilege, as exchanges will be made on the basis of relative net asset values without the imposition of a CDSL in accordance with rule 11a–3. The reinstatement privilege would be intended for the shareholder who changes his mind after a redemption and decides to reinvest in the Fund.

7. Applicants request the ability to waive the CDSL: (a) on redemptions of Portfolio shares following death or disability, as defined in section 72(m)(7) of the Internal Revenue Code of 1986, as amended, of a shareholder if the Fund is notified of the death or disability at the time redemption is requested and such request is made within one year after the shareholder's death or disability; (b) in connection with redemptions of Portfolio shares held by an individual retirement account ("IRA") or other qualified retirement plan and which redemptions (i) result from the death or disability of the employee or the tax-free return of an excess contribution, (ii) are made to effect a lump-sum or partial distribution from a qualified retirement plan in the case of retirement, or (iii) are made to effect a distribution from an IRA, a Keogh Plan, or a section 403(b)(7) custodial account that is required because the distributee has reached the age at which distributions are required to commence; (c) in connection with redemptions of shares of a Portfolio purchased by current or retired directors of the Fund, or by current or retired officers or employees of the Fund, the Fund's investment adviser, Forum, or their affiliated companies, registered representatives of Forum, and by members of the immediate families of such persons; (d) in connection with redemptions of Portfolio shares made pursuant to a shareholder's participation in any systematic withdrawal plan adopted for a Portfolio; (e) in part, in connection with redemptions by shareholders holding shares of a Portfolio worth over a specified amount immediately prior to redemption; (f) in connection with redemptions of Portfolio shares effected by advisory accounts managed by the Portfolio's investment adviser or Forum or any of their affiliated companies or by any such affiliated company itself; (g) in connection with redemptions of Portfolio shares by any tax-exempt employee benefit plan for which continuation of its investment in a Portfolio would be improper under applicable law or regulation; (h) in connection with redemptions of Portfolio shares effected by another registered investment company as part of a merger or other reorganization with a Portfolio or by a former shareholder of such investment company of Portfolio shares acquired pursuant to such reorganization; (i) on redemptions of Portfolio shares effected pursuant to the Fund's right to liquidate a shareholder's account if the aggregate net asset value of shares held in the account is less than the applicable minimum account size; (j) by banks, trust companies, registered investment advisers, and other financial institutions with fiduciary powers which use fiduciary funds to purchase shares of a Portfolio; and (k) in connection with shares sold to any state, county, or city, or any instrumentality, department, authority, or agency thereof, that is prohibited by applicable investment laws from paying a sales load or commission in connection with the purchase of shares of any registered investment company. If the Fund waives or reduces the CDSL, such waiver or reduction will be uniformly applied to all offerees of the particular Portfolio's shares.

Applicants' Condition

If the requested exemptive relief is granted, applicants agree to comply

[1] In a separate application (File No. 812–7698), applicants have requested a conditional order that would permit the Fund to establish separate classes of shares with different fee structures ("Multiple Class Order"). Following the issuance of the Multiple Class Order, and after obtaining an order pursuant to this application, the Fund intends to implement CDSLs with respect to certain classes of shares.

with the provisions of proposed rule 6c–10 under the Act, as such rule is currently proposed and as it may be reproposed, adopted or amended.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–5714 Filed 3–11–93; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–19317; 812–7898]

Prime Value Funds, Inc. et al.; Notice of Application

March 5, 1993.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: Prime Value Funds, Inc., Forum Funds, Inc., The Jermyn Street Funds, Inc., The Global Settlement Fund, Inc., Stone Bridge Funds, Inc., Monarch Funds, and Forum Financial Services, Inc. ("Forum").

RELEVANT ACT SECTIONS: Exemption requested pursuant to section 6(c) from the provisions of sections 18(f), 18(g), and 18(i) of the Act.

SUMMARY OF APPLICATION: Applicants seek an order to permit each series of the funds to sell multiple classes of securities representing differing interests in some or all of each fund's existing and future investment portfolios. The classes would be identical in all respects except for differences relating to distribution expenses or shareholder servicing fees; voting rights relating to rule 12b–1 plans; the impact of certain expenses directly attributable to a particular class of shares; exchange privileges; conversion features; and sales loads.

FILING DATE: The application was filed on April 3, 1992, and amended on September 25, 1992, December 29, 1992. In a letter dated March 5, 1993, applicant's counsel has stated that an additional amendment, the substance of which is incorporated herein, will be filed during the notice period.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 31, 1993, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicants, 61 Broadway, New York, New York 10006.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 272–3026, or Barry D. Miller, Senior Special Counsel, at (202) 272–3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. The funds are registered investment companies sponsored or managed by Forum, a registered broker-dealer. Each fund is authorized to issue a specified number of shares of common stock, including shares representing interests in separate investment portfolios. Applicants request that relief be extended to all other registered investment companies for which Forum or any of its affiliates, as defined in section 2(a)(3) of the Act, which are under common control or controlled by Forum, acts now or may in the future act as administrator, manager, investment adviser, or distributor.[1]

2. Forum serves as each fund's administrator, manager, or distributor. As manager or administrator for a portfolio, Forum provides management services other than investment advisory services, such as overseeing the performance of the portfolio's transfer agency, fund accounting and custodial services, providing office space and key personnel for the portfolio's operations, overseeing the preparation of registration statements and reports, and overseeing legal compliance, pursuant to management or administration agreements ("Management Agreements"). As distributor for a portfolio, Forum acts pursuant to a distribution agreement which may be part of a Management Agreement. With respect to the Management Agreement, Forum receives a management or administrative fee for its services ("management fee") from each portfolio of up to a specified percentage of that portfolio's average daily net assets. The management fees do not relate to services which are covered by investment advisory or other fees.

3. Shares of each portfolio currently are sold at net asset value plus, in the case of certain portfolios, a front-end sales load, and are offered directly or through financial institutions, such as banks and broker-dealers. Some portfolios have adopted a Rule 12b–1 Plan.

4. Applicants seek an exemptive order permitting the funds to offer multiple classes of the funds' existing and future portfolios. The only material differences among the classes would be:

(a) The amount and type of fees permitted by different Rules 12b–1 Plans and of shareholder servicing expenses permitted by non-rule 12b–1 shareholder service plans ("Shareholder Services Plans"),

(b) Voting rights with respect to a class's Rule 12b–1 Plan,

(c) The impact of any incremental transfer agency fees directly attributable to a particular class of shares and any other non-distribution incremental expenses allocated on a class basis as further described in condition one below ("Class Expenses"),

(d) Conversion features, and

(e) Exchange privileges. The investment objectives, policies, and limitations pertaining to a portfolio will be identical for each class of a portfolio.

5. A Rule 12b–1 Plan adopted by a fund with respect to a class of shares may take a number of forms. For example, a fund may adopt a Rule 12b–1 Plan permitting the fund to compensate its distributor, investment adviser, or other service provider for providing distribution assistance or permitting a fund to pay or compensate a service provider for incurring certain expenses related to distribution such as preparing prospectuses, advertising, and sales literature. A Rule 12b–1 Plan may also permit a fund or its investment adviser or distributor to enter into agreements with certain financial institutions, such as banks, broker-dealers, and other industry professionals for the performance of a number of services with respect to a class.

6. Under a Shareholder Service Plan, a fund, its transfer agent, or other service provider would enter into agreements with groups, organizations, or institutions. The provision of services under the Shareholder Services Plans would augment or replace (and not be duplicative of) the services to be

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[1] All existing funds that currently intend to rely on the order are parties to the application. Any other fund that relies on the order in the future will issue multiple classes of shares in accordance with the representations and conditions of the order.

provided by the fund's administrator, distributor, transfer agent, or any other service provider or any services provided under any Rule 12b–1 Plan adopted by the fund with respect to that class.

7. The adoption and implementation of a Rule 12b–1 Plan or Shareholder Service Plan by a fund in relation to any of its portfolios and classes will be independent of, and not conditioned upon, the adoption or implementation of a Rule 12b–1 Plan or Shareholder Service Plan by any other fund, portfolio, or class. In addition, no fund will use Rule 12b–1 Plan fees charged to any class of shares in a portfolio to support the marketing of any other class of shares in that portfolio or in any other portfolio. In establishing and implementing the Rule 12b–1 Plan and the Shareholder Service Plan, applicants will comply with subsection (d) of article III, section 26 of the Rules of Fair Practice of the National Association of Securities Dealers, Inc. ("NASD") as it relates to the maximum amount of asset-based sales charges and service fees that may be imposed by an investment company, when and in the form (as amended from time to time) it becomes effective, and for as long as it remains in effect.

8. Initially, the funds expect to offer some or all of the proposed classes of shares, each of which is discussed below. In addition, other classes of shares of the funds' existing and future portfolios may be offered from time to time. Any such classes would, however, comply with all representations and conditions contained herein.

9. A money market investor class shares will be established in each money market portfolio and will be offered without a front-end sales load to retail investors (Money Market Investor Class"). A Money Market Investor Class may have a Rule 12b–1 Plan and also may have a Shareholder Service Plan requiring Money Market Investor Class shares to pay a fee to the portfolio's transfer agent or a designated shareholder servicing agent (which may be Forum or one of its affiliates).

10. With respect to each non-money market portfolio, applicants propose to create two classes of shares to be offered to retail investors. With respect to each of these retail classes, the portfolio may adopt a Shareholder Service Plan and also may adopt a Rule 12b–1 Plan. One class of shares would be offered without a front-end sales load (the "Investor Class A") and the other class of shares would be offered subject to a front-end sales load (the "Investor Class B"). (The Money Market Investor Class, Investor Class B, and Investor Class A are collectively referred to as the "Investor Class.")

11. An institutional class of shares may be established in each portfolio ("Institutional Class") to be offered without a front-end sales load to institutional investors, to investors who invest through financial institutions and, except in the case of portfolios that have a class of shares solely for trust investors, to trusts. Institutional Class shares will be identical to Money Market Investor Class shares, except that any Rule 12b–1 Plan adopted by or Shareholder Service Plan covering Institutional Class shareholders might provide for levels of fees and expenses lower than those applicable to Money Market Investor Class shares.

12. A trust class of shares will be established in certain portfolios ("Trust Class") and will be offered without a front-end sales load exclusively to persons acting as fiduciaries for certain entities such as living trusts, irrevocable trusts, foundations, endowments, retirement plans, and certain agency or custodial accounts. Trust Class shares will be identical to Institutional Class shares, except that any Rule 12b–1 Plan adopted by or Shareholder Service Plan covering Trust Class shareholders might provide for levels of fees and expenses different from those applicable to Institutional Class Shares.

13. The differences in the levels of fees permitted for the classes of shares will be based on the cost to the portfolios of providing differing levels of distribution services and shareholder servicing to satisfy the requirements of particular classes of shares.

14. Expenses of a fund that could not be attributed directly to any one portfolio would be allocated to each portfolio based on the relative net assets of such portfolio or as otherwise determined under the supervision of its directors. Certain expenses may be attributable to a portfolio but not to a particular class. All such expenses incurred by the portfolio would be allocated to each class on the basis of the relative net asset values of the respective classes in the portfolio.

15. Any exchange privilege offered by a portfolio will provide that shares of a class of that portfolio will be exchanged only for shares of the same class of another portfolio or fund that is part of the same "group of investment companies" as defined in rule 11a–3 under the Act and participating in the exchange privilege program (for this purpose only, Money Market Investor Class shares and Investor Class A shares could be treated as shares of the same class). Notwithstanding the foregoing, exchanges will be permitted among classes should a shareholder cease to be eligible to purchase shares of the original class by reason of a change in the shareholder's status, such as a termination of a trust and distribution of the corpus to beneficiaries. In addition, the right of any shareholder to exchange into a class of shares subject to a front-end sales load will be subject to conditions imposed in accordance with rule 11a–3 under the Act.

16. Any conversion feature will be subject to terms fully disclosed in a fund's then-current registration statement and will include the following:

(a) All conversions will be done at net asset value;

(b) Any conversion feature adopted by fund will be fully disclosed in the fund's then-current prospectus;

(c) After conversion the converted shares will be subject to an asset-based sales charge and/or service fee (as those terms are defined in article III, section 26 of the NASD Rules of Fair Practice), if any, that in the aggregate are lower than the asset-based sales charge and service fee to which they were subject prior to the conversions; and

(d) Any conversion feature will be subject to the availability of a ruling from the Internal Revenue Service ("IRS") or an opinion of counsel that the conversion of shares does not constitute a taxable event under Federal tax law.

17. For example, a fund may, pursuant to further exemptive relief or a rule adopted by the Commission, offer a class of shares subject to a contingent deferred sales load ("CDSL"). A conversion option might require that on the first day of the month in which the seventh anniversary of the purchase of shares of a class subject to a CDSL ("Purchase Class") occurs, shares (except those purchased through the reinvestment of dividends and other distributions paid in respect of Purchase Class shares of the fund) would automatically convert to another class of shares of such fund ("Target Class") at the relative net asset values of each of the classes, and thereafter would be subject to the Rule 12b–1 Plan and Shareholder Service Plan payments, if any, applicable to the Target Class shares. As would be the case with respect to Purchase Class shares of a fund that have been outstanding for less than seven years, shares purchased through the reinvestment of dividends and other distributions paid in respect of Purchase Class shares will be issued as Purchase Class shares, but would be considered to be held in a separate sub-account. Each time any Purchase Class shares in the shareholder's account (other than those in the sub-account)

convert to Target Class shares, a *pro rata* portion of the Purchase Class shares then in the sub-account also would convert to Target Class shares. The portion would be determined by the ratio that the shareholder's shares converting to Target Class shares bears to the shareholder's total Purchase Class shares not acquired through dividends and distributions.

Applicants' Legal Analysis

1. Applicants request an exemptive order under section 6(c) of the Act to permit the proposed creation, issuance, and sale of shares as described above to the extent that such issuance and sale might be deemed to result in a "senior security" within the meaning of section 18(g) of the Act, and to be prohibited by section 18(f)(1) of the Act, or to violate the equal voting provisions of section 18(i) of the Act.

2. Applicants assert that the requested relief does not contravene the policies of the Act or permit the abuses intended to be addressed by section 18 of the Act. The proposed class structure does not involve borrowings, adversely affect any portfolio's existing assets or reserves, or increase the speculative character of any portfolio's shares. The proposed capital structure will not induce any group of shareholders to invest in risky securities to the detriment of any other group of shareholders because the investment risks will be borne equally by all shareholders. Applicants state that mutuality of risk will be preserved with respect to all shares in a portfolio.

3. Applicants assert that the proposed arrangement will permit a fund to facilitate the distribution of its shares and expand the scope and depth of administrative and shareholder services without assuming excessive organizational, legal, administrative, accounting and bookkeeping costs, or unnecessary investment risks. Further, each portfolio could, among other things, compensate financial institutions for providing distribution and related administrative services that are tailored to the needs of their customers. Each fund could more closely match the actual costs incurred by a portfolio with respect to different types of investors with the fees allocated to the classes of shares by those types of investors.

Applicants' Conditions

Applicants agree that any order granting the requested relief shall be subject to the following conditions:

1. Each class of shares will represent interests in the same portfolio of investments of the funds, and be identical in all respects, except as set forth below. The only differences between classes of shares of the funds will relate solely to:

(a) The amount and type of fees permitted by differences in Rule 12b–1 Plans or of shareholder servicing expenses permitted by Shareholder Service Plans;

(b) Voting rights with respect to a class' Rule 12b–1 Plan;

(c) The impact of any incremental transfer agency costs attributable to a particular class of shares and certain other Class Expenses, which are limited to:

(i) Printing and postage expenses related to preparing and distributing materials such as shareholders reports, prospectuses, and proxies to current shareholders,

(ii) Blue sky registration fees incurred by a class,

(iii) Commission or other qualification or registration fees incurred by a class,

(iv) The expense of administrative personnel and services as required to support the shareholders of a specific class,

(v) Litigation or other legal expenses relating solely to one class, and

(vi) Directors' fees incurred as a result of issues relating to one class;

(d) Conversion features; and

(e) Exchange privileges.

2. The directors or trustees (the "Directors") of each of the funds, including a majority of the independent Directors, will approve the Multi-Class Distribution System for that fund. The minutes of the meetings of the Directors of each of the funds regarding the deliberations of the Directors with respect to the approvals necessary to implement the Multi-Class Distribution System will reflect in detail the reasons for the Directors' determination that the proposed Multi-Class Distribution System is in the best interests of both that fund and its shareholders.

3. The initial determination of the Class Expenses that will be allocated to a particular class and any subsequent changes thereto will be reviewed and approved by a vote of the Directors of each of the funds, including a majority of Directors who are not interested persons of that fund. Any person authorized to director the allocation and disposition of monies paid or payable by the fund to meet Class Expenses shall provide to the Directors, and the Directors shall review, at least quarterly, a written report of the amounts so expended and the purposes for which such expenditures were made for that fund.

