AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

8–12–94
Vol. 59 No. 155

federal register

Friday
August 12, 1994

NOW AVAILABLE ONLINE!
Subscribe Now ... Only $375 Per Year
See Page II for Details.

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097–6326)

8–12–94
Vol. 59 No. 155
Pages 41377–41636

federal register

Friday
August 12, 1994

Briefing on How To Use the Federal Register
For information on briefings in Denver, CO and Washington, DC, see announcement on the inside cover of this issue.

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper, 24x microfiche and as an online database through *GPO Access*, a service of the U.S. Government Printing Office. The online database is updated by 6 a.m. each day the **Federal Register** is published. The database includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward. It is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. The annual subscription fee for a single workstation is $375. Six-month subscriptions are available for $200 and one month of access can be purchased for $35. Discounts are available for multiple-workstation subscriptions. To subscribe, Internet users should telnet to wais.access.gpo.gov and login as newuser (all lower case); no password is required. Dial in users should use communications software and modem to call (202) 512–1661 and login as wais (all lower case); no password is required; at the second login prompt, login as newuser (all lower case); no password is required. Follow the instructions on the screen to register for a subscription for the **Federal Register** Online via *GPO Access*. For assistance, contact the *GPO Access* User Support Team by sending Internet e-mail to help@eids05.eids.gpo.gov, or a fax to (202) 512–1262, or by calling (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is $444, or $490 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $403. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $6.00 for each issue, or $6.00 for each group of pages as actually bound; or $1.50 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 59 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202–512–1800
Assistance with public subscriptions	512–1806

Online:

Telnet wais.access.gpo.gov, login as newuser <enter>, no password <enter>; or use a modem to call (202) 512–1661, login as wais, no password <enter>, at the second login as newuser <enter>, no password <enter>.

Assistance with online subscriptions	202–512–1530

Single copies/back copies:

Paper or fiche	512–1800
Assistance with public single copies	512–1803

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523–5243
Assistance with Federal agency subscriptions	523–5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC
(TWO BRIEFINGS)

WHEN: September 13 at 9:00 am and 1:30 pm
WHERE: Office of the Federal Register Conference Room, 800 North Capitol Street NW, Washington, DC (3 blocks north of Union Station Metro)
RESERVATIONS: 202–523–4538

DENVER, CO

WHEN: September 21, 9:00 am–12 noon
WHERE: Colorado National Bank Building 12345 W. Alameda Parkway, Room 207, Lakewood, CO
RESERVATIONS: Federal Information Center 1–800–359–3997

Printed on recycled paper containing 100% post consumer waste

Contents

Federal Register

Vol. 59, No. 155

Friday, August 12, 1994

Agricultural Marketing Service
RULES
Dates (domestic) produced or packed in California, 41383–41385
Fruits, vegetables, and other products, processed; inspection, certification, and standards; fee schedules, 41377–41378
Kiwifruit grown in California, 41379–41381
Onions grown in—
Texas, 41382–41383
Oranges, grapefruit, tangerines, and tangelos grown in Florida, 41378–41379
Potatoes (Irish) grown in—
Idaho and Oregon, 41381–41382
Prunes (dried) produced in California, 41385–41386
PROPOSED RULES
Milk marketing orders:
Middle Atlantic, 41413–41414

Agriculture Department
See Agricultural Marketing Service
See Cooperative State Research Service
See Farmers Home Administration
See Forest Service
See Rural Development Administration

Air Force Department
NOTICES
Environmental statements; availability, etc.:
Base realignment and closure—
Lowry AFB, CO, 41435

Army Department
NOTICES
Environmental statements; availability, etc.:
Base realignment and closure—
Army Research Laboratory Facility Adelphi Laboratory Center, MD, 41435

Blind or Severely Disabled, Committee for Purchase From People Who Are
See Committee for Purchase From People Who Are Blind or Severely Disabled

Coast Guard
RULES
Ports and waterways safety:
Mississippi River, LA; regulated navigation area, 41405–41406
Mount Hope Bay, RI; safety zone, 41406–41408
NOTICES
Meetings:
Houston/Galveston Navigation Safety Advisory Committee, 41587
Oil Pollution Research Interagency Coordinating Committee
Presentation requests, 41587–41588

Commerce Department
See International Trade Administration
See National Oceanic and Atmospheric Administration
NOTICES
Agency information collection activities under OMB review, 41430

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement list; additions and deletions, 41432–41434
Procurement list; additions and deletions; correction, 41432

Cooperative State Research Service
NOTICES
Meetings:
Committee of Nine, 41429

Copyright Office, Library of Congress
NOTICES
Cable compulsory license; major television market list, 41512–41519

Corporation for National and Community Service
RULES
Grants and cooperative agreements to State and local governments; debarment and suspension (nonprocurement); and drug-free workplace (grants), 41598–41624

Defense Department
See Air Force Department
See Army Department
RULES
Organization, functions, and authority delegations:
Under Secretary of Defense for Acquisition and Technology, 41405
NOTICES
Meetings:
Science Board task forces, 41434–41435

Defense Nuclear Facilities Safety Board
NOTICES
Meetings; Sunshine Act, 41596

Drug Enforcement Administration
NOTICES
Applications, hearings, determinations, etc.:
Brown, Phillip L., D.D.S., 41509–41510
Smith, Diana J., M.D., 41510–41511

Employment Standards Administration
NOTICES
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, 41511–41512

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
RULES
Air programs:
Ambient air quality standards; National, State, and local air monitoring stations, etc., 41626–41629

Air quality implementation plans; approval and promulgation; various States:
Texas, 41408–41410
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Texas, 41416
NOTICES
Agency information collection activities under OMB review, 41439
Air pollution control; settlement agreements:
Ozone nonattainment area reclassification, 41445
Confidential business information and data transfer to contractors, 41439–41440
Drinking water:
Public water supply supervision program—
Illinois, 41440
Vermont, 41440–41441
Environmental statements; availability, etc.:
Agency statements—
Comment availability, 41441
Weekly receipts, 41441–41442
Hazardous waste:
Hazardous waste minimization priorities; methodology document availability, 41442–41443
Meetings:
National Environmental Education Advisory Council, 41443
Science Advisory Board, 41444
Superfund; response and remedial actions, proposed settlements, etc.:
Publicker Industries Inc. Site, PA, 41443–41444
Toxic and hazardous substances control:
Chemical release inventory reporting forms; revisions, 41444–41445

Executive Office of the President
See Science and Technology Policy Office
See Trade Representative, Office of United States

Family Support Administration
See Refugee Resettlement Office

Farmers Home Administration
RULES
Program regulations:
Rural technology development grants, 41386–41398

Federal Aviation Administration
RULES
Class E airspace, 41398–41399
NOTICES
Airport noise compatibility program:
Kissimmee Municipal Airport, FL, 41588–41591
Meetings:
Research, Engineering, and Development Advisory Committee, 41591

Federal Communications Commission
PROPOSED RULES
Common carrier services:
Broadband personal communications services—
Geographically partitioned service areas; minority and/or women-owned businesses, 41426–41428
Radio stations; table of assignments:
Nevada, 41428

Federal Deposit Insurance Corporation
NOTICES
Agency information collection activities under OMB review, 41445–41446
Meetings; Sunshine Act, 41596

Federal Emergency Management Agency
NOTICES
Agency information collection activities under OMB review, 41446
Disaster and emergency areas:
Florida, 41446

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
PowerNet G.P. et al., 41436–41437
Environmental statements; availability, etc.:
Avoca Natural Gas Storage, 41437–41438
Applications, hearings, determinations, etc.:
Iroquois Gas Transmission System, L.P., 41438
Ogden Martin Systems of Onondaga Limited Partnership, 41438
Western Systems Power Pool, 41439

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
Arenac and Iosco Counties, MI, 41591–41592

Federal Maritime Commission
NOTICES
Investigations, hearings, petitions, etc.:
Trans-Atlantic Agreement, 41446–41447
U.S.-foreign trades, 41447

Federal Railroad Administration
NOTICES
Meetings:
Northeast Corridor Safety Committee, 41592
Railroad user fees, 41592

Federal Reserve System
NOTICES
Applications, hearings, determinations, etc.:
Citizens Gwinnett Bankshares, Inc., et al., 41447–41448
First Commerce Corp., 41448
Taylor, Robert M., 41448
West Town Bancorp, Inc., 41448–41449

Federal Trade Commission
NOTICES
Premerger notification waiting periods; early terminations, 41449–41450
Prohibited trade practices:
Detroit Auto Dealers Association, Inc., et al., 41450
Keyes Fibre Co., 41450–41451
LePage's, Inc., et al., 41451
Oak Hill Industries Corp. et al., 41451

Fish and Wildlife Service
NOTICES
Endangered and threatened species:
Recovery plans—
Shenandoah salamander, 41508
Meetings:
Alaska Federal Subsistence Board, 41429

Forest Service
NOTICES
Meetings:
Alaska Federal Subsistence Board, 41429

General Services Administration
RULES
Federal property management:
Aviation, transportation, and motor vehicles—
Cash purchases, 41411–41412
Motor vehicles; license plate code for U.S. Enrichment Corporation, 41410–41411

Health and Human Services Department
See Refugee Resettlement Office
See Social Security Administration

Housing and Urban Development Department
NOTICES
Grants and cooperative agreements; availability, etc.:
Facilities to assist homeless—
Excess and surplus Federal property, 41451–41505
Housing assistance payments (Section 8)—
Homeless persons with disabilities; rental voucher set-aside, 41505–41506
Low income housing—
Preservation outreach and training and other activities, 41634–41635

Indian Affairs Bureau
NOTICES
Environmental statements; availability, etc.:
Torres Martinez Indian Reservation, CA; biosolids composting facility, 41632

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau
See National Park Service
NOTICES
Meetings:
Exxon Valdez Oil Spill Public Advisory Group, 41506

Internal Revenue Service
PROPOSED RULES
Income taxes:
Club dues; deduction disallowance, 41414–41416

International Trade Administration
NOTICES
Antidumping:
Fireplace mesh panels from—
Taiwan, 41430–41431
Grain-oriented electrical steel from—
Italy, 41431
Mechanical transfer presses from—
Japan, 41431–41432
Spun acrylic yarn from—
Italy, 41432

Interstate Commerce Commission
PROPOSED RULES
Tariffs and schedules:
Electronic Tariff Filing Negotiated Rulemaking Committee; establishment postponement, 41428
NOTICES
Railroad services abandonment:
CSX Transportation, Inc., 41509

Justice Department
See Drug Enforcement Administration
See Parole Commission

Labor Department
See Employment Standards Administration
NOTICES
North American Agreement on Labor Cooperation; submission acceptance for review:
International Brotherhood of Teamsters et al., 41511

Land Management Bureau
NOTICES
Motor vehicle use restrictions:
Montana, 41506–41507
Oregon, 41507
Survey plat filings:
Idaho, 41507–41508

Library of Congress
See Copyright Office, Library of Congress

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Bering Sea and Aleutian Islands groundfish, 41412

National Park Service
NOTICES
Environmental statements; availability, etc.:
Upper Klamath River, OR; wild and scenic river eligibility, 41508–41509

Nuclear Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
Arizona Public Service Co., 41519–41520
Generic letters:
Intergranular stress corrosion cracking of core shrouds in boiling water reactors, 41520
Voltage-based repair criteria for repair of Westinghouse steam generator tubes affected by outside diameter stress corrosion cracking, 41520–41529
Applications, hearings, determinations, etc.:
Carolina Power & Light Co., 41529–41530

Office of United States Trade Representative
See Trade Representative, Office of United States

Parole Commission
NOTICES
Meetings; Sunshine Act, 41596

Postal Service
NOTICES
Domestic Mail Manual:
Glassine; automation compatibility, 41530–41531

Refugee Resettlement Office
PROPOSED RULES
Refugee resettlement program:
Employability services, job search, employment, refugee medical assistance, social services, and targeted assistance services; administrative costs, 41417–41426

Rural Development Administration
Grants and cooperative agreements; availability, etc.:
Rural technology development program, 41386–41398

NOTICES
Grants and cooperative agreements; availability, etc.:
Rural technology development program, 41429–41430

Science and Technology Policy Office
NOTICES
Committees; establishment, renewal, termination, etc.:
National Bioethics Advisory Commission, 41584–41586

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc., 41534–41538
Cincinnati Stock Exchange, Inc., 41531–41534
Applications, hearings, determinations, etc.:
Defined Asset Funds-Equity Income Fund et al., 41538–41539
First American Funds, Inc., et al., 41542–41544
First American Mutual Funds et al., 41539–41542
Public utility holding company filings, 41544–41545

Small Business Administration
NOTICES
Disaster loan areas:
Georgia, 41545
Pennsylvania et al., 41545
Intergovernmental review of agency programs and activities, 41545–41547
Meetings:
National Small Business Development Center Advisory Board, 41547–41548
Applications, hearings, determinations, etc.:
DFW Capital Partners, L.P., 41548
KCEP I, L.P., 41548
River Cities Capital Fund L.P., 41549
Walden-SBIC, L.P., 41549

Social Security Administration
RULES
Supplemental security income:
Children of overseas (other than in foreign countries) armed forces personnel; benefits eligibility, 41399–41400
Severely impaired recipients who work; continuation of benefits and special eligibility, 41400–41405

State Department
NOTICES
Gifts to Federal employees from foreign governments; listing, 41549–41584

Trade Representative, Office of United States
NOTICES
European Union; accession:
Austria et al., 41593–41594
Generalized System of Preferences:
Thailand; review of 1989 benefits lost, 41594–41595

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Highway Administration
See Federal Railroad Administration
NOTICES
Secretarial award for excellence in transportation technology research and development; nominations request, 41586–41587

Treasury Department
See Internal Revenue Service
NOTICES
Agency information collection activities under OMB review, 41592–41593

Veterans Affairs Department
NOTICES
Meetings:
Prosthetics and Special-Disabilities Programs Advisory Committee, 41595
Rehabilitation Advisory Committee, 41595

Separate Parts In This Issue

Part II
Corporation for National and Community Service, 41598–41624

Part III
Environmental Protection Agency, 41626–41629

Part IV
Department of the Interior, Bureau of Indian Affairs, 41632

Part V
Department of Housing and Urban Development, 41634–41635

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

7 CFR
52.....41377
905.....41378
920.....41379
945.....41381
959.....41382
987.....41383
993.....41385
1901.....41386
1940.....41386
1951.....41386
2003.....41386
4284.....41386

Proposed Rules:
1004.....41413

14 CFR
71.....41398

20 CFR
416 (2 documents).....41399, 41400

26 CFR

Proposed Rules:
1.....41414

32 CFR
384.....41405

33 CFR
165 (2 documents).....41405, 41406

40 CFR
52.....41408
58.....41626

Proposed Rules:
52.....41416

41 CFR
101-38.....41410
101-41.....41411

45 CFR
2541.....41598
2542.....41598

Proposed Rules:
400.....41417

47 CFR

Proposed Rules:
24.....41426
73.....41428

49 CFR

Proposed Rules:
1312.....41428
1314.....41428

50 CFR
675.....41412

Rules and Regulations

Federal Register
Vol. 59, No. 155
Friday, August 12, 1994

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

Agricultural Marketing Service

7 CFR Part 52

[FV–94–327]

RIN 0581–AB16

Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products Regulations Governing Inspection and Certification

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This final rule revises the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Certain Other Products [1] by increasing the fees charged for inspection and by adding a section concerning cancellation of contracts. The revision is necessary in order to recover, as nearly as practicable, the costs of performing inspection services under the Agricultural Marketing Act of 1946.

EFFECTIVE DATE: August 12, 1994.

FOR FURTHER INFORMATION CONTACT: Mr. James R. Rodeheaver, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, Room 0709 South Building, Washington, D.C. 20090–6456, Telephone (202) 720–4693.

SUPPLEMENTARY INFORMATION: This rule has been determined significant for purposes of Executive Order 12866, and therefore has been reviewed by OMB.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

The Administrator, Agricultural Marketing Service (AMS), has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, P.L. 96–354 (5 U.S.C. 601).

The final rule reflects fee increases needed to recover the costs of services rendered in accordance with the Agricultural Marketing Act (AMA) of 1946. The inspection, grading and certification program for processed fruits and vegetables and related products is voluntary.

The AMA authorizes official inspection, grading, and certification on a user-fee basis, of processed food products including processed fruits, vegetables, and processed products made from them. The AMA provides that reasonable fees be collected from the user of the program services to cover as nearly as practicable the costs of services rendered. This final rule amends the schedule of fees and charges for inspection, grading, and certification services to more nearly reflect the costs currently associated with the program. The amendment includes the addition of the new Section 52.47 pertaining to charges when service is canceled or changed in order to manage the program in the most cost effective manner. Former Section 52.47, which was removed, pertained to microbiological and other types of testing functions which were transferred to the AMS Science Division.

AMS regularly reviews its programs to determine if fees are adequate. Employee salary and fringe benefits are major program costs that account for approximately 85 percent of the total operating budget. Two salary increases for Federal employees, a 3.7 percent pay increase effective January 10, 1993, and a locality pay increase, ranging from 3.09 to 6.52 percent depending upon locality, effective January 8, 1994, have materially affected program costs. Unemployment insurance, FTS 2000 telecommunications, General Services Administration rent, and other administrative, supervisory, and program costs have also increased.

In addition, the Agricultural Appropriation Bill for fiscal year 1994 directed AMS to establish a user fee program to recover the costs associated with agricultural commodities quality standards. In response, the service has implemented cost-cutting actions (reorganization and/or downsizing of field offices and technical support services) which reduced obligations by $569,175 from FY–92 to FY–93. Nonetheless, despite these measures, the Agency has determined that due to the increases in program operating costs, an increase in fees is necessary to meet rising costs and prevent financial losses.

A notice of proposed rulemaking was published in the **Federal Register** (59 FR 26762) on May 24, 1994 with a thirty day comment period. The comment period closed on June 24, 1994. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Agricultural Marketing Service. No comments were received regarding this proposed rule.

Pursuant to 5 USC 553, it is found and determined that good cause exists for not postponing the effective date until thirty days after the publication in the **Federal Register** because: (1) these programs have incurred a loss in fiscal year 1994; (2) this action should be made effective upon publication in the **Federal Register** so that fees will reflect the costs of services rendered as soon as possible and; (3) interested persons were afforded a thirty day comment period and no comments were received.

List of Subjects in 7 CFR Part 52

Food grades and standards, Food labeling, Frozen foods, Fruit juices, Fruits, Reporting and recordkeeping requirements, and Vegetables.

For the reasons set forth in the preamble, 7 CFR Part 52 is amended as follows:

[1] Other processed products may include the following: Honey; molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; tea, cocoa, coffee, spices, condiments.

PART 52 REGULATIONS GOVERNING INSPECTION AND CERTIFICATION OF PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

1. The authority citation for 7 CFR Part 52 is revised to read as follows:

Authority: 7 USC 1622, 1624.

2. Section 52.42 is revised to read as follows:

§ 52.42 Schedule of fees.

Unless otherwise provided in a written agreement between the applicant and the Administrator, the fee for any inspection service performed under the regulations in this part, shall be at the rate of $39.50 per hour plus one-half the hourly rate per hour for all scheduled overtime hours. When work is performed on a holiday, an additional hour shall be charged at the regular hourly rate for each hour worked. A ten (10) percent night differential charge will be made for all work performed between the hours of 6 p.m. and 6 a.m.

3. A new § 52.47 is added to read as follows:

§ 52.47 Changing Types of Service.

If an applicant cancels a new year-round contract before a full year has elapsed, the applicant shall be charged the difference between the year-round rate and less than year-round rate for the full period the year-round contract was in effect. If an applicant cancels a year-round contract after a full year or more of uninterrupted service, the fee remains at the year-round rate.

4. In § 52.50, the 1st sentence is revised to read as follows:

§ 52.50 Travel and other expenses.

Charges may be made to cover the cost of travel time incurred in connection with the performance of any inspection service, including appeal inspections, at the rate of $39.50 per hour. * * *

5. In § 52.51, paragraphs (c) (1), (c) (2), (d) (1), and (d) (2) are revised to read as follows:

§ 52.51 Charges for inspection on a contract basis.

* * * * *

(c) * * *

(1) For personnel assigned on a year-round basis: Each inspector—$34.00 per hour.

(2) For personnel assigned on less than a year-round basis: Each inspector—$39.50 per hour. In-plant sampler—$22.00 per hour.

* * * * *

(d) * * *

(1) Each inspector—$39.50 per hour.[1]

(2) In-plant sampler—$22.00 per hour.

* * * * *

Dated: August 8, 1994.

Lon Hatamiya,

Administrator.

[FR Doc. 94–19894 Filed 8–11–94; 8:45 am]

BILLING CODE 3410–02–P

---

7 CFR Part 905

[Docket No. FV94–905–1IFR]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Expenses and Assessment Rate for 1994–95 Fiscal Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenses and establishes an assessment rate for the 1994–95 fiscal year under Marketing Order No. 905. Authorization of this budget enables the Citrus Administrative Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective August 1, 1994, through July 31, 1995. Comments received by September 12, 1994, will be considered prior to any finalization on this interim final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2523–S, Washington, DC 20090–6456 or by Fax: (202) 720–5698. Three copies of all written material shall be submitted, and they will be made available for public inspection in the office of the Docket Clerk during regular business hours.

All comments should reference the docket number, date, and page number of this issue of the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Britthany Beadle, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456; telephone: (202) 720–5127; or William Pimenthal, Southeast Marketing Field Office, Fruit & Vegetable Division, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883–2276; telephone: (813) 299–4770.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement and Marketing Order No. 905, as amended [7 CFR Part 905], regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, hereinafter referred to as the order. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674], hereinafter referred to as the Act.

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, oranges, grapefruit, tangerines, and tangelos grown in Florida are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable citrus fruit during the 1994–95 fiscal year, beginning August 1, 1994, through July 31, 1995. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own

[1] Except a minimum of 8 hours per day will be billed in lieu of a minimum of 40 hours a week.

behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 100 citrus handlers subject to regulation under the marketing order covering fresh oranges, grapefruit, tangerines, and tangelos grown in Florida, and approximately 10,200 producers of these fruits in Florida. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. A minority of these handlers and a majority of these producers may be classified as small entities.

This marketing order, administered by the Department, requires that the assessment rate for a particular fiscal period shall apply to all assessable citrus fruit handled from the beginning of such period. An annual budget of expenses and assessment rate is prepared by the Committee and submitted to the Department for approval. The Committee members are handlers and producers of Florida citrus. They are familiar with the Committee's needs and with the costs for goods, services, and personnel in their local area and are thus in a position to formulate appropriate budgets. The budget is formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the Committee is derived by dividing anticipated expenses by the expected cartons (⅘ bushels) of fruit shipped. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the Committee's expected expenses. The annual budget and assessment rate are usually recommended by the Committee shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approvals must be expedited so that the Committee will have funds to pay its expenses.

The Committee met June 21, 1994, and unanimously recommended expenses of $210,000 for the 1994–95 fiscal year, with an assessment rate of $0.003 per ⅘ bushel carton of fresh fruit shipped.

In comparison, 1993–94 budget expenses were $200,000 with an approved assessment of $0.00285. This represents increases of $10,000 in expenses and of $0.00015 in the assessment rate from the amounts recommended for the current fiscal year.

The assessment rate, when applied to anticipated shipments of 66,000,000 cartons of assessable fruit, will yield a total of $198,000 in assessment income. Interest income for 1994–95 is estimated at $2,000. This, along with $10,000 from the Committee's authorized reserve fund, will be adequate to cover additional expenses. Funds in the reserve at the end of the 1994–95 fiscal year, estimated at $125,000, will be within the maximum permitted by the order of approximately one-half of one fiscal year's expenses.

Major expense categories for the current fiscal year include $98,300 for salaries, $36,000 for the Manifest department, and $12,600 for insurance and bonds.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be significantly offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) this fiscal year begins on August 1, 1994, and the marketing order requires that the rate of assessment for the fiscal year apply to all assessable oranges, grapefruit, tangerines, and tangelos handled during the fiscal year; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other budget actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

For the reasons set forth in the preamble, 7 CFR Part 905 is amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS, GROWN IN FLORIDA

1. The authority citation for 7 CFR Part 905 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 905.233 is added to read as follows:

Note: This section will not appear in the annual Code of Federal Regulations.

§ 905.233 Expenses and assessment rate.

Expenses of $210,000 by the Citrus Administrative Committee are authorized and an assessment rate of $0.003 per 4/5 bushel carton of assessable fruit is established for the fiscal year ending July 31, 1995. Any unexpended funds may be carried over as a reserve.

Dated: August 8, 1994.

Eric M. Forman,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–19805 Filed 8–11–94; 8:45 am]

BILLING CODE 3410–02–P

---

7 CFR Part 920

[Docket No. FV94–920–3IFR]

Expenses and Assessment Rate for the 1994–95 Fiscal Year for the Marketing Order Covering Kiwifruit Grown in California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final authorizes expenses and establishes an assessment rate for the Kiwifruit Administrative Committee (Committee) under Marketing Order (M.O.) No. 920 for the 1994–95 fiscal year. Authorization of this budget enables the Committee to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective beginning August 1, 1994, through July 31, 1995. Comments received by September 12, 1994, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments

concerning this interim final rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2523–S, Washington, DC 20090–6456, Fax # (202) 720–5698. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Rose Aguayo, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, CA 93721, telephone: (209) 487–5901; or Britthany Beadle, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 96456, Room 2523–S, Washington, DC 20090–6456; telephone: (202) 720–5127.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Order No. 920 [7 CFR Part 920], as amended, regulating the handling of kiwifruit grown in California, hereinafter referred to as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674], hereinafter referred to as the "Act".

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, California kiwifruit are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable California kiwifruit during the 1994–95 fiscal year beginning August 1, 1994, through July 31, 1995. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 65 handlers of kiwifruit grown in California who are subject to regulation under the kiwifruit marketing order and approximately 600 producers of kiwifruit in the regulated area. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of kiwifruit producers and handlers may be classified as small entities.

The kiwifruit marketing order, administered by the Department, requires that the assessment rate for a particular fiscal year apply to all assessable kiwifruit handled from the beginning of such year. The budget of expenses for the 1994–95 fiscal year was prepared by the Committee, the agency responsible for local administration of this marketing order, and submitted to the Department for approval. The members of the Committee are producers of California kiwifruit. They are familiar with the Committee's needs and with the costs for goods, services, and personnel in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of kiwifruit. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the Committee's expected expenses. The recommended budget and rate of assessment are usually acted upon by the Committee shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, the budget and assessment rate approval must be expedited so that the Committee will have funds to pay its expenses.

The Committee met on June 15, 1994, and unanimously recommended 1994–95 marketing order expenditures of $167,862 and an assessment rate of $0.01 per tray or tray equivalent of kiwifruit. In comparison, 1993–94 marketing year budgeted expenditures were $156,150, which is $11,712 less than the $167,862 recommended for this fiscal year. The assessment rate of $0.01 per tray or tray equivalent is the same as last year's assessment rate. The major budget category for 1994–95 is $98,360 for administrative, staff and field salaries.

Assessment income for 1994–95 is estimated to total $110,000 based on anticipated fresh domestic shipments of 11 million trays or tray equivalents of kiwifruit. The assessment income will have to be augmented by $57,862 from the Committee's reserves to provide adequate funds to cover budgeted expenses. Funds in the reserve at the end of the 1993–94 fiscal year are estimated to be $87,138. The reserve fund will be within the maximum permitted by the order of one fiscal year's expenses.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant material presented, including the Committee's recommendation, and other available information, it is found that this interim final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1994–95 fiscal year begins

August 1, 1994, and the marketing order requires that the rate of assessment for the fiscal year apply to all assessable kiwifruit handled during the fiscal year; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 920

Kiwifruit, Marketing agreements.

For the reasons set forth in the preamble, 7 CFR Part 920 continues to read as follows:

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

1. The authority citation for 7 CFR Part 920 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 920.210 is added to read as follows:

Note: This section will not appear in the annual Code of Federal Regulations.

§ 920.210 Expenses and assessment rate.

Expenses of $167,862 by the Kiwifruit Administrative Committee are authorized, and an assessment rate of $0.01 per tray or tray equivalent of assessable kiwifruit is established for the 1994–95 fiscal year ending on July 31, 1995. Unexpended funds may be carried over as a reserve.

Dated: August 8, 1994.

Eric M. Forman,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–19782 Filed 8–11–94; 8:45 am]

BILLING CODE 3410–02–P

---

7 CFR Part 945

[Docket No. FV94–945–1IFR]

Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 945 for the 1994–95 fiscal period. Authorization of this budget enables the Idaho-Eastern Oregon Potato Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective August 1, 1994, through July 31, 1995. Comments received by September 12, 1994, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, FAX 202–720–5698. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone 202–720–9918; or Dennis L. West, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Green-Wyatt Federal Building, room 369, 1220 Southwest Third Avenue, Portland, OR 97205, telephone 503–326–2724.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR part 945), regulating the handling of Irish potatoes grown in designated counties in Idaho, and Malheur County, Oregon. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing order now in effect, Idaho-Eastern Oregon potatoes are subject to assessments. Funds to administer the Idaho-Eastern Oregon potato marketing order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable potatoes handled during the 1994–95 fiscal period, which begins August 1, 1994, and ends July 31, 1995. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Acct (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 2,100 producers of Idaho-Eastern Oregon potatoes under this marketing order, and approximately 60 handlers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of Idaho-Eastern Oregon potato producers and handlers may be classified as small entities.

The budget of expenses for the 1994–95 fiscal period was prepared by the Idaho-Eastern Oregon Potato Committee, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Committee are producers and handlers of Idaho-Eastern Oregon potatoes. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of fresh Idaho-Eastern Oregon potatoes. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

The Committee met June 7, 1994, and unanimously recommended a 1994–95 budget of $99,879, $937 more than the previous year. Increases of $2,737 for salaries, $300 for telephone, $200 for postage, $500 for meetings and miscellaneous, and $200 for Federal payroll taxes will be partially offset by a decrease of $3,000 for reserve/auto purchase.

The Committee also unanimously recommended an assessment rate of $0.0026 per hundredweight, the same as each year for the past decade. This rate, when applied to anticipated shipments of 32,000,000 hundredweight, will yield $83,200 in assessment income. This, along with $16,679 from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the Committee's authorized reserve at the beginning of the 1994–95 fiscal period, estimated at about $60,000, will be within the maximum permitted by the order of one fiscal period's expenses.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the fiscal period begins on August 1, 1994, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable Idaho-Eastern Oregon potatoes handled during the fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other budget actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 945

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 945 is amended as follows:

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

1. The authority citation for 7 CFR Part 945 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 945.247 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 945.247 Expenses and assessment rate.

Expenses of $99,879 by the Idaho-Eastern Oregon Potato Committee are authorized, and an assessment rate of $0.0026 per hundredweight of assessable potatoes is established for the fiscal period ending July 31, 1995. Unexpended funds may be carried over as a reserve.

Dated: August 8, 1994.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–19803 Filed 8–11–94; 8:45 am]

BILLING CODE 3410–02–P

---

7 CFR Part 959

[Docket No. FV94–959–1IFR]

Onions Grown in South Texas; Expenses

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures under Marketing Order No. 959 for the 1994–95 fiscal period. Authorization of this budget enables the South Texas Onion Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective beginning August 1, 1994, through July 31, 1995. Comments received by September 12, 1994, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, FAX 202–720–5698. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone 202–720–9918, or Belinda G. Garza, McAllen Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 1313 East Hackberry, McAllen, Texas 78501, telephone 210–682–2833.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR part 959), regulating the handling of onions grown in South Texas. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action authorizes expenditures for the 1994–95 fiscal period, which begins August 1, 1994, and ends July 31, 1995. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such

handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 47 producers of South Texas onions under this marketing order, and approximately 34 handlers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of South Texas onion producers and handlers may be classified as small entities.

The budget of expenses for the 1994–95 fiscal period was prepared by the South Texas Onion Committee, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Committee are producers and handlers of South Texas onions. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget.

The Committee, in a mail vote, unanimously recommended a 1994–95 budget of $80,000 for personnel, office, and compliance expenses, the same as last year.

The assessment rate and funding for the research and promotion projects will be recommended at the Committee's organizational meeting this fall. These funds, along with the administrative expenses for personnel, office, and compliance, will comprise the total budget. Funds in the reserve as of May 31, 1994, estimated at $346,415, were within the maximum permitted by the order of two fiscal periods' expenses. These funds will be adequate to cover any expenses incurred by the Committee prior to the approval of the assessment rate.

Since no assessment rate is being recommended at this time, no additional costs will be imposed on handlers. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The fiscal period begins on August 1, 1994, and the Committee needs to have approval to pay its expenses which are incurred on a continuous basis; (2) this action is similar to that taken at the beginning of the 1993–94 fiscal period; and (3) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 959

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 959 is amended as follows:

PART 959—ONIONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 959 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 959.235 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 959.235 Expenses.

Expenses of $80,000 by the South Texas Onion Committee are authorized for the fiscal period ending July 31, 1995. Unexpended funds may be carried over as a reserve.

Dated: August 8, 1994.

Eric M. Forman,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–19804 Filed 8–11–94; 8:45 am]

BILLING CODE 3410–02–P

---

7 CFR Part 987

[Docket No. FV94–987–1IFR]

Domestic Dates Produced or Packed in Riverside County, CA; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 987 for the 1994–95 crop year. Authorization of this budget enables the California Date Administrative Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective October 1, 1994, through September 30, 1995. Comments received by September 12, 1994, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2523–S, Washington, DC 20090–6456, FAX 202–720–5698. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone 202–720–9918; or Maureen Pello, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721, telephone 209–487–5901.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 987, both as amended (7 CFR part 987), regulating the handling of dates produced or packed in Riverside County, California. The marketing agreement and order are

effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order now in effect, California dates are subject to assessments. Funds to administer the California date marketing order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable dates during the 1994–95 crop year which begins October 1, 1994, and ends September 30, 1995. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 135 producers of California dates under the marketing order and approximately 25 handlers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of California date producers and handlers may be classified as small entities.

The budget of expenses for the 1994–95 crop year was prepared by the California Date Administrative Committee, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Committee are producers and handlers of California dates. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of California dates. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

The Committee met on March 17, 1994, and by a vote of 6 to 2 with one abstention recommended a 1994–95 budget and assessment rate. The Committee again met on July 7, 1994, and unanimously recommended the line item operating expenses and by a vote of 6 to 2 recommended the line item promotional expenses in the budget. The 1994–95 budget of $571,000 is $101,440 less than the previous year. Included in the budgeted expenditures is an operating budget of $135,135, $13,335 more than last year, with a 26 percent surplus account allocation, for a net operating budget of $100,000, or $2,560 more than last year. Budget items for 1994–95 which have increased compared to those budgeted for 1993–94 (in parentheses) are: Executive Director's salary, $57,500 ($55,000), Administrative Assistant's salary, $18,500 ($15,000), health and related benefits, $8,500 ($7,500), utilities, $1,500 ($1,200), telephone, $5,000 ($3,000), office supplies, $3,600 ($1,500), furniture and equipment, $7,400 ($1,000), printing, $1,600 ($1,000), and insurance, $2,500 ($2,300). Items which have decreased compared to the amount budgeted for 1993–94 (in parentheses) are: payroll taxes, $5,814 ($6,000), postage and meter rental, $1,700 ($2,000), repair and maintenance $500 ($600), travel and mileage, $1,500 ($2,000), contingency, $221 ($4,000), and market promotion, $450,000 ($575,000). The Committee also eliminated funding for a clerk, unemployment reserve, and USDA compliance audits for which $6,000, $1,000, and $1,900 were recommended last year, respectively. All other items are budgeted at last year's amounts.

The assessment rate of $1.50 per hundredweight is $0.25 more than last season. This rate, when applied to anticipated date shipments of 38,000,000 pounds, will yield $570,000 in assessable income. This, along with $1,000 in interest income, will result in $21,000 in excess income which the Committee recommended be allocated to its reserve. These reserve funds, which the Committee estimates would be $121,000 as of September 30, 1995, would be within the maximum amount permitted by the order of not to exceed 50 percent of the average of expenses incurred during the most recent five preceding crop years, except that an established reserve need not be reduced to conform to any recomputed average. Funds held by the Committee at the end of the crop year, including the reserve, which are in excess of the crop year's expenses may be used to defray expenses for four months and thereafter the Committee shall refund or credit the excess funds to the handlers.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the crop year begins on October 1, 1994, and the marketing order requires that the rate of assessment for the crop year

apply to all assessable dates handled during the crop year; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other budget actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 987

Dates, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 987 is amended as follows:

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

1. The authority citation for 7 CFR part 987 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 987.337 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 987.337 Expenses and assessment rate.

Expenses of $571,000 by the California Date Administrative Committee are authorized, and an assessment rate of $1.50 per hundredweight of assessable dates is established for the crop year ending September 30, 1995. Unexpended funds may be carried over as a reserve within the limitations specified in § 987.72(c) and (d).

Dated: August 8, 1994.

Eric M. Forman,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–19784 Filed 8–11–94; 8:45 am]

BILLING CODE 3410–02–P

---

7 CFR Part 993

[Docket No. FV94–993–1IFR]

Dried Prunes Produced in California; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 993 for the 1994–95 crop year. Authorization of this budget enables the Prune Marketing Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective beginning August 1, 1994, through July 31, 1995. Comments received by September 12, 1994, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, FAX 202–720–5698. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone 202–720–9918; or Richard P. Van Diest, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721, telephone 209–487–5901.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 993, both as amended (7 CFR part 993), regulating the handling of dried prunes produced in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing order now in effect, California prunes are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable prunes handled during the 1994–95 crop year, which begins August 1, 1994, and ends July 31, 1995. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 1,360 producers of California prunes under this marketing order, and approximately 20 handlers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of California prune producers and handlers may be classified as small entities.

The budget of expenses for the 1994–95 crop year was prepared by the Prune Marketing Committee, the agency responsible for local administration of the marketing order, and submitted to the Department of Agriculture for approval. The members of the Committee are producers and handlers of California prunes. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of dried California prunes. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

The Committee met June 28, 1994, and unanimously recommended a 1994–95 budget of $270,200, $21,395 more than the previous year. Budget items for 1994–95 which have increased compared to those budgeted for 1993–94 (in parentheses) are: Executive salaries, $83,850 ($81,500), clerical salaries, $18,650 ($17,600), employee benefits, $15,800 ($14,500), audit fees, $3,650 ($3,500), office rent, $21,500 ($19,000), postage and messenger, $5,000 ($4,500), telephone, $2,500 ($2,000), fieldman travel, $4,000 ($3,500), purchase of equipment, $4,500 (3,000), acreage survey $10,000 ($5,000), and reserve for contingencies, $19,250 ($6,705). Items which have decreased compared to the amount budgeted for 1993–94 (in parentheses) are: Temporary help, $5,000 ($8,000), and data processing, $3,500 ($7,000). All other items are budgeted at last year's amounts.

The Committee also unanimously recommended an assessment rate of $1.60 per salable ton, $0.30 less than the previous year. This rate, when applied to anticipated shipments of 168,875 salable tons, will yield $270,200 in assessment income, which will be adequate to cover budgeted expenses. Any funds not expended by the Committee during a crop year may be used, pursuant to § 993.81(c), for a period of five months subsequent to that crop year. At the end of such period, the excess funds are returned or credited to handlers.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis, (2) the crop year begins on August 1, 1994, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable California prunes handled during the crop year; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other budget actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 993

Marketing agreements, Plums, Prunes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 993 is amended as follows:

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

1. The authority citation for 7 CFR part 993 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 993.345 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 993.345 Expenses and assessment rate.

Expenses of $270,200 by the Prune Marketing Committee are authorized, and an assessment rate of $1.60 per salable ton of dried prunes is established for the crop year ending July 31, 1995. Unexpended funds may be carried over as a reserve within the limitations specified in § 993.81(c).

Dated: August 8, 1994.

Eric M. Forman,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–19783 Filed 8–11–94; 8:45 am]

BILLING CODE 3410–02–P

Farmers Home Administration

7 CFR Parts 1901, 1940, 1951, and 2003

Rural Development Administration

7 CFR Part 4284

RIN 0570–AA02

Rural Technology Development Grants

AGENCIES: Rural Development Administration and Farmers Home Administration, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: The Rural Development Administration (RDA) promulgates a new regulation for Community Facility grants. The Farmers Home Administration (FmHA) amends its regulations that are utilized by RDA in administering Community Facility grants. This action complies with legislation which authorizes grants for establishing and operating centers for rural technology or cooperative development. The intended effect of this action is to publish regulations and application processing procedures to implement this new grant program to award fiscal year (FY) 1994 grants before the end of the FY.

DATES: These interim regulations are effective August 12, 1994. Comments should be in writing and received on or before October 11, 1994.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Regulations Analysis and Control Branch, FmHA, USDA, Room 6348, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250–0700. All written comments made pursuant to this notice will be available for public inspection during regular working hours at the above address.

FOR FURTHER INFORMATION CONTACT: Jennifer Barton, Loan Specialist, Community Facilities Division, Room 6304, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250–0700, Telephone: (202) 720–1504.

SUPPLEMENTARY INFORMATION:

Cross References of Regulations

The Rural Development Administration is a result of a reorganization of programs administered by Farmers Home Administration (FmHA) as required by section 364 of the Consolidated Farm and Rural Development Act (CONACT), as amended, (7 U.S.C. 2006f) and an order of the Secretary of Agriculture. Dual-

references or cross-references to FmHA regulations are provided for by section 364.

Classification

This interim rule has been determined to be significant/economically significant and was reviewed by the Office of Management and Budget under Executive Order 12866.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." RDA has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Executive Order 12778

This document has been reviewed in light of Executive Order (E.O.) 12778 and meets the applicable standards provided in sections 2(a) and 2(b)(2) of that E.O. Provisions within this part which are inconsistent with State law are controlling. All administrative remedies pursuant to 7 C.F.R. part 1900, subpart B, must be exhausted prior to filing suit.

Intergovernmental Review

This program is listed in the Catalog of Federal Domestic Assistance under number 10.771, Rural Technology Development Grants, and are subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. RDA conducts intergovernmental consultation in the manner delineated in FmHA Instruction 1940–J.

Paperwork Reduction Act

The information collection or recordkeeping requirements contained in these regulations have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB control numbers 0575–0018, 0575–0060, and 0570–0006 in accordance with the Paperwork Reduction Act of 1980. This interim final rule does not revise or impose any new information collection or recordkeeping requirement from those approved by OMB.

Justification for Interim Final Rule

It is the policy of the Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for public comment not withstanding the exemption of 5 U.S.C. 553 with respect to such rules. However, the Department is making this action effective immediately upon publication in the **Federal Register** without securing prior public comment.

The purpose of this rule is to implement section 2347 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Pub. L. 101–624) which amends Sec. 310B (f) through (h) (7 U.S.C. 1932) of the CONACT. This statutory amendment created a new program for Rural Technology Grants. In FY 1993, $1 million was appropriated to this program as part of the Extension Service (ES) budget. Three proposals were selected for funding under ES administration. The program was transferred to RDA under a Memorandum of Understanding. ES received another appropriation in their budget in FY 1994 for $1.5 million. This amount has been transferred to RDA through an apportionment of funds. RDA is responsible for implementing this program for FY 1994.