4. On an ongoing basis, the Directors of each of the funds, pursuant to their fiduciary responsibilities under the Act and otherwise, will monitor that fund for the existence of any material conflicts among the interests of the various classes of shares. The Directors of each fund, including a majority of the independent Directors, shall take such action as is reasonably necessary to eliminate any such conflicts that may develop. The investment adviser(s) and the distributor of each of the funds will be responsible for reporting any potential or existing conflicts to the Directors of that fund. If a conflict arises, the investment adviser(s) and the distributor at their own cost will remedy such conflict up to and including establishing a new registered management investment company.

5. The Shareholder Services Plans will be adopted and operated in accordance with the procedures set forth in rule 12b–1 (b) through (f) as if the expenditures made thereunder were subject to rule 12b–1, except that shareholders will not enjoy the voting rights specified in rule 12b–1. In evaluating the Shareholder Services Plan, the Directors will specifically consider whether (a) the Shareholder Services Plan is in the best interests of the applicable classes and their respective shareholders, (b) the services to be performed pursuant to the Shareholder Services Plan are required for the operation of the applicable classes, (c) the service organizations can provide services at least equal, in nature and quality, to those provided by others, including the fund, providing similar services, and (d) the fees for such services are fair and reasonable in light of the usual and customary charges made by other entities, especially non-affiliated entities, for services of the same nature and quality.

6. Each agreement entered into pursuant to the Shareholder Service Plans or Rule 12b–1 Plans (collectively, "Plans") will contain a representation by the service provider that any compensation payable to the service provider in connection with the investment of its customers' assets in the fund (a) will be disclosed by it to its customers, (b) will be authorized by its customers, and (c) will not result in an excessive fee to the service provider.

7. Each agreement entered into pursuant to the Plans will provide that, in the event an issue pertaining to the Plan is submitted for shareholder approval, the service provider will vote any shares held for its own account in the same proportion as the vote of those shares held for its customers' accounts.

8. The Directors of each of the funds will receive quarterly and annual statements concerning distribution and shareholder servicing expenditures

complying with paragraph (b)(3)(ii) of rule 12b–1, as it may be amended from time to time. In the statements, only expenditures properly charged to the sale or servicing of a particular class of shares will be used to justify any distribution or servicing fee attributable to that class. Expenditures not related to the sale or servicing of a particular class will not be presented to the Directors to justify any fee attributable to that class. The statements, including the allocations upon which they are based, will be subject to the review and approval of the independent Directors in the exercise of their fiduciary duties.

9. Dividends paid by each fund with respect to each class of its shares, to the extent any dividends are paid, will be calculated in the same manner, at the same time, on the same day, and will be in the same amount, except that distribution and shareholder service payments relating to each respective class of shares will be borne exclusively by that class, any incremental transfer agency costs and other Class Expenses directly attributable to a particular class, and any other incremental expense subsequently identified that should be properly allocated to one class which shall be approved by the Commission pursuant to an amended order will be borne exclusively by that class.

10. The methodology and procedures for calculating the net asset value and dividends and distributions of the various classes and the proper allocation of expenses between the various classes has been reviewed by an expert (the "Expert") who has rendered a report to applicants, which has been provided to the staff of the Commission, that such methodology and procedures are adequate to ensure that such calculations and allocations will be made in an appropriate manner. On an ongoing basis, the Expert, or an appropriate substitute Expert, will monitor the manner in which the calculations and allocations are being made and, based upon such review, will render at least annually a report to the funds that the calculations and allocations are being made properly. The reports of the Expert shall be filed as part of the periodic reports filed with the Commission pursuant to sections 30(a) and 30(b)(1) of the Act. The work papers of the Expert with respect to such reports, following request by the funds (which the funds agree to make), will be available for inspection by the Commission staff upon the written request to the funds for such work papers by a senior member of the Division of Investment Management, limited to the Director, an Associate Director, the Chief Accountant, the Chief Financial Analyst, an Assistant Director, and any Regional Administrator or Associate and Assistant Regional Administrator. The initial report of the Expert is a "Special Purpose" report on the "Design of a System" and the ongoing reports will be "Special Purpose" reports on the "Design of a System and Certain Compliance Tests" as defined and described in Statement of Auditing Standards No. 44 of the American Institute of Certified Public Accountants ("AICPA"), as it may be amended from time to time, or in similar auditing standards as may be adopted by the AICPA from time to time.[2]

11. Applicants have adequate facilities in place to ensure implementation of the methodology and procedures for calculating the net asset value and dividends and distributions of the various classes of shares and the proper allocation of expenses among the classes of shares and this representation will be concurred with by the Expert in the initial report referred to in condition (10) above and will be concurred with by the Expert, or an appropriate substitute Expert, on an ongoing basis at least annually in the ongoing reports referred to in condition (10) above. Applicants will take immediate corrective measures if this representation is not concurred in by the Expert or appropriate substitute Expert.

12. The prospectus of the funds will contain a statement to the effect that a salesperson and any other person entitled to receive compensation for selling or servicing fund shares may receive different compensation with respect to one particular class of shares over another in the fund.

13. The distributor will adopt compliance standards, as to when each class of shares may appropriately be sold to particular investors. Applicants will require all persons selling shares of the funds to agree to conform to such standards.

14. The conditions pursuant to which the exemptive order is granted and the duties and responsibilities of the Directors of each of the funds with respect to the Multi-Class Distribution System will be set forth in guidelines which will be furnished to the Directors.

15. Each fund will disclose the respective expenses, performance data, distribution arrangements, services, fees, sales loads, deferred sales loads, and exchange privileges applicable to each class of shares in every prospectus, regardless of whether all classes of shares are offered through each prospectus. Each fund will disclose the respective expenses and performance data applicable to all classes of shares in every shareholder report. To the extent any advertisement or sales literature describes the expenses or performance data applicable to any class of shares, it will also disclose the respective expenses and/or performance data applicable to all classes of shares. The information provided by applicants for publication in any newspaper or similar listing of the fund's net asset value and public offering price will present each class of shares separately.

16. A fund may choose to offer Purchase Class shares that convert automatically to Target Class shares after a specified period of time. If a fund implements any amendment to a Rule 12b–1 Plan (or, if presented to shareholders, adopts or implements any amendment of a non-Rule 12b–1 Shareholder Services Plan) that would increase materially the amount that may be borne by the Target Class shares under the plan, existing Purchase Class shares will stop converting into Target Class unless the Purchase Class shareholders, voting separately as a class, approve the proposal. The Directors shall take such action as is necessary to ensure that existing Purchase Class shares are exchanged or converted into a new class of shares ("New Target Class"), identical in all material respects to Target Class as it existed prior to implementation of the proposal, no later than such shares previously were scheduled to convert into Target Class. If deemed advisable by the Directors to implement the foregoing, such action may include the exchange of all existing Purchase Class shares for a new class ("New Purchase Class"), identical to existing Purchase Class shares in all material respects except that New Purchase Class will convert into New Target Class. New Target Class or New Purchase Class may be formed without further exemptive relief. Exchanges or conversions described in this condition shall be effected in any manner that the Directors reasonably believe will not be subject to federal taxation. Any additional cost associated with the creation, exchange, or conversion of New Target Class or New Purchase Class shall be borne solely by the investment adviser(s) and/or the distributor of the fund. Purchase Class shares sold after the implementation of the proposal may convert into Target Class shares subject to the higher maximum payment,

[2] The staff notes that SAS No. 44 of the AICPA has been superseded by SAS No. 70, which is effective for all auditors' reports dated after March 31, 1993.

provided that the material features of the Target Class plan and the relationship of such plan to the Purchase Class shares are disclosed pursuant to an effective registration statement.

17. Any Purchase Class shares will convert into Target Class shares on the basis of the relative net asset values of the two classes, without the imposition of any sales load, fee, or other charge. After conversion, the converted shares will be subject to an asset-based sales charge and/or service fee (as those terms are defined in article III, section 26 of the NASD Rules of Fair Practice), if any, that in the aggregate are lower than the asset-based sales charge and service fee to which they were subject prior to the conversion.

18. Applicants acknowledge that the grant of the exemptive order requested by the application will not imply Commission approval, authorization, or acquiescence in any particular level of payments that the fund may make pursuant to its rule 12b-1 distribution plan or shareholder services plan in reliance on the exemptive order.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-5715 Filed 3-11-93; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-25756]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

March 5, 1993.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 29, 1993 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Alabama Power Company (70-8061)

Alabama Power Company ("Alabama"), 600 North 18th Street, Birmingham, Alabama 35291, a wholly owned electric utility subsidiary company of The Southern Company, a registered holding company, has filed an application under sections 9(a) and 10 of the Act.

Alabama proposes to provide, through December 31, 1997, consulting and operation and maintenance services to nonaffiliated publicly or privately owned utilities, governmental entities or cooperative organizations, which may be electric, gas, telephone or water utility companies, located in the State of Alabama. Alabama states that the services will be offered at a competitive price to the purchaser, and revenues received will be recorded in "above-the-line" accounts, which will result in a credit against the operating expenses of Alabama, thus reducing the cost of providing electric service to Alabama's electric customers.

The consulting services will be:

(i) Management expertise, such as strategic planning, feasibility studies, organization, environmental matters, policy matters and energy efficiency services;

(ii) Technical expertise, such as design, engineering, procurement, construction supervision, engineering and construction planning and procedures, system planning, energy efficiency planning and operational planning;

(iii) Training expertise, especially training in the area of operation and maintenance;

(iv) Technical and procedural resources, such as are embedded in computer, information and communications systems, programs or manuals; and

(v) The resale or licensing of intellectual and proprietary property of Alabama.

Alabama proposes to offer operation and maintenance services with respect to generating plants, distribution and transmission facilities, coal-handling facilities, transportation, environmental, computer, information, and communications facilities, equipment and systems which are related to generation, transmission and distribution of electricity (the "O&M Services"). All such O&M Services would be provided by Alabama for and under the direction and management of the owners or operators of the aforementioned facilities, pursuant to written agreements with the owners or operators of such facilities, and in certain cases, Alabama may operate the facilities of electric utilities.

Alabama states that provision of the foregoing services will enable Alabama to use its available expertise and personnel and will result in the optimal utilization of their capabilities. Alabama states that its ability to provide these services will keep such expertise and capabilities available to Alabama, as well as enabling Alabama to minimize the cost of maintaining such resources which it deems necessary to the adequate servicing of its electric customers.

Alabama states that it anticipates no material increase in its staff, nor any material capital investment to provide the utility services described herein. It is expected that the utility services will be provided by the appropriate department of Alabama, and that no new departments will be created. If Alabama determines to finance any projects in connection with the provision of utility services, Alabama represents that any required Commission approval of such financing will be the subject of a further application.

Alabama proposes to offer the utility services through December 31, 1997; however, it is proposed that the term of contracts to provide the utility services entered into before that date may extend beyond that date. If and to the extent that any utility services are proposed to be provided by both Alabama and an affiliate of Alabama, Alabama will be responsible for deciding which entity will provide such services.

Alabama proposes to file semi-annual reports with the Commission describing the utility services provided and including the amount of revenues received from such services. Alabama states that it is not expected that such reports generally will include the cost of such services, since it anticipates that it will not create separate cost centers with respect to the proposed transaction because the services will be provided from its existing capacity. Alabama does propose, however, in the event any single transaction, or series of transactions pursuant to a contract with one utility, is expected to generate revenues in excess of $500,000 in a year, the cost of providing such services will

be separately accounted for by a work-order system and will be included in Alabama's reports.

Georgia Power Company (70–8117)

Georgia Power Company ("Georgia"), 333 Piedmont Avenue, NE., Atlanta, Georgia 30308, a wholly owned public-utility subsidiary company of The Southern Company ("Southern"), a registered holding company, has filed an application under sections 9(a) and 10 of the Act.

In 1985, South Carolina Public Service Authority ("Santee Cooper") requested that Georgia construct a 500/230 kV substation located in Effingham County, Georgia ("Substation"), in Georgia's service territory in order to establish a transmission interconnection between Santee Cooper and the Southern electric system thereby providing back-up power to Santee Cooper's electric system and improving Santee Cooper's service reliability. Georgia began construction of the facilities comprising the Substation ("Facilities") in April of 1986 and paid for such construction until December of 1986 when Santee Cooper reimbursed Georgia for past costs of construction and began making payments for the remaining construction of the Facilities.

In January 1988, Georgia entered into a Purchase Agreement ("Agreement") with Santee Cooper which stated that Georgia would sell all of its interest in the Facilities to Santee Cooper for an amount equal to the aggregate cost of construction less any amounts paid by Santee Cooper to Georgia for the construction of the Facilities. In addition, Santee Cooper agreed to pay Georgia interest on the amount Georgia expended on construction from April 1986 to December 1986. The Agreement states that Georgia will repurchase the Facilities at their depreciated value within five years of commercial operation.

Concurrent with the execution of the Agreement, Georgia and Santee Cooper executed an Operating Agreement whereby Georgia would manage, control, operate and maintain the Substation until Georgia repurchased the Substation. Santee Cooper has been making periodic payments to Georgia for the operation and maintenance of the Substation.

Georgia now proposes to purchase from Santee Cooper its entire interest in the Substation for an aggregate purchase price of approximately $12,906,061. The purchase price represents the sum of: (1) $14,906,010, the cost of construction of the Facilities; plus (2) $17,604, the interest paid by Santee Cooper to Georgia for the construction of the Facilities from April 1986 to December 1986; less (3) $2,017,553 in accumulated depreciation. The purchase price represents the net book value on the funds paid by Santee Cooper for the Facilities and will be paid from immediately available funds.

The proposed transaction was contemplated to take place on January 4, 1993. Georgia has agreed to pay Santee Cooper interest on the purchase price from January 4, 1993 until the closing of the transaction.

Southwestern Electric Power Company (70–8123)

Southwestern Electric Power Company ("SWEPCO"), 428 Travis Street, Shreveport, Louisiana 71101, a wholly owned electric utility subsidiary company of Central and South West Corporation, a registered holding company, has filed an application under sections 9(a) and 10 of the Act.

SWEPCO states that it has provided from time to time certain environmental laboratory services ("Services"), including analysis of water, oils, soil and waste characterization, without charge to Dolet Hills Mining Venture, a nonaffiliate, as an accommodation. SWEPCO now seeks Commission authority to charge for the Services and to provide the Services to other nonaffiliates as well through December 31, 1994. SWEPCO states that there is excess capacity available for sale to nonaffiliates because the laboratory is not being utilized by SWEPCO continuously. SWEPCO further states that providing the Services to nonaffiliates will not in any way interfere with its utility business.

SWEPCO anticipates that the total annual billings to nonaffiliates would not exceed $250,000 and the total cost for such Services would be approximately $50,000. SWEPCO states that it will not hire additional personnel in connection with providing the Services to nonaffiliates. SWEPCO further states that income generated from providing the Services will be credited back against environmental expenses and will reduce electric rates.

Central and South West Corporation, et al. (70–8133)

Central and South West Corporation ("CSW"), 1616 Woodall Rodgers Freeway, P.O. Box 660164, Dallas, Texas 75202, a registered holding company, CSW Energy, Inc. ("Energy"), 1616 Woodall Rodgers Freeway, P.O. Box 660164, Dallas, Texas 75202, a wholly owned nonutility subsidiary company of CSW, CSW Development-I, Inc. ("Energy Sub"), 1616 Woodall Rodgers Freeway, P.O. Box 660164, Dallas, Texas 75202, a wholly owned nonutility subsidiary company of Energy, and ARK/CSW Development Partnership ("Joint Venture"), 23293 South Pointe Drive, suite 100, Laguna Hills, California 92635, a nonutility subsidiary company of Energy Sub (collectively, "Applicants"), have filed an application-declaration, as amended ("Application-Declaration"), under sections 6(a), 7, 9(a), 10 and 12(b) of the Act and Rules 45 and 51 thereunder.

By prior order dated September 28, 1990 (HCAR No. 26162), supplemented by orders dated November 22, 1991 (HCAR No. 25414) and December 31, 1992 (HCAR No. 25728) (collectively, "Prior Order"), CSW and Energy were authorized, among other things,

(1) To spend up to $150 million to conduct preliminary studies of, to investigate, to research, to develop, to consult with respect to, and to agree to construct qualifying cogeneration facilities, qualifying small power production facilities and independent power facilities;

(2) To finance such activities through capital contributions, open account advances and loans in an aggregate amount not to exceed $150 million;

(3) For energy to form Energy Sub for the purpose of engaging in the Joint Venture with ARK Energy, Inc. ("ARK"), a nonassociate; and

(4) For energy to use $50 million of the $150 million to finance the Joint Venture through capital contributions and loans.

The Applicants now seek authority to acquire indirectly, through subsidiary companies to be formed, a 74-megawatt (net) combined cycle gas turbine cogeneration facility ("Project") to be located in or near Bartow, Florida. Once operational, the Project will be a qualifying cogeneration facility under the Public Utility Regulatory Policies Act of 1978. The requested time limit for the proposed transactions is one year from the date of the order sought herein.