It has been determined that failure to implement the program will result in a substantial negative impact in the rural areas if grants from this program are not awarded from the appropriation for FY 1994. Because the appropriated funds for this program are not available past the end of FY 1994, it is essential that this authorization be implemented this year. RDA anticipates receiving a wide range of grant proposals as compared to the funding availability and expects the level of competition to be high. These regulations have a sunset provision of July 13, 1995.

The economies of many rural areas have experienced significant stress as a result of relying primarily on the agricultural or natural resource-based industries to provide employment. As the result of improvements in efficiency and productivity or the decline in importance of those industries in certain areas, employment opportunities and the general economy of those areas have declined significantly. Therefore, immediate implementation of this program will provide $1.5 million for these needy areas.

Since this is a new program, there is no historical data available to quantify benefits. However, the benefit to be derived from the program is the opportunity to create new investment and employment opportunities in rural areas based on new uses for agricultural or natural resources, thereby assisting in the diversification of rural economies, creating new employment opportunities, and simultaneously developing new markets for agricultural products and natural resources.

The Interim Final Rule describes the procedures and practices for applying for and obtaining this grant assistance. The Agency, however, is providing for public comment in order for members of the public who wish to suggest alternative rule provisions or courses of action in implementing this program to have an opportunity to give RDA the benefit of their views. In the event that public comments are received, the Department will consider them, as appropriate, before further publishing of this rule.

Program Description

Grants awarded under the Rural Technology Development Grant (RTDG) program will be to nonprofit institutions and public bodies to establish and operate centers for rural technology or cooperative development. The term "nonprofit institution" is defined by the CONACT, Sec. 310B(f)(4)(A) to mean "* * * any organization or institution, including an accredited institution of higher education, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual." While this definition does not include public bodies, the reference to public bodies in Sec. 310B(f) of the CONACT does indicate congressional intent to make rural technology development grants available to public bodies. The term "public body" has been defined to mean any State, county, city, township, incorporated towns and villages, boroughs, authorities, districts, locally-based areawide economic development organizations, Indian tribes on Federal and State reservations, and other federally recognized Indian tribes in rural areas. Furthermore, the Agency believes public bodies should be eligible because they are eligible for other RDA programs and could reasonably be expected to operate such centers.

The statute requires that these centers satisfy certain conditions in order to be eligible for grant funds. The primary objective of the program, established by CONACT Sec. 310B(f)(2)(B), is to improve the economic condition of rural areas by promoting the development (through technological innovation, cooperative development, and adaptation of existing technology) and commercialization of: (1) new services and products that can be produced or provided in rural areas, (2) new processes that can be utilized in the production of products in rural areas, and (3) new enterprises that can add value to on-farm production through processing or marketing. The intent of

this law is to provide incentives to establish new businesses, implement advanced technologies for businesses presently in place, and create alternative agricultural enterprises to stimulate the farm economy in the rural areas.

Definitions referenced in the interim rule generally are based on working definitions used by the Agency or other Federal agencies in similar grant programs and common usage of the terms. "Cooperative development," however, was taken from the CONACT, Sec. 310B(f)(2)(B), and "technology development" was taken from the CONACT, Sec. 310B(f)(2)(C)(vi). "Rural and rural area," "urbanized area," and "urbanizing area" were taken from related RDA program regulations also under the authority of the CONACT, Sec. 310B. The term "United States" is defined in accordance with Sec. 310B(f)(4)(B) to mean the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the other territories and possessions of the United States.

Eligibility

RTDGs may be made to nonprofit institutions and public bodies serving rural areas. Rural area determinations will be made to ascertain the eligibility of the applicant's proposed serving area. The procedure established in this rule to determine eligible grant areas is based on density requirements used by RDA in other grant programs.

In accordance with the CONACT, Sec. 310B(h), grants may be used to pay only up to 75 percent of the administrative costs. The Agency has further determined that to better utilize limited funds available under the program and to leverage those funds to bring in other sources of funding for the projects, the maximum grant amount for each proposed project will not be more than 75 percent of the project costs. This requirement is considered necessary to stimulate other funding participation in economic development activities and allow program grant funds to reach a broader range of rural economic development efforts. The applicant must contribute at least 25 percent to the cost of the project and administrative costs. The applicant's contribution may be in cash or third-party in-kind contributions in accordance with 7 CFR 3015, "Uniform Federal Assistance Regulations," and 3016, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments." Under 7 CFR 3015 and 3016, matching funds generally cannot come from another Federal grant program.

No Federal funds for this program shall be granted to an applicant who has an outstanding delinquent Federal debt until the delinquent account has been paid in full, nor shall funds be granted to an applicant for which an outstanding judgment obtained by the United States in a Federal Court (other than in the United States Tax Court), which has been recorded, unless it has been paid in full or otherwise satisfied, as required by the Federal Debt Collection Act of 1990.

Section 310B(d)(2) further prohibits financial assistance over $1 million, or where direct employment is increased by more than 50 employees, if: (1) it is likely to result in the transfer from one area to another any employment or business activity, unless it expands existing businesses or establishes a new location or; (2) it will increase the production or the availability of services or facilities in an area which will increase employment and have an adverse effect on existing competitors.

Application Process

Applications to be submitted must include a clear statement of the goal(s) and objective(s) of the project and a plan which describes the proposed project as required by the CONACT, Sec. 310B (f)(2). Such plan must contain specific elements to be addressed which have been deemed necessary to carry out the intent of the program and will also serve as the basis for the selection criteria that will be used to evaluate the project.

The program objectives and eligible grant purposes based on the statute are set forth in the interim rule. The Agency has expanded these eligible purposes to include equipment and materials necessary to carry out the objectives of the plan. This purpose is incidental and required to carry out the program's statutory objectives.

Ineligible grant purposes identified in the interim rule are in accordance with 7 CFR 3015 and 3016 and are consistent with other RDA grant programs. In addition, RTDG funds may not be provided to support greater than 75 percent of eligible project costs or to pay for building construction, the purchase of real estate or vehicles, improving and/or renovation of office space, or repair or maintenance of privately-owned property. Due to the limited funding available, these limitations are necessary to benefit as many eligible projects as possible.

Application requirements include submission of an SF–424, "Application for Federal Assistance," and other supporting documentation. The information required is consistent with RDA's other grant programs. The application process for RTDG funds is a two-stage process. Preapplications are submitted to determine applicant eligibility. Upon an eligibility determination, applications are submitted to process for competitive project selection. All supporting documentation required in connection with the preapplication/application are necessary for RDA to determine if the applicant is eligible, if the proposed grant purposes are eligible, and to help the Agency select the best grant applications for funding. RDA is simultaneously publishing in this issue of the **Federal Register** a Notice (inviting applications) that contains more specific guidance on submission of applications for FY 1994.

Project Selection

Section 310B(f)(3) of the CONACT limits the Agency's discretion in selecting eligible projects for funding. Grants shall be made on a competitive basis. Preferences will be given to support projects that most effectively improve business, industry, and employment in rural areas. Emphasis for project selection will be given to those projects that "* * * contribute the most to the improvement of economic conditions of rural areas. * * *" The Agency has interpreted this statutory phrase to establish preferences for projects that will create industries or agribusinesses, increase employment, stem the flow of outmigration, and increase the tax base in the areas to be served. The applicant must provide data to support these criteria for the most current full calendar year for which data is available and the 3 prior calendar years. This range of information should provide an accurate picture of the economic conditions of the rural areas to be served. The Agency is placing an emphasis on these criteria based on the purposes and objectives set forth in the statute. The actual number of proposals to receive funding will depend on the total number of applications received and the amount of grant funds requested. Projects will be selected based on a priority point system set out in the regulation. The point system emphasizes those factors given preference by statute. Points will be totalled and ranked with other applications. This selection method has been successful in other grant programs administered by the Agency and is considered the best method to use for this program.

RDA monitors and evaluates each project it approves in accordance with 7 CFR 3015 and 3016. Monitoring typically involves site visits by RDA staff and designated evaluators,

telephone conversations, and evaluation of the grantee's written activity reports. Activity reports are used to evaluate projects and must be in a measurable form. Termination of grant provisions are in accordance with 7 CFR 3015 and 3016. These provisions are consistent with other RDA grant programs.

Miscellaneous

Recipients and subrecipients are subject to all applicable Federal laws, Federal and USDA policies, regulations, and procedures applicable to Federal financial assistance. Requirements concerning civil rights, the environment, debarment and suspension, etc., have been listed in this rule. These restrictions are consistent with other RDA grant programs.

List of Subjects

7 CFR Part 1901

Agriculture, Authority delegations, Civil rights, Compliance reviews, Fair housing, Minority groups.

7 CFR Part 1940

Allocations, Administrative practice and procedure, Agriculture, Grant programs—Housing and community development, Loan programs—Agriculture, Rural areas.

7 CFR Part 1951

Account servicing, Grant programs—Housing and community development, Reporting requirements, Rural areas.

7 CFR Part 2003

Organization and functions (Government agencies).

7 CFR Part 4284

Business and industry; Grant programs—Housing and community development; Rural areas.

Therefore, chapters XVIII and XLII, title 7, Code of Federal Regulations, are amended as follows:

PART 1901—PROGRAM-RELATED INSTRUCTIONS

1. The authority citation for part 1901, subpart E, continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 40 U.S.C. 442; 5 U.S.C. 301; 42 U.S.C. 2942; 7 C.F.R. 2.23; 7 CFR 2.70.

Subpart E—Civil Rights Compliance Requirements *C*

2. Section 1901.204 is amended by adding a paragraph (a)(27) to read as follows:

§ 1901.204 Compliance reviews.

(a) * * *

(27) Rural Technology Development Grants in subpart F of part 4284 of this title.

* * * * *

PART 1940—GENERAL

3. The authority citation for part 1940 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart L—Methodology and Formulas for Allocation of Loan and Grant Program Funds

4. Section 1940.590 is amended by adding paragraph (j) to read as follows:

§ 1940.590 Community and Business Programs appropriations not allocated by State.

* * * * *

(j) Rural Technology Development Grants. Control of funds will be retained in the National Office and allocated on a project case basis. Funds may be requested by sending in Exhibit C of subpart F of part 4284 of this title (available in any FmHA State Office).

PART 1951—SERVICING AND COLLECTIONS

5. The authority citation for part 1951 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23 and 7 CFR 2.70.

Subpart E—Servicing of Community and Insured Business Programs Loans and Grants

§ 1951.201 [Amended]

6. Section 1951.201 is amended by removing the word "and" before the words "Section 306C" and by adding the words "; and Rural Technology Development Grants in subpart F of part 4284 of this title" after the words "subpart E of part 4284 of this title".

PART 2003—ORGANIZATION

7. The authority citation for part 2003 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; Public Law 100–82, 7 CFR 2.23 and 2.70.

Subpart A—Functional Organization of the Farmers Home Administration

8. Exhibit A of subpart A, paragraph 2 under the heading of 07 02 03 Assistant Administrator—Community and Business Programs is amended by adding the words "rural technology development grants," after the words "rural business enterprise/television demonstration grants."

PART 4284—GRANTS

9. The authority citation for part 4284 continues to read as follows:

Authority: 7 U.S.C. 1989; 16 U.S.C. 1005; 5 U.S.C. 301; 7 CFR 2.70.

Subpart F—Rural Technology Development Grants

10. Subpart F of part 4284, consisting of §§ 4284.501 through 4284.600, is added to read as follows:

Subpart F—Rural Technology Development Grants

Table of Contents

Sec.
4284.501 Purpose.
4284.502 Policy.
4284.503 [Reserved]
4284.504 Definitions.
4284.505 Applicant eligibility.
4284.506–4284.514 [Reserved]
4284.515 Grant purposes.
4284.516 Ineligible grant purposes.
4284.517–4284.526 [Reserved]
4284.527 Other considerations.
4284.528 Application processing.
4284.529–4284.539 [Reserved]
4284.540 Grant selection criteria.
4284.541 Grant approval, fund obligation, grant closing, and third-party financial assistance.
4284.542–4284.555 [Reserved]
4284.556 Docket preparation and Letter of Conditions.
4284.557 Fund disbursement.
4284.558 Reporting.
4284.559–4284.570 [Reserved]
4284.571 Audit requirements.
4284.572 Grant servicing.
4284.573 Programmatic changes.
4284.574 Subsequent grants.
4284.575 Grant suspension, termination, and cancellation.
4284.576–4284.586 [Reserved]
4284.587 Exception authority.
4284.588 Forms and exhibits.
4284.589–4284.599 [Reserved]
4284.600 OMB control number.

Exhibit A to Subpart F—Agreement of Administrative Requirements for Rural Technology Development Grants

Subpart F—Rural Technology Development Grants

§ 4284.501 Purpose.

(a) This subpart outlines the Rural Development Administration's (RDA) policies and authorizations and sets forth procedures to provide grants for technology and cooperative development in rural areas. Grants will not be awarded under this subpart after July 13, 1995.

(b) Grants for establishing and operating centers for rural technology or cooperative development will be for the primary purpose of improving the economic condition of rural areas by promoting the development (through

technological innovation, cooperative development, and adaptation of existing technology) and commercialization of new services and products that can be produced or provided in rural areas; new processes that can be utilized in the production of products in rural areas; and new enterprises that can add value to on-farm production through processing or marketing.

(c) Copies of all forms and Instructions referenced in this subpart are available in any Farmers Home Administration (FmHA) State Office.

§ 4284.502 Policy.

(a) The grant program will be used to assist in the economic development of rural areas.

(b) Funds allocated for use in accordance with this subpart are also to be considered for use by Native American tribes within the State regardless of whether State development strategies include Indian reservations within the State's boundaries. Native American tribes residing on such reservations must have equal opportunity along with other rural residents to participate in the benefits of these programs. This includes equal application of outreach activities of RDA servicing offices.

§ 4284.503 [Reserved]

§ 4284.504 Definitions.

Approval official—Any authorized FmHA/RDA official.

Cooperative—An association organized to provide a specific service with open membership, equality in ownership and control, limited return on members' capital, and equitable methods to distribute any excess earnings back to its members.

Cooperative development—The startup or expansion of a cooperative which will promote the development of new services and products that can be produced or provided in rural areas, new processes that can be utilized in the production of products in rural areas, and/or new enterprises that can add value to on-farm production through processing or marketing.

Economic development—The growth of an area as evidenced by increases in total income, employment opportunities, decreased outmigration of populations, value of production, increased diversification of industry, higher labor force participation rates, increased duration of employment, higher wage levels, and/or gains in other measurements of economic activity, such as land values.

Nonprofit institutions—Any organization or institution, including an accredited institution of higher education, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

Project—The undertaking for which funds will be used to develop or operate a technology and/or cooperative development center.

Public body—Any State, county, city, township, incorporated towns and villages, boroughs, authorities, districts, locally-based areawide economic development organizations, and Indian tribes on Federal and State reservations, and other federally recognized Indian tribes in rural areas.

Servicing office—Any FmHA State Office.

Small business—A business which does not exceed the maximum number of employees or annual receipts allowed for a concern (including its affiliates) to be considered small according to the established size standards for Small Business Administration (SBA) assistance as set forth in 13 CFR, part 121. The business may be operated on a profit or nonprofit basis but must rely primarily on revenues of the business for operation.

Technology—The application of science to industrial or commercial objectives. The entire body of methods and material used to achieve such objectives.

Technology development—The creation of new technology or the use and application of existing technology to promote the development and commercialization of new products, new processes, and new services that can be produced or provided in rural areas.

Rural and rural area—Includes all territory of a State, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, or the Commonwealth of the Mariana Islands that is not within the outer boundary of any city having a population of 50,000 or more and its immediately adjacent urbanized and urbanizing areas with a population density of more than 100 persons per square mile, as determined by the Secretary of Agriculture according to the latest decennial census of the United States.

Urbanized area—An area immediately adjacent to a city having a population of 50,000 or more which, for general social and economic purposes, constitutes a single community and has a boundary contiguous with that of the city. Such community may be incorporated or unincorporated to extend from the contiguous boundary(ies) to recognizable open country, less densely settled areas, or natural boundaries such as forests or water. Minor open spaces such as airports, industrial sites, recreational facilities, or public parks shall be disregarded. Outer boundaries of an incorporated community extend at least to its legal boundaries. Cities which may have a contiguous border with another city, but are located across a river from such city, are recognized as a separate community and are not otherwise considered a part of an urbanized or urbanizing area, as defined in this section, are not in a nonrural area.

Urbanizing area—A community which is not now, or within the foreseeable future not likely to be, clearly separate from and independent of a city of 50,000 or more population and its immediately adjacent urbanized areas. A community is considered "separate from" when it is separated from the city and its immediately adjacent urbanized area by open country, less densely settled areas, or natural barriers such as forests or water. Minor open spaces such as airports, industrial sites, recreational facilities, or public parks shall be disregarded. A community is considered "independent of" when its social and economic structure (e.g., government; educational, health, and recreational facilities; and business; industry, tax base, and employment opportunities) is not primarily dependent on the city and its immediately adjacent urbanized areas.

§ 4284.505 Applicant eligibility.

(a) Grants may be made to public bodies or nonprofit institutions.

(1) The approval official will proceed as follows in rural area determinations: When the approval official determines an area to be urbanized or urbanizing, he/she must then determine the population density per square mile. If the project otherwise appears to be eligible, the approval official will request the National Office to provide the correct density figure.

(2) All such density determinations will be made on the basis of minor civil division or census county division as used by the Bureau of the Census. In making the density calculations, large nonresidential tracts devoted to urban land uses such as railroad yards, airports, industrial sites, parks, golf courses, and cemeteries or land set aside for such purposes will be excluded.

(b) An outstanding judgement obtained against an applicant by the United States in a Federal Court (other than in the United States Tax Court), which has been recorded, shall cause the applicant to be ineligible to receive any grant or loan until the judgement is

paid in full or otherwise satisfied. RDA grant funds may not be used to satisfy the judgement. Questions about whether or not a judgement is still outstanding should be directed to the Office of the General Counsel (OGC).

§§ 4284.506–4284.514 [Reserved]

§ 4284.515 Grant purposes.

Grant funds may be used to pay up to 75 percent of the costs for establishing and/or operating centers for rural technology and/or cooperative development. Applicant's contribution may be in cash or third-party in-kind contribution in accordance with parts 3015 and 3016 of this title. Grant funds may be used for, but are not limited to, the following purposes:

(a) Technology research, investigations, and basic feasibility studies in any field or discipline for the purpose of generating principles, facts, technical knowledge, new technology, or other information that may be useful to rural industries, cooperatives, agribusinesses, and other persons or entities in rural areas served by such centers in the development and commercialization of new products, processes, or services.

(b) The collection, interpretation, and dissemination of principles, facts, technical knowledge, new technology, or other information that may be useful to rural industries, cooperatives, agribusinesses, and other persons or entities in rural areas served by the center in the development and commercialization of new products, processes, or services.

(c) Providing training and instruction for individuals residing in rural areas served by the center with respect to the development (through technological innovation, cooperative development, and adaptation of existing technology) and commercialization of new products, processes, or services.

(d) Providing loans and grants to individuals, small businesses, and cooperatives in rural areas for purposes of generating, evaluating, developing and commercializing new products, processes, or services.

(e) Providing technical assistance and advisory services to individuals, small businesses, cooperatives, and industries in rural areas served by the center for purposes of developing and commercializing new products, processes, or services.

(f) Providing research and support to individuals, small businesses, cooperatives, and industries in rural areas served by the center for purposes of developing new agricultural enterprises to add value to on-farm production through processing or marketing.

(g) Paying up to 75 percent of the administrative costs of the applicant in carrying out its projects.

(h) Equipment and materials necessary to carry out other eligible grant purposes under this section.

§ 4284.516 Ineligible grant purposes.

Grant funds may not be used to:

(a) Pay more than 75 percent of a project cost.

(b) Pay more than 75 percent of administrative costs.

(c) Duplicate current services or replace or substitute support previously provided.

(d) Pay costs of preparing the application package for funding under this program.

(e) Pay costs incurred prior to the effective date of the grant made under this subpart.

(f) Pay for building construction or the purchase of real estate or vehicles; improving and/or renovation of office space; or repair or maintenance of privately-owned property.

(g) Fund political activities.

(h) Pay for assistance to any private business enterprise which does not have at least 51 percent ownership by those who are either citizens of the United States or reside in the United States after being legally admitted for permanent residence.

§§ 4284.517–4284.526 [Reserved]

§ 4284.527 Other considerations.

(a) *Civil rights compliance requirements.* All grants made under this subpart are subject to the requirements of Title VI of the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color, and national origin as outlined in subpart E of part 1901 of this title. In addition, the grants made under this subpart are subject to the requirements of section 504 of the Rehabilitation Act of 1973 which prohibits discrimination on the basis of handicap; the requirements of the Age Discrimination Act of 1975 which prohibits discrimination on the basis of age; and Title III of the Americans with Disabilities Act, Pub. L. 101–336, which prohibits discrimination on the basis of disability by private entities in places of public accommodations.

(b) *Environmental requirements.* (1) *General applicability.* Unless specifically modified by this section, the requirements of subpart G of part 1940 of this title apply to this subpart. RDA will give particular emphasis to ensuring compliance with the environmental policies contained in §§ 1940.303 and 1940.304 of subpart G of part 1940 of this title. Although the purpose of the grant program established by this subpart is to improve business, industry, and employment in rural areas, this purpose is to be achieved, to the extent practicable, without adversely affecting important environmental resources of rural areas such as important farmland and forest lands, prime rangelands, wetlands, and floodplains. Prospective recipients of grants, therefore, must consider the potential environmental impacts of their applications at the earliest planning stages and develop plans and projects that minimize the potential to adversely impact on the environment.

(2) *Technical assistance.* An application for a technical assistance project is generally excluded from the environmental review process by § 1940.333 of subpart G of part 1940 of this title. However, as further specified in that section, the grantee of a technical assistance grant, in the process of providing technical assistance, must consider the potential environmental impacts of the recommendations provided to the recipient of the technical assistance.

(3) *Applications for grants to provide financial assistance to third-party recipients.* As part of the preapplication, the applicant must provide a complete Form FmHA 1940–20, "Request for Environmental Information," for each project specifically identified in its plan to provide financial assistance to third parties who will undertake eligible projects with such assistance. RDA will review the preapplication, supporting materials, and any required Forms FmHA 1940–20 and initiate a Class II assessment for the preapplication in accordance with § 1940.318 of subpart G of part 1940 of this title. This assessment will focus on the potential cumulative impacts of the projects as well as any environmental concerns or problems that are associated with individual projects and that can be identified at this time from the information submitted. Because RDA's approval of this type of grant application does not constitute RDA's commitment to the use of grant funds for any identified third-party projects (see § 4284.541 of this subpart), no public notification requirements for a Class II assessment will apply to the preapplication. After the grant is approved, each third-party project to be assisted under the grant will undergo the applicable environmental review and public notification requirements in subpart G of part 1940 of this title prior to RDA providing its consent to the

grantee to assist the third-party project. If the preapplication reflects only one specific project which is specifically identified as the third-party recipient for financial assistance, RDA may perform the appropriate environmental assessment in accordance with the requirements of subpart G of part 1940 of this title and forego initiating a Class II assessment with no public notification. However, the applicant must be advised that if the recipient or project changes after the grant is approved, the project to be assisted under the grant will undergo the applicable environmental review and public notification requirements in subpart G of part 1940 of this title.

(c) *Governmentwide debarment and suspension (nonprocurement) and requirements for drug-free workplace.* All projects must comply with the requirements set forth in part 3017 of this title and FmHA Instruction 1940–M (available in any FmHA State Office).

(d) *Restrictions on lobbying.* All grants must comply with the lobbying restrictions set forth in part 3018 of this title.

(e) *Excess capacity or transfer of employment.*

(1) If a proposed grant is for more than $1 million and will increase direct employment by more than 50 employees, the applicant will be requested to provide written support for an RDA determination that the proposal will not result in a project which is calculated to, or likely to, result in:

(i) The transfer of any employment or business activity from one area to another (this limitation shall not prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary of such entity if the expansion will not result in an increase in the unemployment in the area of original location or in any other area where such entity conducts business operations unless there is reason to believe that such expansion is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations), or

(ii) An increase in the production of goods, materials, or commodities or the availability of services or facilities in the area when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area. The applicant's written support will consist of a resolution from the applicant and Form FmHA 449–22, "Certification of Non-Relocation and Market and Capacity Information Report," from each existing and future occupant of the site. The applicant may use Guide 2 of subpart G of part 1942 (available in any FmHA State Office) as an example in preparing the resolution. Future occupants of the site must be certified by the Department of Labor (DOL) for a period of 3 years after the initial certification by DOL.

(2) RDA will check each document for completeness and accuracy and submit nine copies of each to the National Office for forwarding to DOL.

(3) Grants shall not be made if the Secretary of Labor certifies within 30 days after the matter has been submitted by the Secretary of Agriculture that the provisions of paragraph (e)(1) of this section have not been met. Information for obtaining this certification will be submitted, in writing, by the applicant to RDA. The information will be submitted to DOL by the RDA National Office. Grant approval may be given and funds may be obligated, subject to the DOL certification being received, provided RDA has made its own separate determinations of (e)(1) (i) and (ii) of this section when applicable.

(f) *Management assistance.* Grant recipients will be supervised, as necessary, to ensure that projects are completed in accordance with approved plans and specifications and that funds are expended for approved purposes. Grants made under this subpart will be administered under, and are subject to, parts 3015, 3016, and 3017 of this title, as appropriate, and established RDA guidelines.

(g) *National Historic Preservation Act of 1966.* All projects will be in compliance with the National Historic Preservation Act of 1966 in accordance with subpart F of part 1901 of this title.

(h) *Uniform Relocation Assistance and Real Property Acquisition Policies Act.* All projects must comply with the requirements set forth in part 21 of this title.

(i) *Floodplains and wetlands.* All projects must comply with Executive Order 11988, "Floodplain Management," and Executive Order 11990, "Protection of Wetlands."

(j) *Flood or mudslide hazard area precautions.* If the grantee financed project is in a flood or mudslide area, flood or mudslide insurance must be provided.

(k) *Termination of Federal requirements.* Once the grantee has provided assistance to projects from a revolving fund, in an amount equal to the grant provided by RDA, the requirements imposed on the grantee shall not be applicable to any new projects thereafter financed from the revolving funds. Such new projects shall not be considered as being derived from Federal funds.

(l) *Intergovernmental review.* Grant projects are subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. A revolving fund established in whole, or in part, with grant funds will also be considered a project for the purpose of intergovernmental review as well as the specific projects funded with grant funds from the revolving loan project. For each project to be assisted with a grant under this subpart and for which the State has elected to review the project under their intergovernmental review process, the State Point of Contact must be notified. Notification, in the form of a project description, can be initiated by the grantee. Any comments from the State must be included with the grantee's request to use RDA grant funds for the specific project. Prior to RDA's decision on the request, compliance with requirements of intergovernmental consultation must be demonstrated for each project. These requirements should be carried out in accordance with subpart V, "Intergovernmental Review of Department of Agriculture Programs and Activities," of part 3015 of this title (see subpart J of part 1940 of this title, available in any FmHA State Office).

§ 4284.528 Application processing.

(a) *Preapplications.* (1) Applicants will file an original and one copy of Standard Form (SF) 424.1, "Application for Federal Assistance (For Non-construction)," with the appropriate RDA office. This form is available in any FmHA State Office.

(2) All preapplications shall be accompanied by:

(i) Evidence of applicant's legal existence and authority to perform the proposed activities under the grant.

(ii) Latest financial information to show the organization's financial capacity to carry out the proposed work. At a minimum, the information should include a balance sheet and an income statement. A current audit report is preferred where one is reasonably obtainable.

(iii) Estimated breakdown of total costs, including costs to be funded by the applicant as well as other sources. Other sources should be identified. Certification must be provided from the applicant that its matching share to the project is available and will be used for the project. The matching share must

meet the requirements of parts 3015 and 3016 of this title. Certifications from an authorized representative of each source of funds must be provided indicating that funds are available and will be used for the proposed project.

(iv) Budget and description of the accounting system in place or proposed.

(v) Area to be served, identifying each government unit, i.e., town, county, etc., if affected by the proposed project and evidence of support and concurrence in the proposed project from the affected local governmental bodies as evidenced by resolution or a written statement from the chief elected local official.

(vi) The most current demographic information (and source) about the area to be served which includes information on the rural industries and agribusinesses in the area; unemployment rate; description of under employment in the area; information regarding outmigration of people, businesses and industries; and the per capita income of the area. The source of information and dates must be identified and must be from a recognized source such as Census data or State employment data.

(vii) Businesses to be assisted.

(viii) Applicant's experience, including experience of key staff members and person(s) who will be providing the proposed service(s) and managing the project.

(ix) The number of months duration of the project or service and the estimated time it will take from grant approval to beginning of service.

(x) Method and rationale used to select the areas/businesses that will receive the service.

(xi) Brief description of how the work will be performed and whether organizational staff or consultants/ contractors will be used.

(xii) Evaluation method to be used by the applicant to determine if objectives of the proposed activity are being accomplished.

(xiii) A brief plan which contains the following provisions and describes how the applicant will meet those provisions:

(A) A provision that substantiates that the applicant will effectively serve rural areas in the United States.

(B) A provision that the primary objective of the applicant will be to improve the economic condition of rural areas by promoting the development (through technological innovation, cooperative development, and adaptation of existing technology) and commercialization of:

(*1*) New services and products that can be produced or provided in rural areas;

(*2*) New processes that can be utilized in the production of products in rural areas; and

(*3*) New enterprises that can add value to on-farm production through processing or marketing.

(C) A description of the activities that the applicant will carry out to accomplish such objective.

(D) A description of the proposed activities to be funded under this subpart.

(E) A description of the contributions that the applicant's proposed activities are likely to make to the improvement of the economic conditions of the rural areas served by the applicant.

(F) Provisions that the applicant, in carrying out its activities, will seek, where appropriate, the advice, participation, expertise, and assistance of representatives of business, industry, educational institutions, the Federal Government, and State and local governments.

(G) Provisions that the applicant will consult with any college or university administering Extension Service programs and cooperate with such college or university in the coordination of the center's activities and programs.

(H) Provisions that the applicant will take all practicable steps to develop continuing sources of financial support for the center, particularly from sources in the private sector.

(I) Provisions for:

(*1*) Monitoring and evaluating its activities; and

(*2*) Accounting for money received and expended by the institution under this subpart.

(J) Provisions that the applicant will provide for the optimal application of technology and cooperative development in rural areas, especially those areas adversely affected by adverse agricultural economic conditions, through the establishment of demonstration projects and subcenters for:

(*1*) Rural technology development where the technology can be implemented by communities, community colleges, businesses, cooperatives, and other institutions; or

(*2*) Cooperative development where such development can be implemented by cooperatives to improve local economic conditions.

(xiv) If grant funds are to be used for the purpose of making loans and/or grants to eligible individuals, small businesses, or cooperatives (ultimate recipients) in rural areas for eligible purposes under this subpart, the applicant shall develop a plan which outlines the purpose and administration of the fund and include in the preapplication a copy of a proposed agreement to be used between the applicant and the ultimate recipient(s) which includes the following:

(A) An assurance that the responsibilities of the grantee, as a recipient of grant funds under this subpart, are passed on to the ultimate recipient and the ultimate recipient understands its responsibilities to comply with the requirements set forth in this subpart, including parts 3015 and 3016 of this title.

(B) Provisions that the ultimate recipient will comply with debarment and suspension requirements contained in part 3017 of this title and will execute Form AD–1048, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions."

(C) Provisions that the ultimate recipient will execute Form FmHA 400–4, "Assurance Agreement."

(D) Clear documentation that the ultimate recipient understands its responsibilities to the applicant.

(E) Clear documentation that the applicant understands its responsibilities in monitoring the ultimate recipient's activities under the grant and the applicant's plan for such monitoring.

(F) Brief written narrative addressing all items in § 4284.540(a) of this subpart, regarding grant selection criteria.

(3) Upon receipt of a preapplication, RDA will:

(i) Review and evaluate the preapplication and accompanying documents;

(ii) Request from the OGC, a legal determination of the applicant's legal existence and authority to perform the proposed activity; and

(iii) Respond to the applicant (usually within 45 days) using Form AD–622, "Notice of Preapplication Review Action," indicating the action taken on the preapplication.

(4) Applicants whose preapplications are found to be ineligible will be given notice by use of Form AD–622 and advised of their appeal rights under subpart B of part 1900 of this title.

(5) If at any time prior to grant approval it is decided that favorable action will not be taken on a preapplication or application, the RDA will notify the applicant in writing of the reasons why the request was not favorably considered. The notification will advise the applicant of appeal rights under subpart B of part 1900 of this title.

(6) Applicants eligible for funding within the available funds will be provided forms and instructions for filing a complete application.

Applicants should be advised against incurring obligations which cannot be fulfilled without RDA funds.

(b) *Applications.* Upon notification on Form AD–622 that the applicant is eligible for funding, the following will be submitted to the RDA by the applicant:

(1) SF 424.1.

(2) Proposed scope of work, detailing the proposed activities to be accomplished and timeframes for completion of each activity.

(3) Proposed budget, including source and amount of applicant contribution and any other funding sources for the proposed project.

(4) Other requested information needed by RDA to make a grant award determination.

(c) *Applicant response.* If the applicant fails to submit the application and related material by the date shown on Form AD–622 (normally 30 days from the date of Form AD–622), RDA may discontinue consideration of the application. Appeal rights will be given in accordance with subpart B of part 1900 of this title.

§§ 4284.529–4284.539 [Reserved]

§ 4284.540 Grant selection criteria.

Grants will be awarded under this subpart on a competitive basis. The priorities described below will be used by the RDA to rate preapplications and applications. Points will be distributed as indicated in paragraph (a) of this section. Points will be distributed according to ranking as compared with other preapplications/applications on hand. A copy of the score sheet (available in any FmHA State Office) should be placed in the casefile for future reference.

(a) The selection criteria are as follows:

(1) *Economic conditions.* Preference will be given to proposed projects which will serve a rural area(s) that has few rural industries and agribusinesses; high levels of unemployment or underemployment; high rates of outmigration of people, businesses, and industries; and low levels of per capita income. RDA will consider data supporting these demographics from the United States Bureau of the Census or other reliable data from recognized local, regional, State or Federal sources or from surveys conducted by reliable, impartial sources. Outmigration of businesses and industries, for example, may be supported by county business patterns data available from the Bureau of the Census. Data to support all categories must be for the most current full calendar year for which the data is available and the 3 calendar years prior to that year. The competitive range for proposed projects is as follows:

(i) Number of rural industries and agribusinesses in comparison with the population of the area(s) to be served: 1 or less per 5,000 residents—25 points; 1 or less per 3,000 residents—15 points; or 1 or less per 1,000 residents—5 points.

(ii) Unemployment rate in the area(s) to be served: Exceeds the State rate by 25 percent or more—15 points; or exceeds the State rate by less than 25 percent but more than 5 percent—10 points.

(iii) Underemployment in the area(s) to be served exceeds the State rate of underemployment by 25 percent or more—20 points; exceeds the State rate by less than 25 percent—10 points; or is equal to or less than State rate—0 points.

(iv) Outmigration of rural residents from the area(s) as evidenced by a population loss in the last full calendar year of at least 20 percent—20 points.

(v) Outmigration of business and industry and/or business and industry closures in the area(s) of at least 20 percent in the last 3 years—20 points.

(vi) Average per capita income of the area(s) is less than the State average by: 50 percent—25 points; or 25 percent—10 points.

(2) *Project proposal.* The project proposal will contribute the most to the improvement of economic conditions of the rural area(s) by:

(i) Creation of industries or agribusinesses in the area(s): 1 or more per 5,000 residents—20 points; 1 or more per 10,000 residents—10 points; or 1 or more per 20,000 residents—5 points.

(ii) Increasing employment by 10 percent or more—10 points.

(iii) Stemming the flow of outmigration of people, businesses, or industries by 10 percent or more—10 points.

(iv) Increasing the tax base of the area(s) by 2 percent or more—5 points.

(3) *Applicant experience.* The applicant demonstrates capability to transfer for practical application in rural areas the technology generated and demonstrates the ability to commercialize products, processes, services, and enterprises in rural areas—15 points.

(b) *Review of decision.* Each application for assistance will be carefully reviewed in accordance with the priorities established in this section. A priority rating will be assigned to each application. Applications selected for funding will be based on the priority rating assigned each application and the total funds available. All applications submitted for funding should contain sufficient information to permit RDA to complete a thorough priority rating. When a determination is made that favorable action will not be taken on a preapplication or application, the applicant will be notified in writing of the reasons why the request was not favorably considered. The notification to the applicant will state that a review of this decision by RDA may be requested by the applicant in accordance with subpart B of part 1900 of this title.

§ 4284.541 Grant approval, fund obligation, grant closing, and third-party financial assistance.

(a) [Reserved]

(b) [Reserved]

(c) A copy of the executed Form FmHA 1940–1, "Request for Obligation of Funds," and the approved scope of work will be sent to the applicant on the obligation date. The grant will be considered closed on the obligation date. Exhibit A of this subpart, shall become a permanent part of Form FmHA 1940–1 when grant funds are involved, and the following paragraphs will appear in the comment section of that form as appropriate:

(1) "The grantee understands the requirements for receipt of funds under the Rural Technology Development Grant program. The grantee assures and certifies that it is in compliance with all applicable laws, regulations, Executive Orders, and other generally applicable requirements, including those set forth in exhibit A of subpart F of part 4284 of this chapter, 7 CFR parts 3015, 3016, 3017, and 3018 (including revisions through _____ (date of grant approval)); and the Letter of Conditions and the approved scope of work."

(2) For grants involving the establishment of a revolving loan program to benefit third parties, the following statement shall also be added to the comment section of Form FmHA 1940–1: "The grantee furthermore agrees to use grant funds for the purposes outlined in the Scope of Work approved by RDA."

§§ 4284.542–4284.555 [Reserved]

§ 4284.556 Docket preparation and Letter of Conditions.

(a) The following forms and documents will be part of the grant docket:

(1) Form FmHA 400–4 for the applicant and recipients of the technical assistance or loans under a revolving loan fund.

(2) Scope of work and budget prepared by the applicant.

(3) Form FmHA 1940–1.

(4) Resolution of the Board, if appropriate, approving the grant application.

(5) Evidence of authority for individual, in the applicant's organization, to execute grant documents.

(6) Evidence of fidelity bond coverage.

(7) Form FmHA 1942–43, "Project Summary—Community Facilities (Other Than Utility-Type Projects)."

(8) Executed Forms AD–1047, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions," and AD–1049, "Certification Regarding Drug-Free Workplace Requirements (Grants) Alternative I—For Grantees Other Than Individuals."

(9) Executed certification in accordance with part 3018, appendix A of this title, that no Federal appropriated funds have been paid or will be paid for lobbying activities and Form LLL, "Disclosure of Lobbying Activities."

(10) Proposed agreement between applicant and ultimate recipient as required in § 4284.528(a)(2)(xiv) of this subpart (if applicable).

(11) Class II Environmental Assessment (if applicable).

(12) Finding of No Significant Impact (if applicable).

(13) Form FmHA 400–8, "Compliance Review (Nondiscrimination by Recipients of Financial Assistance through Farmers Home Administration.)"

(b) The RDA representative will prepare a Letter of Conditions outlining the conditions under which the grant will be made. It will include those matters necessary to ensure that the proposed grant is completed in accordance with the terms of the scope of work and budget, that the grant funds are expended for authorized purposes, and that the requirements prescribed in parts 3015, 3016, 3017, and 3018 of this title are complied with. Each Letter of Conditions will contain the following paragraphs:

(1) "This letter establishes conditions which must be understood and agreed to by you before further consideration may be given to the application."

(2) "This letter is not to be considered as grant approval nor as a representation as to the availability of funds. The docket may be completed on the basis of a grant not to exceed $_____ and a matching share by the applicant in the amount of $_____."

(3) "Please complete and return the attached Form FmHA 1942–46, 'Letter of Intent to Meet Conditions,' if you desire further consideration be given your application."

(4) "You must certify that the activities provided under the grant will benefit a rural area."

(5) "You must certify that at least 25 percent of the total funds for this project are provided as the grantee's share and meet the matching fund requirements of 7 CFR parts 3015 and 3016."

(6) "You must certify that no Federal appropriated funds have been paid or will be paid for lobbying activities in accordance with 7 CFR part 3018, Appendix A, and execute Form LLL."

(7) "You must execute Form AD–1047, 'Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions,' to certify that your organization is not debarred or suspended from Government assistance. You also must obtain a certification on Form AD–1048, 'Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions,' from any person or entity you do business with as a result of this Government assistance that they are not debarred or suspended from Government assistance."

(8) "You must execute Form AD–1049, 'Certification Regarding Drug-Free Workplace Requirements (Grants) Alternative I—For Grantees Other Than Individuals,' to certify that you will provide a drug-free awareness program for employees."

(9) "You must obtain prior approval for any change to the scope or objectives of the approved project. Failure to obtain prior approval of changes to the scope of work or budget can result in suspension/termination of grant funds."

(10) Other items in the Letter of Conditions should include those appropriate items relative to: maximum amount of grant; contributions; required project audit; evidence of compliance with all applicable Federal, State, and local requirements; closing instructions; DOL certifications; compliance with any required environmental mitigation measures; and other requirements.

§ 4284.557 Fund disbursement.

Grantees will be reimbursed as follows:

(a) An SF–270, "Request for Advance or Reimbursement," will be completed by the applicant and submitted to RDA not more frequently than monthly.

(b) Upon receipt of a properly completed SF–270, the funds will be requested through the field office terminal system. Ordinarily, payment will be made within 30 days after receipt of a proper request for reimbursement.

(c) Grantees are encouraged to use minority banks (a bank which is owned by at least 50 percent minority group members) for the deposit and disbursement of funds. A list of minority owned banks can be obtained from the Office of Minority Business Enterprise, Department of Commerce, Washington, DC 20230.

(d) The grantee's share in the cost of the project will be disbursed in advance of grant funds or on a pro-rata distribution basis with grant funds during the disbursement period. The grantee will not be permitted to provide its contribution at the end of the grant period.

§ 4284.558 Reporting.

An SF–269, "Financial Status Report," and a project performance activity report will be required of all grantees on a quarterly basis. A final project performance report will be required with the last SF–269. The final report may serve as the last quarterly report. The final report must include a final evaluation of the project. Grantees shall constantly monitor performance to ensure that time schedules are being met, projected work by time periods is being accomplished, and other performance objectives are being achieved. Grantees are to submit an original of each report to RDA. The project performance reports shall include, but not be limited to, the following:

(a) A comparison of actual accomplishments to the objectives established for that period;

(b) Reasons why established objectives were not met;

(c) Problems, delays, or adverse conditions which will affect attainment of overall project objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular project work elements during established time periods. This disclosure shall be accompanied by a statement of the action taken or planned to resolve the situation; and

(d) Objectives and timetable established for the next reporting period.

§§ 4284.559–4284.570 [Reserved]

§ 4284.571 Audit requirements.

The grantee will provide an audit report in accordance with subpart A of part 1942 of this title. The audit requirements only apply to the year(s) in which grant funds are received. Audits must be prepared in accordance with generally accepted Government

auditing standards using the publication, "Standards for Audit of Governmental Organizations, Programs, Activities and Functions."

§ 4284.572 Grant servicing.

Grants will be serviced in accordance with subpart E of part 1951 of this title.

§ 4284.573 Programmatic changes.

The grantee shall obtain prior approval for any change to the scope or objectives of the approved project. Failure to obtain prior approval of changes to the scope or budget can result in suspension/termination of grant funds.