Orange Cogeneration Limited Partnership ("Project Venture"), a Delaware limited partnership to be organized, will develop, own and operate the Project. The Joint Venture proposes to organize and acquire for $1,000 all of the common stock (1,000 shares with no par value) of a new subsidiary, Orange GP, Inc. ("JV Sub"), which will be the general partner, owning 1%, of the Project Venture. Energy Sub proposes to organize and acquire for $1,000 all of the common stock (1,000 shares with no par value) of a new subsidiary, CSW Orange, Inc. ("CSWO"), which will be one of the limited partners, owning 49.5%, of the Project Venture. The other 49.5%

limited partnership interest will be owned by ARK (either directly or through a to-be-formed wholly owned special purpose subsidiary or affiliate).

JV Sub, CSWO and ARK will each make initial capital contributions to the Project Venture as follows: (1) up to $1,000 by each of CSWO and ARK, and (2) work product and minimal management services equal to up to $200 by JV Sub. The Project Venture will acquire the Project from its present owner, AP Cogen, Ltd. ("Seller"), a nonassociate company, pursuant to a purchase agreement ("Purchase Agreement"), dated as of December 31, 1992, among Seller, Energy Development Corporation, CFR-Biogen Corporation and the Joint Venture. The Joint Venture's rights and obligations under the Purchase Agreement will be transferred to the Project Venture upon the formation of the Project Venture and the Joint Venture will be released of its obligations upon the transfer of rights and obligations to the Project Venture. In consideration for the acquisition of the Project, the Project Venture will pay to Seller an amount not to exceed $3.395 million ("Purchase Price") in addition to the contingent assumption of certain of the Project's liabilities not to exceed $3 million. The proposed acquisition includes all Seller's right, title and interest in the Project and any related contractual rights, permits, work product or other property, but does not include any generating assets or any fee interest in any real property related thereto.

The Applicants state that they are not seeking Commission authority to finance the construction of the Project ("Construction Financing") at this time. The Project will pay the Purchase Price out of the proceeds of the Construction Financing. Alternatively, the Project Venture may, at its option, fund the Purchase Price by means of capital contributions, loans or open account advances from CSWO and the Joint Venture. In such event, Energy proposes to fund the Purchase Price by capital contributions, loans or open account advances to Energy Sub pursuant to the Prior Order, and by capital contributions, loans or open account advances from Energy Sub to the Joint Venture and CSWO, and from the Joint Venture and CSWO to the Project Venture pursuant to this Application-Declaration. All such loans or open account advances will be on the same terms as those under the Prior Order.

Prior to the close of the Construction Financing, the Joint Venture and the Project Venture may incur certain development expenses not to exceed $7 million in connection with the Project. Energy proposes to fund these development expenses by capital contributions, loans or open account advances to Energy Sub pursuant to the Prior Order, and by capital contributions, loans or open account advances from Energy Sub to the Joint Venture and CSWO, and from the Joint Venture and CSWO to the Project Venture pursuant to this Application-Declaration. All such loans will be on the same terms as those under the Prior Order.

If the Construction Financing is not closed by June 30, 1994, or if the Joint Venture or the Project Venture exercises to abandon the Project, then the Joint Venture, Energy Sub, and ARK will have the right to sell, and Seller will have the obligation to buy ("Put") all the outstanding capital stock or other equity interests of CSWO, JV Sub and ARK, and thereby all of the equity interests in the Project Venture and the Project. The Put will be exercised (or will terminate) on the earlier of June 30, 1994 or the close of the Construction Financing. In consideration for exercising the Put, Seller will assume all the Project Venture's liabilities and will execute a note ("Buyer Note"), payable to the Joint Venture (or its designee), in an amount (not to exceed $10 million) equal to the aggregate of all portions of the Purchase Price actually paid and all development costs or other expenses paid by or on behalf of the Joint Venture or the Project Venture. The Buyer Note will bear interest at the prime rate as announced by The Chase Manhattan Bank, N.A. and will be secured by a subordinated lien on the Project assets. The Buyer Note will mature on the earlier of (i) the Construction Financing, (ii) the sale or other disposition of the Project, and (iii) June 30, 1994.

The Southern Company, et al. (70–8147)

The Southern Company ("Southern"), 64 Perimeter Center East, Atlanta, Georgia 30346, a registered holding company, and its wholly owned subsidiary company, Southern Nuclear Operating Company, Inc. ("Southern Nuclear"), 40 Inverness Center Parkway, Birmingham, Alabama 35204, have filed an application-declaration under sections 6(a), 7, 9(a), 10 and 12(b) of the Act and Rule 45 thereunder. Southern Nuclear proposes to borrow, from time to time through March 31, 1995, from Southern or other lenders up to an aggregate principal amount of $10 million, which amount includes the $5 million currently outstanding in open account advances from Southern as authorized by Commission order, dated December 14, 1990 (HCAR No. 25212).

Open account advances of up to $5 million from Southern will have maturities not to exceed 10 years and will accrue interest at a rate equal to the average effective interest cost of Southern's outstanding obligations for borrowed money on the first day of each month, or if no obligations are outstanding at the time, at a rate equal to the weekly average of the thirty-day certificate of deposit rate (secondary market) as reported in the Federal Reserve statistical release H.15 (519) for the next to last complete business week of the preceding calendar month. However, this rate will not exceed the prime rate in effect at a nationally recognized U.S. bank to be designated by Southern.

Such open account advances may, at the option of Southern, be converted into capital contributions or additional shares of common stock of Southern Nuclear. To the extent such advances are converted to equity, the borrowing authority sought herein will be reduced by the amount so converted so that the total capitalization does not exceed $11.4 million (including its present common equity of $1.4 million). The rate of return on Southern Nuclear's common equity capital will not exceed the simple average of the most recent rates of return allowed by the Alabama Public Service Commission and the Georgia Public Service Commission.

Borrowings from other lenders will have maturities not to exceed 10 years and will accrue interest at a rate not to exceed the prime rate plus 2% for variable rate loans and the prime rate at the time of borrowing plus 3% for fixed rate loans. Such loans may be secured or unsecured and may be guaranteed by Southern. Southern Nuclear states that the funds will be used by Southern Nuclear in connection with its working capital needs, including the purchase of equipment and office furniture, leasehold improvement and loans to employees for purposes such as residential energy programs, purchases of computers and employee transfer expenses.

Central and South West Corp., et al. (70–8157)

Central and South West Corporation ("CSW"), a registered holding company, its service company subsidiary, Central and South West Services, Inc. ("Services"), both located at 1616 Woodall Rodgers Freeway, Dallas, Texas 75202, and five of CSW's operating subsidiary companies, Central Power and Light Company ("CP&L"), 539 North Carancahua Street, Corpus Christi, Texas 78401–2802, Public Service Company of Oklahoma ("PSO"),

212 East Sixth Street, Tulsa, Oklahoma 74119–1212, Southwestern Electric Power Company ("SWEPCO"), 428 Travis Street, Shreveport, Louisiana 71156–0001, West Texas Utilities Company ("West Texas"), 301 Cypress Street, Abilene, Texas 79601–5820, Transok, Inc. ("Transok"), 2 West Sixth Street, Tulsa, Oklahoma 74119 (collectively, "Subsidiaries") have filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(b) and 12(f) of the Act and Rules 43, 45 and 50(a)(5) thereunder.

CSW and its Subsidiaries propose to continue, through March 31, 1995, their short-term borrowing program, which includes the sale of commercial paper by CSW to commercial paper dealers and financial institutions and the sale of short-term notes to banks and their trust departments by CSW and the Subsidiaries ("External Program") and the CSW System Money Pool ("Money Pool"), as previously authorized by orders dated April 5, 1989, October 10, 1989, May 15, 1990 and March 29, 1991 (HCAR Nos. 24855, 24966, 25090 and 25288, respectively) ("Prior Orders"). The External Program would be coordinated through the use of the Money Pool, whereby CSW and its Subsidiaries would make loans to, and the Subsidiaries would borrow from, the Money Pool. Loans to the Subsidiaries through the Money Pool will be made pursuant to open-account advances, although any lender would at all times be entitled to receive upon demand a promissory note evidencing the transaction.

The External Program and the Money Pool would make funds available to the Subsidiaries for the interim financing of their capital expenditure programs and their other working capital needs, and to CSW to loan and, when approved by the Commission, to make capital contributions to any of its subsidiaries and in both instances to repay previous borrowings incurred for such purposes. CSW and its Subsidiaries will not use the additional requested borrowings to finance the acquisition of an exempt wholesale generator or a foreign utility company.

Funds for the Money Pool would be available from surplus funds from the treasuries of CSW and its operating subsidiaries CP&L, PSO, SWEPCO, West Texas and Transok ("Operating Subsidiaries"), from proceeds from the sale of commercial paper by CSW and bank borrowings by CSW and its Subsidiaries. Funds to be loaned to the Subsidiaries are obtained in the following order of priority:

(1) Available surplus funds of the Operating Subsidiaries will be used to satisfy the borrowing needs of other Subsidiaries before any funds of CSW are used;

(2) Available surplus funds in CSW's treasury; and

(3) External borrowings by CSW from the sale of commercial paper and/or bank borrowings. External borrowings by CSW would not be made unless there were no surplus funds in the treasuries of the Operating Subsidiaries or CSW sufficient to meet borrowing needs. However, no loan will be made by CSW or an Operating Subsidiary if the borrowing company could borrow more cheaply directly from banks or through the sale of its own commercial paper. Each borrowing Subsidiary will borrow *pro rata* from each fund source in the same proportion that the amount of funds provided by that fund source bears to the total amount of short-term funds available to the Money Pool.

The interest rate applicable on any day to the then outstanding loans through the Money Pool will be the composite weighted average daily effective cost incurred by CSW for short-term borrowings from external sources. If there are no borrowings outstanding then the rate would be the certificate of deposit yield equivalent of the 30-day Federal Reserve "AA" Industrial Commercial Paper Composite Rate ("Composite"), or if no Composite is established for that day, then the applicable rate will be the Composite for the next preceding day for which the Composite is established.

The aggregate principal amounts of short-term borrowing outstanding at any one time requested by CSW and its Subsidiaries are as follows: CSW—$800 million; CP&L—$250 million; PSO—$100 million; SWEPCO—$150 million; West Texas—50 million; Services—$90 million; and Transok—$120 million. These amounts reflect an increase in borrowing levels from those authorized in the Prior Orders for:

(1) CSW of $200 million to accommodate additional investments in CSW Credit, Inc., CSW Energy, Inc. and new Money Pool requirements;

(2) CP&L of $50 million to finance an increase in capital expenditures and for bond refinancing; and

(3) Services of $30 million to finance building expenditures. The aggregate principal amount of outstanding borrowings for CSW and its Subsidiaries together will not exceed $800 million.

To provide funds for the Money Pool, CSW requests authority to issue and sell commercial paper ("Commercial Paper") to commercial paper dealers ("Dealers") and financial institutions. The Commercial Paper will mature in 270 days or less and will be issued from time-to-time through March 31,1995. CSW requests an exception from the competitive bidding requirements of Rule 50 under subsection (a) (5) for the issuance and sale of Commercial Paper.

The Commercial Paper issued to Dealers will be in the form of either physical or book-entry unsecured promissory notes. Such notes will be issued and sold by CSW directly to Dealers at a rate not to exceed the rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity sold by issuers thereof to Dealers. No commission or fee will be payable in connection with the issuance and sale of the Commercial Paper. The purchasing dealer, however, will reoffer such notes at a rate less than the rate to the issuer and, as principal, will reoffer such notes in such a manner as not to constitute a public offering under the Securities Act of 1933.

Sales of Commercial paper directly to financial institutions will be undertaken only if the resulting cost of money is equal to or less than that available from Dealer-placed commercial paper or bank-borrowings. Terms for directly placed notes would be similar to those of dealer placed notes.

CSW and its Subsidiaries also request authorization to borrow money from banks, from time-to-time through March 31, 1995, to the extent that the surplus funds of CSW and the Operating Subsidiaries are insufficient to meet the Subsidiaries' requests for short-term loans, and subject to the limitations on aggregate principal amounts, above. Such borrowing will not be made unless it would produce a lower cost of money than the issue of CSW's Commercial Paper and, in any event, they will not bear a rate of interest higher than the effective cost of money for unsecured prime commercial bank loans prevailing on the date of such borrowing. The borrowings will be evidenced by promissory notes maturing no later than December 31, 1995 and will be subject to prepayment by the borrower in whole at any time or in part from time-to-time, without penalty.

Compensation arrangements under lines of credit with banks maintained by CSW and its Subsidiaries are on a balance or fee basis. In general, fees range from 1/8 to 1/5 of 1% per annum on the average unused portion of the commitment and balance arrangements require average balances of 3% of the amount of the commitment.

Additionally, CSW requests authorization, from time-to-time through March 31, 1995, to borrow funds managed by the trust departments of banks if such borrowings result in a

cost of money equal to or less than that available from the sale of Commercial Paper or other bank borrowings.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93-5716 Filed 3-11-93; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Comments should be submitted within 30 days of this publication in the **Federal Register**. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Office before the deadline.

COPIES: Request for clearance (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Cleo Verbillis, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416, Telephone: (202) 205-6629.

OMB Reviewer: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

Title: Lender Field Visit Report

Form No.: SBA Form 1183

Frequency: On Occasion

Description of Respondents: Small Businesses

Annual Responses: 14,720

Annual Burden: 14,720

Title: Loan Servicing Field Visit Report

Form No.: SBA Form 712

Frequency: On Occasion

Description of Respondents: Small Businesses

Annual Responses: 45,000

Annual Burden: 45,000

Title: Liquidation Activities

Form No.: N/A

Frequency: On Occasion

Description of Respondents: Auctioneer Contractors

Annual Responses: 2,800

Annual Burden: 28,000

Cleo Verbillis,

Chief, Administrative Information Branch.

[FR Doc. 93-5667 Filed 3-11-93; 8:45 am]

BILLING CODE 8025-01-M

Chicago District Advisory Council; Public Meeting

The U.S. Small Business Administration Chicago District Advisory Council will hold a public meeting from 10 a.m. to 1 p.m. on Thursday, April 22, 1993 at the U.S. Small Business Administration, 500 West Madison Street, suite 1250, Chicago, Illinois, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. John L. Smith, District Director, U.S. Small Business Administration, 500 West Madison Street, Chicago, Illinois 60661-2511, (312) 353-4508.

Dated: March 8, 1993.

Dorothy A. Overal,

Acting Assistant Administrator, Office of Advisory Councils.

[FR Doc. 93-5669 Filed 3-11-93; 8:45 am]

BILLING CODE 8025-01-M

Houston District Advisory Council; Public Meeting

The U.S. Small Business Administration Houston District Advisory Council will hold a public meeting at 9 a.m. on Wednesday, March 31, 1993 at Texas Commerce Bank—Del Oro, 7505 Fannin, 3rd Floor, suite 333, Houston, Texas, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Milton Wilson, Jr., District Director, U.S. Small Business Administration, 9301 Southwest Freeway, suite 550, Houston, Texas 77074-1591, (713) 773-6500.

Dated: March 8, 1993.

Dorothy A. Overal,

Acting Assistant Administrator, Office of Advisory Councils.

[FR Doc. 93-5668 Filed 3-11-93; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; North Kona, HI

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed highway project in North Kona, Hawaii.

FOR FURTHER INFORMATION CONTACT: William R. Lake, Division Administrator, Federal Highway Administration, Office Address: 300 Ala Moana Boulevard, rm. #3202, Honolulu, Hawaii 96813; Mailing Address: P.O. Box 50206, Honolulu, Hawaii 96850. Telephone: (808) 541-2700.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Hawaii Department of Transportation, Highways Division will prepare an environmental impact statement on a proposal to construct a new, four-lane divided roadway approximately 2.4 miles long, connecting Mamalahoa Highway and Queen Kaahumanu Highway. This roadway, referred to as Kealakehe Parkway, is generally aligned in an east-west (mauka-makai) direction and is intended to provide a major access road to both Queen Kaahumanu Highway and Mamalahoa Highway/Palani Road from the La'i Opua Planned Community.

Improved access to the corridor is necessary to provide for the existing and projected traffic demand. Since the 2010 projections of traffic volumes along the major roadways in the area exceed existing capacity even without the La'i Opua development, there is need to reduce projected future congestion on the existing roadways. The project will also provide an improved, safe and efficient highway for traffic which now must use Palani Road. Alternatives under consideration include (1) taking no action; and (2) constructing a four-lane, limited access highway on a new location. Incorporated into and studied with the various build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposed project. A public information and scoping meeting was held August 27, 1992 at King

Kamehameha Hotel in Kona, Hawaii. In addition, a public hearing will be held after publication of the draft EIS. Public notice will be given of the time and place of the hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing. A second public scoping meeting is not proposed.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and EIS should be directed to the FHWA at the above address.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

William R. Lake,

Division Administrator, Hawaii.

[FR Doc. 93–5654 Filed 3–11–93; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket No. 93–05]

Report to the Congress Regarding the Differences in Capital and Accounting Standards Among the Federal Banking and Thrift Agencies

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Report to the Committee on Banking, Housing, and Urban Affairs of the United States Senate and to the Committee on Banking, Finance and Urban Affairs of the United States House of Representatives regarding differences in capital and accounting standards among the federal banking and thrift agencies.