§ 4284.574 Subsequent grants.

Subsequent grants will be processed in accordance with the requirements set forth in this subpart.

§ 4284.575 Grant suspension, termination, and cancellation.

Grants may be cancelled by RDA by use of Form FmHA 1940–10, "Cancellation of U.S. Treasury Check and/or Obligation." The RDA will notify the applicant, by letter, that the grant has been cancelled. A copy of the letter will be sent to the Regional Attorney, OGC, if the Regional Attorney has been involved. The applicant will be provided appeal rights, as appropriate, in accordance with subpart B of part 1900 of this title. Grants may be suspended or terminated for cause or convenience, in accordance with parts 3015 and 3016 of this title.

§§ 4284.576–4284.586 [Reserved]

§ 4284.587 Exception authority.

The Administrator may, in individual cases, make an exception to any requirement or provision of this subpart which is not inconsistent with the authorizing statute, an applicable law, or a decision of the Comptroller General if the Administrator determines that application of the requirement or provision would adversely affect the Government's interest and shows how the adverse impact will be eliminated or minimized if the exception is made.

§ 4284.588 Forms and exhibits.

Exhibits A and B and forms referenced (all available in any FmHA State Office) are for use in administering grants made under this subpart.

§§ 4284.589–4284.599 [Reserved]

§ 4284.600 OMB control number.

The reporting and recordkeeping requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) and have been assigned OMB control number 0570–0006. Public reporting burden for this collection of information is estimated to vary from 30 minutes to 8 hours per response, with an average of 1.85 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB #0570–0006), Washington, D.C. 20503.

Exhibit A of Subpart F—Agreement of Administrative Requirements for Rural Technology Development Grants

This exhibit contains information regarding the responsibilities of the grantee for receipt of grant funds under the Rural Technology Development Grant (RTDG) program. These requirements do not supersede the requirements for receipt of Federal funds as stated in 7 CFR parts 3015 and 3016; however, specific areas related to the program are cited below.

In consideration for the RTDG grant by RDA, grantee agrees to:

1. Cause the RTDG program to be completed within the total sums available to it, including grant funds, in accordance with the scope of work and any necessary modifications thereof prepared by grantee and approved by grantor.

2. Permit periodic inspection of the program operations by a representative of grantor.

3. Make the program available to all persons in grantee's service area without regard to race, color, national origin, religion, sex, marital status, age, physical or mental handicap.

4. Not use grant funds to replace any financial support previously provided or assured from any other source. The grantee agrees that the general level of expenditure by the grantee for the benefit of program area and/or program covered by this agreement shall be maintained and not reduced as a result of the Federal share funds received under this grant.

5. Provide financial management systems which will include:

(a) Accurate, current, and complete disclosure of the financial result of each grant.

(b) Records which identify adequately the source and application of funds for grant-supporting activities. Those records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

(c) Effective control over and accountability for all funds. Grantee shall adequately safeguard all such assets and shall ensure that they are used solely for authorized purposes.

(d) Accounting records supported by source documentation.

6. Retain financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of at least 3 years after grant closing except that the records shall be retained beyond the 3-year period if audit findings have not been resolved. Microfilm copies may be substituted in lieu of original records. The grantor and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the grantee which are pertinent to the specific grant program for the purpose of making audits, examinations, excerpts, and transcripts.

7. Provide an audit report prepared in accordance with generally accepted Government auditing standards using the publication, "Standards for Audit of Governmental Organizations, Programs, Activities and Functions."

8. Provide grantor with such periodic reports as it may require and permit periodic inspection of its operations by a designated representative of the grantor.

9. Execute Form FmHA 400–4, "Assurance Agreement," and any other agreements required by grantor to implement the civil rights requirements. If any such form has been executed by grantee as a result of a grant being made to grantee by grantor contemporaneously with the making of this grant, another form of the same type need not be executed in connection with this grant.

10. That upon any default under its representations or agreements set forth in this instrument, grantee, at the option and the demand of grantor, will, to the extent legally permissible, repay to grantor forthwith the original principal amount of the grant stated herein above, with interest equal to the rate of interest paid on U.S. 26-week Treasury Bills adjusted quarterly from the date of the default. The provisions of this exhibit may be enforced by grantor at its option and without regard to prior waivers by it of previous defaults of grantee, by judicial proceedings to require specific performance of the terms of this exhibit, or by such other proceedings in the law or equity in either Federal or State

courts as may be deemed necessary by grantor to assure compliance with the provisions of this exhibit and the laws and regulations under which this grant is made.

11. That no member of Congress shall be admitted to any share or part of this grant or any benefit that may arise therefrom; but this provision shall not be construed to bar, as a contractor under the grant, a publicly held corporation whose ownership might include a member of Congress.

12. That all non-confidential information resulting from its activities shall be made available to the general public on an equal basis.

13. That the purpose and scope of work for which this grant is made shall not duplicate programs for which monies have been received, are committed, or are applied to from other sources (public or private).

14. That grantee shall relinquish any and all copyrights and/or privileges to the materials developed under this grant as published in whole or in part. The material shall contain a notice and be identified by language to the following effect: "The material is the result of tax-supported research and as such is not copyrightable. It may be freely reprinted with the customary crediting of the source."

15. That the grantee shall abide by the policies promulgated in the USDA Uniform Assistance Regulations, 7 CFR Parts 3015 and 3016, which provides standards for use by grantee in establishing procedures for the procurement of supplies, equipment, and other services with Federal grant funds.

16. Obtain prior approval from grantor for use of grant funds for uses or amounts not consistent with the approved scope of work and budget.

17. That the grantee, except for States, will remit interest earned on grant funds deposited in an interest bearing account in accordance with the USDA Uniform Assistance Regulation, 7 CFR Parts 3015 and 3016.

18. Grantee will comply with property management standards established by 7 CFR Parts 3015 and 3016 for personal property. "Personal property" means property of any kind except real property. It may be tangible—having physical existence—or intangible—having no physical existence; such as patents, inventions, and copyrights. "Nonexpendable personal property" means tangible personal property having a useful life of more than 1 year and an acquisition cost of $300 or more per unit. A grantee may use its own definition of nonexpendable personal property provided that such definition would at least include all tangible personal property as defined above. "Expendable personal property" refers to all tangible personal property other than nonexpendable property. When nonexpendable property is acquired by a grantee with project funds, title shall not be taken by the Federal Government but shall be vested in the grantee subject to the following conditions.

(a) Right to transfer title. For items of real or nonexpendable personal property having a unit acquisition cost of $1,000 or more, RDA may reserve the right to transfer the title to the Federal Government or to a third party named by the Federal Government when such third party is otherwise eligible under existing statutes. Such reservation shall be subject to the following standards:

(i) The property shall be appropriately identified in the grant or otherwise made known to the grantee in writing.

(ii) RDA shall issue disposition instructions within 120 calendar days after the end of the Federal support of the project for which it was acquired. If RDA fails to issue disposition instructions within the 120 calendar day period, the grantee shall apply the standards of paragraph 18. (b) of this exhibit.

(iii) When RDA exercises its right to take title, the personal property shall be subject to the provisions for federally owned nonexpendable property discussed in paragraphs 18. (b) and (c) of this exhibit.

(iv) When title is transferred either to the Federal Government or to a third party and the grantee is instructed to ship the property elsewhere, the grantee shall be reimbursed by the benefiting Federal agency with an amount which is computed by applying the percentage of the grantee's participation in the cost of the original grant project or program to the current fair market value of the property, plus any reasonable shipping or interim storage costs incurred.

(b) Use of other nonexpendable personal property for which the grantee has title.

(i) The grantee shall use the property in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When it is no longer needed for the original project or program, the grantee shall use the property in connection with its other federally sponsored activities, in the following order of priority:

(*1*) Activities sponsored by RDA.

(*2*) Activities sponsored by other Federal agencies.

(ii) Shared use. During the time that nonexpendable personal property is held for use on the project or program for which it was acquired, the grantee shall make it available for use on other projects or programs if such other use will not interfere with the work on the project or program for which the property was originally acquired. First preference for such other use shall be given to projects or programs sponsored by RDA; second preference shall be given to projects or programs sponsored by other Federal agencies. If the property is owned by the Federal Government, use for other activities not sponsored by the Federal Government shall be permissible if authorized by RDA. User charges should be considered, if appropriate.

(c) Disposition of nonexpendable personal property. When the grantee no longer needs the property as provided in paragraph 18(b) of this exhibit, the property may be used for other activities in accordance with the following standards:

(i) Personal property with a unit acquisition cost of less than $1,000. The grantee may use the property for other activities without reimbursement to the Federal Government or sell the property and retain the proceeds.

(ii) Nonexpendable personal property with a unit acquisition cost of $1,000 or more. The grantee may retain the property for other use provided that compensation is made to RDA or its successor. The amounts of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to current fair market value of the property. If the grantee has no need for the property and the property has further use value, the grantee shall request disposition instructions from the original grantor agency.

(iii) RDA shall determine whether the property can be used to meet the Agency's requirements. If no need exists within RDA, the General Services Administration Federal Property Management Regulations will be used by RDA to determine whether a need for the property exists in other Federal *agencies. RDA shall issue instructions to the grantee no later than 120 days after the grantee request and the following procedures shall govern:

(*1*) If so instructed or if disposition instructions are not issued within 120 calendar days after the grantee's request, the grantee shall sell the property and reimburse RDA an amount computed by applying the percentage of the grantor participation in the grant program to the sales proceeds. However, the grantee shall be permitted to deduct and retain from the Federal share $100 or 10

percent of the proceeds, whichever is greater, for the grantee's selling and handling expenses.

(2) If the grantee is instructed to dispose of the property other than as described in paragraphs 18. (b) and (c) of this exhibit, the grantee shall be reimbursed by RDA for such costs incurred in its disposition.

(3) Property management standards for nonexpendable personal property. The grantee's property management standards for nonexpendable personal property shall include the following procedural requirements:

(*a*) Property records shall be maintained accurately and shall include:

(*i*) A description of the property.

(*ii*) Manufacturer's serial number, model number, Federal stock number, National stock number, or other identification number.

(*iii*) Sources of the property including grant or other agreement number.

(*iv*) Whether title vests in the grantee or the Federal Government.

(*v*) Acquisition date (or date received, if the property was furnished by the Federal Government) and costs.

(*vi*) Percentage (at the end of the budget year) of Federal participation in the cost of the project or program for which the property was acquired. (Not applicable to property furnished by the Federal Government).

(*vii*) Location, use, and condition of the property and the date the information was reported.

(*viii*) Unit acquisition cost.

(*ix*) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value where a grantee compensates the Federal agency for its share.

(*b*) Property owned by the Federal Government must be marked to indicate Federal ownership.

(*c*) A physical inventory of property shall be taken and the results reconciled with the property records at least once every 2 years. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the difference. The grantee shall, in connection with the inventory, verify the existence, current utilization, and continued need for the property.

(*d*) A control system shall be in effect to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or the theft of nonexpendable property shall be investigated and fully documented; if the property was owned by the Federal Government, the grantee shall promptly notify RDA.

(*e*) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(*f*) Where the grantee is authorized or required to sell the property, proper sales procedures shall be established which would provide for competition to the extent practicable and result in the highest possible return.

(*g*) Expendable personal property shall vest in the grantee upon acquisition. If there is a residual inventory of such property exceeding $1,000 in total aggregate fair market value upon termination or completion of the grant and if the property is not needed for any other federally sponsored project or program, the grantee shall retain the property for use on nonfederally sponsored activities or sell it, but must in either case compensate the Federal Government for its share. The amount of compensation shall be computed in the same manner as nonexpendable personal property.

This exhibit covers the following described personal property and any additional property acquired wholly or in part with grant funds (use continuation sheets as necessary):

19. To the following termination provisions:

(a) Termination for cause: The grantor agency may terminate any grant in whole, or in part, at any time before the date of completion, whenever it is determined that the grantee has failed to comply with the conditions of the grant. The grantor agency shall promptly notify the grantee in writing of the determination and the reasons for the termination, together with the effective date.

(b) Termination for convenience: The grantor agency or grantee may terminate grants in whole, or in part, when both parties agree that the continuation of the program would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The grantor agency shall allow full credit to the grantee for the Federal share of the noncancelable obligations properly incurred by the grantee prior to termination.

RDA agrees that it will:

1. Assist grantee, within available appropriations, with such technical assistance as grantor deems appropriate in planning the program and coordinating the plan with local official comprehensive plans and with any State or area plans for the area in which the program is located.

2. At its sole discretion, RDA may at any time give any consent, deferment, subordination, release, satisfaction, or termination of any or all of grantee's grant obligations, with or without valuable consideration, upon such terms and conditions as RDA may determine to be:

(a) Advisable to further the purposes of the grant or to protect the Government's financial interest therein; and

(b) Consistent with both the statutory purposes of the grant and the limitations of the statutory authority under which it is made.

Name of Grantee

Title

Date

RDA Approval Official

Title

Date

Dated: August 4, 1994.

Bob J. Nash,

Under Secretary, Small Community and Rural Development.

[FR Doc. 94–19686 Filed 8–11–94; 8:45 am]

BILLING CODE 3410–07–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 93–ANE–83]

Revocation of Class E Airspace; Bozrah, CT

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This action revokes Class E airspace at Bozrah, CT. This action is a result of the cancellation of the Special Instrument Approach Procedures for Runway 2 and Runway 20 at Gager Field. The intended effect of this action is to remove the controlled airspace extending upward from 700 feet above the surface at Bozrah, CT. This airspace is no longer needed for instrument flight rules operation at Bozrah, CT.

EFFECTIVE DATE: 0901 UTC, October 13, 1994.

FOR FURTHER INFORMATION CONTACT:

Charles M. Taylor, Airspace Specialist, System Management Branch, ANE–530, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7532; fax (617) 238–7560.

SUPPLEMENTARY INFORMATION:

History

On March 11, 1994, the FAA published a Notice of Proposed Rulemaking (NPRM) to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revoke Class E airspace at Bozrah, CT (59 FR 11561). The proposal was prompted by the cancellation of the Special Instrument Approach Procedures for Runway 2 and Runway 20 at Gager Field.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal of the FAA. No comments on the proposal were received.

Class E airspace designations for airspace areas extending upward from 700 feet or more above ground level are published in Paragraph 6005 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298, July 6, 1993).

The Class E airspace revocation listed in this document will be removed subsequently from the Order.

The Rule

This amendment of part 71 of the Federal Aviation Regulations revokes the Class E airspace at Bozrah, CT. This action is a result of the cancellation of the Special Instrument Approach Procedures for Runway 2 and Runway 20 at Gager Field.

The FAA has determined that this regulation only involves only an established body of technical regulations for which frequent and routine amendments are necessary to keep these regulations operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963, Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANE CT E5 Bozrah, CT [Removed]

* * * * *

Issued in Burlington, Massachusetts, on August 2, 1994.

Francis J. Johns,

Manager, Air Traffic Division, New England Region.

[FR Doc. 94–19402 Filed 8–11–94; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Reg. No. 16]

RIN 0960–AD81

Supplemental Security Income for the Aged, Blind, and Disabled; Eligibility for Children of Armed Forces Personnel Residing Outside the United States Other Than in Foreign Countries

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: This final rule reflects the provisions of section 13734 of the Omnibus Budget Reconciliation Act of 1993, Public Law (Pub. L.) 103–66, which amended section 1614(a)(1)(B)(ii) of the Social Security Act (the Act). Effective November 1, 1993, these provisions remove the restriction that children of armed forces personnel stationed in Puerto Rico or the territories or possessions of the United States may not continue to be eligible for supplemental security income (SSI) benefits while living outside the United States.

EFFECTIVE DATES: This rule is effective on August 12, 1994.

FOR FURTHER INFORMATION CONTACT: Regarding this Federal Register document—Henry D. Lerner, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–1762; regarding eligibility or filing for benefits—our national toll-free number, 1–800–772–1213.

SUPPLEMENTARY INFORMATION: This regulation reflects the provisions of section 13734 of the Omnibus Budget Reconciliation Act of 1993, Pub. L. 103–66, which amended section 1614(a)(1)(B)(ii) of the Act. Effective November 1, 1993, section 1614(a)(1)(B)(ii) provides that SSI benefits may continue to be paid to blind or disabled children who are United States citizens and accompany their military parent(s) to assignments in Puerto Rico or the territories or possessions of the United States, if the children were eligible for SSI benefits for the month before the parent reported for duty overseas. Section 13734 expands coverage to blind or disabled children whose military parents are assigned to permanent duty ashore anywhere outside the United States. Prior legislation (sec. 8009 of Pub. L. 101–239) and implementing regulations allowed the continuation of SSI payments to children whose parents were stationed in foreign countries as of April 1990, but did not permit the continuation of SSI payments to the children of military parents who were based in Puerto Rico or the United States territories or possessions.

We are amending § 416.215 to reflect that eligibility for SSI benefits may continue for a child living outside the United States when the child:

- Is a citizen of the United States;
- Is living with a parent who is a member of the armed forces of the United States assigned to permanent duty ashore outside the United States; and
- Was eligible for an SSI benefit (including any federally administered State supplementary payment) for the month before the parent reported for such duty.

Regulatory Procedures

The Department, even when not required by statute, as a matter of policy

generally follows the Administrative Procedure Act (APA) notice of proposed rulemaking (NPRM) and public comment procedures specified in 5 U.S.C. 553 in the development of its regulations. The APA provides exceptions to its notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest. We have determined that, under 5 U.S.C. 553(b)(B), good cause exists for dispensing with the NPRM and public comment procedures in this case. Good cause exists because this regulation is of a technical nature and involves no discretionary policy. Therefore, opportunity for prior comment is unnecessary, and we are issuing these changes to our regulations as a final rule.

Executive Order 12866

This final rule does not meet the criteria for a significant regulatory action under section 3(f) of Executive Order (E.O.) 12866 and, thus, is not subject to Office of Management and Budget (OMB) review under E.O. 12866.

Paperwork Reduction Act of 1980

This regulation imposes no new reporting or recordkeeping requirements subject to OMB clearance.

Regulatory Flexibility Act

We certify that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities because it affects only individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act, is not required.

(Catalog of Federal Domestic Assistance Program No. 93.807, Supplemental Security Income)

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Reporting and recordkeeping requirements, Supplemental Security Income (SSI).

Dated: June 27, 1994.

Shirley Chater,

Commissioner of Social Security.

Approved: August 5, 1994.

Donna E. Shalala,

Secretary of Health and Human Services.

Part 416 of Chapter III of title 20 of the Code of Federal Regulations is amended as follows:

1. The authority citation for subpart B of part 416 continues to read as follows:

Authority: Secs. 1102, 1110(b), 1602, 1611, 1614, 1615(c), 1619(a), 1631, and 1634 of the Social Security Act; 42 U.S.C. 1302, 1310(b), 1381a, 1382, 1382c, 1382d(c), 1382h(a), 1383, and 1383c; sec. 211 and 212 of Pub. L. 93–66, 87 Stat. 154 and 155; sec. 502(a) of Pub. L. 94–241, 90 Stat. 268; sec. 2 of Pub. L. 99–643, 100 Stat. 3574.

2. Section 416.215 is amended by revising paragraph (a) to read as follows:

§ 416.215 You are a child of armed forces personnel living overseas.

(a) *General rule.* You may be eligible for continuation of SSI benefits if you live overseas and if—

(1) You are a child as described in § 416.1856;

(2) You are a citizen of the United States;

(3) You are living with a parent as described in § 416.1881 who is a member of the armed forces of the United States assigned to permanent duty ashore outside the United States; and

(4) You were eligible for an SSI benefit (including any federally administered State supplementary payment) for the month before your parent reported for such duty.

* * * * *

[FR Doc. 94–19711 Filed 8–11–94; 8:45 am]

BILLING CODE 4190–29–M

---

20 CFR Part 416

[Regulations No. 16]

RIN 0960–AC22

Supplemental Security Income for the Aged, Blind, and Disabled; Continuation of Benefits and Special Eligibility for Certain Severely Impaired Recipients Who Work

AGENCY: Social Security Administration, HHS.

ACTION: Final rules.

SUMMARY: These regulations reflect changes in the law made by the Employment Opportunities for Disabled Americans Act and the Omnibus Budget Reconciliation Act of 1990. These statutes made permanent, simplified, and liberalized the incentives in the Social Security Act (the Act) for disabled and blind supplemental security income (SSI) recipients who attempt to work. They also liberalized the provision that provides an impairment-related work expense exclusion from the regular SSI income counting rules. In addition, we are making related administrative policy changes necessary to carry out these provisions.

EFFECTIVE DATE: These rules are effective August 12, 1994.

FOR FURTHER INFORMATION CONTACT: Regarding this **Federal Register** document—Richard M. Bresnick, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–1758; regarding eligibility or filing for benefits—our national toll-free number, 1–800–772–1213.

SUPPLEMENTARY INFORMATION:

General

SSI payments are designed to provide a basic level of support for certain aged, blind, or disabled individuals. Work incentive provisions in the SSI program generally enable blind and disabled individuals to return to work or increase their level of work activity without losing SSI disability or blindness status. Certain work incentives provide them some protection from having their SSI benefits reduced based on their increased earnings. In most States, some provisions also permit continued Medicaid coverage for qualified individuals even if their earnings preclude any SSI cash payments.

Under the law in effect before July 1, 1987, regular SSI benefits (section 1611 benefits) were payable to a disabled SSI recipient who worked at the substantial gainful activity (SGA) level after a 9-month trial work period. Work at the SGA level resulted in the cessation of disability status and, thus, an inability to requalify for regular SSI benefits without filing a new application if the work continued after a 15-month extended period of eligibility (EPE). Section 1619, in effect from January 1, 1981, through June 30, 1987, permitted payment of special SSI cash benefits (section 1619(a) benefits) to disabled recipients who lost eligibility for section 1611 benefits because of SGA. Section 1619(b) provided special SSI eligibility status for Medicaid purposes to working disabled or blind individuals whose earnings made them ineligible for SSI cash payments. Transitions between the various statuses, particularly after the EPE, were complicated. Many felt that the complexity deterred people from participating in the section 1619 program.

Amendments to section 1619 addressed these concerns. Sections 2 and 4 of the Employment Opportunities for Disabled Americans Act, Public Law (Pub. L.) 99–643, effective November 10, 1986 and July 1, 1987, respectively, made permanent and provided several improvements to sections 1619 (a) and

(b). Section 5032 of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101–508, effective May 1, 1991, further amended section 1619(b) by eliminating the 65-year age limit for special SSI eligibility status for Medicaid purposes. Section 5033 of Pub. L. 101–508, effective December 1, 1990, liberalized the impairment-related work expense exclusion of section 1612(b)(4)(B)(ii) of the Act.

These regulations were published in the **Federal Register** (58 FR 52458) as a notice of proposed rulemaking (NPRM) on October 8, 1993. Interested parties were given 60 days to submit comments. The comment period closed on December 7, 1993. We received two letters containing comments. One commenter supported the proposed changes without modification. The other generally supported the proposed changes, but suggested that we add one clarifying statement. We explain below in the Public Comments section of this preamble the nature of those comments and how we accommodated the suggested revision. This commenter also discussed matters that were not relevant to the proposed regulations. We referred those matters to the appropriate component of the Social Security Administration and do not address them in this preamble. In addition, on December 3, 1993 (58 FR 63888) we published final rules which added a new paragraph (c)(1) to § 416.1112 governing the exclusion from earned income of the earned income tax credit refund an individual receives, and redesignated existing paragraphs of § 416.1112. Therefore, we have revised the references to paragraphs of § 416.1112 in these final rules to be consistent with the new paragraph numbering. Further, we inadvertently did not provide a complete reference to all the relevant income exclusions in § 416.1112 as we apply them in determining the State threshold amount for purposes of determining section 1619(b) eligibility. We have made this technical correction to § 416.269 of these final rules. Therefore, except for adding the requested clarifying statement, updating regulatory references, and correcting typographical and technical errors in the NPRM, we adopted the rules as proposed.

Regulatory Changes

1. Expiration Date of Section 1619

We revised §§ 416.260 and 416.261 to remove the expiration date to reflect the change made by section of Pub. L. 99–643 that made section 1619 permanent.

2. Section 1619(a)—Special SSI Cash Benefits

Section 4 of Pub. L. 99–643 amended section 1619(a) of the Act to provide special SSI cash benefits to an individual whose earnings exceed the amount designated by the Secretary of Health and Human Services (the Secretary) to represent SGA despite a disabling impairment, provided that individual meets certain eligibility requirements. We discuss below the changes we made to reflect the changes in the law, as well as related policy changes.

We revised § 416.262(a) to reflect that an individual must have been eligible to receive a regular SSI benefit or federally administered State supplementary payment based on disability in "a," rather than "the," month before the month for which section 1619(a) eligibility is being determined. The statutory change removed the former requirement that the individual must have been eligible for regular SSI benefits, special SSI cash benefits, or State supplementary payments in the month immediately prior to the month of eligibility under section 1619(a). The month the individual was eligible for a regular SSI benefit or federally administered State supplementary payment may not be in a prior period of eligibility which has terminated according to §§ 416.1331–416.1335.

We revised § 416.262(d) to reflect the statutory change that an individual must "meet," rather than "continue to meet," all nondisability requirements for SSI eligibility in the month for which the determination is being made.

These two changes permit eligibility for special SSI cash benefits following one or more months of suspension.

We revised §§ 416.260, 416.261, and 416.262(b) to reflect that an individual is eligible for benefits under section 1619(a) when his or her "gross earned income," rather than "earnings" as described in § 416.1110, exceeds the designated SGA amount (currently $500 per month). Because actual monthly determinations of SGA are not required before an individual moves from section 1611 to 1619(a) status, we will use gross earned income rather than earnings. This is consistent with Congress' intent, as shown in the legislative history of section 1619, to simplify transitions between benefit statuses, limit actual determinations of eligibility, and ease administration of the section 1619 program. In response to a public comment, we added a new sentence to § 416.260 clarifying that the calculation of this gross earned income amount is not to be considered an actual SGA determination. We discuss this clarification below. For disabled individuals otherwise eligible for a cash benefit, the only distinction between regular benefit status under section 1611 and section 1619(a) status will be whether or not their gross earned income exceeds the SGA level. Section 1619(a) does not apply to the blind because earnings of blind individuals are not subject to an SGA test under the SSI program.

3. Section 1619(b)—Special SSI Eligibility Status

Section 4 of Pub. L. 99–643 and section 5032 of Pub. L. 101–508 amended section 1619(b) of the Act to provide changes in the eligibility requirements for special SSI eligibility status. We discuss below the changes we made to reflect the changes in the law, as well as related policy changes.

We revised § 416.264 to provide that special SSI eligibility status applies for purposes of reacquiring status as eligible for regular or special SSI cash benefits, as well as establishing or maintaining eligibility for Medicaid.

We revised § 416.265 to remove the 65-year age limit for section 1619(b) eligibility status effective May 1, 1991.

We also revised § 416.265 to reflect that an individual must have been eligible for a regular SSI benefit or a federally administered State supplementary payment in "a month before the month," rather than "the month before the first month," for which eligibility for special SSI eligibility status is being determined. The month the individual was eligible for a regular SSI benefit or federally administered State supplementary payment may not be in a prior period of eligibility which has terminated according to §§ 416.1331–416.1335.

We revised § 416.265(b) to reflect that an individual, except for earnings, must "meet," rather than "continue to meet," all nondisability requirements for SSI eligibility in the month for which the determination is being made.

These two changes permit special SSI eligibility status for Medicaid purposes following one or more months of suspension.

We revised § 416.265(d) to add that we will consider publicly funded attendant care services, in addition to SSI benefits, federally administered State supplementary payments, and Medicaid, when determining whether an individual's earnings are sufficient to allow the individual to provide a reasonable equivalent of the benefits which would be available if the individual did not have those earnings.

We revised § 416.268 to add that an individual may establish the need for Medicaid eligibility to continue working (see § 416.265(c)) by showing that Medicaid benefits would be needed to pay for unexpected medical expenses in the next 12 months. Previously, we considered only past or expected Medicaid use. This policy change adds consideration of the individual's ability to pay for unexpected medical expenses to the factors that can meet the statutory provision that termination of Medicaid would seriously inhibit the individual's ability to continue working. We believe the proposed change is consistent with the intent of Pub. L. 99–643 because such individuals, if not accorded section 1619(b) status, might be forced to stop working in order to get Medicaid to pay for unexpected medical expenses. This change enables individuals without recurring medical expenses or expectation of expenses to meet the requirement if they cannot provide for their own medical care.

We also deleted former paragraphs (b) and (c) of § 416.268, which required an individual's signed statement about use or expected use of Medicaid and verification, as necessary, of past services with the service providers or the State agency administering the Medicaid program. This change permits us to determine the need for Medicaid in order to continue working based on information provided by the individual. Our operational experience shows that the individual's knowledge about use or expected use of Medicaid is almost always valid and, therefore, verification results in unnecessary administrative burdens and costs.

We revised § 416.269 to reflect the statutory expansion of the factors considered in determining the sufficiency of a person's earnings to provide a reasonable equivalent of the benefits which would be available absent those earnings (see § 416.265(d)). We determine insufficiency of earnings by comparing actual and/or anticipated gross earnings for the 12-month period, beginning with the month for which special SSI eligibility status is being determined, with a threshold amount for the individual's State of residence. We determine the threshold amount using the amount of gross earnings that it would take to reduce to zero the Federal SSI benefit and State supplementary payment for an individual with no other income living in his or her own household and the average Medicaid expenditures for disabled SSI cash recipients for the State of residence. If an individual's gross earnings exceed the State threshold amount, we do a second comparison to compare the earnings with an individualized threshold. In making this determination, we will consider any amounts excluded as impairment-related work expenses or work expenses of the blind, amounts used or set aside for use under an approved plan for achieving self-support, and the value of any publicly funded attendant care services.

We also added § 416.269(d), which explains that we will consider the value of attendant care services for purposes of sufficiency of earnings determinations if the services are provided by a paid attendant, needed to assist with work-related and/or individual functions, and paid from Federal, State, or local funds.

We also added § 416.269(e) to reflect that we will base determinations of sufficiency of earnings on information and data updated no less frequently than annually.

Also, because § 416.269 predated retrospective monthly accounting, we further revised it. For sufficiency of earnings determinations, we will use the calendar month, rather than quarter, for which we are determining eligibility for special SSI eligibility status as the beginning of the 12-month period.

4. Impairment-Related Work Expense Change

In enacting Pub. L. 99–643, Congress recognized that disabled individuals who make work attempts may not be able to follow a steady progression from regular SSI status under section 1611 to special SSI cash benefit status under section 1619(a), to special SSI eligibility status under section 1619(b), and then to a status of complete independence. In reality, such individuals tend to have setbacks which may cause a drop in earnings and, therefore, a change in eligibility status. According to the legislative history of Pub. L. 99–643, it was Congress' intent to provide for easy transition, in either direction, between the various categories of benefits. Therefore, we revised § 416.1112(c)(6) to facilitate easier movement between different benefit statuses. For periods prior to December 1, 1990, an individual who remained continuously eligible for a benefit under section 1611, 1616 (if supplementation is federally administered), 1619(a), or 1619(b), continued to qualify for the impairment-related work expense exclusion in determining financial eligibility for SSI. Also, to reflect section 5033 of Pub. L. 101–508, for periods after November 30, 1990, we removed the requirement that an individual must establish eligibility without benefit of the impairment related work expense exclusion.

5. Administrative Actions Under Section 1619(a)

In addition to the changes already discussed, these regulations contain changes which we believe are consistent with the legislative intent of Pub. L. 99–643 to simplify administration of section 1619 and facilitate transition among the various categories of benefits. We revised §§ 416.1402 and 416.1403 with regard to initial determinations in order to state our policy on determinations involving transitions between sections 1611, 1619(a), and 1619(b).

We revised § 416.1402(a) to clarify that initial determinations regarding SSI benefits include, but are not limited to, determinations about eligibility for or the amount of SSI benefits or special SSI cash benefits, except actions solely involving transitions to eligibility between these types of benefits. We revised § 416.1402(b) to clarify that the administrative actions of "suspension" and "termination" pertain to special SSI eligibility status under section 1619(b) as well as SSI cash benefits under section 1611 or section 1619(a).

We deleted former § 416.1402(h), which provided that a determination about whether an individual is eligible for special SSI cash benefits under § 416.262 (section 1619(a) status) is an initial determination, and redesignated the subsequent paragraphs. The change recognizes that transition alone from eligibility for regular SSI benefits under section 1611 to eligibility for special SSI cash benefits under section 1619(a) and vice versa generally has little practical effect on an individual. The change allows movement between the statuses to be made with fewer steps, saving time and administrative expense. We believe this change is consistent with Congress' intent to simplify transitions between benefit statuses.

In addition, we revised § 416.1403(a) to include in the list of administrative actions that are not initial determinations, transitions from section 1611 to 1619(a) eligibility or section 1619(a) to 1611 eligibility. If a recipient's section 1611 or 1619(a) benefits are adversely affected (i.e., reduced, suspended, or terminated) for a reason unrelated to his or her medical condition at the time of the shift, such planned action(s) will continue to be subject to advance notice of benefit reduction, suspension, or termination and be covered as initial determinations under § 416.1402(b). If an individual's benefit amount increases, an initial determination is made under § 416.1402(a). Determinations about an

individual's disability are also initial determinations under § 416.1402.

Redesignated § 416.1402(h) (former § 416.1402(i)) provides that a determination about whether an individual is eligible for special SSI eligibility status under § 416.265 is an initial determination. Section 416.265 describes the eligibility requirements for special SSI eligibility status under section 1619(b).

Because we must make a threshold calculation and a finding that an individual needs Medicaid to continue working in order to determine eligibility under section 1619(b), we will continue to provide an initial determination. Movement from special SSI eligibility status under section 1619(b) back to regular SSI benefit status under section 1611 or special SSI cash benefit status under section 1619(a) is defined to be an initial determination under § 416.1402(a).

Public Comments

The following is a summary of the substantive comments we received on the proposed rules and our response to them.

Comment: The commenter was concerned about using gross earned income, rather than actual countable earnings, in transitions between benefit statuses as described in §§ 416.260, 416.261, and 416.262(b). The commenter was not so much concerned with using the gross earned income amount at the time of the transition between benefit statuses, but rather how that amount might be interpreted in other determinations in the SSI program. The commenter suggested adding a clarifying statement indicating that the gross income amount used in the transition process is not to be considered an SGA determination.

Response: Although in the preamble to the proposed rules (58 FR 52458, 52459) we stated that we would not make actual SGA determinations on whether an individual is eligible for section 1619 status, we agree with the suggestion to add the clarifying statement to these final rules. We have added the statement to § 416.260, which deals specifically with transitions between benefit statuses under sections 1611 and 1619.

Regulatory Procedures

Executive Order (E.O.) 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these rules do not meet the criteria for a significant regulatory action under E.O. 12866. Thus, they were not subject to OMB review.

All program changes reflected in these regulations related to Pub. L. 99–643 and Pub. L. 101–508 were implemented on their respective effective dates. As of December 1993, there were 20,028 section 1619(a) participants and 35,299 section 1619(b) participants.

Paperwork Reduction Act

These regulations contain information collection requirements in § 416.268. As required by the Paperwork Reduction Act of 1980, 44 U.S.C. 3504(h), we submitted a copy to OMB for its review and we received clearance to collect this information under OMB No. 0960–0267.

Public reporting burden for this collection of information is estimated to average 3 minutes per response. This includes the time it will take to read the instructions, gather the necessary facts, and provide the information. Since we estimate that 25,000 SSI recipients will provide this information, the total annual burden is estimated to be 1,250 hours.

Organizations or individuals desiring to submit comments on these information collection requirements should direct them to the Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, Attention: Reports Clearance Officer, 1–A–21 Operations Building, and to the Office of Information and Regulatory Affairs, OMB, New Executive Office Building, Room 3208, Washington, D.C. 20503, Attention: Desk Officer for HHS.

Regulatory Flexibility Act

We certify that these regulations will not have a significant economic impact on a substantial number of small entities because they affect only individuals and States. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act, is not required.

(Catalog of Federal Domestic Assistance Program No. 93.807, Supplemental Security Income)

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Supplemental Security Income (SSI), Reporting and recordkeeping requirements.

Dated: June 27, 1994.

Shirley Chater,

Commissioner of Social Security.

Approved: August 5, 1994.

Donna E. Shalala,

Secretary of Health and Human Services.

Subparts B, K. and N of part 416 of chapter III of title 20 of the Code of Federal Regulations are amended as follows:

1. The authority citation for subpart B of part 416 is revised to read as follows:

Authority: Secs. 1102, 1110(b), 1602, 1611, 1614, 1615(c), 1619(a), 1631, and 1634 of the Social Security Act; 42 U.S.C. 1302, 1310(b), 1381a, 1382, 1382c, 1382d(c), 1382h(a), 1383, and 1383c; secs. 211 and 212 of Pub. L. 93–66, 87 Stat. 154 and 155; sec. 502(a) of Pub. L. 94–241, 90 Stat. 268; and sec. 2 of Pub. L. 99–643, 100 Stat. 3574.

2. The undesignated center heading immediately above § 416.260 is revised to read as follows:

Special Provisions for People Who Work Despite a Disabling Impairment

3. Section 416.260 is revised to read as follows:

§ 416.260 General.

The regulations in §§ 416.260 through 416.269 describe the rules for determining eligibility for special SSI cash benefits and for special SSI eligibility status for an individual who works despite a disabling impairment. Under these rules an individual who works despite a disabling impairment may qualify for special SSI cash benefits and in most cases for Medicaid benefits when his or her gross earned income exceeds the applicable dollar amount which ordinarily represents SGA described in § 416.974(b)(2). The calculation of this gross earned income amount, however, is not to be considered an actual SGA determination. Also, for purposes of determining eligibility or continuing eligibility for Medicaid benefits, a blind or disabled individual (no longer eligible for regular SSI benefits or for special SSI cash benefits) who, except for earnings, would otherwise be eligible for SSI cash benefits may be eligible for a special SSI eligibility status under which he or she is considered to be a blind or disabled individual receiving SSI benefits. We explain the rules for eligibility for special SSI cash benefits in §§ 416.261 and 416.262. We explain the rules for the special SSI eligibility status in §§ 416.264 through 416.269.

4. The undesignated center heading immediately above § 416.261 is removed.

5. Section 416.261 is amended by revising the first sentence to read as follows:

§ 416.261 What are special SSI cash benefits and when are they payable.

Special SSI cash benefits are benefits that we may pay you in lieu of regular SSI benefits because your gross earned income in a month of initial eligibility

for regular SSI benefits exceeds the amount ordinarily considered to represent SGA under § 416.974(b)(2).
* * *

6. Section 416.262 is amended by revising the introductory text and paragraphs (a), (b), and (d) to read as follows:

§ 416.262 Eligibility requirements for special SSI cash benefits.

You are eligible for special SSI cash benefits if you meet the following requirements—

(a) You were eligible for a regular SSI benefit or a federally administered State supplementary payment (see § 416.2001) in a month before the month for which we are determining your eligibility for special SSI cash benefits as long as that month was not in a prior period of eligibility which has terminated according to §§ 416.1331 through 416.1335;

(b) In the month for which we are making the determination, your gross earned income exceeds the amount ordinarily considered to represent SGA under § 416.974(b)(2);

(c) * * *

(d) You meet all the nondisability requirements for eligibility for SSI benefits (see § 416.202).

7. Section 416.264 is revised to read as follows:

§ 416.264 When does the special SSI eligibility status apply.

The special SSI eligibility status applies for the purposes of establishing or maintaining your eligibility for Medicaid. For these purposes we continue to consider you to be a blind or disabled individual receiving benefits even though you are in fact no longer receiving regular SSI benefits or special SSI cash benefits. You must meet the eligibility requirements in § 416.265 in order to qualify for the special SSI eligibility status. Special SSI eligibility status also applies for purposes of reacquiring status as eligible for regular SSI benefits or special SSI cash benefits.

8. Section 416.265 is amended by revising the heading to the section, introductory paragraph and paragraphs (b) and (d) to read as follows:

§ 416.265 Requirements for the special SSI eligibility status.

In order to be eligible for the special SSI eligibility status, you must have been eligible to receive a regular SSI benefit or a federally administered State supplementary payment (see § 416.2001) in a month before the month for which we are making the special SSI eligibility status determination. The month you were eligible for a regular SSI benefit or a federally administered State supplementary payment may not be in a prior period of eligibility which has been terminated according to §§ 416.1331 through 416.1335. For periods prior to May 1, 1991, you must be under age 65. Also, we must establish that:

(a) * * *

(b) Except for your earnings, you meet all the nondisability requirements for eligibility for SSI benefits (see § 416.202);

(c) * * *

(d) Your earnings after the exclusions in § 416.1112(c) (6), (8), and (9) are not sufficient to allow you to provide yourself with a reasonable equivalent of the benefits (SSI benefits, federally administered State supplementary payments, Medicaid, and publicly-funded attendant care services, including personal care assistance under § 416.269(d) which would be available to you if you did not have those earnings (see § 416.269).

9. The undesignated center heading immediately above § 416.267 is removed.

10. Section 416.268 is revised to read as follows:

§ 416.268 What is done to determine if you must have Medicaid in order to work.

For us to determine that you need Medicaid benefits in order to continue to work, you must establish:

(a) That you are currently using or have received services which were paid for by Medicaid during the period which began 12 months before our first contact with you to discuss this use; or

(b) That you expect to use these services within the next 12 months; or

(c) That you would need Medicaid to pay for unexpected medical expenses in the next 12 months.

11. Section 416.269 is revised to read as follows:

§ 416.269 What is done to determine whether your earnings are too low to provide comparable benefits and services you would receive in the absence of those earnings.

(a) *What we determine.* We must determine whether your earnings are too low to provide you with benefits and services comparable to the benefits and services you would receive if you did not have those earnings (see § 416.265(d)).

(b) *How the determination is made.* In determining whether your earnings are too low to provide you with benefits and services comparable to the benefits and services you would receive if you did not have those earnings, we compare your anticipated gross earnings (or a combination of anticipated and actual gross earnings, as appropriate) for the 12-month period beginning with the month for which your special SSI eligibility status is being determined to a threshold amount for your State of residence. This threshold amount consists of the sum for a 12-month period of two items, as follows:

(1) The amount of gross earnings including amounts excluded under § 416.1112(c) (4), (5) and (7) that would reduce to zero the Federal SSI benefit and the optional State supplementary payment for an individual with no other income living in his or her own household in the State where you reside. This amount will varry from State to State depending on the amount of the State supplementary payment; and

(2) The average expenditures for Medicaid benefits for disabled and blind SSI cash recipients, including recipients of federally administered State supplementary payments only, in your State of residence.

(c) *How the eligibility requirements are met.*

(1) You meet the requirements in § 416.265(d) if the comparison shows that your gross earnings are equal to or less than the applicable threshold amount for your State, as determined under paragraphs (b) (1) and (2) of this section. However, if the comparison shows that these earnings exceed the applicable threshold amount for your State, we will establish (and use in a second comparison) an individualized threshold taking into account the total amount of:

(i) the amount determined under paragraph (b)(1) of this section that would reduce to zero the Federal SSI benefit and State supplementary payment for your actual living arrangement;

(ii) the average Medicaid expenditures for your State of residence under paragraph (b)(2) of this section or, if higher, your actual medical expenditures in the appropriate 12-month period;

(iii) any amounts excluded from your income as impairment-related work expenses (see § 416.1112(c)(6)), work expenses of the blind (see § 416.1112(c)(8)), and income used or set aside for use under an approved plan for achieving self support (see § 416.1112(c)(9)); and

(iv) the value of any publicly-funded attendant care services as described in paragraph (d) of this section (including personal care assistance).