SUMMARY: The Office of the Comptroller of the Currency (OCC) has prepared this report as required by the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA). FDICIA requires the OCC to provide a report to Congress on any differences in capital standards among the federal financial regulatory agencies. This notice is intended to satisfy the FDICIA requirement that the report be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Robert Hemming, National Bank Examiner, Office of the Chief National Bank Examiner, (202) 874–5170, or Ronald Shimabukuro, Senior Attorney, Banking Operations and Assets Division, (202) 874–4460, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Section 121 of FDICIA, Public Law 102–242, 105 stat. 2236 (December 19, 1991), requires each federal banking agency to report annually to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives on any differences between the capital standards used by the OCC and the capital standards used by the other financial institutions supervisory agencies. The text of that report is provided as follows:

Differences in Capital and Accounting Standards Among the Federal Banking and Thrift Agencies

Report to the Committee on Banking, Housing, and Urban Affairs of the United States Senate and to the Committee on Banking, Finance, and Urban Affairs of the United States House of Representatives

This annual report details the differences in the capital requirements of the OCC, the Federal Reserve Board (FRB), the Federal Deposit Insurance Corporation (FDIC) and the Office of Thrift Supervision (OTS). Representatives of each of the agencies meet regularly to discuss capital issues as part of an ongoing effort to promote consistent interpretation and application of capital requirements and to develop uniform capital standards.

This report is divided into two sections. The first section discusses the differences in the capital standards; the second section discusses the differences in accounting standards.

A. Differences in Capital Standards Among the Federal Financial Institution Regulatory Agencies

Prior to the promulgation of the risk-based capital guidelines, the federal banking agencies imposed a leverage capital standard based on the ratio of primary and secondary capital to total assets. Primary capital was defined principally as permanent shareholders' equity, general loan loss reserves, and certain mandatory convertible securities. Generally, banks were required to maintain a level of primary capital of at least 5.5 percent of total assets and a level of total capital (primary plus secondary capital) of at least 6 percent of total assets.

In 1989 the banking agencies and OTS adopted the risk-based capital guidelines. Unlike the leverage capital requirements, the risk-based capital guidelines impose capital requirements based on the credit risk profiles of the assets held by an institution and provide a means to measure off-balance sheet risks. In addition, the risk-based capital guidelines revised the definition of capital by replacing primary and secondary capital with Tier 1 and Tier 2 capital. Once fully phased in at the end of 1992, the risk-based capital guidelines will require banking and thrift institutions to maintain total capital of at least 8 percent of risk-weighted assets. The risk-based capital guidelines implement the Accord on International Convergence of Capital Measurement and Capital Standards of July 1988, as reported by the Committee on Banking Regulation and Supervisory Practice (Basle Accord).

After the promulgation of the risk-based capital guidelines, the agencies also revised the leverage capital requirements by similarly replacing the definitions of primary and secondary capital with the risk-based capital definitions of Tier 1 and Tier 2 capital. The leverage capital requirements work in conjunction with the risk-based capital guidelines and impose minimum capital requirements regardless of the risk weights of the assets held by the institution.

Although the agencies have adopted common leverage capital requirements and risk-based capital guidelines, there remain some technical differences in language and interpretation of the capital standards among the agencies. These minor differences are detailed below.

1. Leverage Capital Requirements

Aside from the risk-based capital guidelines, the banking agencies and the OTS impose an additional leverage capital requirement. Under the leverage capital requirements of the banking agencies the most highly-rated banks must maintain a minimum leverage capital ratio of 3 percent of Tier 1 capital to total assets; all other banks are required to maintain capital of an additional 100 to 200 basis points.

As required by the Financial Institution Reform, Recovery and Enforcement Act (FIRREA), the OTS has established a 3 percent core capital ratio and a 1.5 percent tangible capital leverage requirement for thrift institutions. The OTS, however, is currently in the process of finalizing a new leverage rule that will generally conform with the rules of the banking agencies. The differences that will exist after the promulgation of the final OTS leverage requirement will pertain to the

definition of core capital. While the OTS definition of core capital will generally conform to Tier 1 bank capital, certain adjustments remain to be made.

2. Equity Investments

In general, commercial banks are not permitted to invest in equity securities, nor are they generally permitted to engage in real estate investment or development activities. To the extent that a bank is permitted to hold equity securities (as with securities obtained in connection with debts previously contracted), the risk-based capital guidelines of the banking agencies require these investments to be risk-weighted at 100 percent. However, the banking agencies may require deduction of equity investments from the capital of the parent bank or impose other requirements in order to assess an appropriate capital charge above the minimum capital requirements.

The OTS risk-based capital requirements require thrift institutions to deduct equity investments from capital over a phased-in period ending July 1, 1994. This phased-in period may be extended to July 1, 1996, by the OTS on a case-by-case basis. In the interim, the portion of these equity investments not deducted will be risk-weighted at 100 percent.

3. Assets Subject to Guarantee Arrangements by the Federal Savings and Loan Insurance Corporation (FSLIC)/Federal Deposit Insurance Corporation

The risk-based capital guidelines of the banking agencies assign assets subject to FSLIC or FDIC guarantees to the 20 percent risk-weight category, the same category to which claims on depository institutions and government-sponsored agencies are assigned. The OTS assigns these assets to the zero percent risk weight category.

4. Repossessed Assets and Assets More Than 90 Days Past Due

The banking agencies require that foreclosed real estate be written down to fair value and the resulting asset assigned to the 100 percent risk-weight category. See section B, Specific Valuation Allowance for, and Charge-Offs of, Troubled Real Estate Loans Not in Foreclosure. This write-down effectively results in a reduction of capital. Assets 90 days or more past due, including one- to four-family mortgages, are assigned to the 100 percent risk-weight category. When the assets are charged-off, capital is effectively adjusted for any resulting loss.

Consistent with the Basle Accord, the 100 percent risk-weight category is the highest risk-weight category under the risk-based capital guidelines of the banking agencies. The OTS risk-based capital requirements provide for a 200 percent risk-weight category assigned to repossessed assets and assets more than 90 days past due (generally referred to as real estate owned (REO)). An exception to this are one- to four-family mortgages more than 90 days past due, which are assigned to the 100 percent risk weight category and not the 200 percent risk weight category. In conjunction with proposed changes in the accounting for REO, the OTS intends to change the risk weight for all REO to 100 percent.

5. Limitation on Subordinated Debt and Limited-Life Preferred Stock

As provided in the Basle Accord, the banking agencies limit the amount of subordinated debt and limited-life preferred stock that may be included in Tier 2 capital to 50 percent of Tier 1 capital. This limitation is in addition to the overall limitation on Tier 2 capital which restricts the amount of Tier 2 capital that may be included in total capital to 100 percent of Tier 1 capital. In addition, the risk-based capital guidelines of the banking agencies require that subordinated debt and limited-life preferred stock be discounted 20 percent in each of the five years prior to maturity.

While subordinated debt and limited-life preferred stock do provide some measure of protection to the FDIC insurance fund, neither are a permanent source of funds. Moreover, subordinated debt cannot absorb losses while the bank continues to operate as a going concern. Consequently, this limitation permits the inclusion of some subordinated debt and limited-life preferred stock in capital while assuring that permanent stockholders' equity capital remains the predominant element in bank regulatory capital.

The OTS risk-based capital guidelines do not contain any sublimit on the total amount of limited-life instruments that may be included within Tier 2 capital. In addition, the OTS allows thrift institutions the option of either: (1) Discounting maturing capital instruments (issued on or after November 7, 1989) by 20 percent a year over the last five years of their term or (2) including the full amount of such instruments provided that the amount maturing in any of the next seven years does not exceed 20 percent of the total capital of the thrift institution.

6. Subsidiaries

There are significant differences in the types of activities in which bank and thrift subsidiaries may engage, and in the applicable accounting rules concerning the consolidation of subsidiaries. These differences in permissible activities and accounting can generate differences in the capital requirement for banks and thrift institutions. The banking agencies generally require that all significant majority-owned subsidiaries be consolidated with the parent organization for capital purposes. This requirement is consistent with the Basle Accord and ensures that all risks related to the banking organizations are taken into account for regulatory capital purposes.

In the case of unconsolidated banking and financial subsidiaries, the OCC risk-based capital guidelines require investments, both equity and debt, to be deducted from the total capital of the bank. Investments in other subsidiaries and associated companies may be required to be deducted by the OCC on a case-by-case basis.

Similarly, while the FRB risk-based capital guidelines generally require the deduction of investments in unconsolidated banking and finance subsidiaries, the FRB does retain flexibility in the capital treatment of investments in unconsolidated subsidiaries other than banking and finance subsidiaries or joint ventures and associated companies. The FRB may require the investments in such subsidiaries to be deducted, to be appropriately risk-weighted against the proportionate share of the assets of the entity, to be consolidated line-by-line with the entity, or otherwise require the parent organization to maintain capital above the minimum standard sufficient to compensate for any risks associated with the investment.

The risk-based capital guidelines also permit the deduction of investments in subsidiaries that, while consolidated for accounting purposes, are not consolidated for certain specified supervisory or regulatory purposes. For example, the FRB deducts investments in, and unsecured advances to, Section 20 securities subsidiaries from the capital of the parent bank holding company. The FDIC accords similar treatment to securities subsidiaries of state-chartered nonmember banks. In addition, under the FDIC rules, investments in, and extensions of credit to, certain mortgage banking subsidiaries are also deducted in computing the capital of the parent bank. Neither the OCC nor the FRB has a similar requirement with regard to mortgage banking subsidiaries.

The deduction of investments in subsidiaries from the capital of the

parent bank is designed to ensure that the capital supporting the subsidiary is not also used as the basis of further leveraging and risk-taking by the parent bank. In deducting investments in, and advances to, certain subsidiaries from the capital of the parent bank, the banking agencies expect the parent banking organization to meet or exceed minimum regulatory capital requirements without reliance on the capital invested in the subsidiary. In assessing the overall capital adequacy of banking organizations, the banking agencies may also consider the organization's fully consolidated capital position.

Under OTS risk-based capital guidelines, a distinction, mandated by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, is made between subsidiaries engaged in activities permissible for national banks and subsidiaries engaged in activities "impermissible" for national banks. Subsidiaries of thrift institutions that engage only in bank-permissible activities are consolidated on a line-for-line basis if majority-owned and on a *pro rata* basis if ownership is between 5 percent and 50 percent. As a general rule, investments, including loans, in subsidiaries that engage in impermissible activities are deducted in determining the capital adequacy of the parent thrift institution. The remaining assets (the percent of assets corresponding to the nondeducted portion of the investment in the subsidiary) are consolidated with the parent thrift. However, investments, including loans, outstanding as of April 12, 1989, to subsidiaries that were engaged in impermissible activities prior to that date are grandfathered and will be phased-out of capital over a transition period that expires on July 1, 1994. The transition period may be extended to July 1, 1996, by the OTS on a case-by-case basis. During this transition period, investments in subsidiaries engaged in impermissible activities that have not been phased out of capital are to be consolidated on a *pro rata* basis.

7. Presold Residential Construction Loans

As mandated under Section 618(a) of the Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act of 1991 (RTCRRIA), the banking agencies have amended the risk-based capital guidelines to lower the risk-weight to 50 percent for loans to finance the construction of one- to four-family residential properties that have been presold. Prior to this amendment, these loans were considered to be construction and land development loans and generally assigned to the 100 percent risk-weight category.

Section 618(a) requires the banking agencies and the OTS to assign to the 50 percent risk weight category any presold residential construction loan that meets the following criteria: (1) The loan is for the construction of a one- to four-family residential property, (2) the financial institution has sufficient documentation, as may be required by the appropriate federal banking agency, to demonstrate the intent and ability of the buyer to purchase the property, (3) the purchaser has provided a nonrefundable deposit to the builder in an amount determined by the appropriate federal banking agency, but not less than one percent of the principal amount of the mortgage, and (4) the loan satisfies prudent underwriting standards as established by the appropriate federal banking agency.

The OTS and OCC have already issued final rules implementing Section 618(a). The FDIC is in the process of adopting a final rule. The FRB is planning to issue an interim rule amending its risk-based capital guidelines. There is a difference between the OCC rules and those under consideration by the FDIC and FRB. Under the OCC rules, the property must be presold *before* the construction loan is extended in order for the loan to qualify for the 50 percent risk-weight. The FDIC and FRB amendments would allow loans for the construction of such properties to qualify for the 50 percent risk-weight once the property is presold, even if that sale occurs *after* the construction loan was made. The OTS also is considering an approach similar to the FRB and FDIC.

8. Qualifying Multifamily Mortgage Loans

Currently, the risk-based capital guidelines of the banking agencies risk-weight multifamily mortgage loans (five units or more) at 100 percent. The reason for this is that the credit risk associated with such loans, unless conservatively underwritten and seasoned, is similar to that experienced on commercial property loans assigned to the 100 percent risk-weight category, rather than to loans secured by mortgages on one- to four-family residences assigned to the 50 percent risk weight category. Under the OTS risk-based capital guidelines, however, certain multifamily mortgage loans that are secured by buildings with 5 to 36 units, have a maximum 80 percent loan-to-value ratio, and maintain an 80 percent occupancy rate may qualify for the 50 percent risk-weight category.

Pursuant to section 618(b) of the RTCRRIA, the banking agencies and OTS were directed to amend their risk-based capital guidelines to lower the risk weight of certain multifamily housing loans, and securities backed by such loans, from 100 percent to 50 percent. Section 618(b) provides specific criteria for qualifying multifamily housing loans which include: (1) The loan must be secured by a first lien, (2) the loan-to-value ratio does not exceed 80 percent for fixed interest rate loans and 75 percent for floating interest rate, (3) the annual net operating income generated by the property (before debt service) is not less than 120 percent of the annual debt service on the loan for a fixed interest rate loan or not less than 115 percent for a floating interest rate loan, (4) the amortization of principal and interest occurs over a period of not more than 30 years and the minimum maturity for repayment of principal is not less than seven years, and (5) all principal and interest payments have been made on time for a period of not less than one year.

In addition, section 618(b) also provides that multifamily housing loans accorded a 50 percent risk weight must meet any other underwriting characteristics that the appropriate federal banking agency may establish, consistent with the purposes of the minimum acceptable capital requirements to maintain the safety and soundness of financial institutions.

The agencies have proposed revisions to their capital standards to meet the requirement of section 618(b). The comments received in response to these proposals are currently under review and consideration.

9. Nonresidential Construction and Land Loans

Under the risk-based capital guidelines of the banking agencies loans for real estate development and construction are assigned to the 100 percent risk-weight category. Reserves or charge-offs are required for such loans when weaknesses or losses develop. The banking agencies have no requirement for an automatic charge-off when the amount of a loan exceeds the fair value of the property pledged as collateral for the loan.

OTS generally also assigns these loans to the 100 percent risk category. However, if the amount of the loan exceeds 80 percent of the fair value of the property, that excess portion must be deducted from capital in accordance

with a phase-in arrangement, which ends on July 1, 1994.

10. Mortgage-Backed Securities (MBS)

The risk-based capital guidelines of the banking agencies generally assign a risk weight to privately-issued MBSs according to the underlying assets, but in no case to the zero percent risk-weight category. In the case of privately-issued MBSs where the direct underlying assets are mortgages, this treatment generally results in a risk weight of 50 percent or 100 percent. Privately-issued MBSs that have government agency or government-sponsored agency securities as their direct underlying assets are generally assigned to the 20 percent risk-weight category.

The OTS assigns privately-issued high quality mortgage-related securities to the 20 percent risk-weight category. However, these are privately-issued MBSs with AA or better investment ratings.

At the same time, the federal banking agencies automatically assign to the 100 percent risk weight category certain MBSs, including interest-only strips, residuals, and similar intruments that can absorb more than their *pro rata* share of loss.

11. Goodwill

As required by FIRREA, the federal banking agencies do not allow banks or FDIC-supervised savings banks to include goodwill as capital for either risk-based capital guidelines or the leverage capital requirements. Bank holding companies may include goodwill acquired prior to March 12, 1988, in Tier 1 for the purposes of the risk-based capital guidelines (although not for leverage capital requirements), until the end of 1992. After 1992, all goodwill is to be deducted from bank holding company capital.

As permitted by FIRREA, OTS allows "qualifying supervisory goodwill" to be included as part of core capital through year-end 1994. After this date, thrift institutions must satisfy their minimum core capital requirement without reliance on goodwill.

12. Intangible Assets

Currently, the banking agencies and OTS differ somewhat with regard to the capital treatment of identifiable intangible assets. The FDIC and OCC require banks to deduct all intangible assets other than purchased mortgage servicing rights (PMSR) from Tier 1 capital. The FRB does not automatically deduct any identifiable intangible assets from Tier 1 capital, but determines the appropriateness of their inclusion as capital on a case-by-case basis. The OTS deducts all intangible assets other than PMSRs unless an institution can document that its holdings of the intangible asset satisfy certain criteria.