(2) If you have already completed the 12-month period for which we are determining your eligibility, we will consider only the expenditures made in that period.

(d) *Attendant care services.* Expenditures for attendant care services (including personal care assistance) which would be available to you in the absence of earnings that make you ineligible for SSI cash benefits will be considered in the individualized threshold (as described in paragraph (c)(1) of this section) if we establish that they are:

(1) Provided by a paid attendant;

(2) Needed to assist with work-related and/or personal functions; and

(3) Paid from Federal, State, or local funds.

(e) *Annual update of information.* The threshold amounts used in determinations of sufficiency of earnings will be based on information and data updated no less frequently than annually.

12. The authority citation for subpart K of part 416 is revised to read as follows:

Authority: Secs. 1102, 1602, 1611, 1612, 1613, 1614(f), 1621, and 1631 of the Social Security Act; 42 U.S.C. 1302, 1381a, 1382, 1382a, 1382b, 1382c(f), 1382j, and 1383; sec. 211 of Pub. L. 93–66, 87 Stat. 154.

13. Section 416.1112 is amended by revising paragraph (c)(6) to read as follows:

§ 416.1112 Earned income we do not count.

* * * * *

(c) * * *

(6) Earned income you use to pay impairment-related work expenses described in § 416.976, if you are disabled (but not blind) and under age 65 or you are disabled (but not blind) and received SSI as a disabled individual (or received disability payments under a former State plan) for the month before you reached age 65.

(i) For periods prior to December 1, 1990, you must be able, however, to establish your initial eligibility for Federal benefits without the use of the impairment-related work expense exclusion. Once you establish your initial eligibility without the use of the impairment-related work expense exclusion, the exclusion applies for determining your eligibility for all subsequent consecutive months for which you are eligible for regular SSI benefits, federally administered optional State supplementary payments, special SSI cash benefits or special SSI eligibility status. If, in a subsequent month, you are not eligible for any of these benefits, you cannot reestablish your eligibility for Federal SSI benefits or federally administered optional State supplementary payments before December 1, 1990, using the impairment-related work expense exclusion.

(ii) For periods after November 30, 1990, you may also use the impairment-related work expense exclusion to establish initial eligibility and reeligibility following a month in which you were not eligible for regular SSI benefits, a federally administered optional State supplementary payment, special SSI cash benefits or special SSI eligibility status.

* * * * *

14. The authority citation for subpart N of part 416 is revised to read as follows:

Authority: Secs. 1102, 1631, and 1633 of the Social Security Act; 42 U.S.C. 1302, 1383, and 1383b.

15. Section 416.1402 is amended by revising paragraphs (a) and (b), removing paragraph (h), and redesignating paragraphs (i) through (n) as paragraphs (h) through (m), respectively, to read as follows:

§ 416.1402 Administrative actions that are initial determinations.

* * * * *

(a) Your eligibility for, or the amount of, your supplemental security income benefits or your special SSI cash benefits under § 416.262, except actions solely involving transitions to eligibility between these types of benefits (see §§ 416.1403 (a)(13) and (a)(14)).

(b) Suspension, reduction, or termination of your SSI benefits or special SSI cash benefits (see §§ 416.261 and 416.262) or suspension or termination of your special SSI eligibility status (see §§ 416.264 through 416.269);

* * * * *

16. Section 416.1403 is amended by adding new paragraphs (a)(13) and (a)(14) to read as follows:

§ 416.1403 Administrative actions that are not initial determinations.

(a) * * *

(13) Transition to eligibility for special SSI cash benefits (§ 416.262) in a month immediately following a month for which you were eligible for regular SSI benefits; and

(14) Transition to eligibility for regular SSI benefits in a month immediately following a month for which you were eligible for special SSI cash benefits (§ 416.262).

* * * * *

[FR Doc. 94–19712 Filed 8–11–94; 8:45 am]
BILLING CODE 4190–29–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 384

Under Secretary of Defense for Acquisition and Technology; Organizational Charter

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Final rule; amendment.

SUMMARY: On July 11, 1994, the Department of Defense published a final rule in the **Federal Register** (59 FR 35262). This document is published as ad administrative amendment for clarity.

EFFECTIVE DATE: June 8, 1994.

FOR FURTHER INFORMATION CONTACT: Mr. R. Kennedy, Office of Organizational and Management Planning, telephone 703–697–1142.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 384

Organization and functions (Government agencies).

Accordingly, 32 CFR Part 384 is amended as follows:

PART 384—UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY

1. The authority citation for part 384 continues to read as follows:

Authority: 10 U.S.C. 113 and 133.

Appendix A to Part 384 [Amended]

2. In Appendix A to Part 384—Delegations of Authority, Section I.21., "2340b(c)" is revised to read "2350b.(c)."

Dated: August 8, 1994.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 94–19671 Filed 8–11–94; 8:45 am]
BILLING CODE 5000–04–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD08–94–006]

RIN 2115–AE84

Regulated Navigation Area; Mississippi River, Miles 88 to 240 above Head of Passes

AGENCY: Coast Guard, DOT.

ACTION: Interim rule; reopening of comment period and public hearing.

SUMMARY: In April 1994, the Coast Guard issued an Interim Final Rule extending the upper limits of the Mississippi River regulated navigation area, to cover the area between river miles 88 and 240, above Head of Passes, up to the Port of Baton Rouge. The original comment period expired on June 27, 1994. In response to requests from commenters who wish to submit additional information prior to the issuance of the final rule, the Coast Guard is reopening the comment period for an additional 90 days and is scheduling a public hearing in September 1994.

DATES: Comments must be received on or before November 10, 1994. The public hearing will be held at 10 a.m. on September 2, 1994.

ADDRESSES: Comments should be mailed to Commander (mps), Eight Coast Guard District, Hale Boggs Federal Bldg., 501 Magazine St., New Orleans, LA 70130–3396. Comments may also be hand-delivered to this address. The comments and other materials related to this regulation will be available for inspection and copying in room 1341 at the above address. Normal office hours are between 7:30 A.M. and 4 P.M., Monday through Friday, except holidays.

Comments on collection-of-information requirements must be mailed also to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street N.W., Washington, D.C. 20503, ATTN: Desk Officer, U.S. Coast Guard.

The public hearing will be held at U.S. Coast Guard Marine Safety Office New Orleans, Tidewater Building, 1400 Canal Street, New Orleans, LA.

FOR FURTHER INFORMATION CONTACT: Lieutenant Verne Gifford, Marine Safety Division, Eighth Coast Guard District, Room 1341, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130–3396. Phone number: (504) 589–6172.

SUPPLEMENTARY INFORMATION: On April 28, 1994, the Coast Guard issued an Interim Final Rule extending the upper limits of the Mississippi River regulated navigation area, 33 CFR 165.803, to cover the area between river miles 88 and 240, above Head of Passes, up to the Port of Baton Rouge. (59 FR 21933) This rule was published as an interim rule, effective on the date of publication. The original comment period expired on June 27, 1994. The Coast Guard received 4 comments during this period. Some commenters wish to gather and provide additional information prior to the issuance of the final rule.

The Coast Guard believes that the additional information will be useful in the finalization of the rule and is, therefore, reopening the comment period for an additional 90 days.

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD08–94–006) and the specific section of this rule to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8.5 by 11 inches, suitable for copying. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this rule in view of the comments.

In conjunction with the reopening of the comment period, the Coast Guard has decided to provide the opportunity for the public to make oral comments. The Coast Guard believes these comments will be useful in the finalization of the rule. A public hearing will be held at 10 a.m. on September 2, 1994 at the U.S. Coast Guard Marine Safety Office, Tidewater Building, 1400 Canal Street, New Orleans, LA. Further information regarding the public hearing may be obtained by contacting Lieutenant Jeff Novotny at (504) 589–4219.

Dated: July 26, 1994.

R.C. North,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 94–19730 Filed 8–11–94; 8:45 am]

BILLING CODE 4910–14–M

---

33 CFR Part 165

[CGD01–94–118]

RIN 2115–AA97

Safety Zone; Mount Hope Bay, RI

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary safety zones in Mount Hope Bay, in the vicinity of Fall River, MA for activities associated with Fall River Celebrates America 1994, to take place August 11–14, 1994. Safety zones are being established for two events during the weekend: for the tall ships parade on Friday, August 12, 1994, and for the fireworks display the evening of August 13, 1994. These safety zones are needed to promote the safe navigation of vessels in Mount Hope Bay in anticipation of an increased volume of vessel traffic due to spectator craft attending the events.

EFFECTIVE DATE: The safety zone for the tall ships parade will be in effect from 4:45 p.m. until 6:15 p.m. on August 12, 1994, or until each parade vessel is safely moored. The safety zones for the fireworks display will be in effect between 9:30 p.m. and 10 p.m. on August 13, 1994.

FOR FURTHER INFORMATION CONTACT: LT J.C. Wong, Marine Safety Field Office New Bedford at (508) 999–0072.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are LT J.C. Wong, Project Manager, Captain of the Port Providence, and LCDR S.R. Watkins, Project Counsel, First Coast Guard District Legal Office.

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing a notice of proposed rulemaking and delaying the events would be contrary to the public interest since the tall ships parade and the fireworks display are important public events which coincide with the Fall River Celebrates America festival. Immediate action is necessary to respond to any potential hazards associated with the conduct of these events.

Background and Purpose

Fall River Celebrates America is a festival held annually in Fall River, MA, which entails several events throughout the entire weekend. This year's celebration will be held August 11–14, 1994. The regulated events include a parade of tall ships through Mount Hope Bay to the Fall River State Pier and a fireworks display in Mount Hope Bay. The celebration is an important event for the town of Fall River as it draws numerous people to the area for the weekend, increasing tourism and economically benefiting the town.

The Coast Guard is establishing temporary safety zone regulations in Mount Hope Bay for the period August 12–13, 1994. These safety zones are necessary to control vessel movements during the various events in order to ensure the safety of event participants, spectator craft, and other vessels

transiting the waterway. They are necessary in light of the limited size of the affected waterway and the expected number of spectator craft (more that 200 for each event), which will greatly increase the congestion in the waterway and create a larger potential for marine accidents.

Chronologically, the events planned for this period relevant to this rule are as follows:

(1) Tall ships parade, August 12, 1994. The parade of tall ships provides the kickoff for the Fall River Celebrates America festival. The parade is significant because it allows the public to view the tall ships under sail before they moor in Fall River for the weekend, and is intended to heighten the public interest in the upcoming weekend of events. Approximately six tall ships are expected to participate in the parade. These ships will muster just north of the Mount Hope Bridge and will transit the Mount Hope Bay Channel, from the Mount Hope Bay Junction Lighted Gong Buoy "MH" to the Fall River State Pier. The parade is scheduled to take place between 4:45 p.m. and 6:15 p.m. The Coast Guard is establishing a moving safety zone, from 200 yards ahead of the lead vessel in the parade, to 100 yards astern of the last vessel in the parade, and 200 yards abeam of each parading vessel. This safety zone will be in effect for the duration of the parade until each vessel is safely moored. This zone is needed to protect the tall ships, recreational boaters, spectators, and other vessel traffic from the hazards posed by tall ships maneuvering among other vessels in constricted waters.

Implementation of this zone will close the affected portions of Mount Hope Bay to navigation by deep draft vessels while the zone is in effect. Entry into the moving safety zone is prohibited unless authorized by the Captain of the Port (COTP) Providence.

(2) Fireworks, August 13, 1994. On the evening of August 13, 1994, Fall River Celebrates America will be sponsoring a fireworks display that will take place in Mount Hope Bay, in the vicinity of Mount Hope Bay Channel Buoy 17. Two fireworks barges will be anchored in approximate positions (41°–42′–42″N, 071°–09′–52″W) and (41°–42′–38″N, 071°–09′–55″W), from which the fireworks will be initiated. The fireworks are scheduled to take place between 9:30 p.m. and 10 p.m. The Coast Guard is establishing safety zones in Mount Hope Bay to encompass the area of water within a three hundred (300) yard radius around each fireworks barge. These safety zones will be in effect between 9:30 p.m. and 10 p.m. for the duration of the fireworks display. These safety zones are needed to protect the fireworks barges and attending tugs, spectator craft, and other vessels or personnel in the area, from the hazards associated with explosive laden barges and the display itself. Implementation of these zones will close the affected portion of the Mount Hope Bay Channel to navigation by deep draft vessels while the zones are in effect.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

The Coast Guard expects the economic impact of this proposal to be minimal because these regulations will be in effect only for small segments of a two day period, specifically for 1.5 hours on Friday, August 12, 1994, and for one half hour on Saturday, August 13, 1994. The fact that the time periods for the safety zone are limited, as well as the advance notice that will be given to potentially affected entities concerning the events and proposed safety zones, allow the impacted vessel traffic to schedule transits and operations around the planned activities with minimal hardship. The entities most likely to be affected are large commercial ships and barges in or outbound from Fall River terminals, fishing vessels, and recreational vessels. Only a limited number of commercial vessel, approximately four or five, transit the impacted water per week. Because of their limited number and the advance notice given, these vessels will not be heavily impacted. Fishing and recreational vessels have shallow drafts such that they are able to transit the waters around the regulated areas. These vessels have alternate routes available outside the main shipping channel and outside the safety zones in which they may transit or conduct operations. Furthermore, in the case of the tall ships parade safety zone, vessels will be able to transit the area as soon as the moving zone passes.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

For the reasons outlined in the Regulatory Evaluation above, the Coast Guard expects the impact to be minimal on all entities. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.)

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this rule and has concluded that under Section 2.B.2.c. of Commandant Instruction M16475.1B, it is an action under the Coast Guard's statutory authority to protect public safety, and thus is categorically excluded from further environmental documentation. A Categorical Exclusion Determination will be made available in the docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Temporary Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5; 49 CFR 1.46.

2. A temporary section 165.T01–118 is added to read as follows:

§ 165.T01–118 Safety Zone; Mount Hope Bay, RI.

(a) *Location.* (1) While transiting Mount Hope Bay, RI, a moving safety zone around the Fall River Celebrates America tall ships parade, extending a distance of two hundred (200) yards ahead of the lead vessel in the parade to one hundred (100) yards astern of the last vessel in the parade, and two hundred (200) yards abeam of each parading vessel. The zone of enforcement will be initiated at Mount Hope Bay Junction Lighted Gong Buoy MH (LL 18790), the start of the parade, and will end at the State Pier, Fall River, MA, after each parading vessel is safety moored.

(2) The area within a three hundred (300) yard radius around each of two fireworks barges, anchored in approximate positions (41°–42′–42″N, 071°–09′–52″W) and (41°–42′–38″N, 071°–09′–55″W).

(b) *Effective date.* This section is effective as follows:

(1) The moving safety zone in paragraph (a)(1) of this section for the transit of the tall ships parade is effective at 4:45 p.m. on August 12, 1994, and terminates at 6:15 p.m., or when each parading vessel is safely moored at the Fall River State Pier.

(2) The safety zones in paragraph (a)(2) of this section for the fireworks display are effective while the Fall River Celebrates America fireworks are in progress, between the hours of 9:30 p.m. and 10 p.m. on August 13, 1994.

(c) *Regulations.* The general regulations governing safety zones contained in 33 CFR 165.23 apply. Entry into any portion of the described zones is prohibited unless authorized by the Captain of the Port.

Dated: August 1, 1994.

P.A. Turlo,

Captain, U.S. Coast Guard, Captain of the Port.

[FR Doc. 94–19731 Filed 8–11–94; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–44–1–6510a, FRL–5027–8]

Transportation Conformity; Approval of Petition for Exemption From Nitrogen Oxides Provisions, Victoria County, TX

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

ACTION: Final rule.

SUMMARY: The EPA is approving a petition from the State of Texas requesting that Victoria County, an incomplete data ozone nonattainment area, be exempted from the requirement to perform the oxides of nitrogen (NO_x) portion of the build/no-build test required by the new Federal transportation conformity rule. This petition for exemption was submitted on May 4, 1994.

DATES: This action will become effective on October 11, 1994, unless notice is received by September 12, 1994 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register** (FR).

ADDRESSEES: Comments should be mailed to Thomas H. Diggs, Chief, Air Planning Section (6T–AP), U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733. Copies of the State's petition and other information relevant to this action are available for inspection during normal hours at the above location and at the following locations:

U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T–A), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M. Street, S.W., Washington, D.C. 20460.

Texas Natural Resource Conservation Commission, Office of Air Quality, 12124 Park 35 Circle, P.O. Box 13087, Austin, Texas 78711–3087.

Anyone wishing to review this petition at the U.S. EPA office is asked to contact the person below to schedule an appointment 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Mr. Mick Cote, Planning Section (6T–AP), Air Programs Branch, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 655–7219.

SUPPLEMENTARY INFORMATION:

Background

The transportation conformity final rule, entitled "Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act," was published in the **Federal Register** on November 24, 1993 (58 FR 62188). This action was required under Section 176(c)(4) of the Clean Air Act (CAA) as amended in 1990.

The transportation conformity rule requires each ozone nonattainment area and maintenance area to perform a regional analysis of motor vehicle volatile organic compound and NO_x emissions from any planned transportation project. This analysis must demonstrate that the emissions which would result from the proposed transportation system if the transportation plan were implemented are within the total allowable level of emissions described in the motor vehicle emissions budget.

Until an attainment demonstration or maintenance plan is approved by the EPA, this emissions analysis must pass the build/no-build test. This analysis must demonstrate that the emissions from the planned transportation project, if implemented, would be less than the emissions without the planned transportation project. Thus, the build/no-build test is intended to ensure that the transportation plan contributes to annual emissions reductions consistent with the CAA until such time as the attainment demonstration or maintenance plan is approved.

Transportation Conformity and 182(f) Exemptions

On June 17, 1994 (59 FR 31238) the EPA published a national interpretation of transportation conformity and 182(f) exemptions entitled "Transportation Conformity; General Preamble for Exemption From Nitrogen Oxides Provisions" (General Preamble). This General Preamble clarifies and interprets how ozone nonattainment areas classified as less than marginal, which have air quality monitoring data demonstrating attainment of the National Ambient Air Quality Standards (NAAQS) for ozone, may be exempted from certain NO_x requirements.

As discussed in the General Preamble, both the transportation conformity rule and CAA Section 182(f)(1)(A) state that NO_x requirements shall not apply in nonattainment areas if the Administrator determines that additional reductions of NO_x would not contribute to attainment of the NAAQS for ozone in the area. The EPA also issued two guidance documents on 182(f) exemptions. These two documents, "State Implementation Plan (SIP) Requirements for Areas Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) National Ambient Air Quality Standard (NAAQS) on or after November 15, 1992" dated September 17, 1993, and "Guideline for Determining the Applicability of Nitrogen Oxide Requirements under Section 182(f)" dated December, 1993,

state that if an area has attained the ozone standard, additional NO_X reductions would not contribute to attainment.

As explained in the General Preamble, the EPA believes that a demonstration of attainment made through adequate air quality monitoring data, consistent with 40 CFR part 58 and recorded in EPA's Aerometric Information Retrieval System (AIRS), can qualify an area as a "clean data area". Further, the EPA believes these "clean data areas" can request an exemption from the NO_X provisions of transportation conformity. The 182(f) exemption will be conditioned upon the area's monitoring data continuing to demonstrate attainment after an exemption is granted. If the EPA determines that an exempted area has violated the ozone standard, the 182(f) exemption will be rescinded. Any decision to rescind the NO_X exemption would be based on an evaluation of the air quality data recorded in AIRS. Past conformity determinations and transportation plans would not be affected, but new conformity determinations would be subject to the NO_X provisions of the conformity rule.

Analysis of State Submittal

Victoria County, Texas, retained its ozone nonattainment designation and was classified as an incomplete data area for ozone on November 6, 1991 (56 FR 56694). The Texas Natural Resource Conservation Commission has operated an ozone monitor in Victoria County continuously since May of 1991. No violations of the .12 parts per million ozone standard have been recorded since that time.

On May 4, 1994, the State of Texas submitted a petition to the EPA requesting that the Victoria County incomplete data ozone nonattainment area be exempted from the requirement to perform the NO_X portion of the build/no-build test required by the new transportation conformity rule. This exemption request is pursuant to the recently published General Preamble for transportation conformity NO_X exemptions.

The exemption request was based on monitoring data which demonstrated that the NAAQS for ozone was attained in this area for the 35 months prior to the petition, with the understanding that approval of the State's request would be contingent upon the collection and verification of one additional month of data. The required additional month of verified data was submitted later and, together with the data submitted with the State's petition, demonstrated attainment of the NAAQS for 36 consecutive months. Texas submitted its exemption request prior to the publication of the national interpretation in order to expedite Victoria County's 1994 highway project funding schedule.

Final Action

The EPA has evaluated the State's exemption request for consistency with the CAA, EPA regulations, and EPA policy. The EPA believes that the exemption request and monitoring data qualifies Victoria County, Texas, as a "clean data area". In addition, the EPA has determined that the exemption request meets the requirements and policy set forth in the General Preamble for NO_X exemptions from the build/no-build test for transportation conformity, and today is approving Texas' request for exemption from the NO_X build/no-build test of transportation conformity for Victoria County. The 182(f) exemption will be conditioned upon the area's monitoring data continuing to demonstrate attainment after the exemption has been granted. If the EPA later determines that Victoria County has violated the ozone standard, the 182(f) exemption will be rescinded. Past conformity determinations and transportation plans would not be affected, but new conformity determinations would then be subject to the NO_X provisions of the conformity rule.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this FR publication, the EPA is proposing to approve this exemption petition should adverse comments be received. This action will become effective on October 11, 1994, unless notice is received by September 12, 1994 that someone wishes to submit adverse or critical comments.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent documents. One document will withdraw the final action, and another final action will be published addressing any adverse comments. If no such adverse comments are received, the public is advised that this action will be effective on October 11, 1994.

The EPA has reviewed this request for exemption from the NO_X provisions of the Federal transportation conformity rule for conformance with the provisions of the 1990 Clean Air Act Amendments enacted on November 15, 1990. The EPA has determined that this action conforms with those requirements.

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 rule on small entities (5 U.S.C. 603 and 604). Alternatively, under 5 U.S.C. 605(b), the EPA may certify that the rule will not have a significant impact on a substantial number of small entities (see 46 FR 8709). Small entities include small businesses, small not-for-profit enterprises, and governmental entities with jurisdiction over populations of less than 50,000.

Because an exemption from the Federal transportation conformity rule does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 11, 1994. Filing a petition for reconsideration of this final rule by the Administrator does not affect the finality of this rule for purposes of judicial review; nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. [See section 307(b)(2).]

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental regulations, Reporting and recordkeeping, Ozone, and Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: July 12, 1994.

Joe D. Winkle,

Acting Regional Administrator.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart SS—Texas

2. Section 52.2308 is added to read as follows:

§ 52.2308 Area-wide nitrogen oxides exemptions.

The Texas Natural Resources Conservation Commission submitted to the EPA on May 4, 1994, a petition requesting that the Victoria County incomplete data ozone nonattainment area be exempted from the requirement to meet the NO_x provisions of the Federal transportation conformity rule (40 CFR part 51, subpart T, and part 93, subpart A). The exemption request was based on monitoring data which demonstrated that the National Ambient Air Quality Standard for ozone had been attained in this area for the 35 months prior to the petition, with the understanding that approval of the State's request would be contingent upon the collection of one additional month of data. The required additional month of verified data was submitted later and, together with the data submitted with the State's petition, demonstrated attainment of the NAAQS for 36 consecutive months. The EPA approved this exemption request on October 11, 1994.

[FR Doc. 94–19343 Filed 8–11–94; 8:45 am]
BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–38

RIN 3090–AF49

[FPMR Amendment G–108]

Motor Vehicles

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: This regulation adds the license plate code EC for the United States Enrichment Corporation, implements the Standard Form (SF) 149A, U.S. Government Fleet Credit Card, and removes illustrations of forms. The new license plate code was requested by the U.S. Enrichment Corporation and approved by the General Services Administration. The SF 149A was developed to take advantage of electronic technology at vehicle fleet service activities. Illustrations of forms in this regulation have been deemed unnecessary by the General Services Administration in most circumstances. These actions will allow the U.S. Enrichment Corporation to procure motor vehicle license plates showing the code designation EC, allow for the use of SF 149A, and remove unnecessary material from the regulations.

EFFECTIVE DATE: August 12, 1994.

FOR FURTHER INFORMATION CONTACT: Michael W. Moses, Fleet Management Division (703–305–6273).

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a significant rule for the purposes of Executive Order 12866.

Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

The United States Enrichment Corporation (USEC) was established by the Energy Policy Act of 1992 as a wholly-owned Government corporation with the mission of managing the Government's Uranium Enrichment Enterprise (formerly a part of the Department of Energy). On September 14, 1993, the USEC requested that license plate code EC be approved for use on all license plates assigned to their motor vehicle fleet. This request was approved by the General Services Administration on October 1, 1993.

The SF 149A is a magnetic stripe credit card issued by GSA under a single source, requirements contract. The SF 149A will be accepted at Defense Fuel Supply Center (DFSC) authorized vendor electronic point of sale (EPOS) terminals throughout the United States (48 contiguous States, Alaska, Hawaii, and Puerto Rico). The SF 149A contains an encoded magnetic stripe read by electronic point of sale terminals that activate fuel pumping equipment. EPOS vendors will provide the date and place of purchase, purchase type, fuel and non-fuel type, and service level codes (*i.e.*, full and self service) in addition to the dollar value of each transaction.

Federal agencies with motor vehicles managed by the GSA Interagency Fleet Management System (IFMS) will be issued the SF 149A automatically as part of a mass re-issue beginning in the third and fourth quarters of fiscal year 1994. GSA will continue to issue the SF 149, U.S. Government National Credit Card, to non-IFMS agencies. Credit card charges for the SF 149 will continue to be processed manually at vendor facilities. GSA intends to gradually phase out the SF 149, but will maintain the SF 149 and the SF 149A until all non-IFMS fleet managers are participating in the EPOS program using the SF 149A. Federal Government agency fleet managers that manage their agency-owned fleets may obtain the electronically accepted SF 149A by notifying the General Services Administration, Attn: FBF, Washington, DC 20406.

List of Subjects in 41 CFR Part 101–38

Government property management, Motor vehicle identification, Motor equipment forms.

For the reasons set forth in the preamble, 41 CFR part 101–38 is amended as follows:

PART 101–38—MOTOR EQUIPMENT MANAGEMENT

1. The authority citation for Part 101–38 continues to read as follows:

Authority: Sec 205(c), 63 Stat. 390; (40 U.S.C. 486(c)).

Subpart 101–38.2—Registration, Identification, and Exemptions

2. Section 101–38.202–4 is revised to read as follows:

§ 101–38.202–4 Numbering and coding.

Official U.S. Government tags, except tags issued by the District of Columbia, Department of Transportation under § 101–38.203–1, shall be numbered serially for each executive agency, beginning with 101, and shall be preceded by a letter code designating the agency having accountability for the motor vehicles as follows:

ACTION	ACT
Agriculture, Department of	A
Air Force, Department of the	AF
Army, Department of the	W
Commerce, Department of	C
Consumer Product Safety Commission.	CPSC
Corps of Engineers, Civil Works	CE
Defense Commissary Agency	DECA
Defense Contract Audit Agency	DA
Defense, Department of	D
Defense Logistics Agency	DLA
District of Columbia Redevelopment Land Agency.	LA
Education, Department of	ED
Energy, Department of	E
Enrichment Corporation, U.S.	EC
Environmental Protection Agency	EPA
Executive Office of the President Council of Economic Advisers, National Security Council, Office of Management and Budget	EO
Export-Import Bank of the United States.	EB
Federal Communications Commission.	FC
Federal Deposit Insurance Corporation.	FD
Federal Emergency Management Agency.	FE
Federal Home Loan Bank Board	FB
Federal Mediation and Conciliation Service.	FM
Federal Reserve System	FR
Federal Trade Commission	FT
General Accounting Office	GA

General Services Administration	GS
Government Printing Office	GP
Health and Human Services, Department of.	HHS
Housing and Urban Development, Department of.	H
Interagency Fleet Management System, GSA.	G
Interior, Department of	I
Interstate Commerce Commission	IC
Judicial Branch of the Government.	JB
Justice, Department of	J
Labor, Department of	L
Legislative Branch	LB
Marine Corps	MC
National Aeronautics and Space Administration.	NA
National Capital Housing Authority.	NH
National Capital Planning Commission.	NP
National Guard Bureau	NG
National Labor Relations Board	NL
National Science Foundation	NS
Navy, Department of the	N
Nuclear Regulatory Commission	NRC
Office of Personnel Management	OPM
Panama Canal Commission	PC
Railroad Retirement Board	RR
Renegotiation Board	RB
Securities and Exchange Commission.	SE
Selective Service System	SS
Small Business Administration	SB
Smithsonian Institution	SI
National Gallery of Art	
Soldiers' and Airmen's Home, U.S.	SH
State, Department of	S
Tennessee Valley Authority	TV
Transportation, Department of	DOT
Treasury, Department of the	T
United States Information Agency	IA
United States Postal Service	P
Veterans Affairs, Department of	VA

Subpart 101–38.8—Fleet Credit Cards

3. The heading of subpart 101–38.8 is revised as set forth above.

4. Section 101–38.800 is revised to read as follows:

§ 101–38.800 General.

(a) Standard Form (SF) 149, U.S. Government National Credit Card, and SF 149A, U.S. Government Fleet Credit Card, are authorized for use by Federal agencies to obtain services and supplies at service stations dispensing items provided by contractors listed in the Defense Fuel Supply Center publication, "Government Vehicle Operator's Guide—Your Guide to Service Stations for Gasoline, Oil, and Lubrication" (DFSCH 4280.1). Activities requiring copies of the publication should submit requests to: Commander, Defense Fuel Supply Center, Attention: DSFC: OD, Cameron Station, Alexandria, VA 22304–6160.

(b) Charges for the SF 149 are processed manually by DFSC contractors. The SF 149A is designed for acceptance at electronic point of sale (EPOS) terminals in addition to manual processing. The SF 149 and SF 149A may not be used at customer activated terminals (*i.e.*, at the fuel pump) except at fueling facilities dispensing alternative fuels where no other option exists.

(c) The SF 149 and SF 149A are the only Governmentwide credit cards approved for use by Federal agencies using IFMS vehicles for the procurement of motor fuel (including alternative fuels) and services at service stations and refueling sites dispensing items provided by the contractors listed in the Defense Fuel Supply Center publication referenced in paragraph (a) of this section. However, agencies are not required to use the SF 149 or SF 149A for motor vehicles used for purposes in which identification as Government vehicles would interfere with the performance of the functions for which the vehicles were acquired and are used. Motor vehicles included in the exception for the use of SF 149 and SF 149A are listed in §§ 101–38.200(f) and 101–38.204.

(d) GSA will provide centralized management and control of the SF 149 and SF 149A programs. Inquiries concerning the policy and administration of these programs shall be directed to the General Services Administration, ATTN: FBF, Washington, DC 20406.

(e) Federal agencies are responsible for the establishment of administrative controls to ensure that the fuel and services procured by using the SF 149 and SF 149A are for the official use of the agency and that administrative controls are maintained to prevent unauthorized use. The General Services Administration, ATTN: FBF, Washington, DC 20406, will provide assistance in establishing ordering procedures and management reporting systems pertaining to the SF 149 and SF 149A.

(f) The SF 149 and SF 149A may only be used for any properly identified U.S. Government vehicle, boat, small aircraft, nonvehicular equipment, or motor vehicle that is leased or rented for 60 continuous days or more and is officially identified in accordance with § 101–38.202.

5. Section 101–38.801 is revised to read as follows:

§ 101–38.801 Obtaining fleet credit cards.

GSA has developed ordering instructions and automated reports for use by Federal agencies for the acquisition of the SF 149 and SF 149A. Copies of the instructions for participation in the SF 149 and SF 149A programs may be obtained by contacting the General Services Administration, ATTN: FBF, Washington, DC 20406.

Subpart 101–38.49—Forms

6. Section 202–38.4900 is revised to read as follows:

§ 101–38.4900 Scope of subpart.

This subpart provides the means for obtaining forms prescribed or available for use in connection with subject matter covered in part 101–38.

7. Section 101–38.4901 is revised to read as follows:

§ 101–38.4901 Obtaining standard and optional forms.

Standard and optional forms referenced in part 101–38 (except SF 149 and SF 149A) may be obtained through the General Services Administration, Inventory and Requisition Management Branch, Attn: FCNI, Washington, DC 20406, or through regional GSA Federal Supply Service Bureaus. GSA regional offices will provide support to requesting activities needing forms.

§ 101–38.4902 [Removed]

8. Section 101–38.4902 is removed.

Dated July 29, 1994.

Roger W. Johnson,

Administrator of General Services.

[FR Doc. 94–19464 Filed 8–11–94; 8:45 am]

BILLING CODE 6820–24–M

---

41 CFR Part 101–41

[FPMR Temp. Reg. G–57, Supp. 1]

RIN 3090–AF53

Use of Cash for Official Travel

AGENCY: Federal Supply Service, GSA.

ACTION: Temporary regulation.

SUMMARY: FPMR Temporary Regulation G–57 grants agency heads or their designated representatives authority to approve all cash purchases of passenger transportation services. This supplement extends the expiration date of the temporary regulation from July 31, 1994, to July 31, 1995, to allow sufficient time for conversion to a final rule.

DATES: Effective date: July 31, 1994. Expiration date: July 31, 1995.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Regulations, Procedures, and Policy Branch (FWP), Office of Transportation Audits, Washington, DC 20405, telephone (202) 219–3164.

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a significant rule for the purposes of Executive Order 12866.

REGULATORY FLEXIBILITY ACT: This rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

List of Subjects in 41 CFR Part 101–41

Accounting, Air carriers, Claims, Maritime carriers, Passenger services, Railroads, Transportation.

Authority: 31 U.S.C. 3726 and 40 U.S.C. 486(c).

In 41 CFR Chapter 101, the following supplement to FPMR Temp. Reg. G–57 is added to the appendix at the end of Subchapter G to read as follows:

Appendix to Subchapter G—Temporary Regulations

* * * * *

General Services Administration, Washington, DC 20405

Federal Property Management Regulations, Temporary Regulation G–57, Supplement 1

To: Heads of Federal Agencies

Subject: Use of Cash for Official Travel

Date: July 29, 1994.

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation G–57.

2. *Effective Date.* This supplement is effective July 31, 1994.

3. *Expiration Date.* This supplement expires July 31, 1995, unless sooner superseded or canceled.

4. *Background.* FPMR Temporary Regulation G–57, effective July 26, 1993, grants agency heads or their designated representatives authority to approve all cash purchases of passenger transportation services. The temporary regulation is being extended to allow sufficient time for conversion to a final rule.

5. *Explanation of change.* The expiration date in paragraph 3 of FPMR Temporary Regulation G–57 is extended to July 31, 1995.

Roger W. Johnson,

Administrator of General Services.

[FR Doc. 94–19724 Filed 8–11–94; 8:45 am]

BILLING CODE 6820–24–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 931100–4043; I.D. 080594A]

Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for sablefish by operators of vessels using hook-and-line and pot gear in the Bering Sea subarea (BS) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the share of the sablefish total allowable catch (TAC) assigned to hook-and-line and pot gear in the BS.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), August 8, 1994, until 12 midnight, A.l.t., December 31, 1994.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907–586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by the Secretary of Commerce according to the Fishery Management Plan for the Groundfish Fishery of the BSAI (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

In accordance with § 675.24(c)(1)(i), the share of the sablefish TAC assigned to hook-and-line and pot gear in the BS was established by the final groundfish specifications (59 FR 7656, February 16, 1994) as 229 metric tons. The Director of the Alaska Region, NMFS, has determined, in accordance with § 675.24(d)(1), that the share of the sablefish TAC assigned to hook-and-line and pot gear in the BS subarea will be taken before the end of the year. Therefore, to provide adequate bycatch amounts of sablefish to ensure continued groundfish fishing activity by hook-and-line and pot gear, NMFS is prohibiting directed fishing for sablefish by persons using hook-and-line and pot gear in the BS effective from 12 noon, A.l.t., August 8, 1994, until 12 midnight, A.l.t., December 31, 1994.

Directed fishing standards for applicable gear types may be found in the regulations at § 675.20(h).

Classification

This action is taken under 50 CFR 675.24 and is exempt from OMB review under E.O. 12866.

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

Dated: August 8, 1994.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 94–19682 Filed 8–9–94; 9:18 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 59, No. 155
Friday, August 12, 1994

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.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1004

[DA–94–19]

Milk in the Middle Atlantic Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This document invites written comments on a proposal to suspend certain provisions of the Middle Atlantic Federal milk marketing order for the months of September 1994 through February 1995. The proposed suspension would reduce the percent of receipts that must be disposed of as Class I disposition by pool distributing plants, provide automatic pool plant status for supply plants and reserve processing plants that were pool plants during the months of September through February, and suspend the limit on the amount of milk that may be diverted to nonpool plants by cooperative associations and by pool plant operators. The suspension was requested by several Middle Atlantic cooperatives and handlers who contend that the suspension is necessary to assure that producer milk which has been historically associated with the market will continue to be pooled and priced under the order without incurring unnecessary and uneconomic movements solely for the purpose of maintaining pool status.

DATES: Comments are due no later than August 29, 1994.

ADDRESSES: Comments (two copies) should be filed with the USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Gino M. Tosi, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 690–1366.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this proposed rule would not have a significant economic impact on a substantial number of small entities. This rule would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

The Department is issuing this proposed rule in conformance with Executive Order 12866.

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have a retroactive effect. If adopted, this proposed rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act, the suspension of the following provisions of the order regulating the handling of milk in the Middle Atlantic marketing area is being considered for the months of September 1, 1994, through February 28, 1995:

1. In § 1004.7(a), the words "40 percent in the months of September through February, and" and "in the months of March through August,".

2. In § 1004.7(e), the word "immediately" and the words "for each of the following months of March through August,".

3. In the introductory text of § 1004.12(d), the words "in accordance with the conditions of paragraphs (d)(1) and (d)(2) of this section."

4. In § 1004.12, paragraphs (d)(1) and (d)(2).

All persons who want to submit written data, views or arguments about the proposed suspension should send two copies of their views to the USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456, by the 15th day after publication of this notice in the **Federal Register**.

The period for filing comments is limited to 15 days because a longer period would not provide the time needed to complete the required procedures before the requested suspension is to be effective.

All written submissions made pursuant to this notice will be made available for public inspection in the Dairy Division during regular business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would reduce the total Class I disposition standard for pool distributing plants, provide automatic pool plant status for supply plants and reserve processing plants that were pool plants during each of the preceding months of September through February, and suspend the limit on the amount of milk that may be diverted to nonpool plants by cooperative associations and pool plant operators.

The first provision proposed to be suspended would reduce the percentage of a distributing plant's receipts that would have to be disposed of as Class I milk to meet the order's pooling standards. As proposed, a pool distributing plant would have to use at least 30 percent, rather than 40 percent, of its monthly milk receipts as Class I milk during September 1994 through February 1995.

The second provision proposed to be suspended would permit supply plants and reserve processing plants that have met the order's pooling standards during the months of September 1993 through February 1994 to retain pool status for the months of September 1994 through August 1995. The shipping requirements that normally would have applied to such plants during the months of September 1994 through February 1995 would be eliminated under the proposed suspension.

The third provision included in the proposed suspension would eliminate the limit on the percentage of milk that may be diverted to nonpool plants by a cooperative association or a pool plant operator for the period of September 1994 through February 1995.

The proposed suspension was requested by Pennmarva Dairymen's Federation, Atlantic Dairy Processing, Inc., Dairylea, Eastern Milk Producers Cooperative, and Lehigh Valley Dairies. Together these organizations market over 90 percent of the market's producer milk.

The proponents state that between 1991 and 1993 producer receipts on Order 4 increased while the percentage of the market's producer milk used for Class I purposes decreased. Proponents cited the consistently declining monthly Class I percentages for the months of September through February of 1991, 1992, and 1993 to support their request. They pointed out, for example, that the Class I use percentage for September 1991 was 56.2, while in September 1993 it was 51.4 percent. The proponents claim that the reduction in Class I use results in an increase in diversions to nonpool plants, which makes it increasingly difficult for cooperatives and pool plant operators to maintain the pool status of the milk of producers who have historically been associated with the market.

In further support of their suspension request, the proponents indicate that two large Order 4 distributing plants with which large volumes of Order 4 diverted milk had been associated became regulated under the New York-New Jersey order, another Order 4 distributing plant closed, and two additional Order 4 distributing plants have changed their product mix, causing a reduction of pool plant deliveries for the cooperative supplying milk to these plants. The proponents claim that they are experiencing difficulty associating all of their diverted producer milk with the remaining distributing plants now regulated under the Middle Atlantic order because the additional diverted milk is reducing the Class I use percentage of the plants from which it is diverted, thereby jeopardizing their status as pool plants.

Thus the proponents state that the proposed suspension would have the effect of reducing uneconomic movements of milk solely for the purpose of meeting pool qualifications, and would reflect current marketing conditions without causing the milk of producers long associated with the market to become depooled.

Accordingly, it may be appropriate to suspend the aforesaid provisions from September 1, 1994, through February 28, 1995.

List of Subjects in 7 CFR Part 1004

Milk marketing orders.

The authority citation for 7 CFR Part 1004 continues to read as follows:

Authority: Secs. 1–19, 48 Stat 31, as amended; 7 U.S.C. 601–674.

Dated: August 8, 1994.

Lon Hatamiya,

Administrator.

[FR Doc. 94–19806 Filed 8–11–94; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[IA–30–94]

RIN 1545–AS71

Definition of Club

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations relating to the definition of a "club organized for business, pleasure, recreation, or other social purpose" for purposes of the disallowance of a deduction for club dues under section 274(a)(3) of the Internal Revenue Code of 1986. The proposed regulations reflect changes to the law made by the Omnibus Budget Reconciliation Act of 1993 and affect persons who pay or incur club dues.

DATES: Written comments must be received by October 11, 1994. Requests to speak (with outlines of oral comments) at a public hearing scheduled for November 29, 1994, at 10 a.m., must be received by November 8, 1994.

ADDRESSES: Send all submissions to: CC:DOM:CORP:T:R (IA–30–94), room 5228, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. In the alternative, submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:T:R (IA–30–94), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC. The public hearing will be held in the IRS Auditorium, 1111 Constitution Avenue NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Michael L. Gompertz, (202) 622–4910, concerning the regulations; Michael Slaughter, (202) 622–8543, Regulations Unit, concerning submissions and the hearing. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR part 1) under section 274 of the Internal Revenue Code of 1986 (Code) as amended by section 13210 of the Omnibus Budget Reconciliation Act of 1993 (OBRA 1993) (107 Stat. 469). These rules relate to the definition of club for purposes of the disallowance of a deduction for club dues under section 274(a)(3) of the Code.

Explanation of Provisions

OBRA 1993 amended section 274 of the Code by adding section 274(a)(3), which disallows a deduction for amounts paid or incurred for membership in any club organized for business, pleasure, recreation, or other social purpose.