All of the agencies have some means of limiting the amount of intangible assets that institutions can include in capital. The OCC permits PMSRs to account for up to 25 percent of Tier 1 capital, while the FDIC permits them to account for up to 50 percent of Tier 1. The OTS also permits PMSRs to be included up to 50 percent of Tier 1 capital and limits other qualifying intangibles to 25 percent of Tier 1 capital. The FRB risk-based capital guidelines provide that identifiable intangible assets in excess of 25 percent of Tier 1 capital are subject to particularly close scrutiny. The FDIC and OTS also subject PMSRs to certain valuation and discounting requirements.

In order to develop a uniform capital treatment for identifiable intangible assets, the agencies issued separate proposals, on a coordinated basis, for public comment. Generally, the agencies proposed to permit the inclusion of PMSRs and purchased credit card relationships (PCCR) in capital, provided that, in the aggregate, the amount included does not exceed 50 percent of Tier 1 capital. PCCRs would be subject to a separate sublimit of 25 percent of Tier 1. Amounts of PMSRs and PCCRs in excess of these amounts, as well as all other identifiable intangible assets, including core deposit intangibles, would be deducted from Tier 1 for purposes of calculating regulatory capital ratios.

The proposals also deal with the valuation of identifiable intangible assets included in capital in a manner that is consistent with section 475 of FDICIA. Section 475 requires that the value of PMSRs included in calculating an institution's capital not exceed 90 percent of their fair market value and that such value be determined at least quarterly. The proposal also states that, for purposes of calculating regulatory capital (but not for financial statement purposes), the amount of PMSRs and PCCRs reported as a balance sheet asset would be reduced to the lesser of: (1) 90 percent of the fair market value of the PMSRs; (2) 90 percent of the original purchase price paid for the PMSRs; or (3) 100 percent of the remaining unamortized book value of the PMSRs.

This discounting requirement is the same as that which the FDIC and OTS currently require state-chartered nonmember banks and savings associations to apply to their holdings of PMSRs.

The proposals also state that, in accordance with current FDIC and OTS rules, institutions wishing to include PMSRs and PCCRs in capital must carry them at a book value equal to the discounted value of their future net servicing income. Under the proposal, it would further be required that the discount rate used for this purpose not be less than that used at the time of acquisition, based upon the estimated cash flows and the price paid for the asset at the time of purchase.

The agencies have received public comments on the proposals and are reviewing these comments in preparation for issuing their final rules.

13. Assets Sold with Recourse

In general, recourse arrangements allow the purchaser of an asset to seek recovery against the originating institution which sold the asset under such circumstances that may be prescribed by agreement. Recovery can take various forms, but usually permits the seller to "put," or resell, the asset back to the selling institution or to obtain reimbursement from the selling institution for the amount of the loss. A typical condition for recourse would be if the asset ceases to perform satisfactorily. Therefore, recourse provisions generally expose the originating institution to loss associated with the asset.

Generally, under the risk-based capital guidelines of the banking agencies, sales of assets involving any recourse must be reported as financings so that the assets are retained on the balance sheet of the selling bank. This has the effect of requiring a full leverage and risk-based capital charge whenever assets are sold with recourse, including limited recourse.

The OCC has recently revised its risk-based capital guidelines to clarify the definition of recourse and to permit a limited exception for transactions involving the sale of certain mortgage loan pools where the selling bank has retained only minimal recourse and generally has provided for all potential losses.

The FRB generally applies a capital charge to any recourse arrangement that is the equivalent of an off-balance sheet guarantee, regardless of the nature of the transaction that gives rise to the recourse obligation. As with the OCC, the FRB provides exception for pools of one- to four-family residential mortgages and to certain farm mortgage loans. These recourse transactions are reported by the bank as sales, removing them from leverage capital requirements. These transactions, which are the equivalent of off-balance sheet

guarantees, involve the type of credit risk that is addressed by the risk-based capital guidelines. However, some questions have been raised because of the treatment afforded these transactions for the purposes of the leverage capital requirements. The FRB has clarified its risk-based capital guidelines to ensure that recourse sales involving residential mortgages are to be taken into account for determining compliance with risk-based capital requirements.

In general, OTS also requires a full capital charge against assets sold with recourse. However, in the case of limited recourse, OTS limits the capital charge to the lesser of the amount of recourse or the actual amount of capital that would otherwise be required against that asset, that is, the normal full capital charge.

Some securitized asset arrangements involve the issuance of senior and subordinated classes of securities against pools of assets. When a bank originates such a transaction by placing loans that it owns in a trust and retaining any portion of the subordinated securities, the banking agencies require that capital be maintained against the entire amount of the asset pool. When a bank acquires a subordinated security in a pool of assets that it did not originate, the banking agencies assign the investment in the subordinated piece to the 100 percent risk-weight category. The banking agencies review these instruments to determine if additional reserves, asset write-downs, or capital are necessary to protect the bank.

The OTS requires that capital be maintained against the entire amount of the asset pool in both of the situations described in the preceding paragraph. Additionally, the OTS applies a capital charge to the full amount of assets being serviced when the servicer is required to absorb credit losses on the assets being serviced.

In 1990, the banking agencies and the OTS under the FFIEC issued for public comment a fact finding paper pertaining to the full range of issues relating to recourse arrangements. These issues include the definition of "recourse" and the appropriate reporting and capital treatments to be applied to recourse arrangements, as well as so-called recourse servicing arrangements and limited recourse. The objective of this effort was to develop in a comprehensive and consistent fashion an appropriate and uniform approach to recourse arrangements for capital adequacy, reporting, and other regulatory purposes. The comments received were very extensive and generally illustrated the complexity of the subject. In view of the significance and complexity of this project, the FFIEC in December 1990 decided to narrow the scope of the initial phase of the recourse project to credit-related recourse arrangements that involve limited recourse or that support a third party's assets.

A recourse working group, composed of representatives from all four agencies, presented a report and recommendations to the FFIEC in August 1992 and were directed to carry out a study of the impact of their recommendations on depository institutions, financial markets, and other affected parties. Plans to carry out this study are being developed by the interagency working group.

14. Agricultural Loan Loss Amortization

In determining regulatory capital, those banks accepted into the agricultural loan loss amortization program pursuant to Title VIII of the Competitive Equality Banking Act of 1987 are permitted to defer and amortize losses incurred on agricultural loans between January 1, 1984, and December 31, 1991. The program also applies to losses incurred between January 1, 1983, and December 31, 1991, as a result of reappraisals and sales of agricultural other real estate owned and agricultural personal property. These losses must be fully amortized over a period not to exceed seven years and, in any case, must be fully amortized by year-end 1998. Thrift institutions are not eligible to participate in the agricultural loan loss amortization program established by this statute.

15. Treatment of Junior Liens on One- to Four-Family Properties

In some cases, a banking organization may make two loans secured by a single piece of residential property: One loan secured by a first lien, the other by a second lien. The OCC and OTS generally assign first liens on one- to four-family property to the 50 percent risk-weight category. All second liens on residential property are assigned to the 100 percent risk-weight category, regardless of whether the institution also holds the first lien. The assignment of mortgages to the 50 percent risk-weight category is based upon the presumption that banks will adhere to prudent underwriting standards with respect to the maximum loan-to-value ratio, the borrower's paying capacity and the long-term expectations for the real estate market in which the bank is lending.

The FDIC similarly assigns all second liens to the 100 percent risk-weight category. However, in determining the risk-weight of the first lien, the FDIC considers the first and second liens together to assess whether the first lien satisfies prudent underwriting standards. When evaluated together, if the first and second liens are within the prudent loan-to-value ratio and satisfy all other underwriting standards, then the first lien will be assigned to the 50 percent risk-weight category; otherwise, it will be assigned to the 100 percent risk category.

The FRB and OTS considers the first and second liens as a single loan, provided there are no intervening liens. Therefore, the total amount of these transactions may be assigned to the 100 percent risk-weight category if, in the aggregate, the two loans exceed a prudent loan-to-value ratio and, therefore, do not qualify for the 50 percent risk-weight category. This approach is intended to avoid possible circumvention of the capital requirements and capture the risks associated with the combined transactions. However, if the total amount of the transaction does satisfy a prudent loan-to-value ratio and other underwriting standards, then both the first and second liens may be assigned to the 50 percent risk-weight category.

Although there are some technical differences in the methodology, all the agencies have the same ability to adjust the capital requirements of an individual bank to account for imprudent loans secured by first liens on one- to four-family properties.

16. Pledged Deposits and Nonwithdrawable Accounts

The OTS capital guidelines permit thrift institutions to include in capital certain pledged deposits and nonwithdrawal accounts that satisfy specified OTS criteria. Income capital certificates and mutual capital certificates held by OTS may also be included in capital by thrift institutions. These instruments are not relevant to the commercial banks, and, therefore, they are not addressed in the risk-based capital guidelines of the banking agencies.

17. Mutual Funds

The three banking agencies assign all of the holdings of a bank in a mutual fund to the risk category appropriate to the highest risk asset that a particular mutual fund is permitted to hold under its operating rules. The purpose of this is to take into account the maximum degree of risk to which a bank may be exposed when investing in a mutual fund in view of the fact that the future

composition and risk characteristics of the fund cannot be known in advance.

The OTS applies a capital charge based on the riskiest asset that is actually held by the mutual fund at a particular time. In addition the OTS guidelines also permit, on a case-by-case basis, investments in mutual funds to be allocated on a *pro rata* basis dependent on the actual composition of the fund.

18. Interest Rate Risk

The risk-based capital ratio was designed primarily as a broad measure of relative credit risk of the assets of the bank. However, the banking agencies and OTS are continuing their efforts to refine the risk-based capital guidelines to take into account other noncredit risks, including risks associated with interest rates, equity investments, and foreign exchange activities. The agencies are required to consider interest rate risk as well as the risk of concentrations of credit and the risks of nontraditional activities under Section 305 of FDICIA.

The OTS is currently considering issuing in the near future an approach for incorporating an interest rate risk component into its reporting and risk-based capital guidelines. The banking agencies have published for public comment an advance notice of proposed rulemaking on ways to incorporate interest rate risk, the risk of concentrations of credit and the risks of nontraditional activities into the risk-based capital guidelines. With respect to interest rate risk, the approach adopted by the banking agencies might differ from the approach taken by the OTS.

19. Collateralized Transactions

In December 1992, the FRB amended its risk-based capital guidelines to lower the risk-weight on loans collateralized by cash or government securities from 20 percent to zero percent. The OCC is currently drafting a notice of proposed rulemaking to propose similar changes to its risk-based capital guidelines. The FDIC and OTS are also considering the issue.

B. Interagency Differences in Accounting Principles

The OCC, as well as the other banking agencies, requires banks to follow generally accepted accounting principles (GAAP) except when significant supervisory concerns dictate more stringent standards. For the most part, the regulatory accounting standards for all commercial banks, whether regulated by the OCC, the FRB, or the FDIC, are prescribed in the Instructions to the Report of Condition and Income (Call Report).

The Call Report instructions are established by the FFIEC and are generally consistent with GAAP. Differences in interpretations between the OCC and the other banking agencies may occur. However, such differences are usually infrequent and involve immaterial or emerging issues which the FFIEC has not yet reviewed on a joint agency basis.

The OTS requires each thrift institution to file the Thrift Financial Report. That report is filed on a basis consistent with GAAP as it is applied by thrift institutions, which differs in a few respects for GAAP as it is applied by banks.

These differences in accounting principles between the banks and thrift institutions may cause differences in financial statement presentation and in amounts of regulatory capital required to be maintained by depository institutions.

The following summarizes the significant differences in accounting standards between the Thrift Financial Report and the Call Report. These differences generally arise because of either: (1) Differences between regulatory reporting standards and GAAP applicable to banks, or (2) differences in GAAP applicable to banks and GAAP applicable to thrift institutions.

1. Specific Valuation Allowances for and Charge-offs of Troubled Loans

The differences between bank and thrift accounting for specific valuation allowances result primarily from differing GAAP principles set forth in their respective industry audit guides.

The OTS primarily follows GAAP applicable to thrift institutions to account for the ALLL. Thrift GAAP requires specific valuation allowances for troubled, collateral-dependent loans (not considered in-substance foreclosed) based on the estimated net realizable value (NRV) of the collateral. NRV represents the estimated future sales price reduced by certain expenses and direct holding costs. Direct holding costs include a cost of capital (debt and equity) discount rate applied to expected cash flows during the anticipated holding period.

Existing OTS policy requiring use of NRV may be more or less stringent than required by the banking agencies. However, the OTS has proposed a new policy for the valuation of troubled assets that focuses on fair value rather than estimated net realizable value of the collateral.

2. Futures and Forward Contracts

Differences in this area result because the banking regulators generally require future and forward contracts to be marked to market, whereas thrift institutions may defer gains and losses resulting from hedging activities.

The banking agencies do not follow GAAP, but require banks to report changes in the market value of futures and forward contracts, even when used as hedges, in current income. However, futures contracts used to hedge mortgage banking operations are reported in accordance with GAAP. A proposal to permit banks to use hedge accounting for futures contracts other than mortgage banking operations is being considered.

The OTS requires thrift institutions to follow GAAP to account for futures contracts. Accordingly, when specified hedging criteria are satisfied, the accounting for the futures contract is matched with the accounting for the hedged item. Changes in the market value of the futures contract are recognized in income when the income effects of the hedged item are recognized. This reporting can result in the deferral of both gains and losses. Although there is no specific GAAP for forward contracts, the OTS applies these same principles to forward contracts.

3. Push-Down Accounting

When a depository institution is acquired by a holding company in a purchase transaction, the holding company is required to revalue all of the assets and liabilities of the depository institution at fair value at the time of acquisition. When push-down accounting is applied, the same fair value adjustments recorded by the parent holding company are also recorded at the depository institution level.

All of the agencies require the use of push-down accounting when there has been a substantial change in the ownership of the institution. However, differing standards have been applied to determine when this substantial change has occurred.

The three banking agencies require push-down accounting when there is at least a 95 percent change in ownership of the institution. This approach is consistent with interpretations of the Securities and Exchange Commission.

The OTS requires push-down accounting when there is at least a 90 percent change of ownership.

4. Other Real Estate Owned—Other Than Primary Residences

The three banking agencies require that receivables resulting from the sales

of other real estate owned (OREO) be reported as OREO when the buyer's initial investment is less than 10 percent.

The OTS follows GAAP, which may permit the receivable to be reported as a loan when the buyer's initial investment is less than 10 percent.

5. Excess Service Fees

Thrift institutions consider excess servicing fees in the determination of the gain or loss of a loan sale, whereas banks generally recognize the excess fee over the life of the loan.

The banking agencies require banks to follow GAAP for residential mortgage loans. This requires that when loans are sold with servicing retained and the stated servicing fee is sufficiently higher than a normal servicing fee, the sales price is adjusted to determine the gain or loss from the sale. This allows additional gain recognition at the time of sale and recognizes a normal servicing fee in each subsequent year. This gain cannot exceed the gain assuming the loans were sold with servicing released.

For all other loans, the banking agencies require that excess servicing fees retained on loans sold be recognized over the contractual life of the transferred assets.

The OTS follows GAAP in valuing all excess service fees. Therefore, the accounting stated above for sales of mortgage loans with excess servicing at banking institutions would apply to all loan sales with excess servicing at thrift institutions.

6. In-Substance Defeasance of Debt

The banking agencies do not permit banks to defease their liabilities in accordance with FASB Statement Number 76, whereas thrift institutions may eliminate defeased liabilities from the balance sheet.

The banking agencies report in-substance defeased debt as a liability and the securities contributed to the trust as assets with no recognition of any gain or loss of the transaction.

The OTS accounts for debt that has been in-substance defeased in accordance with GAAP. Therefore, when a debtor irrevocably places risk-free monetary assets in a trust solely for satisfying the debt and the possibility that the debtor will be required to make further payments is remote, the debt is considered extinguished. The transfer can result in a gain or loss in the current period.

7. Sales of Assets with Recourse

Banks generally do not report sales of receivables if any risk of loss is retained. Thrift institutions report sales when the risk of loss can be estimated in accordance with FASB Statement Number 77.

The banking agencies generally allow banks to report transfers of receivables as sales only when the transferring institution: (1) Retains no risk of loss from the assets transferred and (2) has no obligation for the payment of principal or interest on the assets transferred. As a result, assets transferred with recourse are reported as financings, not sales.

However, this rule does not apply to the transfer of mortgage loans under certain government programs (GNMA, FNMA, etc.). Transfers of mortgages under one of these programs are automatically treated as sales. Furthermore, private transfers of pools of mortgages are also reported as sales if the transferring institution does not retain more than an insignificant risk of loss on the assets transferred.

The OTS follows GAAP to account for a transfer of all receivables with recourse. A transfer of receivables with recourse is recognized as a sale if: (1) The seller surrenders control of the future economic benefits, (2) the transferor's obligation under the recourse provisions can be reasonably estimated, and (3) the transferee cannot require repurchase of the receivables except pursuant to the recourse provisions.

During the past year the regulatory agencies have continued to work on a proposed rule that is intended to conform the reporting practices required by the banking agencies and the OTS.

8. Negative Goodwill

The three banking agencies require that negative goodwill be reported as a liability, and not netted against the goodwill asset.

The OTS permits negative goodwill to offset the goodwill assets resulting from other acquisitions.

Dated: January 5, 1993.

Stephen R. Steinbrink,

Acting Comptroller of the Currency.

[FR Doc. 93–5678 Filed 3–11–93; 8:45 am]

BILLING CODE 4810–33–M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 47
Friday, March 12, 1993

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).

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 58 F.R. 12984.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., Tuesday, March 30, 1993.

CHANGES IN THE MEETING: The Commodity Futures Trading Commission has added to the March 30 open Commission meeting the following:

—Revision of Federal Speculative Position Limits—final rulemaking

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 93–5903 Filed 3–10–93; 3:07 pm]

BILLING CODE 6351–01–M

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: March 8, 1993, 58 FR 12985.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: March 10, 1993, 10:00 a.m.

CHANGE IN THE MEETING: The following Docket Number and Company has been added as Item CAG–39 on the Agenda scheduled for March 10, 1993:

Item No., Docket No., and Company

CAG–39—RM93–4–000, Standards for Electronic Bulletin Boards Required Under Part 284 of the Commission's Regulations

Lois D. Cashell,

Secretary.

[FR Doc. 93–5828 Filed 3–10–93; 11:05 am]

BILLING CODE 6717–02–M

LEGAL SERVICES CORPORATION

Board of Directors Meetings

TIME AND DATE: The Legal Services Corporation Board of Directors and Audit and Appropriations Committee will hold meetings on March 23, 1993. The meetings will commence in the order and at the times noted below.

	Time
1. Audit and Appropriations Committee.	11:00 a.m.
2. Board of Directors	12:30 p.m.

PLACE: The Legal Services Corporation, 750 1st Street, NE., The Board Room, Washington, DC 20002, (202) 336–8800.

AUDIT AND APPROPRIATIONS COMMITTEE MEETING:

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

OPEN SESSION:

1. Approval of Agenda.
2. Approval of Minutes of January 28, 1993 Meeting.
3. Consideration of the Corporation's Fiscal Year 1992 Financial Audit as Presented by Representatives of Grant-Thornton.
4. Consideration and Review of Expenses for the Period Ending January 31, 1993.

BOARD OF DIRECTORS MEETING:

STATUS OF MEETING: *Open*, except that a portion of the meeting may be closed if a majority of the Board of Directors votes to hold an executive session. At the closed session, pursuant to receipt of the aforementioned vote, the Board will consider and vote on approval of the draft minutes of the executive session held on February 22, 1993. In addition, the Board will hear and consider the report of the General Counsel on litigation to which the Corporation is a party. Finally, the Board will consult with the Inspector General and President, individually, regarding the internal personnel rules and practices of their respective organizations. The closing will be authorized by the relevant sections of the Government in the Sunshine Act [5 U.S.C. Sections 552b(c)(2)(5), (6), and (10)], and the corresponding regulation of the Legal Services Corporation [45 C.F.R. Section 1622.5(a), (d), (e), and (h)].[1] The closing will be certified by the Corporation's General Counsel as authorized by the above-cited provisions of law. A copy of the General Counsel's certification will be posted for public inspection at the Corporation's headquarters, located at 750 First Street, NE., Washington, DC 20002, in its eleventh floor reception area, and will otherwise be available upon request.

BOARD OF DIRECTORS MEETING (Continued)

MATTERS TO BE CONSIDERED:

OPEN SESSION:

1. Approval of Agenda.

[1] As to the Board's consideration and approval of the draft minutes of the executive session(s) held on the above-noted date(s), the closing is authorized as noted in the **Federal Register** notice(s) corresponding to that/those Board meeting(s).

1. Approval of Minutes of February 22, 1993 Meeting.

CLOSED SESSION:

3. Consultation by Board with the Inspector General on the Internal Personnel Rules and Practices of the Office of the Inspector General.
4. Consultation by Board with the President on the Internal Personnel Rules and Practices of the Corporation.
5. Consideration of the General Counsel's Report on Pending Litigation to which the Corporation is a Party.
6. Approval of Minutes of Executive Session Held on February 22, 1993.

BOARD OF DIRECTORS MEETING (Continued)

OPEN SESSION: (Resumed)

7. Chairman's and Members's Reports.
   a. Consideration of Travel Guidelines and General Services Administration Contract Governing Corporation Travel.
8. Consideration of Operations and Regulations Committee Report.
9. Consideration of Office of the Inspector General Oversight Committee Report.
10. Consideration of Provision for the Delivery of Legal Services Committee Report.
11. Consideration of Audit and Approprations Committee Report.
    a. Consideration of Audit and Approprations Committee Recommendation on Approval of the Corporation's Fiscal Year 1992 Financial Audit.
12. President's Report.
13. Inspector General's Report.
14. Consideration of Other Business.

BOARD OF DIRECTORS MEETING (Continued)

CONTACT PERSON FOR INFORMATION: Patricia Batie (202) 336–8800.

Upon request, meeting notices will be made available in alternate formats to accommodate individuals who are blind or have visual impairment.

Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 336–8800.

Date Issued: March 10, 1993.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 93–5811 Filed 3–10–93; 10:19 am]

BILLING CODE 7050–01–M

NUCLEAR REGULATORY COMMISSION

DATE: Monday, March 15, 1993.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland

STATUS: Public.

MATTERS TO BE CONSIDERED:

Monday, March 15

9:30 a.m.

Discussion on Full Power Operating License for Comanche Peak (Unit 2) (Public Meeting)

(Contact: Suzanne Black, 301–504–1318)

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

2:00 p.m.

Briefing on License Renewal Issues (Public Meeting)

(Contact: William Travers, 301–504–1117)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To verify the status of meeting call (recording)—(301) 504–1292.

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 504–1661.

Dated: March 9, 1993.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 93–5883 Filed 3–10–93; 1:37 pm]

BILLING CODE 7590–01–M

Corrections

Federal Register
Vol. 58, No. 47
Friday, March 12, 1993

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.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1493

Commodity Credit Corporation Emerging Democracies Facilities Guarantees

Correction

In rule document 93-4501 beginning on page 11786, in the issue of Monday, March 1, 1993, make the following correction:

§ 1493.210 [Corrected]

On page 11789, in the first column, in § 1493.210, in the second line, "§ 1493.200" should read "§ 1493.20".

BILLING CODE 1505-01-D

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 155

Proposed Regulation Prohibiting Dual Trading by Floor Brokers

Correction

In proposed rule document 92-5239 beginning on page 13025 in the issue of Tuesday, March 9, 1993, make the following correction:

On the same page, in the second column, in the second and third lines, "[insert date 60 days after publication]." should read "May 7, 1993.".

BILLING CODE 1505-01-D

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

10 CFR Part 1706

[Docket No. RM-92-1]

Rules Governing Organizational and Consultant Conflicts of Interest

Correction

In rule document 92-23483 beginning on page 44651 in the issue of Tuesday, September 29, 1992 make the following corrections:

§ 1706.3 [Corrected]

1. On page 44653, in § 1706.3(b), in the third column, in the 11th line, "consultant" should read "consultants" and in the last line, "subpart." should read "part.".

§ 1706.5 [Corrected]

2. On the same page, in the same column, in § 1706.5(a), in the last line, "offeror." should read "offeror:" and in § 1706.5(a)(3), in the seventh line, "OCI paragraphs" should read "OCI. Paragraphs".

3. On page 44654, in the first column in § 1706.5(b)(1)(ii), in the third line, "of" should read "by".

§ 1706.6 [Corrected]

4. On the same page, in the third column, in § 1706.6(a)(2), in the fifth line, "subpart" should read "part" and in the last line, after "reference" insert a period.

§ 1706.7 [Corrected]

5. On page 44655, in the 1st column, in § 1706.7(c)(1), in the 10th line, "offerer" should read "offeror".

§ 1706.9 [Corrected]

6. On page 44656, in the first column, in § 1706.9(c)(2), in the third line, "the" should read "that".

§ 1706.10 [Corrected]

7. On the same page, in the 3d column in § 1706.10, in the 16th line, "subpart," should read "part,".

BILLING CODE 1505-01-D

federal register

Friday
March 12, 1993

Part II

Department of Housing and Urban Development

Office of the Secretary

24 CFR Parts 91 and 570
Comprehensive Housing Affordability Strategies; Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Parts 91 and 570

[Docket No. R-93-1644; FR-3390-F-01]

RIN 2506-AB49

Comprehensive Housing Affordability Strategies

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: This final rule revises the final rule now in effect with respect to the Comprehensive Housing Affordability Strategy (CHAS), a document to be prepared and submitted to HUD as part of the planning process for a jurisdiction with respect to HUD programs and other resources related to affordable housing and supportive services. The Housing and Community Development Act of 1992 amended the provisions of the National Affordable Housing Act of 1990 governing the CHAS by imposing additional content and procedural requirements. By implementing the new requirements along with a few technical amendments related to deadlines, abbreviated strategies, and certifications of consistency, the revised regulations will ensure the timely notification of CHAS preparers as they formulate their 1994 submissions.

EFFECTIVE DATE: April 12, 1993.

FOR FURTHER INFORMATION CONTACT: Mary Kolesar, Director, Program Policy Division, Office of Affordable Housing Programs, Office of Community Planning and Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 708-2470 (voice) or (202) 708-2565 (TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

I. Paperwork Reduction Act Statement

The information collection requirements contained in §§ 91.19, 91.21, 91.23, 91.25, 91.44, 91.46, 91.48, 91.52 and 91.53 of this rule have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520). No person may be subjected to a penalty for failure to comply with these information collection requirements until they have been approved and assigned an OMB control number. The OMB control number, when assigned, will be announced by separate notice in the Federal Register. Information on the estimated public reporting burden is provided in paragraph IV. G. of this preamble. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, should be sent to the Department of Housing and Urban Development, Rules Docket Clerk, 451 Seventh Street SW., Washington, DC 20410-0500; and to the Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, room 3001, Washington, DC 20503, Attention: Desk Officer for HUD.

II. Background

The Housing and Community Development Act of 1992 (HCDA), amended title I of the National Affordable Housing Act of 1990, which authorizes the CHAS. These statutory changes to CHAS were effective October 28, 1992. Those changes require the CHAS rule now in effect (57 FR 40038, September 1, 1992) to be amended, and other technical changes are also being made.

This rule is being issued as a final rule, despite the Department's policy of soliciting public comment before issuing a rule for effect (24 CFR part 10), because the statutory changes do not require any exercise of discretion and are, as a result, statutorily required to be effective immediately (without waiting for publication of a rule, much less solicitation of public comment). The technical changes made in this rule are all beneficial to affected parties and, consequently, it would be contrary to the public interest to delay their effectiveness to solicit comment first.

III. Amendments to CHAS

The following is a summary of the changes relating to the CHAS that are contained in the Housing and Community Development Act of 1992 and the corresponding sections of the CHAS regulations.

Homeless Information (Section 220—HDCA)

The CHAS strategy must include tabular information on the extent of homeless in the jurisdiction. A jurisdiction with rural areas must also specifically address rural homelessness in its description of the extent of homelessness. See §§ 91.15(a), 91.17(b)(2), 91.40(a), and 91.42(b)(2).

Linkage to Funding Priorities (Section 220—HCDA)

A description of how the jurisdiction's plan will address identified housing needs and the reasons for allocation priorities must be provided. Also, the jurisdiction must identify any obstacles to addressing underserved needs. See §§ 91.19(b)(1) and 91.44(b)(1).

Lead-Based Paint (Section 1014—HCDA)

The jurisdiction must estimate the number of housing units that are occupied by low- and very low-income families and that contain lead-based paint hazards. See §§ 91.17(a)(2) and 91.42(a)(2). In addition, the jurisdiction must outline actions to evaluate and reduce lead-based paint hazards and describe how lead-based paint hazard reduction will be integrated into housing policies and programs. See §§ 91.19(g) and 91.44(g). Further, when preparing this part, the jurisdiction must consult with health and child welfare agencies and examine existing data related to lead-based paint hazards, including data on the addresses of housing units in which children have been identified as lead poisoned. See § 91.57.

Anti-Poverty Plan (Section 220—HCDA)

The statute requires a jurisdiction to describe its goals, programs, and policies for reducing the number of households with incomes below the poverty line, and state how its housing strategy will be coordinated with other programs and services intended to reduce the number of households with incomes below the poverty line. See §§ 91.21(c) and 91.46(c).

Note: Poverty level, status and threshold information is published by the U.S. Department of Commerce, Economic and Statistic Administration, Bureau of the Census. For example, the poverty status in 1989 is contained in the 1990 Census of Population and Housing, Summary of Social, Economic, and Housing Characteristics, Appendix B, pages B-27 and B-28, 1990 CPH-5-1. This Bureau of Census document can be found in most public libraries.

Anti-Displacement Requirement (Section 220—HCDA)

The jurisdiction must certify that it has in place and is following a residential anti-displacement and relocation assistance plan that gives persons displaced by HOME activities the same rights as those displaced by CDBG activities. See §§ 91.21(e) and 91.46(e). (The substantive program requirements will be set out in a proposed rule for public comment.) In addition, the HCDA deleted the certification regarding the plan for the CDBG program.

Coordination Efforts (Section 681—HCDA)

Activities undertaken by the jurisdiction to enhance coordination

between public and assisted housing providers and private and governmental health, mental health and service agencies must be described. See §§ 91.21(d) and 91.46(d).

Certification of Consistency, Compliance, or Existence of an Approved CHAS (Sections 120, 164, 1011, 1403, 1404—HCDA)

Several new McKinney Act and other programs require the funding applications to include a certification of consistency with the approved housing strategy of the State or jurisdiction within which the project is to be located. See § 91.1(b). Further, Lead-Based Paint Hazard Reduction Grants require State and local governments to have an approved CHAS.

The HCDA creates one program that requires applicants to certify that the housing activity is not inconsistent with an approved CHAS. The John Heinz Neighborhood Development Program requires a certification by the local jurisdiction that the assistance is not inconsistent with the approved CHAS or community development plan submitted under section 104(m) of the Housing and Community Development Act of 1974.

Other Plans Requiring Information from the CHAS (Section 622—HCDA)

The HCDA allows public housing agencies (under section 7 of the Housing Act of 1937) to designate a public housing project (or portion of a project) for occupancy by: (a) Only elderly families, (b) only disabled families, or (c) elderly and disabled families in accordance with a HUD approved plan. This plan must contain a description of the estimated pool of applicants for such housing, based on the waiting lists for such projects, and any information collected in the CHAS on housing need. See § 91.1(b).

Non-HUD Programs (Section 707—HCDA)

Under section 515 of the Housing Act of 1949 (Rental Housing Loans), the Farmers Home Administration must require each State to establish a process for coordinating the selection of projects with the Housing needs and priorities as established in the State CHAS. See § 91.1(c).

The new statutory elements have been incorporated into the instructions for preparing a CHAS for FY 1994. Failure to fully address these elements is a basis for HUD to disapprove the CHAS as incomplete.

Definitions

Section 211(a) of HCDA amended section 104 (Definitions) of NAHA to include Palau, the Marshall Islands, and the Federated States of Micronesia in the Definition of a "unit of general local government." Further, the HCDA deletes Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands from this definition, and instead defines them as "insular areas." Because Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands are not units of general local government, they are no longer "jurisdictions" (as defined in § 91.5). Thus, because only jurisdictions are required to prepare and submit a CHAS, the insular areas are not subject to the requirements of 24 CFR part 91. On the other hand, Palau (which is a unit of general local government) is covered by the CHAS if it receives and uses CDBG, Insular Areas, or other HUD funds for housing. If that is the case, Palau may prepare and submit an abbreviated strategy (§ 91.25). The reference in §§ 91.1(b)(2)(x) and 91.25(b)(3) to the CDBG Insular Areas Program only covers grants to Palau for housing activities.

Accordingly, the definition of a unit of general local government is changed to reflect the HCDA of 1992 amendments and the definition of insular area is deleted. In addition, Subpart D, in its entirety, is deleted from part 91 but reserved for future use; all references to insular areas, subpart D, and §§ 91.50 through 91.53 are also deleted; and the definition of assisted family is modified to delete reference to insular areas.

The definition of "lead-based paint hazards" is added to § 91.5. The definition is taken from title X of the HCDA (also known as the Residential Lead-Based Paint Hazard Reduction Act of 1992) which amended title I of NAHA to add a lead-based paint element to the CHAS. Lead-based paint hazard is defined as any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as established by the appropriate Federal agency.

Regulatory Barriers to Affordable Housing (Section 1206—HCDA)

Title XII of the HDCA creates a new program for grants to State and local governments to develop and implement strategies to remove regulatory barriers to affordable housing. Section 1206 amends section 105(b)(4) of NAHA (see § 91.19(c)(1)) by providing "if a State requires a unit of general local government to submit a regulatory barrier assessment that is substantially equivalent to the information required under this paragraph, as determined by the Secretary, the unit of general local government may submit its assessment submitted to the State to the Secretary and shall be considered to have complied with this paragraph." However, the definition of "regulatory barriers to affordable housing" for title XII, excludes items described in section 105(b)(4) of NAHA. In particular, "regulatory barriers to affordable housing" in title XII excludes "policies relating to rents imposed on a structure by a jurisdiction." Section 105(b)(4) of NAHA includes "policies that affect the return on residential investment"—which the Department has interpreted to encompass rent control.