Prior to the enactment of section 274(a)(3), membership dues or fees paid to three types of organizations were specifically excepted from the dues disallowance provisions of section 274 because these organizations were not considered to be social, athletic, or sporting clubs within the meaning of section 274(a)(2)(A). The excepted organizations were: (1) professional organizations such as bar associations and medical associations, (2) civic or public service organizations such as Kiwanis, Lions, Rotary, Civitan, and similar organizations, and (3) business luncheon clubs described in § 1.274–2(e)(3)(ii) of the regulations. See Q & A 56 and Q & A 57 of Rev. Rul. 63–144, 1963–2 C.B. 129, 138, 139; H.R. Rep. No. 1447, 87th Cong., 2d Sess. 22 (1962), 1962–3 C.B. 426; S. Rep. No. 1881, 87th Cong., 2d Sess. 33 (1962), 1962–3 C.B. 739; and H.R. Rep. No. 1278, 96th Cong., 2d Sess. 32 (1980).

The legislative history of section 274(a)(3) indicates that the enactment of that section eliminated the third

exception listed above for membership dues or fees paid to business luncheon clubs. The legislative history further indicates that airline and hotel clubs are subject to dues disallowance under section 274(a)(3). H.R. Rep. No. 103–213, 103d Cong., 1st Sess. 583. However, the legislative history does not indicate that the enactment of section 274(a)(3) had any effect on the first and second exceptions listed above for professional organizations and civic or public service organizations. Accordingly, the proposed regulations provide that the dues disallowance provisions of section 274(a)(3) of the Code apply to business luncheon clubs and airline and hotel clubs, but generally not to professional organizations (such as bar associations and medical associations) or civic or public service organizations (such as Kiwanis, Lions, Rotary, Civitan, and similar organizations). The proposed regulations further provide that certain organizations similar to professional organizations are also generally excepted from dues disallowance, specifically, business leagues, trade associations, chambers of commerce, boards of trade, and real estate boards.

Although the proposed regulations generally provide exceptions from dues disallowance for civic and public service organizations, professional organizations, and certain organizations similar to professional organizations, the exceptions are not available if a principal purpose of the organization is to conduct entertainment activities for members or their guests or to provide members or their guests with access to entertainment facilities. Also, as under prior law, the allowance of a deduction for dues paid to these organizations may be precluded or limited by provisions of the Code other than section 274. For example, the dues would not be deductible unless the ordinary and necessary business expense requirements of section 162 are satisfied.

The regulations are proposed to be effective with respect to amounts paid or incurred after December 31, 1993.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (preferably a signed original and eight (8) copies) that are submitted timely to the IRS. All comments will be available for public inspection and copying.

A public hearing has been scheduled for November 29, 1994, at 10 a.m. in the IRS Auditorium, Internal Revenue Service Building, 1111 Constitution Avenue, NW, Washington, DC. Because of access restrictions, visitors will not be admitted beyond the Internal Revenue Building lobby more than 15 minutes before the hearing starts.

The rules of 26 CFR 601.601(a)(3) apply to the hearing.

Persons that wish to present oral comments at the hearing must submit written comments by October 11, 1994 and submit an outline of the topics to be discussed and the time to be devoted to each topic by November 8, 1994.

A period of 10 minutes will be allotted to each person for making comments.

An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal author of these proposed regulations is Michael L. Gompertz, Office of the Assistant Chief Counsel (Income Tax and Accounting). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, the proposed amendments to 26 CFR part 1 are as follows:

PART 1—INCOME TAXES

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

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

Par. 2. Section 1.274–2 is amended as follows:

1. Paragraph (a)(2)(ii) is revised.
2. Paragraph (a)(2)(iii) is added.
3. Paragraph (a)(3)(iii) is revised.
4. Paragraph (e)(1) is revised.
5. Paragraph (e)(3)(ii) is revised.
6. The revised and added provisions read as follows:

§ 1.274–2 Disallowance of deductions for certain expenses for entertainment, amusement, or recreation.

(a) * * *

(2) * * *

(ii) *Expenditures paid or incurred before January 1, 1979, with respect to entertainment facilities, or paid or incurred before January 1, 1994, with respect to clubs—(a) Requirements for deduction.* Except as provided in this section, no deduction otherwise allowable under chapter 1 of the Internal Revenue Code shall be allowed for any expenditure paid or incurred before January 1, 1979, with respect to a facility used in connection with entertainment, or for any expenditure paid or incurred before January 1, 1994, with respect to a club used in connection with entertainment, unless the taxpayer establishes—

(*1*) That the facility or club was used primarily for the furtherance of the taxpayer's trade or business; and

(*2*) That the expenditure was directly related to the active conduct of that trade or business.

(b) *Amount of deduction.* The deduction allowable under paragraph (a)(2)(ii)(*a*) of this section shall not exceed the portion of the expenditure directly related to the active conduct of the taxpayer's trade or business.

(iii) *Expenditures paid or incurred after December 31, 1993, with respect to a club—(a) In general.* No deduction otherwise allowable under chapter 1 of the Internal Revenue Code shall be allowed for amounts paid or incurred after December 31, 1993, for membership in any club organized for business, pleasure, recreation, or other social purpose. The purposes and activities of a club, and not its name, determine whether it is organized for business, pleasure, recreation, or other social purpose. Clubs organized for business, pleasure, recreation, or other social purpose include any membership organization if a principal purpose of the organization is to conduct entertainment activities for members of the organization or their guests or to provide members or their guests with access to entertainment facilities within the meaning of paragraph (e)(2) of this section. Clubs organized for business, pleasure, recreation, or other social purpose include, but are not limited to, country clubs, golf and athletic clubs,

airline clubs, hotel clubs, and clubs operated to provide meals under circumstances generally considered to be conducive to business discussion.

(*b*) *Exceptions.* Absent a showing that a principal purpose of the organization is to conduct entertainment activities for members or their guests or to provide members or their guests with access to entertainment facilities, business leagues, trade associations, chambers of commerce, boards of trade, real estate boards, professional organizations (such as bar associations and medical associations), and civic or public service organizations will not be treated as clubs organized for business, pleasure, recreation, or other social purpose.

(3) * * *

(iii) "Expenditures paid or incurred before January 1, 1979, with respect to entertainment facilities or before January 1, 1994, with respect to clubs", see paragraph (e) of this section, and

* * * * *

(e) *Expenditures paid or incurred before January 1, 1979, with respect to entertainment facilities or before January 1, 1994, with respect to clubs*—(1) *In general.* Any expenditure paid or incurred before January 1, 1979, with respect to a facility, or paid or incurred before January 1, 1994, with respect to a club, used in connection with entertainment shall not be allowed as a deduction except to the extent it meets the requirements of paragraph (a)(2)(ii) of this section.

* * * * *

(3) * * *

(ii) *Club dues*—(a) *Club dues paid or incurred before January 1, 1994.* Dues or fees paid before January 1, 1994, to any social, athletic, or sporting club or organization are considered expenditures with respect to a facility used in connection with entertainment. The purposes and activities of a club or organization, and not its name, determine its character. Generally, the phrase *social, athletic, or sporting club or organization* has the same meaning for purposes of this section as that phrase had in section 4241 and the regulations thereunder, relating to the excise tax on club dues, prior to the repeal of section 4241 by section 301 of Pub. L. 89–44. However, for purposes of this section only, clubs operated solely to provide lunches under circumstances of a type generally considered to be conducive to business discussion, within the meaning of paragraph (f)(2)(i) of this section, will not be considered social clubs.

(*b*) *Club dues paid or incurred after December 31, 1993.* See paragraph (a)(2)(iii) of this section with reference to the disallowance of deductions for club dues paid or incurred after December 31, 1993.

* * * * *

§ 1.274–5T [Amended]

Par. 3. In § 1.274–5T, the first two sentences of paragraph (c)(6)(iii) are amended by removing the language "at any time" and adding the language "before January 1, 1994," in its place.

Margaret Milner Richardson,

Commissioner of Internal Revenue.

[FR Doc. 94–19663 Filed 8–11–94; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–44–1–6510b, FRL–5028–2]

Transportation Conformity; Approval of Petition for Exemption From Nitrogen Oxides Provisions, Victoria County, TX

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The EPA is proposing to approve a petition from the State of Texas requesting that Victoria County, an incomplete data ozone nonattainment area, be exempted from the requirement to perform the oxides of nitrogen (NO_x) portion of the build/no-build test required by the new Federal transportation conformity rule. This petition for exemption was submitted on May 4, 1994.

In the Final Rules Section of this **Federal Register**, the EPA is approving this exemption request as a direct final rulemaking without prior proposal because the EPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed action must be received in writing by September 12, 1994.

ADDRESSES: Comments should be mailed to Thomas H. Diggs, Chief, Air Planning Section (6T–AP), U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733. Copies of the State's petition and other information relevant to this action are available for inspection during normal hours at the above location and at the following locations:

U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T–A), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M. Street, S.W., Washington, DC 20460.

Texas Natural Resource Conservation Commission, Office of Air Quality, 12124 Park 35 Circle, P.O. Box 13087, Austin, Texas 78711–3087.

Anyone wishing to review this petition at the U.S. EPA office is asked to contact the person below to schedule an appointment 24 hours in advance.

FOR FURTHER INFORMATION CONTACT:

Mr. Mike Cote, Planning Section (6T–AP), Air Programs Branch, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 655–7219.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule which is located in the rules section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental regulations, Reporting and recordkeeping, Ozone, and Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: July 12, 1994.

Joe D. Winkle,

Acting Regional Administrator.

[FR Doc. 94–19342 Filed 8–11–94; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Refugee Resettlement

45 CFR Part 400

Refugee Resettlement Program: Requirements for Employability Services, Job Search, and Employment; Refugee Medical Assistance; Refugee Social Services; Targeted Assistance Services; and Federal Funding for Administrative Costs

AGENCY: Administration for Children and Families (ACF), HHS, Office of Refugee Resettlement.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend or clarify current requirements governing employability services, job search, employment, refugee medical assistance, social services, and Federal funding for State administrative costs and would establish requirements for the targeted assistance program.

DATES: Comments must be received by September 26, 1994.

ADDRESSES: Comments should be addressed to Toyo A. Biddle, Office of Refugee Resettlement, Administration for Children and Families, Department of Health and Human Services, 370 L'Enfant Promenade SW., 6th Floor, Washington, DC 20447.

Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately one month after publication, at the above address on Monday through Friday of each week from 9:30 a.m. to 4 p.m., except Federal holidays. Although we will not be able to acknowledge or respond to comments individually, in preparing the final rule, we will respond to comments in the preamble to the final rule.

FOR FURTHER INFORMATION CONTACT: Toyo A. Biddle, (202) 401–9253.

SUPPLEMENTARY INFORMATION:

Background

The Refugee Act of 1980 amended the Immigration and Nationality Act (INA) to create a domestic refugee resettlement program to provide assistance and services to refugees resettling in the United States. With the enactment of this legislation, the Office of Refugee Resettlement (ORR) issued a series of regulations, at 45 CFR part 400, to establish comprehensive requirements for a State-administered Refugee Resettlement Program (RRP), beginning with the publication on September 9, 1980 (45 FR 59318) of a regulation governing State plan and reporting requirements. Subsequent regulations covered cash and medical assistance and Federal funding, published March 12, 1982 (47 FR 10841); grants to States, child welfare services (including services to unaccompanied minors), and Federal funding for State expenditures, published January 30, 1986 (51 FR 3904); and cash and medical assistance, requirements for employability services, job search, and employment, and refugee social services published February 3, 1989 (54 FR 5463).

Description of the Regulation

This proposed regulation clarifies some current policies, amends others, and sets forth regulatory requirements for the targeted assistance program (TAP).

In recent years, annual refugee admissions have been high, resulting in an expanding pool of refugees in need of services. As of September 30, 1993, 1.6 million refugees have been resettled in the U.S. since 1975. All of these refugees, with the exception of those who have become U.S. citizens, are eligible to receive refugee program services. At the same time, the level of funds appropriated for services has remained essentially unchanged, making it difficult to serve all refugees in need of services with available resources. It is not uncommon, for example, for English language training classes, funded by the refugee program, to have waiting lists so that refugees who arrive in the country are not able to access English language training without a delay. Nine major States have indicated that there are currently waiting lists for refugee services, especially for English language training, in their States.

We believe the increased demand for services makes it necessary to sharpen the program's priorities. Resources in the refugee program are no longer sufficient to provide the level of services needed to assist refugees for an open-ended period of time to become self-sufficient. We have learned from experience in the refugee program that the greatest impact that services can have on a refugee's social adjustment and economic well-being occurs during a refugee's initial years in the United States. These initial services often define a refugee's future experience.

Findings from several studies indicate that comprehensive services, provided soon after a refugee's arrival in the U.S., increase the likelihood of early employment. Under commission from ORR in 1992, Dr. Robert L. Bach, in an examination of data from the Oregon Refugee Early Employment Project (REEP), found that refugees who received job services or pre-employment training in the first 90 days reduced the time to their initial job by almost two months. Dr. Bach's analysis indicated that each job service provided in the first 90 days increased the probability of employment by three percent. A study of the Oregon REEP, conducted by the Refugee Policy Group (RPG) and published in 1989, found that REEP set up client/caseworker ratios that permitted a staff-intensive approach early in the resettlement experience, an element which in large part, according to RPG, was crucial to REEP's achievement of earlier employment. Similarly, performance reported for the first year of the United States Catholic Conference (USCC) Wilson/Fish project in San Diego indicated that the project was able to reduce the average length of time on cash assistance by over two months through the provision of early comprehensive services aimed at employment.

After the initial years, we believe the effect of services on the achievement of economic self-support diminishes significantly. A report, entitled "Progress Toward Economic Self-Sufficiency Among Southeast Asian Refugees", prepared for ORR in July 1989 by Dr. Robert L. Bach and Rita Argiros, presented findings, based on an analysis of data from the ORR Annual Survey of Southeast Asian Refugees, which underlined the importance of service interventions in the first few years. Bach and Argiros found that the longer a refugee remains out of the labor force, the less likely he or she is to begin to search for a job or find a job in a subsequent year. The most significant move into the labor force occurs in the first and second years, followed by a steady decline in the probability of entering the labor force for those who delayed their initial job search.

We believe it is important, therefore, to target refugee program resources on the provision of comprehensive refugee-specific services to refugees during their first few years of resettlement in order to provide new refugees with the best foundation for economic independence in the future. We believe that after this initial period of special assistance, refugees should be treated like other U.S. residents and have access to the same assistance and service programs that are available to other eligible populations. Thus we propose to limit service eligibility for refugee social services to refugees who have been in the U.S. 36 months (3 years) or less, effective October 1, 1995.

Similarly, we propose to limit service eligibility for the targeted assistance program to refugees who have been in the U.S. 60 months (5 years) or less, effective on the same date. The relatively longer eligibility period for targeted assistance clients would provide States more time to assist longer-term cash assistance recipients towards economic self-support and would help to mitigate the impact of large numbers of refugees on localities, while placing a time-limitation on refugee program participation that is consistent with the 5-year U.S. residency requirement for U.S. citizenship. Once refugees become U.S. citizens, they are no longer eligible for services under the refugee program.

In regard to the provision of refugee social services and targeted assistance, we believe that States and local entities should be given greater flexibility to design appropriate service to fit local refugee needs. The program's emphasis on the provision of employment services to achieve economic self-support, however, will remain. We are proposing, however, to eliminate the job search requirements currently contained in § 400.80 and the requirement contained in § 400.146 that requires a State to use at least 85 percent of its social service grants to provide employability services if the State's welfare dependency rate is 55 percent or more.

To ensure that refugees receive maximum benefit and maximum results from services provided during the proposed time-limited period, it is essential that services be provided in the most efficacious and appropriate manner possible. To accomplish this, program experience dictates that certain principles require greater emphasis in the provision of services to refugees: (1) Services should be provided in a manner that is linguistically and culturally compatible with a refugee's background; (2) refugee-specific services should be provided through a separate service system during the initial years of resettlement, rather than through a mainstream system in which refugees are only one of many client groups served; (3) English language instruction should be provided in a concurrent, rather than sequential, time period with employment or with other employment-related services; and (4) as required by the Refugee Act, refugee women should have the same opportunities as men to participate in training and instruction.

Under current policy, if a refugee who is receiving refugee medical assistance becomes ineligible solely because of increased earnings from employment, the refugee's medical assistance is extended for a period of 4 months or until the refugee reaches the end of the RMA time-eligibility period (currently the first 8 months after a refugee's arrival in the U.S.), whichever occurs first. The distinction between RMA and extended RMA has caused confusion in some States, with the effect of extended RMA being inappropriately denied to some eligible refugees. In addition, current policy generates administrative costs because eligibility workers need to make separate determinations of refugee eligibility for extended RMA once a refugee becomes ineligible due to increased earnings from employment.

In order to alleviate this confusion and to reduce State administrative burden, we propose to drop the distinction between RMA and extended RMA by eliminating the extended RMA provision and by making RMA available to eligible refugees for the full period of time-eligibility determined by the Director in accordance with § 400.204 beginning with the first month the refugee entered the U.S., regardless of whether a refugee received increased earnings from employment, unless the refugee obtains private medical coverage during the RMA eligibility period.

Thus, under the 8-month eligibility period currently in effect, once a refugee a refugee is determined to be eligible for RMA at time of application, the refugee would be able to continue to receive RMA for a refugee's first 8 months in the U.S. regardless of whether a refugee receives increased earnings from employment during that period of time, unless the refugee obtains private medical coverage through his/her employer or any other source. This provision would replace the current 4-month extended RMA coverage for employed refugees. We believe this change will make the administration of RMA less confusing to States and, therefore, less subject to error than the current extended RMA provision. At the same time, the proposed change will better ensure continued medical coverage to refugees for a clearly specified period of time.

To summarize, the proposed policy changes are intended to: (1) Ensure that comprehensive refugee-specific services are provided to both refugee men and women within the first few years after arrival in the United States for the purpose of accelerating family economic independence and acculturation; (2) establish a time-eligibility limitation for the receipt of refugee social services and targeted assistance services so that funds will be concentrated on recently arrived refugees to help ensure that employable refugees are placed in jobs as soon as possible after their arrival in the U.S.; (3) increase State and local flexibility in the provision of services; and (4) replace the current 4-month extended RMA provision for employed refugees with a provision that would make RMA available for the full period (currently 8 months) of time-eligibility to RMA recipients, regardless of whether a refugee becomes employed.

In addition, the proposed regulation limits the administrative costs a State may claim to those costs that are determined to be reasonable and allowable as defined by the Administration for Children and Families. This rule also establishes procedures to be used when a State withdraws from the refugee program. Finally, this rule proposes to set forth basic requirements for the administration of the targeted assistance program which has been in operation since FY 1983.

Consistent with the preceding actions, 45 CFR 400.1, 400.2, 400.4, 400.5, 400.9, 400.11, 400.13, 400.62, 400.70, 400.71, 400.75, 400.76, 400.79, 400.80, 400.82, 400.83, 400.94, 400.100, 400.104, 400.106, 400.107, 400.140, 400.141, 400.145, 400.146, 400.147, 400.152, 400.153, 400.154, 400.155, 400.156, 400.203, 400.204, 400.206, 400.207, 400.210, and subpart K are being amended or removed and a new 400.212 and subpart L are being added.

Subpart A—Introduction

Section 400.1(a) is amended to provide that 45 CFR Part 400 prescribes requirements concerning grants to States and other public and private non-profit agencies, wherever applicable, under title IV of the Immigration and Nationality Act.

Section 400.2 is amended by limiting the definition of case management services for purposes of 45 CFR part 400 to the referral to and tracking of refugee participation in employability services.

Subpart B—Grants to States for Refugee Resettlement

Section 400.4(b) is amended to require that a State must certify no later than 30 days after the beginning of each fiscal year that the approved State plan is current and continues in effect. If a State wishes to change its plan, a State is required to submit a proposed amendment to the plan for ORR review and approval in accordance with § 400.8.

Section 400.5(h) is revised to expand the types of agencies that a State must meet with on a quarterly basis to plan and coordinate the placement of refugees in advance of their arrival. This revision requires the inclusion of local community service agencies and other

agencies that serve refugees in these quarterly meetings. Section 400.5(h), as revised, also advises States that currently have an approved exemption to this requirement that existing exemptions will expire 90 days after the effective date of this rule. Any State wishing an exemption may apply to ORR. An approved exemption will remain in effect for three years, at which time a State may reapply. A number of States were granted exemptions to this requirement in the early years of the program on the basis of the absence of problems associated with the planning and coordination of refugee placement or the small number of refugees in those States. We believe it is time to review these exemptions, given the passage of time, changing refugee flows, and changing circumstances in the States. A State wishing to request an exemption to the provisions regarding the holding or frequency of meetings under § 400.5(h) must set forth the reasons why the State considers these meetings unnecessary because of the absence of problems associated with the planning and coordination of refugee placement. These requests should be submitted in writing to the Director of ORR.

Section 400.11(b) is amended to clarify that States would be required to submit yearly estimates for reimbursable costs for cash and medical assistance, costs for unaccompanied minors, and related administrative costs for the fiscal year in accordance with guidelines prescribed by the Director of ORR.

Section 400.11(b)(2) is amended by requiring that the annual social services plan that a State must submit to ORR must be developed on the basis of a local consultative process. Section 400.11(b)(2) is also amended by changing the submission date for the plan from a date that is no later than 45 days prior to the beginning of the State's planning cycle for social services to a date that is to be prescribed by the Director of ORR.

Section 400.11(c) is amended by requiring that final financial reports must be submitted in accordance with the requirements specified under § 400.210. The language regarding the submission of quarterly financial reports remains unchanged; quarterly reports will continue to be due 30 days after the end of each quarter. Thus States must submit fourth-quarter reports by October 30 of each year, instead of the current deadline of December 30 of each year. ORR needs to receive end-of-year financial data from States soon after the end of the fiscal year to enable more timely forecasting for the next fiscal year. Adjustment may continue to be made, under § 400.210, until one year after the end of the fiscal year in the case of grants for cash assistance, medical assistance, and related administrative costs, and 2 years in the case of grants for social services and targeted assistance.

Section 400.13(d) is revised to prohibit the charging of case management costs against the cash assistance, medical assistance, and administrative costs (CMA) grant. This revision conforms to priorities established by ORR in FY 1991.

Subparts E—Refugee Cash Assistance

Section 400.62 is amended to require that refugee cash assistance (RCA) begin on the same date, in relation to the date of application, as assistance under the program of aid to families with dependent children (AFDC) would begin under the State's plan for AFDC. For example, if a State has opted under its AFDC plan to provide assistance no later than the date of authorization or 30 days after the receipt of an application, whichever is earlier, then that same rule will apply regarding RCA. This provision prohibits a State from adopting this rule for AFDC but paying assistance retroactive to the date of application for RCA. This provision thus assures that RCA and AFDC applications and assistance in a given State are treated equitably.

Subpart F—Requirements for Employability Services, Job Search, and Employment

Section 400.70 is revised by removing references to refugees who are applicants or recipients of AFDC or GA.

Section 400.71 is amended by adding a definition of the term "Family self-sufficiency plan".

Section 400.75(a)(1) is amended by requiring, as a condition for receipt of refugee cash assistance, that a refugee who is not exempt under § 400.76 must participate in employment services within 30 days of receipt of aid.

Section 400.76(a)(7) is amended by exempting from participation in employment services and acceptance of appropriate employment, a parent or other caretaker relative of child under age 3, rather than age 6, who provides full-time care of the child.

Section 400.76(a)(9) is amended by exempting a pregnant woman from registration and participation in employment services if the child is expected to be born within the next 6 months, instead of the next 3 months.

The proposed changes in §§ 400.76 (a)(7) and (a)(9) would make ORR policy consistent with the requirements of the Job Opportunities and Basic Skills Training (JOBS) program contained in the Family Support Act of 1988, Public Law 100–485 (42 U.S.C. 602(a)(19)).

Section 400.79(a) is amended to emphasize that an employability plan must be developed as part of a family self-sufficiency plan where applicable for each non-exempted recipient of refugee cash assistance in a filing unit.

Section 400.80, which contains job search requirements, is removed. Other references in the regulation to job search at §§ 400.75(a)(2), 400.76(b), 400.79(c)(3), 400.82, and 400.156(a) are also removed.

Section 400.82(b)(3) is amended by removing the paragraph on conciliation.

Section 400.83 is amended by inserting the paragraph on conciliation from § 400.82 and changing the heading to "Conciliation and fair hearings".

Subpart G—Refugee Medical Assistance

Section 400.94(a) is amended by clarifying that a State must determine Medicaid eligibility under its Medicaid State plan for each individual member of a family unit that applies for medical assistance. This is to clarify that if any individual in a family unit is eligible for medical assistance under a State's title XIX plan, then the State must provide that assistance under Medicaid and not RMA. For example, under section 1902(a)(10) and 1902(1) of the Social Security Act, certain children under age 19 who were born after September 30, 1983, may be eligible for Medicaid even though their parents are eligible for refugee medical assistance. Assistance may not be provided to such children under RMA if they are eligible under Medicaid.

Section 400.100(d) is amended to clarify that only those recipients of refugee cash assistance who are not eligible for Medicaid are eligible for refugee medical assistance.

Section 400.104 is revised by removing the existing provision for extended RMA for recipients who receive increased earnings from employment and replacing it with a provision that would enable RMA recipients who receive earnings from employment to continue to receive RMA until they reach the end of their time-eligibility period, in accordance with § 400.100(b), or until the refugee obtains private medical coverage, whichever occurs first.

Section 400.106 is amended to clarify that a State may provide additional medical services to refugees who are determined eligible under § 400.94 only to the extent that sufficient appropriated funds are available to enable ORR to reimburse costs for refugee Medicaid recipients. Beginning in FY 1991, ORR

had to cease reimbursements to States for the costs of assistance to refugee recipients of AFDC, SSI, and Medicaid due to insufficient appropriated funds. We want to make clear that additional services under § 400.106 may not be provided to refugee Medicaid recipients with refugee funding as long as appropriated funds continue to be insufficient to enable ORR reimbursements to States for these costs.

Section 400.107 is amended by replacing the words "health assessments" with the words "medical screening", the term used in the INA.

Subpart I—Refugee Social Services

Section 400.140 is amended to clarify that the requirements in subpart I apply only to formula allocation grants to States.

Section 400.141 is amended by removing references to title XX social services. We have removed references to title XX services in this section and in §§ 400.152, 400.153, and 400.155 in order to limit the scope of services allowable under refugee social services to those services that are most in keeping with the goals and priorities of the refugee program.

Section 400.145 is amended by adding the requirement that a State must insure that women have the same opportunities as men to participate in training and instruction.

Section 400.146 is revised by removing the current requirement that a State must use at least 85 percent of its social service grants to provide employability services if a State's dependency rate is 55 percent or more and by replacing it with a general requirement that a State must use its social service grants primarily for employability services designed to enable refugees to obtain jobs with less than one year's participation in services in order to achieve economic self-sufficiency as soon as possible. The proposed revision is intended to provide States greater flexibility in determining how to best allocate refugee resources to keeping with refugee service needs. Social services may continue to be provided after a refugee has entered a job to help the refugee retain employment or move to a better job. Social service funds may not be used for long-term training programs such as vocational training that last for more than a year or educational programs that are not intended to lead to employment within a year.

Section 400.147 is revised by establishing client priorities for services in the following order of priority: (1) All newly arriving refugees during their first year in the U.S., who apply for services; (2) refugees who are receiving cash assistance; (3) unemployed refugees who are not receiving cash assistance; and (4) employed refugees in need of services to retain employment or to attain economic independence.

Section 400.152 is amended by removing references to title XX services and by revising paragraph (b) to limit the provision of social services to refugees who have been in the U.S. for 36 months or less, except that refugees who are receiving employability services, as defined in § 400.154(a), as of September 30, 1995, as part of an employability plan, may continue to receive those services through September 30, 1996, or until the services are completed, whichever occurs first, regardless of their length of residence in the U.S. As of the effective date of this requirement, the time-limitation on services will apply regardless of which fiscal year of funding is used to provide the services.

Section 400.153 regarding the provision of title XX social services is removed and reserved.

Section 400.154 is amended to clarify under § 400.154(g) that day care as an allowable service means day care for children. Section 400.154 is further amended by removing the note after paragraph (j) which allows case management costs to be charged against the CMA grant; because of funding limitations, such costs may not currently be charged against the CMA grant.

Section 400.155(b) is amended to clarify that outreach services may include activities designed to explain the purpose of available services and to facilitate access to these services.

Section 400.155(c)(1) is amended to clarify that assessment and short-term counseling may be provided to families as well as individual persons.

Section 400.155(d) is amended to clarify that day care as an allowable service means day care for children.

Section 400.155(f) is amended by stipulating that translation and interpreter services are allowable when necessary for participation in a service and when such translation and interpreter services are not available from any other source.

Section 400.155(g) which permitted the provision of case management services as an allowable nonemployment-related service is removed. We believe that the use of refugee program funds should be limited only to the provision of case management services that are related to the obtainment of employment.

Section 400.155(h) is redesignated as § 400.155(g) and revised by removing title XX social services from the list of allowable services under refugee social services and by adding, as an allowable service subject to the approval of the Director of ORR, any additional service aimed at strengthening the ability of refugee individuals, families, and refugee communities to achieve and maintain economic self-sufficiency, family stability, and community integration. An example of an allowable service under this provision would be the provision of technical assistance and organizational development training to strengthen the capability of refugee mutual assistance associations to provide employment-related and other services to refugees.

Section 400.156 is amended by revising the heading to read "Service requirements" and by amending § 400.156(b) to clarify that, in planning services, States must take into account the reception and placement (R & P) services provided by resettlement agencies in order to ensure the provision of seamless, coordinated services to refugees that are not duplicative. Section 400.156 is also amended by adding new requirements that States must implement to the maximum extent feasible: (1) English language instruction must be provided in a concurrent, rather than sequential, time period with employment or with other employment-related services; (2) services must be provided through a separate refugee-specific service system rather than a system in which refugees are only one of many client groups served; (3) services must be provided in a manner that is culturally and linguistically compatible with a refugee's language and cultural background; and (4) services must be provided in a manner that includes the use of bilingual/bicultural women on service agency staffs to ensure adequate service access by refugee women. Providing services in a manner that is culturally and linguistically compatible means that an agency providing services funded under this part must employ or contract with staff who: (1) Speak the native language of and (2) are either from the same ethnic background as, or are culturally knowledgeable of, the refugee populations the agency serves.

Subpart J—Federal Funding

Sections 400.203 and 400.204 are amended by clarifying that Federal funding is available for the cash and medical assistance programs described in these sections only to the extent that sufficient funds are appropriated. We have added this clarification in light of the steady decline in Federal refugee funding for the State share of aid to

families with dependent children (AFDC), supplemental security income (SSI), Medicaid, and general assistance (GA) which began in FY 1986 and has resulted since FY 1991 in no ORR reimbursement to States for the State share of these programs due to insufficient appropriated funds.

Section 400.206 is amended by changing the heading to "Federal funding for social services and targeted assistance services" and by adding a paragraph on Federal funding for targeted assistance services.

Section 400.207 is revised to clarify that Federal funding is available for reasonable and identifiable administrative costs of providing only those assistance and service programs for which Federal funding is currently made available under the refugee program. Thus Federal funding under 45 CFR part 400 is not available at this time for administrative costs related to the provision of AFDC, Medicaid, GA, or SSI to refugees. This section is further revised to limit the administrative costs that a State may claim to those costs that are determined to be reasonable and allowable as defined by the Administration for Children and Families.

Section 400.210 is revised to clarify time limits for obligating and expending funds as well as for submitting final financial reports on expenditures of CMA grants and social service and targeted assistance grants.

Subpart J is amended to prohibit the use of funds under this part for travel outside the United States, without the written approval of the Director.

Subpart K—Waivers

Subpart K is amended by revising the heading to read "Waivers and Withdrawals" and by revising § 400.300 to allow for a more flexible waiver policy in keeping with Executive Order No. 12875, issued on October 26, 1993, which calls for increased flexibility for State and local waivers. In addition, a new § 400.301 is added which requires that if a State decides to cease participation in the refugee program, the State must provide 120 days advance notice to the Director before withdrawing from the program. Section 400.301 clarifies that in order to participate in the refugee program, a State is expected to operate all components of the refugee program. In the event that a State wishes to retain responsibility for only part of the refugee program, it must obtain prior approval from the Director of ORR. Such approval will be granted only under extraordinary circumstances and if it is in the best interest of the Government.

Section 400.301 also provides that when a State withdraws from all or part of the refugee program, the Director may authorize a replacement designee or designees to administer the provision of assistance and/or services, as appropriate, to refugees in that State. Pursuant to the statutory authority in 412(c)(1)(A) and 412(e)(1) of the INA to provide grants to, and contracts with, public or private nonprofit agencies for services, cash assistance, and medical assistance to refugees, the Director may authorize a designee to administer the refugee program in place of a State when the State chooses not to participate in the refugee program. This authority is different from the statutory authority in 412(e)(7) of the INA which permits the Director to authorize the development and implementation of alternative projects under the Fish/Wilson program.

Subpart L—Targeted Assistance

Section 400.310 establishes that the basis and scope of this subpart is to set forth requirements concerning grants to States under 12(c)(2) of the INA for targeted assistance.

Section 400.311 establishes a definition for "targeted assistance grants".

Section 400.312 requires that a State must provide any individual wishing to do so an opportunity to apply for targeted assistance services and determine the eligibility of each applicant.

Section 400.313 requires that a State must use its targeted assistance grant primarily for employability services designed to enable refugees to obtain jobs with less than one year's participation in the targeted assistance program in order to achieve economic self-sufficiency as soon as possible. Targeted assistance services may continue to be provided after a refugee has entered a job to help the refugee retain employment or move to a better job. Targeted assistance funds may not be used for long-term training programs such as vocational training that last for more than a year or educational programs that are not intended to lead to employment within a year.

Section 400.314 establishes client priorities for targeted assistance services in the following order of priority: (1) Cash assistance recipients, particularly long-term recipients; (2) unemployed refugees who are not receiving cash assistance; and (3) employed refugees in need of services to retain employment or to attain economic independence.

Section 400.315 establishes that the same standards and criteria that are applied in the determination of eligibility for refugee social services under §§ 400.150 and 400.152(a) shall be applied in the determination of eligibility for targeted assistance services. Section 400.315 limits the provision of targeted assistance services to refugees who have been in the U.S. for 60 months or less, except that refugees who are receiving employability services, as defined in § 400.316, as of September 30, 1995, as part of an employability plan, may continue to receive those services through September 30, 1996, or until the services are completed, whichever occurs first, regardless of their length of residence in the U.S. As of the effective date of this requirement, the time-limitation on services will apply regardless of which fiscal year of funding is used to provide the services.

Section 400.316 establishes that a State may provide the same scope of services under targeted assistance as may be provided under refugee social services under §§ 400.154 and 400.155, with the exception of § 40§ .155(g). Since the purpose of the targeted assistance program is to direct resources to localities that have large refugee populations and high use of public assistance by refugees, our intent is to focus the use of targeted assistance funds on employability services aimed at economic self-sufficiency, while providing States and counties some flexibility to use the funds for nonemployment-related services. Thus, we have included the nonemployment-related services that are allowable under § 400.155, but have not included the new category of services that has been added under § 400.155(g), which includes services to strengthen family and community.

Section 400.317 establishes that a State must adhere to the same limitations and restrictions in the provision of targeted assistance services as are applied to the provision of refugee social services under § 400.156.

Section 400.318 establishes that eligible grantees under the targeted assistance program are those agencies of State governments which are responsible for the refugee program under § 400.5 in States containing counties which qualify for targeted assistance awards. Section 400.318 also establishes that the use of targeted assistance funds for services to Cuban and Haitian entrants is limited to States which have an approved State plan under the Cuban/Haitian Entrant Program (CHEP).

Section 400.319 establishes that a State with more than one qualifying targeted assistance county may allocate its targeted assistance funds differently

from the formula allocations for counties presented in the ORR targeted assistance notice in a fiscal year, only on the basis of its population of refugees who arrived in the U.S. during the most recent 5-year period. Section 400.319 also establishes that a State must assure that not less than 95 percent of the total award to the State is made available to the qualified county or counties, except in those cases where the qualified county or counties have agreed to let the State administer the targeted assistance program in the county's stead.

Proposed Effective Dates

The anticipated effective date for §§ 400.152(b), 400.315(b), and 400.319(a) is October 1, 1995, while the anticipated effective date for all other sections is October 1, 1994.

Regulatory Procedures

Executive Order 12866

Executive Order 12866 requires that regulations be reviewed to ensure that they are consistent with the priorities and principles set forth in the Executive Order. The Department has determined that this rule is consistent with these priorities and principles. An assessment of the costs and benefits of available regulatory alternatives (including not regulating) demonstrated that the approach taken in the regulation is the most cost-effective and least burdensome while still achieving the regulatory objectives.

Paperwork Reduction Act

This rule does not contain collection-of-information requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. No. 96–354) requires the Federal government to anticipate and reduce the impact of regulations and paperwork requirements on small entities. The primary impact of these rules is on State governments and individuals. Therefore, we certify that these rules will not have a significant impact on a substantial number of small entities because they affect benefits to individuals and payments to States. Thus, a regulatory flexibility analysis is not required.

Statutory Authority

Section 412(a)(9) of the Immigration and Nationality Act, 8 U.S.C. 1522(a)(9), authorizes the Secretary of HHS to issue regulations needed to carry out the program.

(Catalogue of Federal Domestic Programs: 93.566, Refugee and Entrant Assistance—State-Administered Programs)

List of Subjects in 45 CFR Part 400

Grant programs—social programs, Health care, Public assistance programs, Refugees, Reporting and record keeping requirements.

Dated: May 17, 1994.

Mary Jo Bane,

Assistant Secretary for Children and Families.

Approved: July 15, 1994.

Donna E. Shalala,

Secretary, Department of Health and Human Services.

For reasons set forth in the preamble, 45 CFR part 400 is proposed to be amended as follows:

PART 400—REFUGEE RESETTLEMENT PROGRAM

1. The authority citation for part 400 continues to read as follows:

Authority: Section 412(a)(9), Immigration and Nationality Act (8 U.S.C. 1522(a)(9)).

§ 400.1 [Amended]

2. Section 400.1(a) is amended by adding the words "and other public and private non-profit agencies, wherever applicable" after the word "States".

§ 400.2 [Amended]

3. Section 400.2 is amended by amending the definition of "Case management services" by adding the word employability" after the word "which" and before the word "service(s)" and by removing the word "to" after the word "refer".

4. Section 400.4(b) is revised to read as follows:

§ 400.4 Purpose of the plan.

* * * * *

(b) A State must certify no later than 30 days after the beginning of each Federal fiscal year that the approved State plan is current and continues in effect. If a State wishes to change its plan, a State must submit a proposed amendment to the plan. The proposed amendment will be reviewed and approved or disapproved in accordance with § 400.8.

5. Section 400.5(h) is revised to read as follows:

§ 400.5 Content of the plan.

* * * * *

(h) Provide that the State will, unless exempted from this requirement by the Director, assure that meetings are convened, not less often than quarterly, whereby representatives of local affiliates of voluntary resettlement agencies, local community service agencies, and other agencies that serve refugees meet with representatives of State and local governments to plan and coordinate the appropriate placement of refugees in advance of the refugees' arrival. All existing exemptions to this requirement will expire 90 days after the effective date of this rule. Any State that wishes to be exempt from the provisions regarding the holding and frequency of meetings may apply by submitting a written request to the Director. The request must set forth the reasons why the State considers these meetings unnecessary because of the absence of problems associated with the planning and coordination of refugee placement. An approved exemption will remain in effect for three years, at which time is a State may reapply.

* * * * *

§ 400.9 [Amended]

6. Section 400.9(g) is amended to correct the spelling of the word "initiable" to "initial".

§ 400.11 [Amended]

7. Section 400.11(b)(1) is amended by removing the words "on a form" after the word "year" at the and of the paragraph and adding in their place the words "in accordance with guidelines".

8. Section 400.11(b)(2) is amended by adding the words "developed on the basis of a local consultative process" after the work "plan" and by removing the words "no later than 45 days prior to the beginning of the State's annual planning cycle for social services' and inserting the words "and at a time" after the word "form."

9. Section 400.11(c) is amended by adding a period "." after the word quarter, removing the remainder of the sentence, beginning with the word "except" and ending with the word "year", and replacing it with a new sentence that reads as follows: "Final financial reports must be submitted in accordance with the requirements descried in § 400.210."

§ 400.13 [Amended]

10. Section 400.13(a) is amended by adding the words "Refugee Resettlement Program" before the word "RRP" and placing the word "RRP" in parentheses.

11. Section 400.13(d) is revised to read as follows:

§ 400.13 Cost allocation.

* * * * *

(d) Cost of case management services, as defined in § 400.2, may not be charged to the CMA grant.

12. Section 400.62 is amended by adding a new paragraph (c) to read as follows:

§ 400.62 Need standards and payment levels.

* * * * *

(c) The date refugee cash assistance begins must be the same date, in relation to the date of application, as assistance would begin under a State's plan for AFDC under § 206.10(a)(6) of this title.

13. The heading of subpart F is revised to read as follows:

Subpart F—Requirements for Employability Services and Employment

14. Section 400.70 is revised to read as follows:

§ 400.70 Basis and scope.

This subpart sets forth requirements for applicants for and recipients of refugee cash assistance concerning registration for employment services, participation in social services or targeted assistance, and acceptance of appropriate employment under section 412(e)(2)(A) of the Act. A refugee who is an applicant for or recipient of refugee cash assistance must comply with the requirements in this subpart.

§ 400.71 [Amended]

15. Section 400.71 is amended by alphabetically adding the definition for the term "family self-sufficiency plan" to read as follows:

* * * * *

Family self-sufficiency plan means a plan that addresses the employment-related service needs of the employable members in a family for the purpose of enabling the family to become self-supporting through the employment of one or more family members.

* * * * *

§ 400.75 [Amended]

16. Section 400.75(a)(1) is amended by adding the words ",within 30 days of receipt of aid," after the word "and". Section 400.75(a)(2) is removed and paragraphs (a)(3), (a)(4), (a)(5), (a)(6), and (a)(7) are redesignated as paragraphs (a)(2), (a)(3), (a)(4), (a)(5), and (a)(6), respectively.

17. Section 400.76 is amended by revising paragraph (a)(7) to read as follows:

§ 400.76 Criteria for exemption from registration for employment services, participation in employability service programs, and acceptance of appropriate offers of employment.

(a) * * *

(7) A parent or other caretaker relative of a child under age 3 who personally provides full-time care of the child with only very brief and infrequent absences from the child. Only one parent or other relative in a case may be exempt under this paragraph.

* * * * *

18. Section 400.76(a)(9) is amended by removing the number "3" and adding in its place the number "6".

19. Section 400.76(b) is amended by removing the words "carrying out job search," after the word "programs,".

§ 400.79 [Amended]

20. Section 400.79(a) is amended by adding the words "as part of the family self-sufficiency plan where applicable" after the words "must be developed" and by adding the words "in a filing unit" after the words "refugee cash assistance".

21. Section 400.78(c)(3) is removed.

§ 400.80 [Amended]

22. Section 400.80 and the undesignated centerhead immediately preceding it are removed.

§ 400.82 [Amended]

23. The heading in § 400.82 and the undesignated centerhead immediately preceding it are amended by removing the words "to carry out job search or" after the word "refusal".

24. Section 400.82(a) is amended by removing the words "to carry out job search," after the word "services,".

25. Section 400.82 is amended by removing paragraph (b)(3)(iii).

§ 400.83 [Amended]

26. Section 400.83 is amended by adding the words "Conciliation and fair" before the word "hearings" in the heading.

27. Section 400.83 is amended by redesignating the current text as paragraph (b) and by adding a new paragraph (a) to read as follows:

§ 400.83 Conciliation and fair hearings.

(a) A conciliation period prior to the imposition of sanctions must be provided for in accordance with the following time-limitations: The conciliation effort shall begin as soon as possible, but no later than 10 days following the date of failure or refusal to participate, and may continue for a period not to exceed 30 days. Either the State or the recipient may terminate this period sooner when either believes that the dispute cannot be resolved by conciliation.

* * * * *

§ 400.94 [Amended]

28. Section 400.94(a) is amended by removing the words "refugees who apply" and adding in their place the words "each individual member of a family unit that applies" before the words "for medical assistance".

§ 400.100 [Amended]

29. Section 400.100(d) is amended by adding the words "who are not eligible for Medicaid" after the words "cash assistance".

30. Section 400.104 is revised to read as follows:

§ 400.104 Continued coverage of recipients who receive increased earnings from employment.

If a refugee who is receiving refugee medical assistance receives increased earnings from employment, the increased earnings shall not affect the refugee's continued medical assistance eligibility. The refugee shall continue to receive refugee medical assistance until he/she reaches the end of his or her time-eligibility period for refugee medical assistance, in accordance with § 400.100(b), or until the refugee obtains private medical coverage, whichever occurs first.

§ 400.106 [Amended]

31. Section 400.106 is amended by adding the words "only to the extent that sufficient funds are appropriated," after the words "§§ 400.94.".

§ 400.107 [Amended]

32. The heading in § 400.107 is amended by removing the words "Health assessments" and adding in their place the words "Medical screening".

33. Section 400.107(a) is amended by removing the words "a health assessment" and adding in their place the words "medical screening" and by replacing the word "assessment" with the word "screening" each time the word "assessment" is used.

§ 400.140 [Amended]

34. Section 400.140 is amended by adding the words "formula allocation" before the word "grants".

§ 400.141 [Amended]

35. Section 400.141 is amended by removing the words "any title XX social service as defined below or" from the definition of Refugee Social Services and by removing the definition of title XX social services.

36. Section 400.145 is amended by adding a new paragraph (c) that reads as follows:

§ 400.145 Opportunity to apply for services.

* * * * *

(c) A State must insure that women have the same opportunities as men to participate in training and instruction.

37. Section 400.146 is revised to read as follows:

§ 400.146 Use of funds.

The State must use its social service grants primarily for employability services designed to enable refugees to obtain jobs with less than one year's participation in services in order to achieve economic self-sufficiency as soon as possible. Social services may continue to be provided after a refugee has entered a job to help the refugee retain employment or move to a better job. Social service funds may not be used for long-term training programs such as vocational training that last for more than a year or educational programs that are not intended to lead to employment within a year.

38. Section 400.147 is revised to read as follows:

§ 400.147 Priority in provision of services.

A State must plan its social service program and allocate its social service funds in such a manner that services are provided to refugees in the following order of priority:

(a) All newly arriving refugees during their first year in the U.S., who apply for services;

(b) Refugees who are receiving cash assistance;

(c) Unemployed refugees who are not receiving cash assistance; and

(d) Employed refugees in need of services to retain employment or to attain economic independence.

§ 400.152 [Amended]

39. Section 400.152 is amended by removing the word "specific" in the heading.

40. Section 400.152(b) is revised to read as follows:

§ 400.152 Limitations on eligibility for services.

* * * * *

(b) A State may not provide services under this subpart to refugees who have been in the United States for more than 36 months, except that refugees who are receiving employability services, as defined in § 400.154, as of September 30, 1995, as part of an employability plan, may continue to receive those services through September 30, 1996, or until the services are completed, whichever occurs first, regardless of their length of residence in the U.S.

§ 400.153 [Removed and reserved]

41. Section 400.153 is removed and reserved.

§ 400.154 [Amended]

42. Section 400.154(g) is amended by adding the words "for children" after the words "Day care".

43. Section 400.154 is amended by removing the note after paragraph (j).

§ 400.155 [Amended]

44. Section 400.155(b) is amended by adding the words ", to explain the purpose of these services, and facilitate access to these services" after the words "available services" at the end of the paragraph.

45. Section 400.155(c)(1) is amended by adding the words "or families" after the word "persons" and before the word "in".

46. Section 400.155(d) is amended by adding the words "for children" after the words "Day care".

47. Section 400.155(d) is revised to read as follows:

* * * * *

(f) *Translation and interpreter services,* when necessary for participation in a service and when translation and interpreter services are not available from any other source.

48. Section 400.155(g) is removed.

49. Section 400.15(h) is redesignated as paragraph (g) and is revised to read as follows:

* * * * *

(g) *Any additional service,* upon submission to and approval by the Director of ORR, aimed at strengthening and supporting the ability of a refugee individual, family, or refugee community to achieve and maintain economic self-sufficiency, family stability, or community integration which has been demonstrated as effective and is not available from any other funding source.

§ 400.156 [Amended]

50. Section 400.156 is amended by revising the heading to read as follows:

§ 400.156 Service requirements.

51. Section 400.156(a) is amended by removing the words "job search and" after the word "refugee".

52. Section 400.156(b) is amended by removing the words "and not duplicate the provision of such services to such refugee" after the word "sponsors" and adding in their place the words "in order to ensure the provision of seamless, coordinated services to refugees that are not duplicative".

53. Section 400.156 is amended by adding new paragraphs (c), (d), (e), and (f) that read as follows:

§ 400.156 Service requirements.

* * * * *

(c) English language instruction funded under this part must be provided in a concurrent, rather than sequential, time period, with employment or with other employment-related services, to the maximum extent feasible.

(d) In keeping with paragraph (e) of this section, services funded under this part must be provided, to the maximum extent feasible, through a separate refugee-specific service system rather than a system in which refugees are only one of many client groups served.

(e) Services funded under this part must be provided to the maximum extent feasible in a manner that is culturally and linguistically compatible with a refugee's language and cultural background.

(f) Services funded under this part must be provided to the maximum extent feasible in a manner that includes the use of bilingual/bicultural women on service agency staffs to ensure adequate service access by refugee women.

§ 400.203 [Amended]

54. Section 400.203 is amended by adding the words "To the extent that sufficient funds are appropriated," before the words "Federal funding" at the beginning of paragraphs (a) and (c).

§ 400.204 [Amended]

55. Section 400.204 is amended by adding the words "To the extent that sufficient funds are appropriated," before the words "Federal funding" at the beginning of paragraphs (a) and (c).

56. Section 400.206 is amended by adding the words "and targeted assistance services" at the end of the heading, by designating the existing paragraph as paragraph (a), and by adding a new paragraph (b) to read as follows:

§ 400.206 Federal funding for social services and targeted assistance services.

(a) * * *

(b) Federal funding is available for targeted assistance services as set forth in subpart L of this part, including reasonable and necessary identifiable State administrative costs of providing such services, not to exceed 5 percent of the total targeted assistance award to the State.

57. Section 400.207 is revised to read as follows:

§ 400.207 Federal funding for administrative costs.

Federal funding is available for reasonable and necessary identifiable administrative costs of providing assistance and services under this part only for those assistance and service programs set forth in §§ 400.203 through 400.205 for which Federal funding is currently made available under the refugee program. A State may claim only those costs that are determined to be reasonable and allowable as defined by the Administration for Children and Families. Such costs may be included in a State's claims against its quarterly

grants for the purposes set forth in §§ 400.203 through 400.205 of this part.

58. Section 400.210 is revised to read as follows:

§ 400.210 Time limits for obligating and expending funds and for filing State claims.

Federal funding is available for a State's expenditures for assistance and services to eligible refugees for which the following time limits are met.

(a) *CMA grants,* as described at § 400.11(a)(1) of this part:

(1) Except for services for unaccompanied minors, a State must use its CMA grants for costs attributable to the Federal fiscal year (FFY) in which the Department awards the grants. With respect to CMA funds used for services for unaccompanied minors, the State may contract for such services to be provided during a period extending up to 9 months after the FFY in which the Department awards the funds.

(2) A State's final financial report on expenditures of CMA grants must be received no later than one year after the end of the FFY in which the Department awarded the grant. At that time, the Department will deobligate any unexpended funds, including any unliquidated obligations.

(b) *Social service grants and targeted assistance grants,* as described, respectively, at §§ 400.11(a)(2) and 400.311 of this part:

(1) A State must obligate its social service and targeted assistance grants no later than one year after the end of the FFY in which the Department awards the grant.

(2) A State's final financial report on expenditures of social service and targeted assistance grants must be received no later than two years after the end of the FFY in which the Department awarded the grant. At that time, the Department will deobligate any unexpended funds, including any unliquidated obligations.

Subpart J—[Amended]

59. Subpart J is amended by adding a new § 400.212 that reads as follows:

§ 400.212 Restrictions in the use of funds.

Federal funding under this part is not available for travel outside the United States without the written approval of the Director.

60. The heading of Subpart K is revised to read as follows:

Subpart K—Waivers and Withdrawals

61. Subpart K is amended by revising § 400.300 and adding a new § 400.301, that read as follows:

§ 400.300 Waivers.

If a State wishes to apply for a waiver of a requirement of this part, the Director may waive such requirement with respect to such State, unless required by statute, if the Director determines that such waiver will advance the purposes of this part and is appropriate and consistent with Federal refugee policy objectives. To the fullest extent practicable, the Director will approve or disapprove an application for a waiver within 130 days of receipt of such application. The Director shall provide timely written notice of the reasons for denial to States whose applications are disapproved.

§ 400.301 Withdrawal from the refugee program.

(a) In the event that a State decides to cease participation in the refugee program, the State must provide 120 days advance notice to the Director before withdrawing from the program.

(b) To participate in the refugee program, a State is expected to operate all components of the refugee program, including refugee cash and medical assistance, social services, preventive health, and an unaccompanied minors program if appropriate. A State is also expected to play a coordinating role in the provision of assistance and services in accordance with § 400.5(b). In the event that a State wishes to retain responsibility for only part of the refugee program, it must obtain prior approval from the Director of ORR. Such approval will be granted only under extraordinary circumstances and if it is in the best interest of the Government.

(c) When a State withdraws from all or part of the refugee program, the Director may authorize a replacement designee or designees to administer the provision of assistance and services, as appropriate, to refugees in that State.

62. Part 400 is amended by adding a new subpart L, that reads as follows:

Subpart L—Targeted Assistance

Sec.

400.310 Basis and scope.
400.311 Definitions.
400.312 Opportunity to apply for services.

Funding and Service Priorities

400.313 Use of funds.
400.314 Priority in provision of services.
400.315 General eligibility requirements.
400.316 Scope of targeted assistance services.
400.317 Service requirements.
400.318 Eligible Grantees.
400.319 Allocation of funds.

Subpart L—Targeted Assistance

§ 400.310 Basis and scope.

This subpart sets forth requirements concerning grants to States under section 412(c)(2) of the Act for targeted assistance.

§ 400.311 Definitions.

For purposes of this subpart—

Targeted assistance grants means formula allocation funding to States for assistance to counties and similar areas in the States where, because of factors such as unusually large refugee populations (including secondary migration), high refugee concentrations, and high use of public assistance by refugees, there exists and can be demonstrated a specific need for supplementation of available resources for services to refugees.

§ 400.312 Opportunity to apply for services.

A State must provide any individual wishing to do so an opportunity to apply for targeted assistance services and determine the eligibility of each applicant.

Funding and Service Priorities

§ 400.313 Use of funds.

A State must use its targeted assistance funds primarily for employability services designed to enable refugees to obtain jobs with less than one year's participation in the targeted assistance program in order to achieve economic self-sufficiency as soon as possible. Targeted assistance services may continue to be provided after a refugee has entered a job to help the refugee retain employment or move to a better job. Targeted assistance funds may not be used for long-term training programs such as vocational training that last for more than a year or educational programs that are not intended to lead to employment within a year.

§ 400.314 Priority in provision of services.

A State must plan its targeted assistance program and allocate its targeted assistance funds in such a manner that services are provided to refugees in the following order of priority:

(a) Cash assistance recipients, particularly long-term recipients;

(b) Unemployed refugees who are not receiving cash assistance; and

(c) Employed refugees in need of services to retain employment or to attain economic independence.

§ 400.315 General eligibility requirements.

(a) For purposes of determining eligibility of refugees for services under

this subpart, the same standards and criteria shall be applied as are applied in the determination of eligibility for refugee social services under §§ 400.150 400.152(a).

(b) A State may not provide services under this subpart to refugees who have been in the United States for more than 60 months, except that refugees who are receiving employability services, as defined in § 400.316, as of September 30, 1995, as part of an employability plan, may continue to receive those services through September 30, 1996, or until the services are completed, whichever occurs first, regardless of their length of residence in the U.S.

§ 400.316 Scope of targeted assistance services.

A State may provide the same scope of services under this subpart as may be provided to refugees under §§ 400.154 and 400.155, with the exception of § 400.155(g).

§ 400.317 Service requirements.

In providing targeted assistance services to refugees, a State must adhere to the same requirements as are applied to the provision of refugee social services under § 400.156.

§ 400.318 Eligible grantees.

Eligible grantees are those agencies of State governments which are responsible for the refugee program under 45 CFR 400.5 in States containing counties which qualify for targeted assistance awards. The use of targeted assistance funds for services to Cuban and Haitian entrants is limited to States which have an approved State plan under the Cuban/Haitian Entrant Program (CHEP).

§ 400.319 Allocation of funds.

(a) A State with more than one qualifying targeted assistance county may allocate its targeted assistance funds differently from the formula allocations for counties presented in the ORR targeted assistance notice in a fiscal year only on the basis of its population of refugees who arrived in the U.S. during the most recent 5-year period.

(b) a State must assure that not less than 95 percent of the total award to the State is made available to the qualified county or counties, except in those cases where the qualified county or counties have agreed to let the State administer the targeted assistance program in the county's stead.

[FR Doc. 94–10710 Filed 8–11–94; 8:45 am]
BILLING CODE 4184–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 24

[PP Docket No. 93–253, FCC 94–198]

Implementation of Section 309(j) of the Communications Act—Competitive Bidding

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: In this *Further Notice of Proposed Rule Making*, the Commission seeks comment by September 12, 1994 on whether businesses owned by minorities and/or women should be permitted to hold licenses in the broadband personal communications services ("broadband PCS") that are geographically partitioned from established PCS service areas. A similar plan, allowing geographic partitioning by rural telephone companies, has been adopted to expedite the provision of broadband PCS in rural area. The Commission seeks comment from interested parties on the following issues: whether allowing businesses owned by minorities and/or women to hold partitioned PCS licenses would serve the public interest; if so, what parameters the Commission should provide for these entities to obtain partitioned licenses (*i.e.*, through what mechanisms should partitioned licenses be granted and what, if any, limitations should apply); and whether any such partitioning should be prohibited for a period of time after initial PCS licensing, and if so, for what period. Commenters should focus on the public interest impact that allowing such partitioning would likely have. The Commission is particularly interested in whether such partitioning could be expected to give rise to benefits corresponding to those that are expected from rural telephone company partitioning. The Commission also seeks comment on whether the potential benefits that may be derived by partitioning in this context outweigh any practical or administrative difficulties that might arise, and whether more rapid and better service will be provided to any areas as a result of the partitioning.

The Commission also seeks comment on whether it should restrict the transfer or assignment of partitioned licenses (held by rural telephone companies or by businesses owned by minorities and/or women) for some period of time, and if so, for how long any such transfer restriction period should last.

DATES: Comments are to be filed on or before September 12, 1994. Reply comments are to be filed on or before September 27, 1994.

FOR FURTHER INFORMATION CONTACT: Jonathan Cohen, Office of Plans and Policy, (202) 418–2030.

SUPPLEMENTARY INFORMATION: This *Further Notice of Proposed Rule Making* is available for inspection and copying during normal business hours in the FCC Dockets Branch, Room 230, 1919 M Street N.W., Washington, D.C. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, telephone (202) 857–3800.

I. Background

1. In the *Memorandum Opinion and Order* in GEN Docket No. 90–314, 59 FR 32830 (June 24, 1994), the Commission set forth rules for licensing Personal Communications Services in the 2 GHz band ("broadband PCS"), including specification of geographic service areas. We declined to allow general partitioning of those service areas, stating that such partitioning could be used to circumvent construction requirements, but we also recognized that the public interest may favor a different result "for particular groups of service providers, such as rural telephone companies, or to create PCS ownership opportunities for companies owned by minorities or women." *Memorandum Opinion and Order* at ¶ 83.

2. In the *Fifth Report and Order* in this proceeding, PP Docket No. 93–253, 59 FR 37566 (July 22, 1994) ("*Fifth Report and Order*"), the Commission determined that, to expedite the provision of broadband PCS in rural areas, which have historically suffered from delayed introduction of new services and fewer choices in service providers, rural telephone companies should be permitted to obtain PCS licenses by partitioning certain geographic areas from the licensed PCS service area (MTA or BTA). These companies will be permitted to acquire partitioned broadband PCS licenses in either of two ways: (1) they may form bidding consortia to participate in auctions, and then partition the licenses won among themselves, or (2) they may acquire partitioned broadband PCS licenses from other licensees through private negotiation. We required that partitioned areas conform to established geopolitical boundaries (such as county lines) and that each area include that portion of the rural telephone

company's wireline service area that lies within the PCS license area. In addition, where a rural telephone company acquires a partitioned license from another PCS licensee, the partitioned area must be reasonably related to rural telephone company's wireline service area. *See Fifth Report and Order* at ¶¶ 148–153.

3. Our rationale in allowing partitioning for rural telephone companies is that these companies are uniquely positioned to use their existing infrastructure to provide broadband PCS in rural areas. Many rural telephone companies argued that if they were required to bid on entire Basic Trading Area or Major Trading Area licenses to obtain licenses covering their wireline service areas, they would be effectively barred from entering the broadband PCS industry. They contend that under a partitioning plan, they would be able to serve areas in which they already provide service, while the remainder of the PCS service area could be served by other more efficient providers.

II. Discussion

4. We wish to consider whether a similar post-auction broadband PCS partitioning plan should be adopted for the benefit of businesses owned by minorities and/or women. We note that some parties commenting on petitions for reconsideration that we received in GEN Docket No. 90–314 supported various forms of geographic partitioning.[1] Others, however, were opposed to partitioning.[2] The record has not been sufficiently developed on the issue of whether the public interest would be served by permitting businesses owned by minorities and/or women to hold partitioned licenses to enable the Commission to make a determination on this issue. We therefore seek further comment from interested parties.[3] Commenters should address the following issues: (1) whether allowing businesses owned by minorities and/or women to hold partitioned PCS licenses would serve the public interest; (2) if so, what parameters the Commission should provide for these entities to obtain partitioned licenses (*i.e.*, through what mechanisms should partitioned licenses be granted and what, if any, limitations should apply); and (3) whether any such partitioning should be prohibited for a period of time after initial PCS licensing, and if so, for what period.

Commenters should focus on the public interest impact that allowing such partitioning would likely have. We are particularly interested in hearing from interested parties whether such partitioning could be expected to give rise to benefits corresponding to those we expect to derive from rural telephone company partitioning. We also seek comment on whether the potential benefits that may be derived by partitioning in this context outweigh any practical or administrative difficulties that might arise, and whether more rapid and better service will be provided to any areas as a result of the partitioning.

5. We also wish to explore whether the Commission should restrict the transfer or assignment of partitioned licenses (held by rural telephone companies or by businesses owned by minorities and/or women) for some period of time. We therefore seek comment on this issue, and ask commenters to address how long any such transfer restriction period should last.

III. Procedural Matters

6. *Initial Regulatory Flexibility Analysis.* As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IFRA) of the expected impact on small entities of the proposals contained in this Further Notice of Proposed Rule Making (FNPRM). We request written public comment on the IRFA, which follows. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice*, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of this *Notice of Proposed Rule Making*, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. No. 96–354, 94 Stat. 1164, 5 U.S.C. § 601 *et seq.* (1981).

7. Reason for Action: This FNPRM is issued to obtain comment regarding the certain aspects of the implementation of Section 309(j) of the Communications Act; as amended by the Omnibus Budget Reconciliation Act of 1993 (Budget Act).

8. Objectives: The Commission seeks to implement changes to the Communications Act that, *inter alia*, provide the Commission with the authority to award licenses to use the electromagnetic spectrum through competitive bidding.

9. Legal Basis: The FNPRM is authorized under the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103–66, Title VI, Section 6002, and Sections 4(i), 303(r), and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C §§ 154(i), 303(r), and 309(j).

10. Reporting, Recordkeeping and Other Compliance Requirements: The proposals under consideration in this FNPRM include the possibility of new reporting and recordkeeping requirements for a number of small business entities.

11. Federal Rules Which Overlap, Duplicate or Conflict With These Rules: None.

12. Description, Potential Impact, and Number of Small Entities Involved: The rule changes proposed in this FNPRM could affect small businesses if they apply for or are granted licenses in the Personal Communications Services in the 2 GHz band (broadband PCS). The FNPRM proposes that certain entities be permitted to obtain broadband PCS licenses for geographic areas that are partitioned from other broadband PCS licenses. After evaluating the comments in response to this FNPRM, the Commission will further examine the impact of any rule changes on small entities and set forth our findings in the Final Regulatory Flexibility Analysis.

13. Any Significant Alternatives Minimizing the Impact on Small Entities Consistent with the Stated Objectives: None.

14. *Other Procedural Matters.* This is a non-restricted notice and comment rule making proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. *See generally* 47 CFR §§ 1.1202, 1.1203, and 1.1206(a).

15. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, 47 CFR §§ 1.415 and 1.419, interested parties may file comments on or before September 12, 1994, and reply comments on or before September 27, 1994. To file formally in this proceeding, you must file an original and four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and

[1] *See e.g.*, comments of GTE Service Corp., Association of Independent Designated Entities, McCaw Cellular Communications, Inc. on Petitions for Reconsideration in GEN Docket No. 90–314.

[2] *See e.g.*, comments of MCI Telecommunications Corporation and comments of Nextel Communications, Inc. in GEN Docket No. 90–314.

[3] Comments submitted on this issue in GEN Docket No. 90–314 will also be considered in this proceeding.

reply comments will be available for public inspection during regular business hours in the Reference Center of the Federal Communications Commission, Room 239, 1919 M Street, NW., Washington, DC 20554. The complete text of the *Notice* may be purchased from the Commission's copy contractor, International Transcription Service, 1919 M Street, Room 236, Washington, DC 20554, telephone (202) 857–3800.

16. Issuance of this *Notice of Proposed Rule Making* is authorized under the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103–66, Title VI, Section 6002, and Sections 4(i), 303(r), and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and 309(j).

17. For further information concerning this proceeding, contact Toni Simmons, Office of Plans and Policy, (202) 418–2030.

List of Subjects in 47 CFR Part 24

Personal Communications Services, Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 94–19714 Filed 8–11–94; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 94–91, RM 8498]

Radio Broadcasting Services; Moapa Valley, NV

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Quinton W. Goode seeking the allotment of Channel 284A to Moapa Valley, NV, as the community's first local FM service. Channel 284A can be allotted to Moapa Valley in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 36–31–30 North Latitude and 114–24–56 West Longitude.

DATES: Comments must be filed on or before September 29, 1994, and reply comments on or before October 14, 1994.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Quinton W. Goode, 1400 S. Valley View, #2034, Las Vegas, Nevada 89102 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 94–91, adopted July 21, 1994, and released August 9, 1994. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 94–19660 Filed 8–11–94; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1312 and 1314

[Ex Parte No. 444]

Electronic Filing of Tariffs

AGENCY: Interstate Commerce Commission (ICC).

ACTION: Notice of Postponement of Action in the Establishment of a Negotiated Rulemaking Committee.

SUMMARY: The ICC announces that it will postpone, until after October 1, 1994, any further action to establish an Electronic Tariff Filing (ETF) Negotiated Rulemaking Committee (Reg-Neg Committee).

FOR FURTHER INFORMATION CONTACT: James W. Greene, (202) 927–5597, or Charles E. Langyher, III, (202) 927–5160. TDD for hearing impaired: (202) 927–5721.

SUPPLEMENTARY INFORMATION: In a notice published May 24, 1994 (59 FR 26777), we requested public comments by June 23, 1994, on the initial selections for membership on the ETF Reg-Neg Committee. Several comments were received suggesting changes in the composition of the Committee. Subsequent to the notice and comments, however, legislation was introduced in the Senate [1] that would materially affect the work of the ETF Reg-Neg Committee by largely eliminating the motor carrier tariff filing requirement. Additionally, the House of Representatives voted not to fund the Commission for Fiscal Year 1995, while the Senate approved a 31% reduction in the Commission's Fiscal Year 1995 appropriation.

In light of the potential impact of these actions on motor carrier tariff filing requirements, we believe we should await the outcome of Congressional deliberations on these matters before proceeding further with ETF. Depending upon the action Congress takes with respect to the Commission's appropriation and S. 2275, the Commission will determine whether the Reg-Neg Committee approach continues to be appropriate for addressing ETF issues, whether the composition of the Reg-Neg Committee should be modified to reflect changed tariff filing requirements, or whether the Commission should proceed with ETF at all.

Environmental Statement

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

Decided: August 1, 1994.

By the Commission, Chairman McDonald, Vice Chairman Phillips, Commissioners Simmons and Morgan.

Vernon A. Williams,

Acting Secretary.

[FR Doc. 94–19716 Filed 8–11–94; 8:45 am]

BILLING CODE 7035–01–P

[1] S. 2275, The Trucking Industry Regulatory Reform Act of 1994.

Notices

Federal Register

Vol. 59, No. 155

Friday, August 12, 1994

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

RIN 1018–AB43

Alaska Federal Subsistence Board Meeting

AGENCY: Forest Service, USDA; Fish and Wildlife Service, Interior.

ACTION: Notice of Meeting.

TIMES, DATES AND LOCATIONS: The Federal Subsistence Board announces their forthcoming public meeting on August 17, 1994. The meeting will be held in the Regal Alaskan Hotel, 4800 Spenard Road, in Anchorage, Alaska, starting at 10:00 a.m.

SUMMARY: This notice informs the public of the Federal Subsistence Board (Board) meeting. The public is invited to attend. Public testimony will be accepted at the beginning of the meeting and prior to each item of deliberation. After the public testimony, individuals will be able to listen to the Board's deliberations.

MATTERS TO BE CONSIDERED: The Board will be discussing the following items:

—Proposals on Unit 19(A) moose and Unit 21(E) moose, deferred from its April meeting.

—Requests for Reconsideration on Unit 4, deer; Unit 5(A), bear; and Unit 18 moose.

—Special Action on a request by Ninilchik to harvest moose for elders.

—Request to establish a special moose season in Unit 20(C).

—Update on customary and traditional use eligibility determination schedules for the Kenai peninsula, Upper Tanana River, Copper River Basin, and North Slope areas.

—Update on other Requests for Reconsideration that have been received.

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o Richard Pospahala, Office of Subsistence Management, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786–3447.

SUPPLEMENTARY INFORMATION: The Board was established in accordance with Section 805 of the Alaska National Interest Lands Conservation Act, Pub. L. 96–487, and Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C of 36 CFR 242 and 50 CFR 100. The Board administers the subsistence taking of fish and wildlife on public lands in Alaska and promulgates the associated regulations.

Dated: August 5, 1994.

William L. Hensley,

Chair, Federal Subsistence Board.

[FR Doc. 94–19665 Filed 8–11–94; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

Committee of Nine; Meeting

In accordance with the Federal Advisory Committee Act of October 6, 1972, (Public Law 92–463, 86 Stat. 770–776), the Cooperative State Research Service announces the following meeting:

Name: Committee of Nine.

Date: September 7, 1994, September 8, 1994.

Time: 8:00 a.m. to 5:00 p.m.; 8:00 a.m. to noon.

Place: Room 338C, Aerospace Building, 901 D Street, SW., USDA, CSRS, Washington, DC 20250–2230.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person listed below.

Purpose: To evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States, and to make recommendations for allocation of regional research funds appropriated by Congress under the Hatch Act for research at the State Agricultural Experiment Stations.

Contact person for Agenda and more information: Dr. Walter R. Woods, Executive Secretary, U.S. Department of Agriculture, Cooperative State Research Service, Room 346, Aerospace Building, Ag Box 2230, Washington, DC 20250–2230, Telephone: 202–401–6040.

Done at Washington, DC this 28th day of July 1994.

John Patrick Jordan,

Administrator, Cooperative State Research Service.

[FR Doc. 94–19785 Filed 8–11–94; 8:45 am]

BILLING CODE 3410–22–M

Rural Development Administration

Inviting Applications for Rural Technology Development Grants

AGENCY: Rural Development Administration, USDA.

ACTION: Notice.

SUMMARY: The Rural Development Administration (RDA) announces the availability of approximately $1.5 million in competing Rural Technology Development Grant (RTDG) funds for fiscal year (FY) 1994. The intended effect of this notice is to solicit applications for FY 1994 and award grants before the end of the FY. The purpose of the grant program is to establish and operate centers for rural technology or cooperative development.

DATES: The deadline for receipt of a preapplication is August 31, 1994. Preapplications received after that date will not be considered for FY 1994 funding.

ADDRESSES: Entities wishing to apply for assistance should contact Farmers Home Administration (FmHA) State Offices to receive further information and copies of the preapplication package. The program will be operated by FmHA at the State level.

FOR FURTHER INFORMATION CONTACT: Jennifer Barton, Loan Specialist, Community Facilities Division, Room 6304, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250–0700, Telephone: (202) 720–1504.

SUPPLEMENTARY INFORMATION: Refer to the interim rule for 7 CFR Part 4284–F, published elsewhere in today's **Federal Register**, for the information collection requirements of the rule and this notice. This interim rule provides details on what information must be contained in the preapplication package.

The RTDG program is authorized by Section 310B (f) through (h) of the Consolidated Farm and Rural

Development Act (7 U.S.C. 1932). The RTDG program will improve the economic conditions in rural areas by promoting development and commercialization of new services, products, processes, and enterprises. Grants may be used to pay up to 75 percent of the cost of the project and administrative costs; the applicant must contribute at least 25 percent. RTDG grants are competitive and shall be awarded to nonprofit institutions and public bodies based on specific selection criteria, as required by legislation and set out in 7 CFR Part 4284–F. Project selection will be given to those projects that contribute the most to the improvement of economic conditions in rural areas. Preferences will be given to those projects that will create industries or agribusinesses, increase employment, stem the flow of outmigration, and increase the tax base in the areas to be served. Applicants must provide data to support these criteria. The information submitted should provide an accurate picture of the economic conditions of the rural areas to be served. The Agency will use the information collected to select the best projects for funding. The interim rule published elsewhere in today's **Federal Register** contains more detailed information on the selection criteria.

1994 Application Submission

Due to the short application period for FY 1994 funds, qualified applicants should begin the preapplication process as soon as possible. The highest ranking applications in each State may be recommended by FmHA State Directors and referred to the National Office for approval authority. The National Office will provide funds for projects based on ranking criteria and availability of funds. Grants will be awarded by September 30, 1994. Successful applicants will be notified by the FmHA State Office or the RDA National Office.

Preapplications must include a clear statement of the goal(s) and objective(s) of the project and a plan which describes the proposed project as required by the statute and 7 CFR 4284–F. The plan must contain specific criteria which is necessary to carry out the intent of the program.

Dated: August 8, 1994.

Wilbur T. Peer,

Acting Administrator, Rural Development Administration.

[FR Doc. 94–19685 Filed 8–11–94; 8:45 am]

BILLING CODE 3410–32–U

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: 1995 Census Test – Integrated Coverage Measurement (ICM) Independent Listing.

Form Number(s): DG–1302, DG–1314, DG–31.

Agency Approval Number: None.

Type of Request: New collection.

Burden: 750 hours.

Number of Respondents: 30,000.

Avg Hours Per Response: 1.5 minutes.

Needs and Uses: Prompted by the need to improve estimation techniques during the decennial census, the Census Bureau has developed the Integrated Coverage Measurement (ICM) approach. This approach will be tested in the 1995 Census Test. The ICM test will utilize a separately sampled group of blocks within the test sites which will be independently listed before the census test is conducted. The results of the independent listing will be compared to the housing unit list resulting from the census test in a 3–step process: first, computer matching, next, clerical matching, and finally, a reinterview to reconcile differences between the two lists. This reconciliation will identify both housing units missed and those erroneously included in the census test. This request is for OMB clearance of the listing phase of the ICM test. The remainder of the ICM approach—the reinterview phase—will be submitted to OMB separately. The ICM approach supports one of the 1995 Census Test objectives—to use sampling and statistical estimation to reduce the differential undercount and census costs. Results of this test of the ICM approach will be applied to the Year 2000 Decennial Census.

Affected Public: Individuals or households.

Frequency: One time only.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Gerald Taché, 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: August 8, 1994.

Gerald Taché,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 94–19696 Filed 8–11–94; 8:45 am]

BILLING CODE 3510–07–F

International Trade Administration

[A–583–003]

Revocation of the Antidumping Duty Order on Fireplace Mesh Panels From Taiwan

AGENCY: International Trade Administration/Import Administration Department of Commerce

ACTION: Notice of Revocation of Antidumping Duty Order

SUMMARY: The Department of Commerce is notifying the public of its revocation of the antidumping duty order on fireplace mesh panels from Taiwan because it is no longer of any interest to domestic interested parties.

EFFECTIVE DATE: August 12, 1994.

FOR FURTHER INFORMATION CONTACT: Art DuBois or Michael Panfeld, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 482- 6312.

SUPPLEMENTARY INFORMATION:

Background

On June 1, 1994, the Department of Commerce (the Department) published in the **Federal Register** (59 FR 28336) its notice of intent to revoke the antidumping duty order on fireplace mesh panels from Taiwan (June 7, 1982).

Additionally, as required by 19 CFR § 353.25(d)(4)(ii), the Department served written notice of its intent to revoke this antidumping duty order on each domestic interested party on the service list. Domestic interested parties who might object to the revocation were provided the opportunity to submit their comments not later than the last day of the anniversary month.

Scope of the Order

Imports covered by the revocation are shipments of fireplace mesh panels from Taiwan. This merchandise is currently classifiable under Harmonized Tariff Schedules (HTS) item numbers 7314.49.00 and 7323.99.00. The HTS numbers are provided for convenience

and customs purposes. The written description remains dispositive.

The Department may revoke an antidumping duty order if the Secretary concludes that the duty order is no longer of any interest to domestic interested parties. We conclude that there is no interest in an antidumping duty order when no interested party has requested an administrative review for five consecutive review periods and when no domestic interested party objects to revocation (19 CFR § 353.25(d)(4)(iii)).

In this case, we received no requests for review for five consecutive review periods. Furthermore, no domestic interested party, as defined under § 353.2(i)(3), (i)(4), (i)(5), or (i)(6) of the Department's regulations, has expressed opposition to revocation. Based on these facts, we have concluded that the antidumping duty order on fireplace mesh panels from Taiwan is no longer of any interest to interested parties. Accordingly, we are revoking this antidumping duty order in accordance with 19 CFR § 353.25(d)(4)(iii).

This revocation applies to all unliquidated entries of fireplace mesh panels from Taiwan entered, or withdrawn from warehouse, for consumption on or after June 1, 1994. Entries made during the period June 1, 1993, through May 31, 1994, will be subject to automatic assessment in accordance with 19 CFR § 353.22(e). The Department will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after June 1, 1994, without regard to antidumping duties, and to refund any estimated antidumping duties collected with respect to those entries. This notice is in accordance with 19 CFR § 353.25(d).

Dated: August 5, 1994.

Roland L. MacDonald,

Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 94–19797 Filed 8–11–94; 8:45 am]

BILLING CODE 3510–DS–P

[A–475–811]

Antidumping Duty Order: Grain Oriented Electrical Steel From Italy

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: August 12, 1994.

FOR FURTHER INFORMATION CONTACT: Jennifer Katt or Paul Kullman, Office of Antidumping Duty Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0498 or (202) 482–1279, respectively.

Scope of Order

The product covered by this order is grain-oriented silicon electrical steel (GOES), which is a flat-rolled alloy steel product containing by weight at least 0.6 percent of silicon, not more than 0.08 percent of carbon, not more than 1.0 percent of aluminum, and no other element in an amount that would give the steel the characteristics of another alloy steel, of a thickness of no more than 0.56 millimeters, in coils of any width, or in straight lengths which are of a width measuring at least 10 times the thickness, as currently classifiable in the *Harmonized Tariff Schedule of the United States* (HTSUS) under item numbers 7225.10.0030, 7226.10.1030, 7226.10.5015 and 7226.10.5065. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Antidumping Duty Order

On August 8, 1994, in accordance with section 735(d) of the Act, the U.S. International Trade Commission (ITC) notified the Department that imports of GOES from Italy materially injure a U.S. industry. Therefore, in accordance with section 736 of the Act, the Department will direct United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act, antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of GOES from Italy. These antidumping duties will be assessed on all unliquidated entries of GOES from Italy entered, or withdrawn from warehouse, for consumption on or after February 9, 1994, the date on which the Department published its preliminary determination notice in the **Federal Register** (59 FR 5991).

On or after the date of publication of this notice in the **Federal Register**, U.S. Customs officers must require, at the same time as importers would normally deposit estimated duties, the following cash deposits for the subject merchandise:

Manufacturer/Producer/Exporter	Weighted-average margin percentage
Terni	60.79
All others	60.79

This notice constitutes the antidumping duty order with respect to GOES from Italy, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, Room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect. This order is published in accordance with section 736(a) of the Act and 19 CFR 353.21.

Dated: August 8, 1994.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 94–19799 Filed 8–11–94; 8:45 am]

BILLING CODE 3510–DS–P

[A–588–810]

Mechanical Transfer Presses From Japan; Termination of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of Termination of Antidumping Duty Administrative Review.

SUMMARY: On March 14, 1994, the Department of Commerce published the notice of initiation of the administrative review of the antidumping duty order on mechanical transfer presses from Japan. This review has now been terminated.

EFFECTIVE DATE: August 12, 1994.

FOR FURTHER INFORMATION CONTACT: Edward Haley or Maureen Flannery, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

On February 28, 1994, Aida Engineering, Ltd. (Aida), a Japanese manufacturer/exporter of mechanical transfer presses covered by the antidumping duty order on mechanical transfer presses from Japan, requested an administrative review for the period February 1, 1993 through January 31, 1994, pursuant to 19 CFR 353.22(a)(2). On the same date, the petitioner, the Verson Division of Allied Products Corp., requested a review of Komatsu, Ltd., Ishikawajima-Harima Heavy Industries Co., and Hitachi Zosen Corp., pursuant to 19 CFR 353.22(a)(1). On April 15, 1994, the Department of Commerce (the Department) published

in the **Federal Register** (59 FR 18099) the notice of initiation of that administrative review.

Aida withdrew its request for review on April 21, 1994, and the petitioner withdrew its request for review on June 13, 1994, both pursuant to 19 CFR 353.22(a)(5). As a result, the Department has terminated the review.

This notice is published in accordance with section 751 of the Tariff Act of 1930, as amended (19 U.S.C. 1675) and 19 CFR 353.22(a)(5).

Dated: August 5, 1994.

Roland L. MacDonald,

Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 94–19798 Filed 8–11–94; 8:45 am]

BILLING CODE 3510–DS–P

[A–475–084]

Revocation of Antidumping Duty Order on Spun Acrylic Yarn From Italy

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of Revocation of Antidumping Duty Order.

SUMMARY: The Department of Commerce is notifying the public of its revocation of the antidumping duty order on spun acrylic yarn from Italy because it is no longer of any interest to domestic interested parties.

EFFECTIVE DATE: August 12, 1994.

FOR FURTHER INFORMATION CONTACT: Kim Moore or Michael Panfeld, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 482–0090.

SUPPLEMENTARY INFORMATION:

Background

On May 4, 1994, the Department of Commerce (the Department) published in the **Federal Register** (59 FR 23051) its notice of intent to revoke the antidumping on spun acrylic yarn from Italy (April 8, 1980).

Additionally, as required by 19 CFR § 353.25(d)(4)(ii), the Department served written notice of its intent to revoke this antidumping duty order on each domestic interested party on the service list. Domestic interested parties who might object to the revocation were provided 30 days to submit their comments.

Scope of the Order

Imports covered by the revocation are shipments of spun acrylic yarn from Italy. This merchandise is currently classifiable under Harmonized Tariff Schedules (HTS) item number 5509.32.00. The HTS number is provided for convenience and customs purposes. The written description remains dispositive.

The Department may revoke an antidumping duty order if the Secretary concludes that the order is no longer of any interest to domestic interested parties. We conclude that there is no interest in an antidumping duty order when no interested party has requested an administrative review for five consecutive review periods and when no domestic interested party objects to revocation (19 CFR § 353.25(d)(4)(iii)).

In this case, we received no request for review for five consecutive review periods. Furthermore, no domestic interested party, as defined under § 353.2(i)(3), (i)(4), (i)(5), or (i)(6) of the Department's regulations, has expressed opposition to revocation. Based on these facts, we have concluded that the antidumping duty order on spun acrylic yarn from Italy is no longer of any interest to interested parties. Accordingly, we are revoking this antidumping duty order in accordance with 19 CFR § 353.25(d)(4)(iii).

This revocation applies to all unliquidated entries of spun acrylic yarn from Italy entered, or withdrawn from warehouse, for consumption on or after April 1, 1994. Entries made during the period April 1, 1993, through March 31, 1994, will be subject to automatic assessment in accordance with 19 CFR § 353.22(e). The Department will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after April 1, 1994, without regard to antidumping duties, and to refund any estimated antidumping duties collected with respect to those entries. This notice is in accordance with 19 CFR § 353.25(d).

Dated: August 5, 1994.

Roland L. MacDonald,

Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 94–19796 Filed 8–11–94; 8:45 am]

BILLING CODE 3510–DS–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

"Proposed Additions to the Procurement List" Corrections

In the document appearing on page 38586, F.R. Doc. 94–18541, in the issue of July 29, 1994, in the first column, the service listed as Mount Hope, West Virginia should read Wheeling, West Virginia.

Beverly L. Milkman,

Executive Director.

[FR Doc. 94–19738 Filed 8–11–94; 8:45 am]

BILLING CODE 6820–33–M

Procurement List; Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Addition to the Procurement List.

SUMMARY: This action adds to the Procurement List a commodity to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: September 12, 1994.

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 May 6, 1994, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (59 F.R. 23700) of proposed addition to the Procurement List.

Comments were received from the current contractor in response to a request for sales data. The commenter indicated that its flexible disk contract with the Government represented a substantial part of the its total sales. As a result of this comment, the portion of the Government requirement for this flexible disk planned to be added to the Procurement List was reduced to avoid having a severe adverse impact on the contractor. After the comment period announced in the notice of proposed rulemaking closed, the contractor requested an extension of the comment period to file an objection to the Committee's proposal. An extension was granted to the contractor, but no comments were received during the extended comment period.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodity, fair market price, and impact of the addition on the current or most recent contractors, the Committee has determined that the commodity 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 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 commodity to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodity.

3. The action will result in authorizing small entities to furnish the commodity 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 commodity proposed for addition to the Procurement List.

Accordingly, the following commodity is hereby added to the Procurement List:

Disk, Flexible
7045–01–283–4362
(15% of the Government's requirement)

This action does not affect current contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 94–19739 Filed 8–11–94; 8:45 am]

BILLING CODE 6820–33–P

Procurement List Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: September 12, 1994.