Therefore, in determining whether a regulatory barriers assessment under title XII is substantially equivalent to the information required for the CHAS, HUD will consider whether the local jurisdiction has rent control. In any event, a CHAS cannot be disapproved by HUD based on the jurisdiction's adoption or continuation of a public policy, including rent control, affecting the availability of affordable housing.

The few technical amendments to the regulations relate to deadlines, abbreviated strategies, and certifications of consistencies. The CHAS submission deadline (§ 91.70) is inconsistent with the HOME program's statutory time frame for jurisdictions that will be participating in the HOME program for the first time. Therefore, this rule amends the submission deadline section to reference the HOME rule deadline for that category of jurisdictions (§ 92.104). It also clarifies the CDBG section on the CHAS deadline for communities newly designated as eligible for CDBG (§ 570.306(c)) to include jurisdictions that will not be participating in the HOME program for the first time. In addition, the rule states that if a local jurisdiction is subject to two different CHAS submission deadline provisions—the newly entitled CDBG community deadline and the HOME Deadline for a jurisdiction seeking to be designated as a participating jurisdiction—the HOME deadline for the CHAS submission controls.

The regulations also have been amended to clarify when an applicant that is not a jurisdiction must obtain a certification of consistency from a local government (rather than the State) and when an abbreviated strategy is

permitted and the duration of that strategy.

Typographic Corrections

Several typographic errors were discovered in the September 1, 1992 printing of part 91. These errors: Led to inaccurate referencing of a subpart in § 91.25(f); duplicated sub-section lettering in § 91.44; incorrectly referenced the HOPE Program in § 91.82(c); incorrectly referenced § 91.80 in § 91.85; and affected the clarity of the rule. Such errors are corrected herein.

IV. Findings and Certifications

A. Environmental Review

A Finding of No Significant Impact with respect to the environment was made in accordance with HUD regulations at 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk at the above address.

B. Impact on the Economy

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291, Regulatory Planning Process. Analysis of the rule indicates that it does 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 on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

C. Federalism Impact

In connection with the preparation of this final rule, the General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has certified that the method of implementing the Comprehensive Housing Affordability Strategy requirements of the National Affordable Housing Act used in this final rule achieves the goals of the statute in a way that promotes the Federal objectives, while having the least possible adverse effects on the operations and functions of the States and local governments.

D. Impact on the Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this final rule does not have potential significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the order. The rule governs the planning function of State and local governments in their efforts to provide affordable housing for families. Therefore, to some degree the rule has an indirect effect of promoting better living conditions for families.

E. Regulatory Agenda

This rule was not listed under the Office of the Secretary in the Department's Semiannual Regulatory Agenda published on November 3, 1992 (57 FR 51392).

F. Impact on Small Entities

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this final rule before publication and by approving it certifies that this rule will not have a significant impact on a substantial number of small entities.

G. Public Reporting Burden

The public reporting burden for the information collection requirements and record keeping requirements contained in this final rule, including the CHAS-related provisions required by the Housing and Community Development Act of 1992, are estimated as described below. These estimates of burden include the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

ANNUAL REPORTING BURDEN FINAL RULE—COMPREHENSIVE HOUSING AFFORDABILITY STRATEGY

Rule provision	Number of respondents	Response per respdnt	Original hours/response	Added hours/response	Adjusted burden hours	Total hours
Five-year CHAS:						
Localities (§§ 91.15–.23)	800	1	391	125	516	412,800
States (§§ 91.40–.48)	50	1	469	250	719	35,950
Annual plan:[1]						
Localities (§ 91.21)	800	1	158	80	238	190,400
States (§ 91.46)	50	1	158	160	318	15,900
Abbreviated strategy:[2]						
(§ 91.25)	100	1	100		100	10,000
Record keeping	[3] 850	1	12		12	([5])
	[4] 100	1	4.5		4.5	([5])
Total burden						665,050

[1] Submitted in each of the four years following submission of the complete strategy.
[2] Submitted by a jurisdiction instead of the complete CHAS.
[3] For complete CHAS.
[4] For abbreviated strategies.
[5] Included in above.

List of Subjects

24 CFR Part 91

Grant programs—Indians, Low and moderate income housing, Homeownership, Public housing.

24 CFR Part 570

Administrative practice and procedure, Grant programs—housing and community development, American Samoa, Northern Mariana Islands, Pacific Islands Trust Territory, Puerto Rico, Virgin Islands.

Accordingly, parts 91 and 570 of title 24 of the Code of Federal Regulations are amended as follows:

PART 91—STATE AND LOCAL HOUSING AFFORDABILITY STRATEGIES

1. The authority citation for part 91 is revised to read as follows:

Authority: 42 U.S.C. 3535(d) and 12701–12708.

Subpart A—General

2. In § 91.1, paragraph (b)(1)(ii) is revised; a paragraph (b)(1)(v) is added; paragraphs (b)(2)(ix) and (b)(2)(x) are revised; paragraphs (b)(2)(xi) through (b)(2)(xv) are added; the first sentence in paragraph (b)(3) is revised; paragraph (b)(4) is added; and paragraph (c) is added, to read as follows:

§ 91.1 Purpose and applicability.

* * * * *

(b) * * *

(1) * * *

(ii) In certain HUD programs, an applicant that is not a jurisdiction must obtain a certification by the public official responsible for submitting the housing strategy that the proposed housing activity is consistent with the approved housing strategy for the jurisdiction in which the proposed project will be located.

(A) The certification must be obtained from the unit of general local government if the project will be located in a unit of general local government which: Is required to have a complete housing strategy; or is authorized to use an abbreviated strategy but elects to prepare and has submitted a complete housing strategy; or is authorized to use an abbreviated strategy and is applying for the same program as the applicant pursuant to the same Notice of Funding Availability (and therefore has or will have an abbreviated housing strategy for the fiscal year for that program).

(B) If the project will not be located in a unit of general local government described in paragraph (b)(1)(ii)(A) of this section, the certification may be obtained from the State or, if the project will be located in an unit of general local government authorized to use an abbreviated strategy (see § 91.25), from the unit of general local government if it is willing to prepare such strategy.

(v) In one HUD program, an applicant for funds must submit a certification from the local jurisdiction that the proposed housing activities are not inconsistent with the approved housing strategy or community development plans of the local jurisdiction.

(2) * * *

(ix) Title IV of the Stewart B. McKinney Homeless Assistance Act: Emergency Shelter Grants (24 CFR part 576); Single Room Occupancy Housing (24 CFR part 882, subpart H); Shelter Plus Care (24 CFR part 582); Supportive Housing Program (24 CFR part 583); Housing Opportunities for Persons with AIDS Program (24 CFR part 574); Safe Havens for Homeless Individuals Demonstration Program (subtitle D, title IV); and the Rural Homeless Grant Program (section 491, McKinney Act);

(x) The Community Development Block Grant Program—Entitlement, Small Cities, States and Insular Areas (Palau only) (sections 106 and 107 of the Housing and Community Development Act of 1974; 24 CFR part 570);

(xi) Revitalization of Severely Distressed Public Housing (section 24 of the United States Housing Act of 1937);

(xii) Hope For Youth: Youthbuild (title IV, subtitle D of the Act);

(xiii) The John Heinz Neighborhood Development Program (section 123 of the Housing and Urban-Rural Recovery Act of 1983);

(xiv) The Lead-Based Paint Hazard Reduction Program (section 1011, Housing and Community Development Act of 1992); and

(xv) Grants for Regulatory Barrier Removal Strategies and Implementation (section 1204, Housing and Community Development Act of 1992.)

(3) *Program not covered.* Except for the program identified in paragraph (b)(2)(xi) of this section, Public Housing and Indian Housing funding (authorized under titles I and II of the United States Housing Act of 1937) is not dependent on the existence of, or a certification of consistency with, an approved housing strategy for the jurisdiction. * * *

(4) *Other Plans Requiring Information from the CHAS.* Section 7 of the Housing Act of 1937 allows public housing agencies to provide public housing projects (or portions of projects) to be designated for occupancy by: Only elderly families, only disabled families, or elderly and disabled families in accordance with a HUD approved plan. This plan must contain a description of the estimated pool of applicants for such housing, based on the waiting lists for such projects, and any information collected in the CHAS.

(c) *Non-HUD Programs.* Under section 515 of the Housing Act of 1949 (Rural Rental Housing and/or Rural Cooperative Housing Program), the Farmers Home Administration must require each State to establish a process for coordinating project selection with housing needs and priorities established in the housing strategy of the State.

3. In § 91.5, the first sentence of the definition of "assisted family" is revised; the definition of "insular area" is removed; a definition of "lead-based paint hazards" is added; and the definition of "unit of general local government" is revised, to read as follows:

§ 91.5 Definitions.

* * * * *

Assisted family. For purposes of identification of goals, in accordance with §§ 91.21 (a)(1)(iv) and 91.46 (a)(1)(iv), a family is assisted if, during the period covered by the annual plan, they will benefit through one or more programs included in the jurisdiction's investment plan. * * *

* * * * *

Lead-based paint hazards. The term "lead-based paint hazard" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as established by the appropriate Federal agency.

* * * * *

Unit of general local government. A city, town, township, county, parish, village, or other general purpose political subdivision of a State; an urban county; the Federated States of Micronesia and Palau, the Marshall Islands, or a general purpose political subdivision thereof; a consortium of such political subdivisions recognized by HUD in accordance with the HOME Program (24 CFR part 92); and any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive to act on behalf of the jurisdiction with regard to HUD assistance.

* * * * *

Subpart B—Contents of Strategy: Local Governments

4. In § 91.15, paragraph (a) is revised to read as follows:

§ 91.15 General.

(a) A complete housing strategy for a unit of general local government consists of the information required in §§ 91.15 through 91.21, submitted in accordance with the instructions prescribed by HUD (including tabular representation of homeless information). An abbreviated strategy consists of the information required in § 91.25.

* * * * *

5. In § 91.17, paragraphs (a)(2)(i)(A) and (b)(2)(i) are revised to read as follows:

§ 91.17 Community profile.

(a) * * *

(2) *Market and inventory conditions.* (i) *General market and inventory.* (A) Based on the data and information available, the jurisdiction must describe the significant general housing market and inventory conditions, including such aspects as supply, demand, condition, and cost of housing. Data on the housing inventory must include the ownership or rental status of units, whether they are occupied or vacant, their cost and size by number of bedrooms, and their structural condition, i.e., standard, substandard but suitable for rehabilitation, or substandard and not suitable for rehabilitation. (The jurisdiction must define in its CHAS the terms "standard condition" and "substandard condition but suitable for rehabilitation.") An assessment of the hazards of housing related environmental concerns should be included, to the extent information is available. In addition, the jurisdiction must estimate the number of housing units within the jurisdiction that are occupied by low-income or very low-income households that contain lead-based paint hazards.

* * * * *

(b) * * *

(2) *Nature and extent of homelessness.* (i) *Needs of sheltered and unsheltered homeless.* The jurisdiction shall describe the nature and extent of homelessness (including rural homelessness) within the jurisdiction, addressing separately the need for facilities and services for homeless individuals and homeless families, both sheltered and unsheltered, and, to the extent this information is available, by racial and ethnic group. Any numerical estimates must reflect methods for counting the homeless that eliminate or correct for duplicative reporting.

* * * * *

6. In § 91.19, paragraph (b)(1) is revised; a sentence is added to the end of paragraph (c)(1); paragraph (g) is redesignated as paragraph (h); and a new paragraph (g) is added to read as follows:

§ 91.19 Five-year strategy.

* * * * *

(b) * * *

(1) *Analysis.* An analysis of each priority category of very low- and other low-income residents or activities shall consider how the size, distribution, condition, and cost of the jurisdiction's housing inventory matches the severity of needs and types of housing problems of each priority category of residents. (Family types may be grouped together for discussion where the analysis would apply to more than one of them.) The jurisdiction must describe how this analysis provides the basis for establishing the category of residents or activity type as a priority. For very low-income renters, the analysis should discuss how the housing problems of households meeting Federal or local preferences for housing assistance were considered. The rationale for establishing the priorities and determining the relative numerical assignment of priorities should flow logically from the analysis. As part of the analysis, the jurisdiction must identify any obstacles to addressing underserved needs.

(c) * * *

(1) * * * If a State requires a unit of general local government to submit a regulatory barrier assessment that is substantially equivalent to the information required under this paragraph, as determined by the Secretary, the unit of general local government may submit its assessment submitted to the State to the Secretary and shall be considered to have complied with this paragraph.

* * * * *

(g) *Lead-based paint hazard reduction.* The jurisdiction shall outline the actions proposed to be undertaken over the next five years to evaluate and reduce lead-based paint hazards, and describe how lead-based paint hazards reduction will be integrated into housing policies and programs.

* * * * *

7. In § 91.21, paragraphs (b) and (c) are revised; paragraph (d) is redesignated as paragraph (f); and new paragraphs (d) and (e) are added, to read as follows:

§ 91.21 Annual plan.

* * * * *

(b) *Other actions.* The jurisdiction shall describe the actions it plans to take in the Federal fiscal year to address relevant public policies, to develop institutional structure, to foster public housing improvements or resident initiatives, and to evaluate and reduce lead-based paint hazards. (See §§ 91.19(c) through (g).)

(c) *Anti-poverty strategy.* The jurisdiction shall describe, taking into consideration factors over which it has control, the jurisdiction's goals, programs, and policies for reducing the number of households with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually), and, in consultation with other appropriate public and private agencies, state how the jurisdiction's goals, programs, and policies for producing and preserving affordable housing set forth in the housing strategy will be coordinated with other programs and services for which the jurisdiction is responsible and the extent to which they will reduce (or assist in reducing) the number of households with incomes below the poverty line.

(d) *Coordination with health and service agencies.* The jurisdiction shall describe its activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health, and service agencies.

(e) *Certifications.* Each jurisdiction submitting a CHAS is required to submit a certification that it will affirmatively further fair housing and is required to maintain records pertaining to any steps taken to carry out the certification. These records may include the analysis of impediments to fair housing and the description of actions taken to overcome them described in 24 CFR 570.904(c). If a jurisdiction receives HOME Investment Partnership Program funds, its CHAS also must include a certification that it has in effect and is following a residential anti-displacement and relocation assistance plan that, in any case of any such displacement in connection with any activity assisted with amounts provided under the HOME program, requires the same actions and provides the same rights as required and provided under a residential antidisplacement and relocation assistance plan under section 104(d) of the Housing and Community Development Act of 1974 in the event of displacement in connection with a development project assisted under section 106 or 119 of such Act.

* * * * *

8. In § 91.25, paragraphs (a) and (b)(1) are revised; the last sentence of paragraph (b)(3) is revised; and paragraphs (c)(7), (d)(2), and the first sentence of paragraph (f) are revised, to read as follows:

§ 91.25 Special case—abbreviated strategy.

(a) *Who may submit an abbreviated strategy?* A jurisdiction that is not a CDBG entitlement community under 24 CFR part 570, subpart D and is not expected to be a participating jurisdiction (in the HOME program), may submit an abbreviated housing strategy that is appropriate to the types and amounts of assistance sought from HUD.

(b) *When is an abbreviated strategy necessary?*

(1) *Jurisdiction.* When a jurisdiction that is permitted to use an abbreviated strategy applies to HUD for funds under

a program requiring an approved CHAS (see § 91.1(b)(2)), it must obtain approval of an abbreviated strategy and submit a certification that the housing activities are consistent with the strategy.

* * * * *

(3) * * * For the CDBG program, an abbreviated strategy may be submitted only for the Small Cities program and for the Insular Areas program (Palau only).

(c) * * *

(7) *Replacement of low-income housing and relocation assistance.* A jurisdiction applying for assistance under the HOME program (reallocations to other than participating jurisdictions awarded competitively under 24 CFR part 92, subpart J) must provide a certification that it has in effect and is following a residential antidisplacement and relocation assistance plan, that, in any case of such displacement in connection with any activity assisted with amounts provided under the HOME program, requires the same actions and provides the same rights as required and provided under a residential antidisplacement and relocation assistance plan under section 104(d) of the Housing and Community Development Act of 1974 in the event of displacement in connection with a development project assisted under section 106 of 119 of such Act.

* * * * *

(d) * * *

(2) *Timing.* An abbreviated strategy must be submitted for HUD approval for each fiscal year for which funding is to be applied for. The submission may be made before or at the time of submission of the application for funding as set forth in the program regulations or Notice of Funding Availability. A jurisdiction having an approved abbreviated strategy that decides during the same fiscal year to submit an application for assistance under a program which assists the same eligible population (and therefore the market conditions and needs data are the same as in the approved abbreviated strategy) must amend the investment plan, goals, and any other contents requirements of its approved abbreviated strategy necessary to provide a basis for consistency of the application with the strategy. A jurisdiction having an approved abbreviated strategy that decides during the same fiscal year to submit an application for assistance under a program which does not assist the same eligible population (and therefore the market conditions and needs data are different from that in the approved abbreviated strategy) must submit a new abbreviated strategy.