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 November 29, 1993, February 11 and June 24, 1994, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (58 F.R. 62647, 59 F.R. 6622 and 32686) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and services, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and 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 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 commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and 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 commodities and services proposed for addition to the Procurement List.

Accordingly, the following commodities and services are hereby added to the Procurement List:

Commodities

Trousers, Desert Combat
8415–01–327–5324 thru -5344 (150,000 pairs annually)

Services

Commissary Shelf Stocking and Custodial,
Naval Air Station Commissary, Jacksonville, Florida
Janitorial/Custodial,Naval Air Station Commissary, Miramar, San Diego, California

Janitorial/Custodial, Naval Training Center Commissary, San Diego, California

This action does not affect current contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman

Executive Director

[FR Doc. 94–19740 Filed 8–11–94; 8:45 am]

BILLING CODE 6820–33–P

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 commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete commodities previously furnished by such agencies.

COMMENTS MUST BE RECEIVED ON OR BEFORE: September 12, 1994.

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 commodities and 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 commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and 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 commodities and 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.

The following commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Pencil, Mechanical
7530–01–386–1581
7530–01–385–7362
NPA: San Antonio Lighthouse, San Antonio, Texas
Scouring Brick
7920–00–291–1237
NPA: Suburban Adult Services, Inc. Sardinia, New York
Box, Shipping
8115–00–117–9529
8115–00–598–5807
NPA: Lynchburg Sheltered Industries, Inc., Lynchburg, Virginia

Services

Janitorial/Custodial, Eastman Lake, Madera County, California. NPA: Employment, Inc., Madera, California.
Janitorial/Custodial, Trenton Federal Building and U.S. Courthouse, 402 East State Street, Trenton, New Jersey. NPA: Occupational Training Center of Burlington County, Mt. Holly, New Jersey

Deletions

The following commodities have been proposed for deletion from the Procurement List:

Card, Guide, File

7530–00–988–6543
7530–00–988–6551
7530–00–988–6544
7530–00–989–0184
7530–00–989–0692

Beverly L. Milkman,

Executive Director.

[FR Doc. 94–19741 Filed 8–11–94; 8:45 am]

BILLING CODE 6820–33–P

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: September 12, 1994.

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.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities 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 commodities to the Government.

2. The action will result in authorizing small entities to furnish the commodities to the Government.

3. 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 commodities 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.

The following commodities have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Ink, Stamp Pad
7510–00–161–4236
7510–00–161–4237
7510–00–161–4240
NPA: Cattaraugus County Chapter, NYSARC, Olean, New York
Trunk Locker, Barracks
8460–00–243–3234
(15% of the Government's requirement)
NPA: Mount Rogers Community Mental Health/Mental Retardation Services Board, Wytheville, Virginia at its facility in Atkins, West Virginia

Beverly L. Milkman,

Executive Director.

[FR Doc. 94–19742 Filed 8–11–94; 8:45 am]

BILLING CODE 6820–33–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Global Positioning System (GPS)

ACTION: Notice of Advisory Committee meeting.

SUMMARY: The Defense Science Board Task Force on Global Positioning System (GPS) will meet in closed session on August 30–31, 1994 at the Naval Command, Control, and Ocean Surveillance Center; Warminster, Pennsylvania.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will review and recommend options available to improve GPS jam resistance with particular emphasis on GPS tactical weapon applications. The main focus of the Task Force shall be the investigation of techniques for improving the resistance of GPS embedded receivers in tactical missiles and precision munitions and their delivery platforms.

In accordance with Section 10(d) of the Federal Advisory Committee Act, P.L. No. 92–463, as amended (5 U.S.C. App. II, (1988)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: August 8, 1994.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 94–19670 Filed 8–11–94; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board Task Force on US–New Independent States (NIS) Defense Diversification

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Defense Science Board Task Force on US–New Independent States (NIS) Defense Diversification will meet in closed session on September 13, 1994 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the

Department of Defense. At this meeting the Task Force will advise the US Component(s) in efforts to promote the orderly shrinkage and reorientation to peaceful purposes of Russian defense industrial, technological, and scientific facilities and personnel not needed for legitimate defense requirements and to redirect them to satisfy the pressing needs of civil society.

In accordance with Section 10(d) of the Federal Advisory Committee Act, P.L. No. 92–463, as amended (5 U.S.C. App. II, (1988)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: August 8, 1994.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 94–19669 Filed 8–11–94; 8:45 am]

BILLING CODE 5000–04–M

Department of the Air Force

Record of Decision (ROD) for the Disposal and Reuse of Lowry Air Force Base (AFB), CO

On August 1, 1994, the Air Force signed the ROD for the Disposal and Reuse of Lowry AFB. The decisions included in this ROD have been made in consideration of, but not limited to, the information contained in the Final Environmental Impact Statement (FEIS) filed with the Environmental Protection Agency on July 1, 1994.

Lowry AFB will close on September 30, 1994, pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (BCRA) (Public Law 100–526) and recommendations of the Defense Secretary's Commission on Base Realignment and Closure. This ROD documents the Lowry AFB disposal decisions.

The decision conveyed by the ROD is to dispose of Lowry AFB in a manner that enables development of a business and training center, an education complex, and residential areas. This allowed for the central theme of the proposed future land use plans discussed in the FEIS to be fully implemented. The environmental findings and mitigation measures contained in the initial ROD remain fully applicable.

Consistent with the community reuse plan, the ROD balances institutional (educational), residential, and public facilities/recreation land uses throughout the base, including commercial office and retail activities, research/education/training centers, light industrial business park, and multiple family housing.

Several disposal methods and parcels are involved in the ROD including public benefit conveyances to the Department of Education, Department of Interior and the Department of Health and Human Services.

Of the 1,866 acres, the Lowry Economic Redevelopment Authority will gain more than 700 acres in an economic development conveyance. Another 576 acres, which includes the golf course, will be offered to the LERA through negotiated sale. Homeless interests are still being negotiated with the city and county of Denver. The Air Force will retain certain areas for the Defense Finance Accounting Service and the Air Force Space Command. Electrical, natural gas systems, and the telephone system will be available through negotiated sale or public sale.

The road network is an integral part of all parcels. Primary roads may be conveyed by negotiated sale to an eligible public body. Secondary roadways that fall within a parcel completely will be included as part of the parcel. The utility systems are totally integrated systems, prohibiting their separation among the various parcels. Therefore, disposal of the utility systems will include conditions under which the recipients must provide service to all parcels. Utility easements will be granted as appropriate. The gas and electric systems with appropriate easements for maintenance and repair will be conveyed through negotiated sale to utility purveyors, or eligible public bodies. Water and wastewater are required to support redevelopment efforts and is contingent on the recipient continuing to provide the necessary service to all parcels. Water and wastewater systems will be assigned to Health and Human Services (HHS) contingent upon formal request for conveyance for use in the protection of public health.

The implementation of the closure and reuse action and associated mitigation measures will proceed with minimal adverse impact to the environment. This action conforms with applicable Federal, State and local statues and regulations, and all reasonable and practical efforts have been incorporated to minimize harm to the local public and environment.

Any questions regarding this matter should be directed to Ms. Teresa R. Pohlman, Program Manager, Central Division. Correspondence should be sent to: AFBCA/CE, 1700 North Moore Street, Suite 2300, Arlington, VA 22209–2809.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 94–19722 Filed 8–11–94; 8:45 am]

BILLING CODE 3910–01–M

Office of the Secretary of the Army

Availability of the Supplemental Environmental Assessment for Realignment of the Army Research and Technology Functions to U.S. Army Research Laboratory Facility, Adelphi Laboratory Center, Adelphi, MD

AGENCY: Department of the Army, DOD.

ACTION: Notice of availability.

SUMMARY: In accordance with Public Law 101–510, the Defense Base Closure and Realignment Act of 1990, the Defense Base Closure and Realignment Commission recommended the realignment of the Army laboratory structure and establishment of the Army Research Laboratory (ARL) at Adelphi, Maryland. In accordance with the Act, the Secretary of Defense must implement all recommendations for realignment. Subject document focuses on the environmental and socioeconomic impacts and mitigation associated with the realignment and establishment of the ARL.

No long-term adverse ecological or environmental health impacts are expected due to this action. The increase in population anticipated by the reuse and disposal activities is expected to have a net positive impact on the local economy. The preferred alternative, prepared with the cooperation of the local community, is not expected to significantly impact environmental resources.

DATES: Persons wishing to comment on this supplemental Environmental Assessment may do so on or before September 12, 1994.

ADDRESSES: Copies of the supplemental Environmental Assessment, the Finding of No Significant Impact, or the original Environmental Assessment may be obtained by writing to the U.S. Army Corps of Engineers, Attn: Ms. Jeanne Judd, Planning Division, P.O. Box 1715, Baltimore, MD 21203–1715.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Eastman (410) 962–4937.

Dated: August 8, 1994.

Raymond J. Fatz,

Acting Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health), OASA (IL&E).

[FR Doc. 94–19757 Filed 8–11–94; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER94–931–002, et al.]

PowerNet G.P., et al.; Electric Rate and Corporate Regulation Filings

August 5, 1994.

Take notice that the following filings have been made with the Commission:

1. PowerNet G.P.

[Docket No. ER94–931–002]

Take notice that on July 29, 1994, PowerNet G.P. tendered for filing a summary of activity for PowerNet G.P. for the quarter ended June 30, 1994.

Comment date: August 19, 1994, in accordance with Standard Paragraph E at the end of this notice.

2. Delmarva Power & Light Company

[Docket No. ER94–1377–000]

Take notice that on July 29, 1994, Delmarva Power & Light Company made a supplemental filing in the above docket which supplied additional cost support for the annual charge applicable to Public Service Electric & Gas Company.

Comment date: August 19, 1994, in accordance with Standard Paragraph E at the end of this notice.

3. Louisville Gas and Electric Company

[Docket No. ER94–1480–000]

Take notice that Louisville Gas and Electric Company (LG&E), tendered for filing on July 22, 1994, Supplement No. 8 dated June 1, 1994, to the Interconnection Agreement between LG&E and East Kentucky Power Cooperative, (EKC) Inc. The Eighth Supplemental Agreement modifies the Interconnection Agreement in order to account for the effects of the Clean Air Act. First, it modifies the definition of Out-of-Pocket Cost to include expenses for emission allowances. It also creates a new section which requires the party supplying the power to also supply all associated emissions allowances unless otherwise agreed to.

Copies of the filing were served upon East Kentucky Power Cooperative and the Kentucky Public Service Commission.

Comment date: August 19, 1994, in accordance with Standard Paragraph E at the end of this notice.

4. Delmarva Power & Light Company

[Docket No. ER94–1501–000]

Take notice that on July 29, 1994, Delmarva Power & Light Company (Delmarva) of Wilmington, Delaware, filed under the provisions of Section 205 of the Federal Power Act a twenty-year power supply contract (the Service Agreement) under which Delmarva will provide all requirements service to the Town of Smyrna, Delmarva (Smyrna). Delmarva states that the Service Agreement supersedes Delmarva's Rate Schedule No. 68 under which Smyrna currently receives service.

Delmarva, with Smyrna's concurrence, requests an effective date of June 30, 1994, for the new Service Agreement. This effective date is specified by the terms of the Service Agreement.

The Service Agreement provides for the continuation of the requirements service previously furnished Smyrna under Rate Schedule No. 68, but changes certain terms and conditions. The chief differences between the Service Agreement an Rate Schedule No. 68 are the Service Agreement provides for all requirements service as a change from the partial requirements service Smyrna was receiving, establishes a new rate for Smyrna which is below the level of the rate currently charged Smyrna and below the settlement rate previously established for Smyrna in Docket No. ER82–236–000, and provides for future adjustments to the Smyrna rate based on changes in the level of Delmarva's retail rates. The Service Agreement has a twenty year term.

Delmarva states that the filing has been posed and has been served upon the affected customer and the Delaware Public Service Commission.

Comment date: August 19, 1994, in accordance with Standard Paragraph E at the end of this notice.

5. Edison Sault Electric Company

[Docket No. ER94–1502–000]

Take notice that Edison Sault Electric Company on July 29, 1994, tendered for filing a Transmission Wheeling Agreement between Cloverland Electric Cooperative Inc. and Edison Sault Electric Company. The proposed agreement is for the purpose of implementing the ability of either Party to this agreement to arrange Third Party wheeling over the joint system, provided that the Third-Party pays it's appropriate share of any incremental costs associated therewith and that the wheeling does not jeopardize the reliability of service to customers. The demand charge for wheeling would be based on the Transmission Carrying Charges defined in the Agreement and system loads (expressed as $/Kw), plus up to 1 mill per Kwh for unquantifiable costs where the contract period is less than one year.

The proposed Agreement will permit either Party to readily deal with potential wheeling customers such as may appear, particularly Qualifying Facilities and Independent Power Producers.

Comment date: August 19, 1994, in accordance with Standard Paragraph E at the end of this notice.

6. Northeast Utilities Service Company

[Docket No. ER94–1503–000]

Take notice that on July 29, 1994, Northeast Utilities Service Company (NUSCO) tendered for filing, on behalf of The Connecticut Light and Power Company, (CL&P), a Third Amendment to Capacity, Transmission and Energy Service Agreement with Green Mountain Power Corporation (GMP). The amendment extends the notification deadline associated with election of an option to purchase capacity and energy under Rate Schedule FERC CL&P No. 519.

NUSCO requests that the rate schedule become effective on July 31, 1994. NUSCO states that copies of the rate schedule have been mailed or delivered to the parties to the Third Amendment.

Comment date: August 19, 1994, in accordance with Standard Paragraph E at the end of this notice.

7. Puget Sound Power & Light Company

[Docket No. ER94–1506–000]

Take notice that on July 29, 1994, Puget Sound Power & Light Company (Puget) submitted under its FPC Electric Tariff Original Volume No. 3 two service agreements (the "Service Agreements") with ENRON Power Marketing, Inc. (ENRON) and Electric Clearinghouse, Inc. (ECI), respectively. A copy of the filing was served upon each of ENRON and ECI.

The Service Agreements make service under the referenced tariff available to ENRON and ECI.

Comment date: August 19, 1994, in accordance with Standard Paragraph E at the end of this notice.

8. Washington Water Power Company

[Docket No. ER94–1507–000]

Take notice that on July 29, 1994, The Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission, pursuant to 18 CFR 35, Service Agreements under WWP's FERC Electric Tariff Volume No. 4. WWP also requests waiver of the Commission's 60-day prior notice requirements.

Comment date: August 19, 1994, in accordance with Standard Paragraph E at the end of this notice.

9. Interstate Power Company

[Docket No. ER94–1508–000]

Take notice that Interstate Power Company (IPW) on July 29, 1994, tendered for filing proposed changes in its rates and charges applicable to eighteen municipal customers, as embodied in proposed Rate Schedule No. 499. IPW proposes to place the proposed rate schedule into effect as of October 1, 1994. The revised rates and charges would increase revenues from jurisdictional sales by $1,423,784 based on the 12-month period ending December 31, 1994 (Period II).

IPW states that the proposed increase in sales-for-resale rate is intended primarily to increase the rate of return to an adequate level and reflects the inclusion in rate base of IPW's share of investment in the two 35 MW combustion turbines for peaking power and load control at IPW's Lime Creek Substation, approximately 50 miles of 345 kV transmission line between Dubuque, Iowa and Clinton, Iowa, the adoption of FASB–106 Post-Retirement Benefits other than Pensions, 100 MW of firm power capacity purchased from Minnesota Power and Light. There are also wheeling charges from Midwest Power and Northern States Power associated with the aforementioned capacity purchases. The proposed rates and charges are designed to enable IPW to earn a rate of return of 9.69% on rate base during calendar year 1994, which is Period II.

A copy of the appropriate portions of the filing has been served upon IPW's jurisdictional customers and the State Commissions of Iowa, Illinois and Minnesota.

Comment date: August 19, 1994, in accordance with Standard Paragraph E at the end of this notice.

10. Missouri Public Service Division

[Docket No. ER94–1510–000]

Take notice that on July 29, 1994, Missouri Public Service Division of UtiliCorp United Inc. (UtiliCorp) tendered for filing a Notice of Cancellation of Rate Schedule FERC No. 53 between UtiliCorp and the City of Pleasant Hill.

Comment date: August 19, 1994, in accordance with Standard Paragraph E at the end of this notice.

11. Pennsylvania Power Company

[Docket No. ER94–1511–000]

Take notice that on August 1, 1994, Pennsylvania Power Company (Penn Power) pursuant to 18 CFR 35.13 tendered for filing two proposed decreases in its FPC Electric Service Tariffs Nos. 30, 31, 32, 33 and 34 to the Pennsylvania boroughs (Boroughs) of New Wilmington, Wampum, Zelienople, Ellwood City and Grove City, respectively. The first decrease is a reduction in the State Tax Adjustment Surcharge ("STAS" or Rider I) from 0.00% to −0.15% effective July 21, 1994. The second change is a decrease in the Energy Cost Rate ("ECR" or Rider II) from $.002767/kWh to $.0022087/kWh effective August 1, 1994. The revenue effect of the first change is to decrease annual revenues from the municipal resale class by approximately $10,893 or 0.14%. The second change results in an annual decrease of $95,213 or 1.24%.

The five municipal resale customers served by Penn Power entered into settlement agreements effective as of September 1, 1984. These agreements provide that these customers will be charged applicable retail rates as may be in effect during the terms of the agreements. Changes in rates were agreed to become effective as to these resale customers simultaneously with changes approved by the Pennsylvania Public Utility Commission ("Pa.PUC"). The proposed changes have been implemented as to Penn Power's retail customers pursuant to Pa.PUC orders and regulations. These settlement agreements were approved by the Federal Energy Regulatory Commission through a Secretarial letter dated December 14, 1984, in Docket Nos. ER77–277–007 and ER81–779–000. Waivers of certain filing requirements have been requested to implement the rate changes in accordance with the settlement agreements.

Copies of the filing were served upon Penn Power's jurisdictional customers and the Pa.PUC.

Comment date: August 16, 1994, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94–19726 Filed 8–11–94; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP94–161–000]

Avoca Natural Gas Storage; Notice of Availability of the Environmental Assessment for the Proposed Avoca Gas Storage Field Project

August 5, 1994.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an Environmental Assessment (EA) on the natural gas storage field facilities proposed by Avoca Natural Gas Storage (Avoca) in the above-referenced docket.

The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

The EA assesses the potential environmental effects of the construction and operation of the proposed Avoca Gas Storage Field Project. The project involves construction of five solution-minded caverns in a rock salt formation about 4,000 feet below the surface. Up to 3 million gallons per day of fresh water would be used to dissolve the salt, and an equivalent volume of brine would be produced and disposed of by injecting it into deep geologic formations about 10,000 feet below the surface. The proposed facilities include:

Storage Cavern Facilities

- ten solution-mining/storage cavern wells (2 per cavern);
- 1.82 miles of 12-inch-diameter water injection pipeline;
- 1.82 miles of 12-inch-diameter brine disposal pipeline;
- 1.82 miles of 2-inch-diameter diesel injection pipeline; and
- 1.82 miles of 20-inch-diameter natural gas pipeline.

Leach Plant Facilities

- a pump building;
- three 400-horsepower fresh water injection pumps;
- six 600-horsepower brine disposal pumps;
- a brine settling pond;
- storage tanks within concrete containment areas; and
- 1.5-miles of electric power service line.

Water Source Facilities

- three large-capacity fresh water source wells;
- eleven aquifer monitoring wells; and
- 1.48 miles of 12-inch-diameter water pipeline.

Brine Disposal Facilities

- six brine disposal wells; and
- 5.23 miles of 12-inch-diameter brine disposal pipeline.

Gas Injection/Withdrawal Facilities

- 0.22 mile of 24-inch-diameter natural gas pipeline;
- a 25,000-horsepower compressor station;
- gas dehydration facilities; and
- a meter station.

The purpose of the proposed project would be to offer a stand-alone service for storing natural gas which would enhance the availability of clean-burning natural gas for industrial and utility customers in the Northeastern United States.

Avoca would interconnect the storage field with Tennessee Gas Pipeline Company's pipeline system. Potential storage customers could then use this system as the transporter for gas into and out of the Avoca Gas Storage Field.

The EA has been placed in the public files of the FERC and is available for public inspection at: Federal Energy Regulatory Commission, Division of Public Information, 941 North Capitol Street NE., Room 3104, Washington, DC 20426, (202) 208–1371.

Copies of the EA have been mailed to Federal, state and local agencies, public interest groups, interested individuals, newspapers, and parties to this proceeding.

A limited number of copies of the EA are available from: Mr. Steve Grape, Environmental Project Manager, Environmental Review and Compliance Branch II, Office of Pipeline Regulation, Room 7312, 825 North Capitol Street NE., Washington, DC 20426, (202) 208–1046.

Any person wishing to comment on the EA may do so. Written comments must reference Docket No. CP94–161–000 and be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426.

Comments should be filed as soon as possible, but must be received no later than September 6, 1994, to ensure consideration prior to a Commission decision on this proposal. A copy of any comments should also be sent to Mr. Steve Grape, Environmental Project Manager.

Comments will be considered by the Commission but will not serve to make the commenter a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214).

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need intervenor status to have your comments considered.

Additional information about this project is available from Mr. Steve Grape, Environmental review and Compliance Branch II, Office of Pipeline Regulation, at (202) 208–1046.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94–19692 Filed 8–11–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP94–72–000 and FA92–59–000]

Iroquois Gas Transmission System, L.P; Informal Settlement Conference

August 8, 1994.

Take notice that an informal conference will be convened in this proceeding on Friday, August 12, 1994, at 10:00 a.m., for the purpose of exploring the possible settlement of the above-referenced docket. The conference will be held at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC, 20426.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact Hollis J. Alpert at (202) 208–0783 or Betsy R. Carr at (202) 208–1240.

Linwood A. Watson, Jr.

Acting Secretary.

[FR Doc. 94–19694 Filed 8–11–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EL94–83–000]

Ogden Martin Systems of Onondaga Limited Partnership; Notice of Filing

August 8, 1994.

Take notice that Ogden Martin Systems of Onondaga Limited Partnership (the "Partnership"), a Delaware limited partnership, on August 1, 1994, filed a petition, pursuant to 18 CFR 385.207, seeking waiver of the Federal Energy Regulatory Commission's ("Commission") regulations regarding accounting practices, reporting requirements, property dispositions and consolidations, securities issuance or assumptions of liability and the holding of interlocking positions. The Partnership has also filed a Motion for Refund of Filing Fee, pursuant to 18 CFR 381.109, seeking the refund of the $10,930 filing fee that accompanied the petition.

The Partnership will operate a municipal solid waste-to-energy facility (the "Facility") under a Solid Waste Service Agreement with the Onondaga County Resource Recovery Agency. The Facility will have a maximum net electric power production capacity in excess of thirty megawatts and, as a result, is not exempt by section 201(e) of the Public Utility Regulatory Policies Act from regulation under Part II of the Federal Power Act. The Facility is certified as a qualifying small power production facility within the meaning of sections 201 and 210 of the Public Utilities Regulatory Policies Act and the regulations promulgated thereunder.

Copies of this filing are on file with the Commission and are available for public inspection.

Any person desiring to be heard or objecting to the granting of the Petition or Motion should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before August 31, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94–19693 Filed 8–11–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER91–195–017]

Western Systems Power Pool; Notice of Filing

August 5, 1994.

Take notice that on August 1, 1994, the Western Systems Power Pool (WSPP) filed certain information as required by Ordering Paragraph (D) of the Commission's June 27, 1991, Order (55 FERC ¶ 61,495) and Ordering Paragraph (C) of the Commission's June 1, 1992, Order on Rehearing Denying Request Not To Submit Information, and Granting In Part And Denying In Part Privileged Treatment. Pursuant to 18 CFR 38.211, WSPP has requested privileged treatment for some of the information filed consistent with the June 1, 1992, order. Copies of WSPP's informational filing are on file with the Commission, and the non-privileged portions are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94–19691 Filed 8–11–94; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5050–2]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), 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. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before September 12, 1994.

FOR FURTHER INFORMATION CONTACT: For further information or to obtain a copy of this ICR contact Sandy Farmer at EPA (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Prevention, Pesticides and Toxic Substances

Title: Pesticide Product Registration Maintenance Fee (EPA ICR No.: 1214.03; OMB No.: 2070–0100). This is a request for extension of the expiration date of a currently approved collection.

Abstract: THe 1988 amendments to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) require pesticide registrants to pay an annual fee for each pesticide registered with EPA. To aid in the collection of these fees, EPA will send a maintenance fee filing form (EPA Form No. 8570–30 and instructions) to each registrant. The registrants must complete this form and return it to the Agency. The Agency uses the information to ensure that the fees prescribed by the recent revisions to FIFRA have been paid by each registrant. These data are also used to ensure proper adjustment to the Agency's computer files. The files are updated to reflect changes in the status of registrations resulting from registrants responses.

Burden Statement: The burden for this collection of information is estimated to average less than one hour per response. This estimate includes the time needed to review instructions, gather the data needed, complete the form and review the collection of information.

Respondents: Pesticide Product Registrants.

Estimated No. of Respondents: 2,060.

Estimated No. of Respondents Per Respondent: 1.

Estimated Total Annual Burden on Respondents: 2,000 hours.

Frequency of Collection: Annually.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM 223Y), 401 M Street, SW, Washington, DC 20460.

Matthew Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW, Washington, DC 20503.

Dated: July 26, 1994.

Jane Stewart,

Acting Director.

[FR Doc. 94–19795 Filed 8–11–94; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5050–1]

Techlaw, Inc. and CDM Federal Programs Corporation; Transfer of Data to Contractor and Subcontractor

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice.

SUMMARY: This is a notice to persons who have submitted information to the United States Environmental Protection Agency (EPA) under section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). EPA has contracted with TechLaw, Inc., to perform work for the EPA, New England Region, Waste Management Division. TechLaw, Inc., has subcontracted with Science Applications International Corporation (SAIC), CDM Federal Programs Corporation (CDM–FPC), and HydroGeologic, Inc. (HGL). TechLaw, Inc., and SAIC, CDM–FPC and HGL as subcontractors to TechLaw, Inc., will be provided access to certain information submitted to EPA under CERCLA section 104. Some of this information may have been claimed to be confidential business information (CBI) by submitters. This information will be transferred to TechLaw, Inc., consistent with the requirements of 40 CFR 2.310(h)(3). Access to this information is necessary for the performance of this contract.

DATES: Comments should be submitted to EPA within five working days after publication of this notice in the **Federal Register.**

ADDRESSES: Comments should be addressed to Joan Maddalozzo, Waste Management Division, Superfund Enforcement Support Section (HES–CAN6), Environmental Protection Agency, J.F.K. Federal Building, Boston MA 02203.

FOR FURTHER INFORMATION CONTACT: Joan Maddalozzo, Waste Management Division, Superfund Enforcement Support Section (HES–CAN6), Environmental Protection Agency, J.F.K. Federal Building, Boston MA 02203. Telephone number: (617) 573–9642.

SUPPLEMENTARY INFORMATION: TechLaw, Inc. (68–W4–0019), and SAIC, CDM–FPC, and HGL, as subcontractors to TechLaw, Inc., will assist the EPA, New England Region, Waste Management Division in preparing cost documentation packages pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA). The cost documentation packages will be used to support the recovery of past costs during the negotiation/litigation process under CERCLA and for responding to Freedom of Information Act (FOIA) requests. The information used to compile the cost documentation packages has been submitted to EPA under section 104 of CERCLA and consists of contractor invoices and contractor work performance documents. Some of this information may be entitled to confidential treatment. EPA, New England Region,

Waste Management Division has determined that access by this contractor and subcontractors to this information is necessary for the performance of this contract.

In accordance with the requirements of 40 CFR 2.310(h)(2), EPA's contract with TechLaw, Inc. and the subcontractors with SAIC, CDM–FPC, and HGL prohibits disclosure of the information in any form to a third party without prior written approval from EPA, and requires the return to EPA of all copies of the information upon request by EPA, whenever the information is no longer required by the contractor for the performance of the contract, or upon completion of the contract. Each employee of the contractor and subcontractors who will have access to the information has been or will be required to sign a written agreement honoring the terms specified in the contract before they have access to any confidential information.

Any data submitted to EPA under section 104 of the Act and claimed to be confidential will be transferred no sooner than 10 working days after publication of this Notice in the **Federal Register.**

Affected parties may submit comments to EPA within five working days of the publication of this Notice.

Dated: July 13, 1994.

Patricia L. Meaney,

Acting Regional Administrator.

[FR Doc. 94–19762 Filed 8–11–94; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5029–9]

Public Water System Supervision Program Revision for the State of Illinois

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with the provision of section 1413 of the Safe Drinking Water Act, as amended, 42 U.S.C. 300f *et seq.*, and 40 CFR part 142, subpart B, the National Primary Drinking Water Regulations (NPDWR), that the State of Illinois is revising its approved Public Water System Supervision (PWSS) primacy program. The Illinois Environmental Protection Agency (IEPA) has adopted drinking water regulations for Lead and Copper, 44 synthetic organic chemicals (SOCs), 12 inorganic chemicals (IOCs), and 8 volatile organic chemicals (VOCs) that correspond to the NPDWR for Lead and Copper, SOCs, IOCs, and VOCs, and promulgated by the U.S. Environmental Protection Agency (USEPA) on June 7, 1991 (56 FR 26460–26564), on January 30, 1991 (56 FR 3526–3597), as amended on July 1, 1991 (56 FR 30266–30281), and on July 17, 1992 (57 FR 31776–31849). The USEPA has completed its review of Illinois' PWSS primacy program revision and has determined that these sets of state program revisions are not less stringent than the corresponding Federal regulations.

The USEPA has determined that the Illinois rule revisions meet the requirements of the Federal rule. Therefore, the USEPA has determined that these sets of state program revisions are no less stringent than the corresponding Federal regulations and is proposing to approve the IEPA's rule revisions.

All interested parties are invited to submit written comments on these proposed determinations, and may request a public hearing on or before September 12, 1994. If a public hearing is requested and granted, the corresponding determination shall not become effective until such time following the hearing, at which the Regional Administrator issues an order affirming or rescinding this action. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator.

Requests for public hearing should be addressed to: Rosemarie Karas, (WD–17J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing. (2) A brief statement of the requesting person's interest in the Regional Administrator's determinations and of information that the requesting person intends to submit at such hearing. (3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Notice of any hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. Such notice will be made by the Regional Administrator in the **Federal Register** and in newspapers of general circulation in the State of Illinois. A notice will be sent to the person(s) requesting the hearing as well as to the State of Illinois. The hearing notice will include a statement of purpose, information regarding the time and location, and the address and telephone number where interested persons may obtain further information. The Regional Administrator will issue an order affirming or rescinding his determination upon review of the hearing record. Should the determination be affirmed, it will become effective as of the date of the order.

Should no timely and appropriate request for a hearing be received, and should the Regional Administrator not elect to hold a hearing on his own motion, these determinations shall become effective on September 12, 1994. Please bring this notice to the attention of any persons known by you to have an interest in these determinations.

All documents related to these determinations are available for inspection between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Illinois Environmental Protection Agency, Division of Public Water Supplies, 2200 Churchill Road, Springfield, Illinois 62794–9276.

State Docket Officer: Mr. Roger D. Selburg, (217) 785–0561.

Safe Drinking Water Branch, Drinking Water Section, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

FOR FURTHER INFORMATION CONTACT: Rosemarie Karas, Region 5, Drinking Water Section at the Chicago address given above, telephone 312/353–8652.

Authority: (Sec. 1413 of the Safe Drinking Water Act, as amended (1986), and 40 CFR 142.10 of the National Primary Drinking Water Regulations)

Signed this 2nd day of August 1994.

Michelle D. Jordan,

Acting Regional Administrator, U.S. EPA, Region 5.

[FR Doc. 94–19763 Filed 8–11–94; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5051–7]

Notice of Public Water Supervision Program: Program Revision for the State of Vermont

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that the State of Vermont is revising its approved State Public Water Supply Supervision Primacy Program. Vermont has adopted drinking water regulations for eight volatile organic chemicals that correspond to the National Primary Drinking Water Regulations for eight volatile organic chemicals promulgated

by EPA on July 8, 1987 (52 FR 25690). EPA has determined that these State program revisions are no less stringent than the corresponding Federal regulations. Therefore, EPA has tentatively decided to approve these State program revisions.

All interested parties are invited to request a public hearing. A request for public hearing must be submitted by September 12, 1994 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by September 12, 1994, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective on September 12, 1994.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing. (2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intended to submit at such hearing. (3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Water Suppies Division, Vermont Department of Environmental Conservation, 103 South Main Street, Waterbury, VT 05676 and

U.S. Environmental Protection Agency—Region I, Ground Water Management and Water Supply Branch, One Congress Street—11th Floor, Boston, MA 02203—2211

FOR FURTHER INFORMATION CONTACT: A. Hatzopoulos, U.S. Environmental Protection Agency—Region I, Ground Water Management and Water Supply Branch, J.F.K. Federal Building, Boston, MA 02203–2211, Telephone (617) 565–4884.

Authority

Section 1413 of the Safe Drinking Water Act, as amended (1988); and 40 CFR 142.10 of the National Primary Drinking Water Regulations.

Dated: August 4, 1994.

John P. DeVillars,

Regional Administrator.

[FR Doc. 94–19772 Filed 8–11–94; 8:45 am]

BILLING CODE 6560–50–P

[ER–FRL–4714–2]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared July 25, 1994 Through July 29, 1994 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 08, 1994 (59 FR 16807).

FINAL EISs

ERP No. F–AFS–L65202–ID Katka Peak Timber Sale and Road Construction, Implementation, Bonners Ferry Ranger District, Idaho Panhandle National Forests, Boundary County, ID.

Summary: Review of the final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F-AFS-L65203–OR, Fox Ecosystem Restoration Projects: Day and Dunning Timber Salvage Sales and Other Projects, Implementation, Malhaur National Forest, Long Creek Ranger District, Grant County, OR.

Summary: Review of the final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F-COE-E36173–FL Central and Southern Florida (Canal 111 (C–111)) Project, for Flood Control and other Purposes, Implementation, South Dade County, FL.

Summary: EPA had no objections to the project.

ERP No. F-FHW-E40312–NC, NC–64/ Pittsboro Bypass Construction, NC–1514 to NC–64 near B. Everett Jordan Lake, Funding and Possible COE Section 404 Permits, Town of Pittsboro, Chatham County, NC.

Summary: EPA's review found major impacts to upland forest land and to a lesser extent, wetland hardwood forest systems. Mitigation for these losses was recommended.

Dated: August 9, 1994.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 94–19761 Filed 8–11–94; 8:45 am]

BILLING CODE 6560–50–U

[ER–FRL–4714–1]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 260–5076 OR (202) 260–5075. Weekly receipt of Environmental Impact Statements Filed August 01, 1994 Through August 05, 1994 Pursuant to 40 CFR 1506.9.

EIS No. 940312, Final EIS, AFS, CO, Long Draw Reservoir and Dam, Land Use Authorization, Special-Use-Permit, Roosevelt National Forest, Larimer County, CO, Due: September 12, 1994, Contact: Jean Thomas (303) 498–1267.

EIS No. 940313, Final EIS, AFS, CO, Joe Wright Reservoir and Dam, Land Use Authorization and Special Use Permit, Roosevelt National Forest, City of Fort Collins, Larimer County, CO, Due: September 12, 1994, Contact: Jean Thomas (303) 498–1267.

EIS No. 940314, Final EIS, AFS, ID, Van Camp Timber Sales and Winter Range Improvements, Road Construction/ Reconstruction, Implementation, Clearwater National Forest, Lochsa Ranger District, Idaho County, ID, Due: September 12, 1994, Contact: Kris Hazelbaker (208) 926–4275.

EIS No. 940315, Draft EIS, AFS, SC, Francis Marion National Forest Land and Resource Management Plan, Implementation, Charleston and Berkeley Counties, SC, Due: November 15, 1994, Contact: David W. Wilson (803) 561–4000.

EIS No. 940316, Draft EIS, FHW, MI, US–31 Petoskey Area Transportation Improvement Project, Construction, Funding, Right-of-Way and COE Section 10 and 404 Permits, City of Petoskey, Emmet County, MI, Due: September 26, 1994, Contact: Norm Stoner (517) 377–1880.

EIS No. 940317, Legislative Draft EIS, AFS, NC, TN, Hiwassee and Tellico Rivers, Wild and Scenic Rivers Study, Suitability or Nonsuitability, National Wild and Scenic River System, Cherokee National Forest and Nantahala National Forest, Polk and Monroe Counties, TN and Cherokee County, NC, Due: September 26, 1994, Contact: Amy L. Fore (615) 263–5486.

EIS No. 940318, Final EIS, APH, Logs, Lumber and Other Unmanufactured Wood Articles Importation,

Improvements to the existing system to Prohibit Introduction of Plant Pests into the United States, Due: September 12, 1994, Contact: Richard Orr (301) 436–8939.

EIS No. 940319, Final EIS, BLM, CA, 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, Due: September 12, 1994, Contact: Doug Romoli (909) 697–5230.

EIS No. 940320, Final Supplement EIS, FHW, MD, Boston Street Corridor (a part of the former I–83 Corridor Project) Transportation Improvements, Chester Street to Conlking Street, Additional Information concerning New Alternatives Under Consideration, Approval and Funding, East Baltimore, Baltimore County, MD, Due: September 12, 1994, Contact: Mr. David Lawton (410) 962–4440.

EIS No. 940321, Draft Supplement EIS, USA, NM, UT, Theater Missile Defense (TMD) Extended Test Range Project, US Army Ground-Based TMD Missiles Extended Range Test Using New Potential Booster Drop Zones, White Sands Missile Range and Fort Wingate Depot Activity, NM; and Green Launch Complex, UT, Due: September 26, 1994, Contact: David C. Hasley (205) 955–1257.

EIS No. 940322, Draft EIS, DOE/IBR/COE, OR, Columbia River System Operation Review (SOR), Multiple Use Management, Long-Term System Planning By Interested Parties Other than Management Agencies, Canadian Entitlement Allocation Agreement Renewal or Modification and Pacific NW Coordination Agreement Renewal or Renegotiation, OR, Due: September 26, 1994, Contact: Philip Thor (DOE/BPA) (503) 230–4235.

The US Department of Energy's, Bonneville Power Admin. (BPA); US Army Corps of Engineers' (COE) and US Department of the Interior's, Bureau of Reclamation (IBR) are Joint Lead Agencies for this project. Other Agency Contacts are: John Dooley (IBR) (503) 230–4235 and Witt Anderson (COE) (503) 321–5189.

Amended Notices

EIS No. 940238, Draft EIS, UAF, GU, Andersen Air Force Base (AFB) Solid Waste Management Complex, Construction, Island of Guam, GU, Due: August 08, 1994, Contact: Bob Landis (808) 449–0473. Published FR 6–24–94—Officially Canceled by Preparing Agency.

Dated: August 9, 1994.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 94–19760 Filed 8–11–94; 8:45 am]

BILLING CODE 6560–50–U

[EPA–FRL–5050–4]

Request for Comment on Draft Methodology Document on Setting Priorities for Hazardous Waste Minimization

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability of Document.

SUMMARY: The U.S. Environmental Protection Agency (EPA) announces the availability of a document, describing a draft methodology, entitled "Setting Priorities for Hazardous Waste Minimization" ("Draft Methodology Document") and solicits comments on this document. (EPA also solicits comments on a previously-released draft document entitled "Draft RCRA Waste Minimization National Plan" ("Draft Plan") and extends the comment period for this document.)

DATES: Comments regarding the Draft Methodology Document should be submitted by September 9, 1994. (When the Draft Plan was released on May 24, 1994, comments were requested by August 31, 1994; comments on the Draft Plan are now requested by September 9, 1994.)

ADDRESSES: All comments must be submitted in writing (including an original and two copies) to: RCRA Information Center (5305), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. (When the Draft Plan was released, comments on the Draft Plan were to be submitted to the following address: Director, Waste Management Division (5302W), U.S. EPA, Washington, D.C. 20460. Comments may now also be submitted to the RCRA Information Center at the address given above.)

Comments should reference docket number F–94–WMNA–FFFFF. Comments should be submitted separately for the Draft Methodology Document and the Draft Plan and should identify which document they pertain to. Commenters who wish to claim as Confidential Business Information any parts of their comments must submit an original and two copies, under separate cover, to: Document Control Officer (5305), Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: For general information, or for copies of the documents described in this notice, contact the RCRA Hotline, toll free at (800) 424–9346. TDD (800) 553–7672. For specific information pertaining to the documents, contact Mark Ralston, Office of Solid Waste, at 703–308–8595.

SUPPLEMENTARY INFORMATION:

I. Background

On May 18, 1993, Administrator Carol Browner announced an initiative to further the protection of human health and the environment—referred to as the Hazardous Waste Minimization and Combustion Draft Strategy ("Draft Strategy"). The Draft Strategy was designed, among other things, to further the reduction in the quantity and toxicity of hazardous wastes generated in the United States as well as to strengthen federal controls governing hazardous waste combustion. Since the announcement of the Draft Strategy, the Agency has held extensive discussions with all the interested stakeholders, including a series of Roundtable discussions. Based on these discussions, EPA developed and released on May 24, 1994, a Draft Plan to implement the waste minimization part of the Draft Strategy.

The Draft Plan describes two phases: the first phase focuses on hazardous wastes containing metals and/or halogenated organics burned in combustion units. The second phase will move beyond metal- and halogen-containing wastes managed in combustion devices and will address source reduction and recycling opportunities for the broader universe of hazardous wastes managed by a variety of practices.

Key components of the Draft Plan include: establishing specific goals for source reduction and recycling; prioritizing wastestreams and industrial processes for source reduction and recycling; identifying and evaluating source reduction and recycling opportunities for these wastestreams and industrial processes; arraying potential voluntary and regulatory mechanisms for effecting source reduction and recycling; and measuring progress.

One of the building blocks for the Draft Plan is setting priorities for source reduction and recycling. EPA has developed and is today releasing the Draft Methodology Document, which describes a proposed hazard-based methodology for ranking hazardous wastestreams and, in turn, ranking the industrial processes that generate them. The document also presents draft

ranking results for certain wastestreams and industrial processes.

EPA is soliciting comments from reviewers on a number of specific issues presented in the Draft Methodology Document. Some of these issues are summarized below.

—*Criteria relevant to developing a prioritization methodology.* There are a number of criteria which could potentially be considered in setting priorities for waste minimization. Some potential risk- or hazard-based criteria include:

- Waste quantities
- Waste characteristics (e.g., constituent concentrations and physical/chemical properties)
- Waste management practices (e.g., combustion)
- Constituent releases
- Fate and transport
- Human and ecological exposure
- Human and ecological toxicity

Other possible criteria include:

- Protection of natural resources (e.g., stratospheric ozone and ground water)
- Demand for waste management capacity
- Environmental justice concerns
- Technical/economic feasibility of promoting waste minimization

The Agency is soliciting comments on which criteria (among those listed above or others not listed above) should be emphasized in setting priorities for minimization of hazardous wastes.