* * * * *

(f) *Performance reports.* The requirements of subpart H of this part apply to an abbreviated strategy. * * *

Subpart C—Contents of Strategy: States

9. In § 91.40, paragraphs (a) and (c) are revised to read as follows:

§ 91.40 General.

(a) A complete housing strategy for a State consists of the information required in §§ 91.40 through 91.46, submitted in accordance with the instructions prescribed by HUD, including tabular representation of homeless information.

* * * * *

(c) The State is not required to present needs and market inventory data beyond that which is provided by HUD, except where data are being required "to the extent available."

* * * * *

10. In § 91.42, paragraphs (a)(2)(i)(A) and (b)(2)(i) are revised to read as follows:

§ 91.42 State profile.

(a) * * *

(2) *Market and inventory conditions.* (i) *General market and inventory.* (A) Based on the data and information available to the State, it must describe the significant general housing market and inventory conditions Statewide, and for sub-state areas or regions considered appropriate, including such aspects as supply, demand, condition, and cost of housing. Data on the housing inventory must include the ownership or rental status of units, whether they are occupied or vacant, and their cost and size by number of bedrooms. An assessment of the hazards of housing related environmental concerns should be included, to the extent information is available. The State must estimate the number of housing units within the State that are occupied by low-income or very low-income households and that contain lead-based paint hazards. The discussion of the general market inventory shall also include an assessment of whether any rental housing is expected to be lost from the Federally assisted housing inventory administered by a State housing agency for any reason, including losses through demolition or conversion to homeownership, or through prepayment or voluntary termination of a Federally assisted mortgage. If no such losses are anticipated or there is no Federally assisted housing inventory being administered directly by a State housing agency, this must be clearly stated.

* * * * *

(b) * * *

(2) *Nature and extent of homelessness.* (i) *Needs of sheltered and unsheltered homeless.* The State shall describe the nature and extent of hopelessness, including rural homelessness, within the State, addressing separately the need for facilities and services for homeless individuals and homeless families, both sheltered and unsheltered, and, to the extent this information is available, by racial and ethnic group. Any numerical estimates must reflect methods for counting the homeless that eliminate or correct for duplicative reporting.

* * * * *

11. In § 91.44, paragraphs (c) through (f) are redesignated as (d) through (g); the second paragraph designated as paragraph (b) is redesignated as paragraph (c); paragraph (b)(1) is revised; newly redesignated paragraph (g) is redesignated as paragraph (h); and a new paragraph (g) is added, to read as follows:

§ 91.44 Five-year strategy.

* * * * *

(b) * * *

(1) *Analysis.* An analysis of each priority category of very low- and other low-income residents or activities shall consider how the size, distribution, condition, and cost of the jurisdiction's housing inventory matches the severity of needs and types of housing problems of each priority category of residents. (Family types may be grouped together for discussion where the analysis would apply to more than one of them.) The State must describe how this analysis provides the basis for establishing the category of residents or activity type as a priority. For very low-income renters, the analysis should discuss how the housing problems of households meeting Federal or local preferences for housing assistance were considered. The rationale for establishing the priorities and determining the relative numerical assignment of priorities should flow logically from this analysis. As part of the analysis, the State must identify any obstacles to addressing undeserved needs.

* * * * *

(g) *Lead-based paint hazard reduction.* The State shall outline the actions proposed to be undertaken over the next five years to evaluate and reduce lead-based paint hazards, and describe how lead-based paint hazards

reduction will be integrated into housing policies and programs.

* * * * *

12. In § 91.46, paragraph (b) is revised; paragraphs (c) and (d) are redesignated as paragraphs (e) and (f); paragraphs (c) and (d) are added; and the newly redesignated paragraph (e) is revised, to read as follows:

§ 91.46 Annual plan.

* * * * *

(b) *Other actions.* The State shall describe the actions it plans to take in the Federal fiscal year to address relevant public policies, to develop institutional structure, to coordinate the Low-Income Housing Tax Credit, to foster public housing resident initiatives, and to evaluate and reduce lead-based paint hazards. (See §§ 91.44 (c) through (g).)

(c) *Anti-poverty strategy.* The State shall describe, taking into consideration factors over which it has control, the State's goals, programs, and policies for reducing the number of households with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually), and, in consultation with other appropriate public and private agencies, state how the State's goals, programs, and policies for producing and preserving affordable housing set forth in the housing strategy will be coordinated with other programs and services for which the State is responsible and the extent to which they will reduce (or assist in reducing) the number of households with incomes below the poverty line.

(d) *Coordination with health and service agencies.* The jurisdiction shall describe its activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health, and service agencies.

(e) *Certifications.* Each State submitting a CHAS is required to submit a certification that it will affirmatively further fair housing and is required to maintain records pertaining to any steps taken to carry out the certification. These records may include the analysis of impediments to fair housing and the description of actions taken to overcome them described in 24 CFR 570.904(c). If a State receives HOME Investment Partnership Program funds, its CHAS also must include a certification that it has in effect and is following a residential anti-displacement and relocation assistance plan that, in any case of any such displacement in connection with any activity assisted with amounts provided under the HOME program, requires the same actions and provides the same rights as required and provided under a residential antidisplacement and relocation assistance plan under section 104 (d) of the Housing and Community Development Act of 1974 in the event of displacement in connection with a development project assisted under section 106 or 119 of such act.

* * * * *

Subpart D [Removed and reserved]

13. Subpart D, consisting of §§ 91.50 through 91.53, is removed and reserved.

Subpart E—Coordination and Consultation

14. Section 91.57 is revised to read as follows:

§ 91.57 Consultation with social service agencies.

In the preparation of its housing strategy, a jurisdiction must make reasonable efforts to confer with social service agencies (both public and private) regarding the housing needs of children, elderly persons, persons with disabilities, homeless persons, and other persons served by the agencies. When preparing that portion of its housing strategy concerning lead-based paint hazards, the jurisdiction shall consult with State or local health and child welfare agencies and examine existing data related to lead-based paint hazards and poisonings, including health department data on the addresses of housing units in which children have been identified as lead poisoned.

Subpart G—HUD Review and Approval

15. In § 91.70, paragraph (a) is revised to read as follows:

§ 91.70 Submission of housing strategy.

(a) *General.* Except as provided in § 91.25(d)(1) with respect to abbreviated strategies, in § 92.104 with respect to jurisdictions that will become HOME participating jurisdictions, and in § 570.306(c) for communities newly designated as entitled communities under the CDBG program, a housing strategy with an annual plan covering the Federal fiscal year (October 1 of that year through September 30 of the following year) must be submitted annually between October 1 and December 31, with December 31 being the deadline for submission. However, if a jurisdiction is a newly entitled community in the CDBG Program and also will become a participating jurisdiction in the HOME program, the CHAS submission deadline specified for the HOME program controls. Further, the Department encourages jurisdictions to amend their CHAS, if necessary, to accommodate the requirements of other programs.

* * * * *

Subpart H—Use of Housing Strategy

16. Section 91.80 is revised to read as follows:

§ 91.80 Consistency certification.

(a) *Complete housing strategy.* (1) A jurisdiction's certification that an application is consistent with its housing strategy means that the jurisdiction's annual plan indicates the jurisdiction planned to apply for the program or was willing to support an application by another entity for the program; the location of the activities is consistent with the geographic areas specified in the annual plan; and the activities benefit a category of residents for which the jurisdiction's five-year strategy shows a priority.

(2) The certification of consistency shall be made with respect to the jurisdiction's CHAS that contains an annual plan for the Federal fiscal year that covers the application submission deadline; except that where a competitive funding application submission deadline falls between October 1 and December 31, the certification of consistency may be made with respect to the jurisdiction's CHAS (including annual plan) for the prior fiscal year if the jurisdiction has not yet submitted its CHAS (including annual plan) for the current fiscal year, unless the notice of funding availability provides otherwise.

(b) *Abbreviated housing strategy.* A jurisdiction's certification that an application is consistent with its housing strategy means that the required contents of the abbreviated strategy for the same fiscal year (see § 91.25(c)) cover the program for which the application is submitted.

17. In § 91.82, paragraph (c) introductory text is revised to read as follows:

§ 91.82 Performance reports.

* * * * *

(c) *Failure to Report.* If a jurisdiction fails to submit a report satisfactory to HUD in a timely manner, HUD may take one of the following actions with respect to assistance to the jurisdiction under the HOME Program, the Community Development Block Grant Programs, or the Homeless Housing Assistance Programs:

* * * * *

18. In § 91.85, paragraph (a)(3) is revised and a new sentence is added to the end of paragraph (b), to read as follows:

§ 91.85 HUD performance reviews.

(a) * * *

(3) Accuracy in the preparation of performance reports under § 90.82; and

* * * * *

(b) * * * The report will be available at the HUD field office.

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

19. The authority citation for part 570 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 5300–5320.

§ 570.306 [Amended]

20. In § 570.306, the first sentence of paragraph (c) is amended by adding, after the parenthetical phrase, the following phrase: "or is not becoming a participating jurisdiction under the HOME program (24 CFR 92.104)".

Dated: March 4, 1993.

Don I. Patch,

Deputy Assistant Secretary for Grant Programs.

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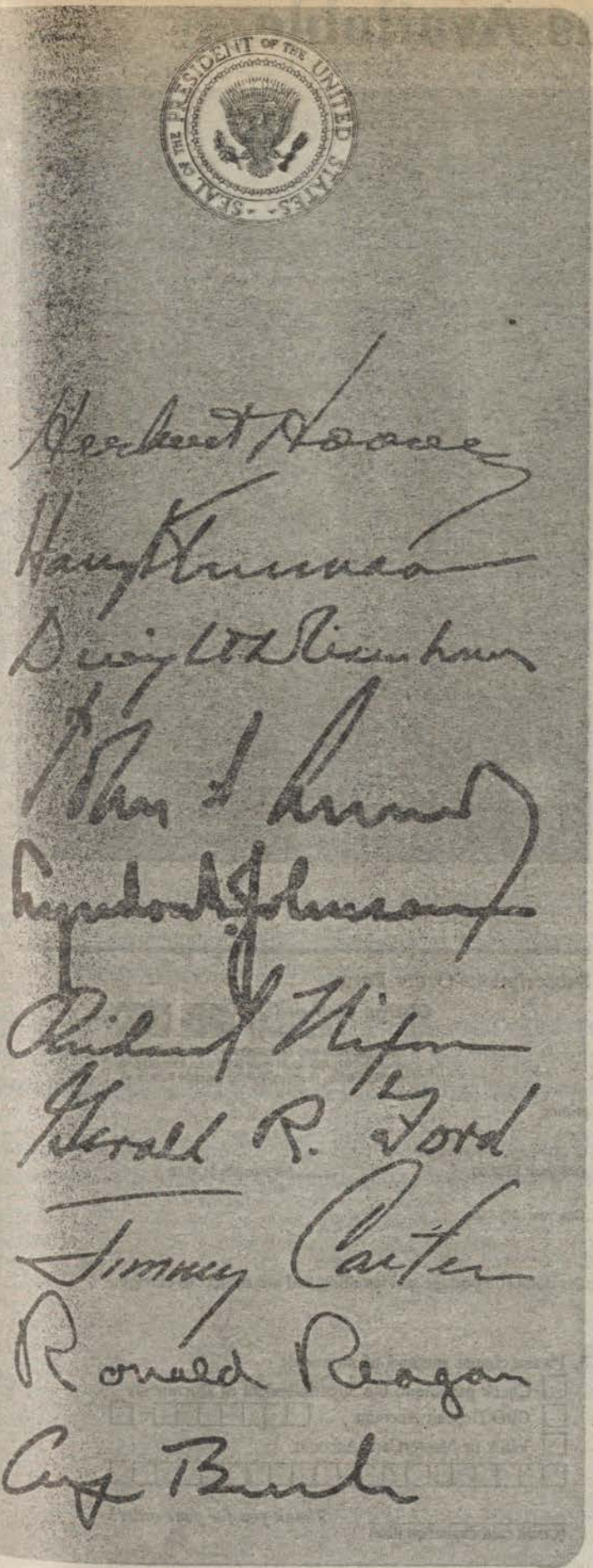

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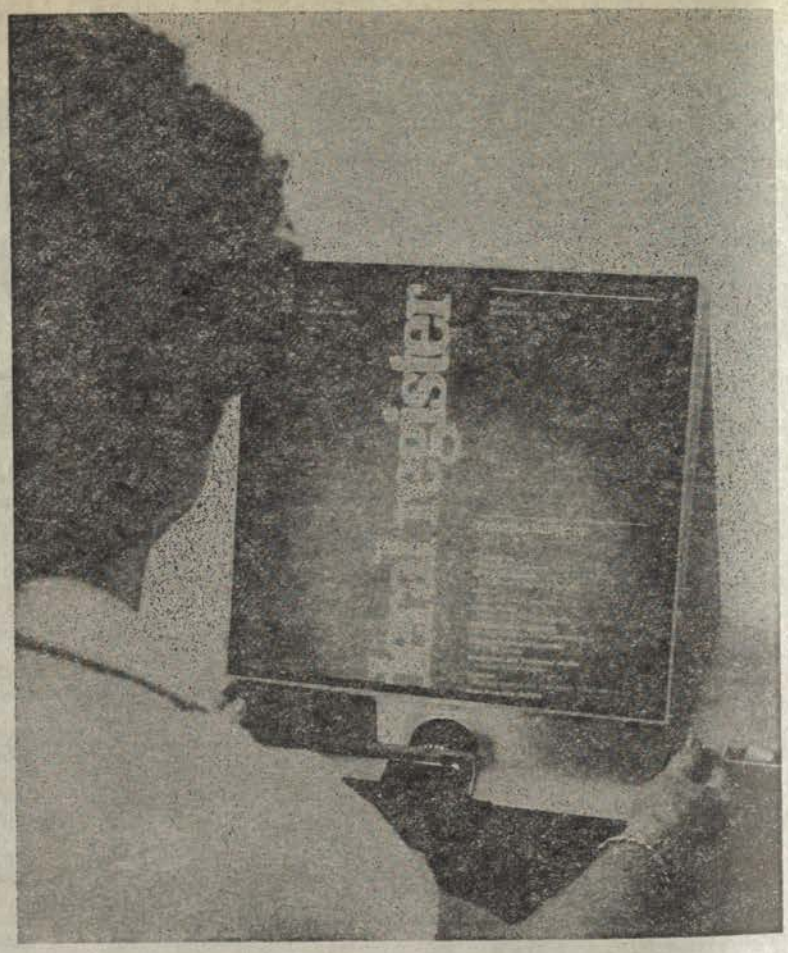

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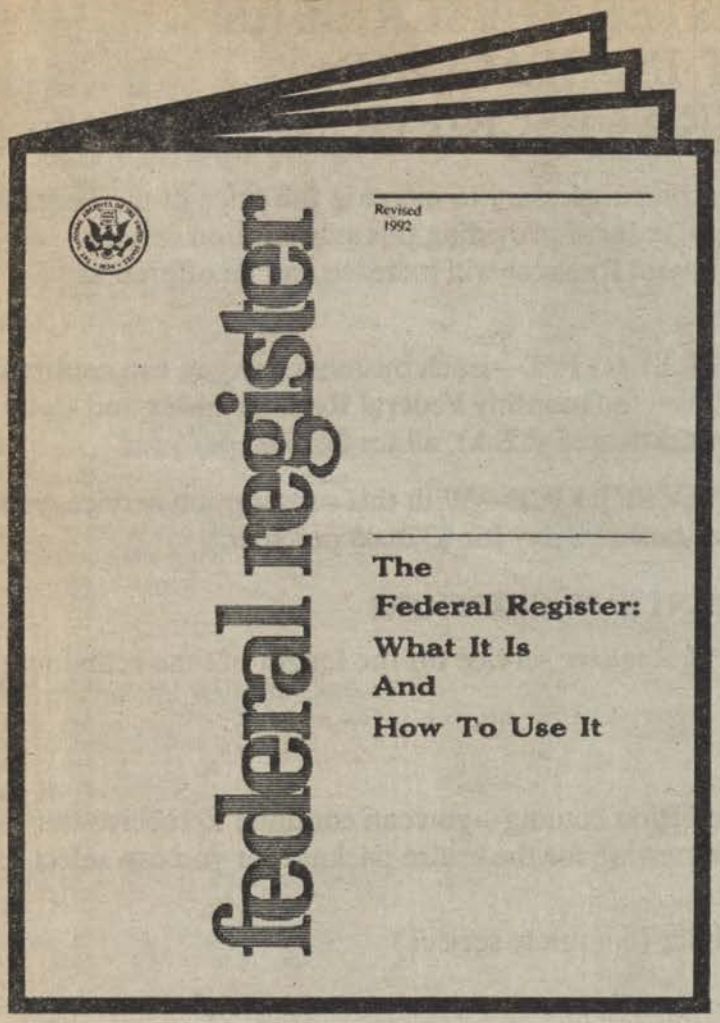

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