—*Sources of waste characterization data.* While the Agency has collected waste characterization data as part of hazardous waste listing determinations and industry surveys, most of these data have limitations (e.g., the data are often more than five years old). Some of the more important and challenging data elements for prioritizing hazardous wastes (and, in turn, industrial processes) based on hazard are: (1) the identities of constituents (i.e., chemicals) present in wastestreams, and (2) the concentrations of the constituents. Therefore, the Agency solicits comment on whether there are other readily-available sources of waste characterization data, in addition to the data already obtained by EPA, that include these data elements and that could potentially be employed for ranking these wastestreams (e.g., data collected by state regulatory agencies or technical assistance centers).

—*Emphasis on hazard of wastes as generated.* Consistent with the goal of the Draft Plan to reduce the quantity and toxicity of hazardous wastes, EPA's draft methodology prioritizes wastestreams based on the hazard associated with those wastes as generated. In effect, it identifies and promotes source reduction for the most pervasive, toxic, mobile, persistent, and/or bioaccumulative wastes, based on the characteristics of the wastes prior to management. At present, the draft methodology does not directly consider the hazard associated with the wastes *as managed* (e.g., considering releases and exposures following combustion of the wastes). EPA requests comment on the appropriateness of emphasizing the hazard of wastes *as generated* in developing a national-level screening methodology for prioritizing hazardous wastes.

—*Applicability of EPA's as-generated hazard-based methodology to combusted wastestreams containing metals and/or halogenated organics.* Given that metals are not destroyed by combustion (and typically exit the combustion unit in ash, air releases, or product), EPA is soliciting comments on whether EPA's draft as-generated hazard-based methodology is appropriate for national screening of wastestreams containing metals. EPA is also seeking comments on whether the draft methodology is appropriate for wastestreams containing halogenated organics, or whether the draft methodology should be modified to better reflect the hazard of these compounds as managed (e.g., through applying a destruction and removal efficiency (DRE) factor to halogen concentrations in wastes, prioritizing based on the percent halogen in waste feedstocks, focusing on wastestreams containing dioxin precursors, or using another approach). EPA would also be interested in commenters' views on whether the draft methodology should be complemented by considering releases/transfers reported in the Toxics Release Inventory (TRI).

II. Availability of Documents

The Draft Methodology Document and the Draft Plan are available for viewing at:

EPA
RCRA Information Center
Room 2616
401 M Street, S.W.
Washington, D.C. 20460

The RIC is open from 9:00 to 4:00 Monday through Friday, except for federal holidays. The public must make an appointment to review docket materials. Call (202) 260–9327 for appointments. Copies of the documents may be obtained by calling the RCRA Hotline, toll free at (800) 424–9346. TDD (800) 553–7672.

Dated: July 26, 1994.

Michael Shapiro,

Director, Office of Solid Waste.

[FR Doc. 94–19771 Filed 8–11–94; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5051–6]

National Environmental Education Advisory Council; Public Meeting

Notice is hereby given that the National Environmental Education Advisory Council, established under section 9 of the National Environmental Education Act of 1990, will hold an open public meeting on September 12–13, 1994. The meeting will take place at U.S. EPA, 401 M Street, S.W., OCEPA Conference Room, 3rd Floor, West Tower, Washington, D.C. The meeting will be held on Monday, September 12th from 9:00 am to 5:00 pm and on Tuesday, September 13th from 9:00 am to 2:00 pm. The purpose of this meeting is to provide the Advisory Council with an opportunity to offer ongoing advice to EPA's Environmental Education Division on its implementation of the National Environmental Education Act.

Members of the public are invited to attend the meeting and to submit written comments to EPA following the meeting. For additional information regarding the Advisory Council or the upcoming meeting, please contact Kathleen MacKinnon, Environmental Education Division (1707), Office of Communications, Education and Public Affairs, U.S. EPA, 401 M Street, S.W., Washington, D.C., 20460, 202–260–4951.

Dated: July 29, 1994.

Kathleen MacKinnon,

Designated Federal Official, National Environmental Education Advisory Council.

[FR Doc. 94–19765 Filed 8–11–94; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5050–7]

Proposed Purchaser Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice; Request for public comment.

SUMMARY: In accordance with Section 122 of the Comprehensive

Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. 9622, notice is hereby given that a proposed purchaser agreement associated with the Publicker Industries Inc. Superfund Site in Philadelphia, Pennsylvania was executed by the Pennsylvania Department of Environmental Resources ("PADER") and the United States Environmental Protection Agency ("EPA") on June 23, 1994 and is subject to final approval by the United States Department of Justice. The proposed purchaser agreement would resolve certain potential claims of the United States under sections 106, 107(a), 107(f), 113(f) and 113(g)(2) of CERCLA, 42 U.S.C. 9606, 9607(a), 9607(f), 9613(f) and 9613(g)(2), and Section 7003 of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6973, against Delaware Avenue Enterprises, Inc., Cresmont Limited Partnership, and Holt Cargo Systems, Inc. (the "Purchasers"). The settlement would require the Purchasers to pay a principal payment of $2,300,000 ($2,070,000 to EPA and $230,000 to PADER) over an approximately three and one-half year period with interest.

For thirty (30) calendar days following the date of publication of this notice, the EPA will receive written comments relating to the proposed settlement. The EPA's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107.

DATES: Comments must be submitted on or before September 12, 1994.

Availability

The proposed purchaser agreement and additional background information relating to the settlement are available for public inspection at the U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107. A copy of the proposed purchaser agreement may be obtained from Brian M. Nishitani (3RC31), Senior Assistant Regional Counsel, U.S. Environmental Protection Agency, 841 Chestnut Building, Philadelphia, PA 19107. Comments should reference the "Publicker Industries Inc. Superfund Site" and "EPA Docket No. III–94–22–DC" and should be forwarded to Brian M. Nishitani at the above address.

FOR FURTHER INFORMATION CONTACT: Brian M. Nishitani (3RC31), Senior Assistant Regional Counsel, U.S. Environmental Protection Agency, 841 Chestnut Building, Philadelphia, PA 19107, (215) 597–2396.

Dated: July 21, 1994.

Stanley L. Laskowski,

Regional Administrator, U.S. Environmental Protection Agency, Region III.

[FR Doc. 94–19758 Filed 8–11–94; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5051–5]

Science Advisory Board; Executive Committee Reinvention Subcommittee; Public Meeting

September 8, 1994.

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Science Advisory Board's (SAB) Reinvention Subcommittee will conduct a meeting on Thursday, September 8, 1994. The meeting will begin at 8:30 a.m. and adjourn no later than 5:00 p.m. It will be held in the conference center WIC 2 South at the Environmental Protection Agency, 401 M St., S.W., Washington, D.C., 20460.

The meeting will focus on an intra-SAB examination of the structure and function of the Board through a report being prepared by the SAB Reinvention Committee.

Any member of the public wishing further information concerning the meeting or who wishes to submit comments should contact Dr. Donald G. Barnes, Designated Federal Official, Executive Committee, Science Advisory Board (1400), U.S. Environmental Protection Agency, Washington DC 20460, or by phone at (202)260–4126; FAX (202)260–9232; or via the INTERNET at barnes.don@epamail.epa.gov.

Dated: August 5, 1994.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 94–19766 Filed 8–11–94; 8:45 am]

BILLING CODE 6550–50–P

[OPPTS–400058A; FRL–4906–5]

Notice Regarding Revisions to Toxic Chemical Release Inventory Reporting Forms under Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice informs the public that the annual deadline for EPA's receipt of voluntary revisions to Toxic Chemical Release Inventory Forms (Form R or report) is changed to October 15th each year. The new deadline is 6 weeks earlier than the November 30th deadline set in an earlier notice. Voluntary revisions must now be received from facilities on or before October 15th, in order for the revisions to be included in the next annual release of the Toxic Release Inventory (TRI). TRI was established pursuant to section 313 of the Emergency Planning and Community-Right-to-Know Act (EPCRA), 42 U.S.C. 11001, 11023, also known as the Superfund Amendments and Reauthorization Act of 1986 or Title III. This notice amends an earlier notice regarding revisions which is still in effect except for the change in the revisions deadline.

DATES: This notice is effective beginning October 15, 1994, and continuing in each year thereafter.

FOR FURTHER INFORMATION CONTACT: Emergency Planning and Community Right-to-Know Information Hotline, Environmental Protection Agency, Mail Stop 5101, 401 M St., SW., Washington, DC 20460, Toll free: 800–535–0202.

SUPPLEMENTARY INFORMATION: This notice informs the public of EPA's administering of the data management aspects of the TRI program. This notice amends an EPA notice published in the **Federal Register** of September 26, 1991 (56 FR 48795), titled "Notice Regarding Revisions to Toxic Release Inventory Reporting Forms under Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986" hereinafter referred to as the "September 1991 Notice."

The September 1991 Notice, among other things, set November 30th as the deadline for EPA's receipt of voluntary revisions that could be processed in time to be included in the next annual release of TRI. The September 1991 Notice is still in effect except that the deadline for receipt of voluntary revisions is now October 15th each year instead of November 30th. Revisions received after October 15th will continue to be processed; however, EPA will not guarantee that they will be included in the next annual release of TRI. The new revision deadline reflects EPA's ability to process and release TRI data earlier due to increased efficiencies in data entry that have been accomplished since the September 1991 Notice was published.

Dated: August 4, 1994.

Mark Greenwood,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 94–19775 Filed 8–11–94; 8:45 am]

BILLING CODE 6560–50–F

[FRL–5040–6]

Proposed Settlement Agreement; Reclassification of Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement agreement; request for public comment.

SUMMARY: In accordance with Section 113(g) of the Clean Air Act ("Act"), notice is hereby given of a proposed settlement agreement concerning litigation instituted against the Environmental Protection Agency ("EPA") regarding the designation and classification of northern Orange County and Putnam County, New York, for the ozone national ambient air quality standards, under sections 107(d)(4) and 181 of the Clean Air Act. The proposed settlement agreement provides that EPA will undertake rulemaking regarding reclassification of these areas, as part of the Poughkeepsie, New York ozone nonattainment area. The proposed settlement agreement provides that EPA is to propose action by July 15, 1994, and take final action on the proposal by September 30, 1994. It also provides that if the Poughkeepsie area is reclassified as a moderate ozone nonattainment area, the State of New York will make the State Implementation Plan submissions required for a moderate ozone nonattainment area by November 15, 1995.

For a period of thirty [30] days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. EPA or the Department of Justice may withhold or withdraw consent to the proposed settlement agreement 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 settlement agreement are available from Jerry Ellis, Air and Radiation Division (2344R), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, (703) 235–5330. Written comments should be sent to Howard J. Hoffman at the above address and must be submitted on or before September 12, 1994.

Dated: July 21, 1994.

Jean C. Nelson,

General Counsel

[FR Doc. 94–19773 Filed 8–11–94; 8:45 am]

BILLING CODE 6560–50–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: Extension of the expiration date of a currently approved collection without any change in the substance or method of collection.

Title: Application For Consent to Reduce or Retire Capital.

Form Number: None (letter application).

OMB Number: 3064–0079.

Expiration Date of OMB Clearance: October 31, 1994.

Respondents: Insured state nonmember banks.

Frequency of Response: On occasion.

Number of Respondents: 100.

Number of Responses Per Respondent: 1.

Total Annual Responses: 100.

Average Number of Hours Per Response: 1.

Total Annual Burden Hours: 100.

OMB Reviewer: Milo Sunderhauf, (202) 395–7340, Office of Management and Budget, Paperwork Reduction Project 3064–0079, Washington, DC 20503.

FDIC Contact: Steven F. Hanft, (202) 898–3907, 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 October 11, 1994.

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: Insured state nonmember banks are required by law to obtain the consent of the FDIC prior to reducing or retiring any part of their common or preferred stock, or retiring any part of their capital notes or debentures. To obtain that consent, the banks submit letter applications to the FDIC.

Dated: August 8, 1994.

Federal Deposit Insurance Corporation

Robert E. Feldman,

Acting Executive Secretary.

[FR Doc. 94–19690 Filed 8–1–94; 8:45 am]

BILLING CODE 6714–01–M

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: Extension of the expiration date of a currently approved collection without any change in the substance or method of collection.

Title: Application For Consent to Exercise Trust Powers.

Form Numbers: FDIC 6200/09.

OMB Number: 3064–0025.

Experation Date of OMB Clearance: September 30, 1994.

Respondents: Insured state nonmember banks wishing to exercise trust powers.

Frequency of Response: On occasion.

Number of Respondents: 50.

Number of Responses Per Respondent: 1.

Total Annual Responses: 50.

Average Number of Hours Per Response: 15.

Total Annual Burden Hours: 750.

OMB Reviewer: Milo Sunderhauf, (202) 395–7340, Office of Management and Budget, Paperwork Reduction Project 3064–0025, Washington, DC 20503.

FDIC Contact: Steven F. Hanft, (202) 898–3907, 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 October 11, 1994.

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: Insured state nonmember banks must apply to the FDIC for consent to exercise trust powers in accordance with 12 CFR 333.2. Applications are evaluated by FDIC to verify the qualifications of bank management to administer a trust department and to ensure that the bank's financial condition will not be jeopardized as a result of the trust operations.

Dated: August 8, 1994.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Acting Executive Secretary.

[FR Doc. 94–19689 Filed 8–11–94; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Public Information Collection Requirements Submitted to OMB for Review

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following public information collection requirements for review and clearance in accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. chapter 35.

DATES: Comments on this information collection must be submitted on or before October 11, 1994.

ADDRESSES: Direct comments regarding the burden estimate or any aspect of this information collection, including suggestions for reducing this burden, to: the FEMA Information Collections Clearance Officer at the address below; and to Donald Arbuckle, Office of Management and Budget, 3235 New Executive Office Building, Washington, DC 20503, (202) 395–7340, within 60 days of this notice.

FOR FURTHER INFORMATION CONTACT: Copies of the above information collection request and supporting documentation can be obtained by calling or writing Muriel B. Anderson, FEMA Information Collections Clearance Officer, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2624.

Type: New collection.

Title: National Mitigation Survey.

Abstract: The Federal Emergency Management Agency's Mitigation Directorate has been tasked with developing a national mitigation strategy for an effective mitigation approach to emergency management. A survey of a diverse group of State and local government and community officials will be conducted to gain their views and experiences on mitigation measures or programs for reducing vulnerabilities to natural hazards and disasters.

Type of Respondents: State and local governments, Federal agencies and employees, Non-profit institutions, Small business or organizations.

Estimate of Total Annual Reporting and Recordkeeping Burden: 433 hours.

Number of Respondents: 1,300.

Estimated Average Burden Time per Response: 20 minutes.

Frequency of Response: One-time.

Dated: August 5, 1994.

Wesley C. Moore,

Director, Office of Administrative Support.

[FR Doc. 94–19737 Filed 8–11–94; 8:45 am]

BILLING CODE 6718–01–M

[FEMA–3114–EM]

Florida; Amendment to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of Florida (FEMA–3114–EM), dated July 8, 1994, and related determinations.

EFFECTIVE DATE: August 5, 1994.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective July 29, 1994. Q04

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Richard W. Krimm,

Associate Director, Response and Recovery Directorate.

[FR Doc. 94–19735 Filed 8–11–94; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–1035–DR]

Florida; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Florida (FEMA–1035–DR), dated July 10, 1994, and related determinations.

EFFECTIVE DATE: August 5, 1994.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective July 29, 1994.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Richard W. Krimm,

Associate Director, Response and Recovery Directorate.

[FR Doc. 94–19736 Filed 8–11–94; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL MARITIME COMMISSION

[Fact Finding Investigation No. 21]

Activities of the Trans-Atlantic Agreement and Its Members; Notice of Hearing in Chicago Area

Pursuant to Commission Order issued July 27, 1994, instituting Fact Finding Investigation No. 21 ("the Fact Finding Order"), notice is hereby given that the Investigative Officers will conduct a hearing concerning various activities and practices by the Trans-Atlantic Agreement ("TAA") and its members which are alleged to be anticompetitive or otherwise violative of the Shipping Act of 1984, 46 U.S.C. app. 1701 *et seq.* The Investigative Officers will take testimony under oath, and receive documents in evidence, as appropriate. In the discretion of the Investigative Officers, portions of this hearing may be conducted in non-public session, as authorized by the Fact Finding Order.

The second round of hearings in Fact Finding Investigation No. 21 will be conducted in the Chicago area, at the following location: Dirksen Building, 219 South Dearborn Street, Room 1743, Chicago, IL 60604. The hearings will commence in public session at 9:00 A.M. on September 1, 1994, and may be conducted on subsequent days at the same location, as appropriate.

Interested persons desiring to testify should conduct any of the Investigative

Officers designated by the Commission, at the address noted below.

Federal Maritime Commission, Bureau of Hearing Counsel, 800 North Capitol Street NW., Washington, DC 20573, Tele: (202) 523–5783, Fax: (202) 523–5785.

Charles L. Haslup, III,

Investigative Officer.

[FR Doc. 94–19702 Filed 8–11–94; 8:45 am]

BILLING CODE 6730–01–M

[Fact Finding Investigation No. 22]

Possible Rate Malpractices in Specified United States—Foreign Trade; Order

The Federal Maritime Commission has reason to believe that persons participating in the trades between ports and points in the United States and ports and points in Europe, the Far East, South America, Central America or the Caribbean ("the specified Trades") may have obtained, or attempted to obtain, transportation of property by water at less or different compensation than the rates and charges shown in applicable tariffs or service contracts. The various unfair devices or means which may have been used include rebates, concessions, absorptions and allowances other than those set forth in applicable tariffs, misdeclarations and other similar practices, in violation of the prohibitions of section 10(a)(1) of the Shipping Act of 1984 ("1984 Act"), 46 U.S.C. app. 1709(a)(1).

The Commission also has reason to believe that common carriers operating in the United States foreign commerce in the specified Trades, directly or indirectly, may have provided, or allowed other persons to obtain transportation of property at less or different compensation than the rates and charges shown in applicable tariffs or service contracts. These actions may have been accomplished by failure to file a common carrier tariff and by various unfair devices or means, such as rebates, concessions, absorptions and allowances other than those set forth in applicable tariffs and through misdeclarations and other similar practices, in violation of the prohibitions of sections 8 and 10(b) of the 1984 Act, 46 U.S.C. app. 1707 and 1709(b).

If established, such violations are subject to civil penalties not to exceed $25,000 for each violation willfully and knowingly committed, pursuant to section 13(a) of the 1984 Act, 46 U.S.C. app. 1712(a). Additionally, carriers who rebate or commit other rate malpractices in contravention of their tariffs or service contracts may have their tariffs or their participation in conference tariffs suspended by the Commission pursuant to section 13(b)(1) of the 1984 Act, 46 U.S.C. app. 1712(b)(1).

In order to ensure the proper and effective administration and enforcement of the shipping statutes, the Commission is instituting a nonadjudicatory investigation to determine whether sufficient evidence exists to warrant informal compromise procedures or formal investigation and assessment proceedings for violations of the 1984 Act with regard to the transportation of property in the specified Trades.

The Commission presently has in effect Fact Finding Investigation No. 16, *Possible Malpractices in the Trans-Atlantic Trades* ("FFI No. 16"), and Fact Finding Investigation No. 18, *Rebates and Other Malpractices in the Trans-Pacific Trades* ("FFI No. 18"). Because the purpose and scope of FFI No. 16 and FFI No. 18 are included within the nonadjudicatory fact finding investigation instituted by this Order, FFI No. 16 and FFI No. 18 will be terminated by separate Orders at such time as final reports are submitted by the Investigative Officers and accepted by the Commission. Any outstanding subpoenas or investigative activities of FFI No. 16 and FFI No. 18 remain in force and are incorporated in this newly instituted fact finding investigation.

Therefore, it is ordered, That pursuant to sections 8, 10, 11 and 12 of the Shipping Act of 1984, 46 U.S.C. app. 1707, 1709, 1710 and 1711, and Part 502, Subpart R of Title 46 of the Code of Federal Regulations, 46 CFR 502.281, et seq., a nonadjudicatory investigation is hereby instituted into the practices of common carriers and other persons with respect to untariffed transportation activity and the possible payment of rebates and any other devices or means of providing, or allowing persons to obtain, transportation of property at less or different compensation than the rates and charges shown in applicable tariffs or service contacts, in the trades between United States ports and points and ports and points in Europe, the Far East, South America, Central America or the Caribbean;

It is further ordered, That the Investigative Officers shall be Wm. Jarrel Smith, Jr., Vern W. Hill, Peter J. King, Charles L. Haslup, III, and Joseph B. Slunt of the Commission. The Investigative Officers shall be assisted by staff members as may be assigned by the Commission's Managing Director and shall have full authority to hold public or non-public sessions, to resort to all compulsory process authorized by law (including the issuance of subpoenas ad testificandum and duces tecum), to administer oaths and to perform such other duties as may be necessary in accordance with the laws of the United States and the regulations of the Commission;

It is further ordered, That the Investigative Officers shall issue a joint report of activities, findings and recommendations no later than one year after publication of this Order in the Federal Register, and at least yearly thereafter, such reports to remain confidential unless and until the Commission rules otherwise;

It is further ordered, That at such time as FFI No. 16 and FFI No. 18 are terminated by Order of the Commission, any subpoena or investigative activity in FFI No. 16 and FFI No. 18 outstanding at the time of termination shall be continued in force and is incorporated herein;

It is further ordered, That this proceeding will remain in effect until discontinued by further Order of the Commission; and

It is further ordered, That notice of this Order be published in the **Federal Register**.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 94–19664 Filed 8–11–94; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Citizens Gwinnett Bankshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a

written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than September 6, 1994.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Citizens Gwinnett Bankshares, Inc., Duluth, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Bank of Gwinnett, Duluth, Georgia.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. FirsTier Financial, Inc., Omaha, Nebraska; to merge with Cornerstone Bank Group, Inc., Council Bulffs, Iowa, and thereby indirectly acquire First National Bank, Council, Bulffs, Iowa; Nevada National Bank, Nevada, Iowa; Security Savings Bank, Williamsburg, Iowa, and Valley State Bank, Rock Valley, Iowa.

Board of Governors of the Federal Reserve System, August 8, 1994.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 94-19706 Filed 8-11-94; 8:45 am]

BILLING CODE 6210-01-F

First Commerce Corporation; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 6, 1994.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. First Commerce Corporation, New Orleans, Louisiana; to acquire Wolcott Mortgage Group, Inc., Metairie, Louisiana, and thereby engage in mortgage lending activities, pursuant to § 225.25(b)(1) of the Board's Regulation Y. The proposed activity will be conducted throughout the state of Louisiana.

Board of Governors of the Federal Reserve System, August 8, 1994.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 94-19707 Filed 8-11-94; 8:45 am]

BILLING CODE 6210-01-F

Robert M. Taylor; Change in Bank Control Notice

Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice 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 indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than September 1, 1994.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Robert M. Taylor, Wyandotte, Michigan; to acquire 8.78 percent of the voting shares of Charter National Bancorp, Inc., Taylor, Michigan, and thereby acquire Charter National Bank, Taylor, Michigan.

Board of Governors of the Federal Reserve System, August 8, 1994.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 94-19708 Filed 8-11-94; 8:45 am]

BILLING CODE 6210-01-F

West Town Bancorp, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the

reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 6, 1994.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. West Town Bancorp, Inc.,Cicero, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of West Town Savings Bank, Cicero, Illinois.

In addition with this application, Applicant has also applied to engage in making and servicing loans pursuant to §225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 8, 1994.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 94–19709 Filed 8–11–94; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 072594 AND 080594

Names of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Vestar Equity Partners, L.P., First Brands Corporation, First Brands Corporation	94–1671	07/25/94
Media General, Inc., Scrudder Family Voting Trust for ANI, Denver Newspapers, Inc	94–1678	07/25/94
PacifiCare Health Systems, Inc., Ismael Hernandez, M.D., Pasteur Health Plan, Inc./Pasteur Delivery Systems, Inc	94–1684	07/25/94
Principal Mutual Life Insurance Company, Coastal Bend Health Plan, Inc., Coastal Bend Health Plan, Inc	94–1688	07/25/94
Mr. Omar Z. Al Askari, Mr. Marco Rivetti and Ms. Giovanna Rivetti, Gruppo Finanziario Tessile S.p.A	94–1689	07/25/94
Mitsubishi Kasei Corporation, Mitsubishi Petrochemical Company, Limited, Mitsubishi Petrochemical Company, Limited	94–1691	07/25/94
Bailey Corporation, Royal Dutch Petroleum Company, Premix/E.M.S. Inc	94–1699	07/25/94
Coastal Capital Funding Corporation, First Franklin Financial Corporation, First Franklin Financial Corporation	94–1715	07/25/94
Lynch Corporation, Kimberly-Clark Corporation, Brown-Bridge	94–1727	07/25/94
Kelso Investment Associates IV, L.P., Foster Medical Supply, Inc., Foster Medical Supply, Inc	94–1741	07/25/94
Equus II Incorporated, American Marketing Industries Holdings Inc., Velva Sheen Division	94–1748	07/25/94
Media General, Inc., Media General, Inc., Denver Newspapers, Inc	94–1771	07/25/94
Tosco Corporation, The British Petroleum Company p.l.c., BP Exploration & Oil Inc	94–1655	07/28/94
Chemical Banking Corporation, Herbert Glatt, Magla Products, Inc, and GiGi Products, Inc	94–1676	07/28/94
Apache Corporation, Texaco, Inc., Texaco Exploration and Production Inc	94–1718	07/28/94
Mashland Corporation, Preussag AG, H.L. Blachford, Inc	94–1726	07/28/94
M. Francois Pinault, Webcraft Technology, Inc., Webcraft Technology, Inc	94–1734	07/28/94
The Gates Corporation, The Equitable Companies Incorporated, Merit Energy Partners II, L.P	94–1735	07/28/94
Heilig-Meyers Company, James F. Blinder, Nelson Brothers Furniture Company	94–1739	07/28/94
Diamond Shamrock, Inc., PDQ Holdings, Inc., PDQ Food Stores of Colorado, Inc	94–1753	07/28/94
H. R. H. Family Trust, Persis Corporation, Northwest Media, Inc. and Maryville Alcoa Newspapers	94–1763	07/28/94
Cisco Systems, Inc., Newport Systems Solutions, Inc., Newport Systems Solutions, Inc	94–1729	07/29/94
CGW Southeast Partners I, L. P., Bird Corporation, Atlantic Building Products Corporation, Southwest	94–1746	07/29/94
Ronald A. Perelman, Ibrahim Morales, Argyle Television Holding, Inc	94–1764	07/29/94
Deutsche Bundespost Telecom, The Dun & Bradstreet Corporation, Dun & Bradstreet, Inc	94–1786	07/29/94
Mesa Airlines, Inc., USAir Group, Inc., Pennsylvania Commuter Airlines, Inc, and USAir Leasing	94–1788	07/29/94
THC Partners, THC Partners, Howard Hughes Properties Limited Partnership	94–1789	07/29/94
Eli Lilly and Company, Somatogen, Inc, Somatogen, Inc	94–1683	08/02/94
Physician Corporation of America, Eugene G. Hill, Executive Risk Consultants, Inc	94–1687	08/02/94
Royal Oak Mines Inc., Lac Minerals Ltd, Lac Minerals Ltd	94–1704	08/02/94
Thomas H. Lee Equity Partners, L.P., Thermoscan Inc., Thermoscan Inc	94–1745	08/02/94
Lester Miller, Allibert-Contico, L.L.C., Allibert Equipment U.S., Inc	94–1760	08/02/94
France Telecom, The Dun & Bradstreet Corporation, Dun & Bradstreet, Inc	94–1778	08/02/94
Sommer Allibert S.A., Allibert—Contico, L.L.C., Allibert—Contico, L.L.C	94–1781	08/02/94
PerSeptive Biosystems, Inc., Millipore Corporation, Millipore Investment Holdings Limited	94–1796	08/02/94
Mrs. L. Bettencourt, Nestle S.A., Cosmair Inc	94–1805	08/02/94
General Nutrition Companies, Inc., Nature Food Centres, Inc., Nature Food Centres, Inc	94–1825	08/03/94
Gardner Merchant Services Group Limited, Morrison Restaurants Inc., Morrison Restaurants Inc	94–1675	08/04/94
Nuevo Energy Company, Amoco Corporation, Amoco Congo Petroleum Company	94–1709	08/04/94
Estate of Eddie P.S. Pen, Tredegar Industries, Inc., The Elk Horn Coal Corporation	94–1730	08/04/94
Wellfleet Communications, Inc., SynOptics Communications, Inc., SynOptics Communications, Inc	94–1732	08/04/94
Andrew K. Ludwick, Wellfleet Communications, Inc., Wellfleet Communications, Inc	94–1733	08/04/94
SynOptics Communications, Inc., Wellfleet Communications, Inc., Wellfleet Communications, Inc	94–1737	08/04/94

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 072594 AND 080594—Continued

Names of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Reynolds Metals Company, Alumax Inc., Prime Metals, Inc	94–1787	08/04/94
Brown & Sharpe Manufacturing Company, Finmeccanica S.p.A. Digital Electronic Automation S.p.A	94–1794	08/04/94
Finmeccanica S.p.A., Brown & Sharpe Manufacturing Company, Brown & Sharpe Manufacturing Company	94–1795	08/04/94
Office Depot, Inc., J.A. Kindel Company, Inc., J.A. Kindel Company, Inc	94–1817	08/04/94
Welbilt Corporation, Lincoln Foodservice Products, Inc., Lincoln Foodservice Products, Inc	94–1751	08/05/94
Sonat Inc., Enron Corp., Enron Oil & Gas Company	94–1757	08/05/94
Tital Wheel International, Inc., Pirelli S.p.A., Pirelli Armstrong Tire Corporation	94–1774	08/05/94
Nippon Steel Corporation, Oregon Steel Mills, Inc., New CF&I, Inc	94–1808	08/05/94
PNC Bank Corp., BlackRock Financial Management L.P., BlackRock Financial Management L.P	94–1809	08/05/94
PNC Bank Corp., BFM Advisory L.P., BFM Advisory L.P	94–1810	08/05/94
U.S.A. Foods, AmeriFoods Companies, Inc., AmeriFoods Companies, Inc	94–1822	08/05/94
The Southern Company, Sears, Roebuck and Company Homart Development Co	94–1837	08/05/94
Moorman Manufacturing Company, Agri-Sales, Inc., Agri-Sales, Inc	94–1839	08/05/94
Dimeling, Schreiber & Park, Voting Trust of CompuAdd Corporation, CompuAdd Corporation	94–1847	08/05/94
The May Department Stores Company, The Shoe Works, Inc., The Shoe Works, Inc	94–1850	08/05/94
Fibreboard Corporation, Noranda Inc., Norandex Inc	94–1859	08/05/94

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Renee A. Horton, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, DC 20580, (202) 326–3100.

By direction of the Commission.

C. Landis Plummer,

Acting Secretary.

[FR Doc. 94–19756 Filed 8–11–94; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. 9189]

Detroit Auto Dealers Association, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Action

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, the association of motor vehicle dealers and a former officer, James Daniel Hayes, from entering into, continuing or carrying out any agreement to establish, fix or maintain any hours of operation of any dealer in the Detroit area. In addition, the consent order requires the respondent association to amend its bylaws to comply with the provisions of the order, and to place, in the city's two daily newspapers for four consecutive weeks, at least four advertisements a week stating that certain area dealers are required by the Commission order to maintain extended hours (at least 62 hours a week) for a one-year period and listing the dealers subject to the requirement.

DATES: Complaint issued December 20, 1984, Order issued July 20, 1994.[1]

FOR FURTHER INFORMATION CONTACT: Ernest Nagata, FTC/H–394, Washington, D.C. 20580. (202) 326–2714.

SUPPLEMENTARY INFORMATION: On Monday, May 9, 1994, there was published in the **Federal Register**, 59 FR 23861, a proposed consent agreement with analysis In the Matter of Detroit Auto Dealers Association, Inc., et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec.) 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

C. Landis Plummer,

Acting Secretary.

[FR Doc. 94–19755 Filed 8–11–94; 8:45 am]

BILLING CODE 6750–01–M

[Docket No. C–3512]

Keyes Fibre Company; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Connecticut-based company, that manufactures Chinet disposable tableware, from representing that any of its paper products or packages are degradable, biodegradable, or photodegradable, or offers any environmental benefits when disposed of in a sanitary landfill, unless the respondent possesses competent and reliable scientific evidence to substantiate such representation. In addition, the consent order prohibits the respondent from misrepresenting the extent to which any paper product or package is capable of being recycled or the extent to which recycling collection programs are available.

DATES: Complaint and Order issued August 2, 1994.[1]

FOR FURTHER INFORMATION CONTACT: Michael Dershowitz, FTC/S–4002, Washington, D.C. 20580. (202) 326–3158.

SUPPLEMENTARY INFORMATION: On Tuesday, May 24, 1994, there was published in the **Federal Register**, 59 FR 26793, a proposed consent agreement with analysis In the Matter of Keyes Fibre Company, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

C. Landis Plummer,

Acting Secretary.

[FR Doc. 94–19752 Filed 8–11–94; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. C–3506]

LePage's, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, the Pennsylvania manufacturers of adhesive tapes from misrepresenting that any product or package is capable of being recycled, or the extent to which recycling collection programs are available for such products, and from making unsubstantiated claims that its products or packages are degradable, biodegradable or photodegradable, or that their degradability offers any environmental benefits when disposed of as trash in a sanitary landfill.

DATES: Complaint and Order issued July 19, 1994.[1]

FOR FURTHER INFORMATION CONTACT: Michael Dershowitz, FTC/S–4002, Washington, D.C. 20580. (202) 326–3158.

SUPPLEMENTARY INFORMATION: On Friday, May 6, 1994, there was published in the **Federal Register**, 59 FR 23722, a proposed consent agreement with analysis In the Matter of LePage's, Inc., et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

C. Landis Plummer,

Acting Secretary.

[FR Doc. 94–19754 Filed 8–11–94; 8:45 am]

BILLING CODE 6750–01–M

[Docket No. C–3507]

Oak Hill Industries Corp., et al.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a New York manufacturer, of plastic plates, bowls and utensils, and its officer from misrepresenting that any product or package is capable of being recycled, or the extent to which recycling collection programs are available for such products, and from making any unsubstantiated representation that any product or package it markets offers any environmental benefit.

DATES: Complaint and Order issued July 19, 1994[1].

FOR FURTHER INFORMATION CONTACT: Michael Dershowitz, FTC/S–4002, Washington, DC 20580. (202 326–3158.

SUPPLEMENTARY INFORMATION: On Friday, May 6, 1994, there was published in the **Federal Register**, 59 FR 23727, a proposed consent agreement with analysis in the matter of Oak Hill Industries Corp., et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

C. Landis Plummer,

Acting Secretary.

[FR Doc. 94–19753 Filed 8–11–94; 8:45 am]

BILLING CODE 6750–01–M

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue NW., Washington, DC 20580.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–94–1917; FR–3350–N–96]

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 David Pollack, 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 David Pollack 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: GSA: Leslie Carrington, Federal Property Resources Services, GSA, 18th and F Streets NW, Washington, DC 20405; (202) 208–0619; Corps of Engineers: Bob Swieconek, Headquarters, Army Corps of Engineers, Attn: CERE–MC, Room 4224, 20 Massachusetts Ave. NW, Washington, DC 20314–1000; (202) 272–1753; U.S. Navy: John J. Kane, Deputy Division Director, Dept. of Navy, Real Estate Operations, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332–2300; (703) 325–0474; U.S. Air Force: Bob Menke, Area-MI, Bolling AFB, 172 Luke Avenue, Suite 104, Washington, DC 20332–5113; (202) 767–6235; Dept. of Transportation: Ronald D. Keefer, Director, Administrative Services & Property Management, DOT, 400 Seventh St. SW, room 10319, Washington, DC 20590; (202) 366–4246; Dept. of Justice: Benjamin F. Burrell, Director, Facilities and Administrative Services Staff, Justice Management Division, Ariel Rios Building, Room 3204, Washington, DC 20530; (202) 616–2277; (These are not toll-free numbers).

Dated: August 5, 1994.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

Title V, Federal Surplus Property Program, Federal Register Report for 08/12/94

Suitable/Available Properties

Buildings (by State)

Alabama

Bldg. TU–22
Selden Lock and Dam
Route 1
Sawyerville Co: Hale AL 36776–
Landholding Agency: COE
Property Number 31901151
Status: Unutilized
Comment: 1080 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Bldg. TU–21
Selden Lock and Dam
Route 1
Sawyerville Co: Hale AL 36776–
Landholding Agency: COE
Property Number 31901152
Status: Unutilized
Comment: 1080 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Bldg. TU–23
Selden Lock and Dam
Route 1
Sawyerville Co: Hale AL 36776–
Landholding Agency: COE
Property Number 31901153
Status: Unutilized
Comment: 1080 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Bldg. TU–24
Selden Lock and Dam
Route 1
Sawyerville Co: Hale AL 36776–
Landholding Agency: COE
Property Number 31901154
Status: Unutilized
Comment: 1080 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Arizona

Facility 80002
Holbrook Radar Site
1313 North 8th Avenue
Holbrook Co: Navajo AZ 86025–
Landholding Agency: Air Force
Property Number: 189340052
Status: Unutilized
Comment: 1352 sq. ft., wood frame, most recent use—3 bedroom residence, scheduled to be vacant 12/93.

Facility 80003
Holbrook Radar Site
1313 North 8th Avenue
Holbrook Co: Navajo AZ 86025–
Landholding Agency: Air Force
Property Number: 189340053
Status: Unutilized
Comment: 1352 sq. ft., wood frame, most recent use—3 bedroom residence, scheduled to be vacant 12/93.

Facility 80004
Holbrook Radar Site
1313 North 8th Avenue
Holbrook Co: Navajo AZ 86025–
Landholding Agency: Air Force
Property Number: 189340054
Status: Unutilized
Comment: 1352 sq. ft., wood frame, most recent use—3 bedroom residence, scheduled to be vacant 12/93.

Facility 80005
Holbrook Radar Site
1313 North 8th Avenue
Holbrook Co: Navajo AZ 86025–
Landholding Agency: Air Force
Property Number: 189340055
Status: Unutilized
Comment: 1352 sq. ft., wood frame, most recent use—3 bedroom residence, scheduled to be vacant 12/93.

Facility 80006
Holbrook Radar Site
1313 North 8th Avenue
Holbrook Co: Navajo AZ 86025–
Landholding Agency: Air Force
Property Number: 189340056
Status: Unutilized
Comment: 1352 sq. ft., wood frame, most recent use—3 bedroom residence, scheduled to be vacant 12/93.

Facility 80007
Holbrook Radar Site
1313 North 8th Avenue
Holbrook Co: Navajo AZ 86025–
Landholding Agency: Air Force
Property Number: 189340057
Status: Unutilized
Comment: 1352 sq. ft., wood frame, most recent use—3 bedroom residence, scheduled to be vacant 12/93.

Facility 80008
Holbrook Radar Site
1313 North 8th Avenue
Holbrook Co: Navajo AZ 86025–
Landholding Agency: Air Force
Property Number: 189340058
Status: Unutilized
Comment: 1352 sq. ft., wood frame, most recent use—3 bedroom residence, scheduled to be vacant 12/93.

Facility 80009
Holbrook Radar Site
1313 North 8th Avenue
Holbrook Co: Navajo AZ 86025–
Landholding Agency: Air Force
Property Number: 189340059
Status: Unutilized
Comment: 1352 sq. ft., wood frame, most recent use—3 bedroom residence, scheduled to be vacant 12/93.

Facility 80010
Holbrook Radar Site
1313 North 8th Avenue
Holbrook Co: Navajo AZ 86025–
Landhoolding Agency: Air Force
Property Number: 189340060
Status: Unutilized
Comment: 1352 sq. ft., wood frame, most recent use—3 bedroom residence, scheduled to be vacant 12/93.

Facility 80011
Holbrook Radar Site
1313 North 8th Avenue
Holbrook Co: Navajo AZ 86025–
Landhoolding Agency: Air Force
Property Number: 189340061
Status: Unutilized
Comment: 1325 sq. ft., wood frame, most recent use—3 bedroom residence, scheduled to be vacant 12/93.

Facility 80012
Holbrook Radar Site
1313 North 8th Avenue
Holbrook Co: Navajo AZ 86025–
Landhoolding Agency: Air Force
Property Number: 189340062
Status: Unutilized
Comment: 1096 sq. ft., wood frame, most recent use—2 bedroom residence, scheduled to be vacant 12/93.

California

Bldg. 604
Point Arena Air Force Station
(See County) Co: Mendocina CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010237
Status: Unutilized
Comment: 1232 sq. ft., stucco-wood frame; most recent use—housing.

Bldg. 605
Point Arena Air Force Station
(See County) Co: Mendocina CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010238
Status: Unutilized
Comment: 1232 sq. ft., stucco-wood frame; most recent use—housing.

Bldg. 612
Point Arena Air Force Station
(See County) Co: Mendocina CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010239
Status: Unutilized
Comment: 1232 sq. ft., stucco-wood frame; most recent use—housing.

Bldg. 611
Point Arena Air Force Station
(See County) Co: Mendocina CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010240
Status: Unutilized
Comment: 1232 sq. ft., stucco-wood frame; most recent use—housing.

Bldg. 613
Point Arena Air Force Station
(See County) Co: Mendocina CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010241
Status: Unutilized
Comment: 1232 sq. ft., stucco-wood frame; most recent use—housing.

Bldg. 614
Point Arena Air Force Station
(See County) Co: Mendocina CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010242
Status: Unutilized
Comment: 1232 sq. ft., stucco-wood frame; most recent use—housing.

Bldg. 615
Point Arena Air Force Station
(See County) Co: Mendocina CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010243
Status: Unutilized
Comment: 1232 sq. ft., stucco-wood frame; most recent use—housing.

Bldg. 616
Point Arena Air Force Station
(See County) Co: Mendocina CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010244
Status: Unutilized
Comment: 1232 sq. ft., stucco-wood frame; most recent use—housing.

Bldg. 617
Point Arena Air Force Station
(See County) Co: Mendocina CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010245
Status: Unutilized
Comment: 1232 sq. ft., stucco-wood frame; most recent use—housing.

Bldg. 618
Point Arena Air Force Station
(See County) Co: Mendocina CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010246
Status: Unutilized
Comment: 1232 sq. ft., stucco-wood frame; most recent use—housing.

Florida

Bldg. SF–97
Port Mayaca Lock & Spillway
9 miles north of Canal Point
Port Mayaca Co: Martin FL 33438–
Landholding Agency: COE
Property Number: 319340001
Status: Unutilized
Comment: 1700 sq. ft., 1-story concrete block/stucco, most recent use—laboratory, off-site use only.

Guam

Anderson VOR
In the municipality of Dededo
Dededo Co: Guam GU 96912–
Location: Access is through Route 1 and Route 3, Marine Drive.
Landholding Agency: Air Force
Property Number: 189010267
Status: Unutilized
Comment: 550 sq. ft.; 1 story perm/concrete; on 226 acres.

Anderson Radio Beacon Annex
In the municipality Dededo
Dededo Co: Guam GU 96912–
Location: Approximately 7.2 miles southwest of Anderson AFB proper; access is from Route 3, Marine Drive.
Landholding Agency: Air Force
Property Number: 189010268
Status: Unutilized
Comment: 480 sq. ft.; 1 story perm/concrete; on 25 acres; most recent use—radio beacon facility.

Annex No. 4
Anderson Family Housing
Municipality of Dededo
Dededo Co: Guam GU 96912–
Location: Access is through Route 1, Marine Drive.
Landholding Agency: Air Force
Property Number: 189010545
Status: Underutilized
Comment: various sq. ft.; 1 story frame/modified quonset; on 376 acres; portions of building and land leased to Government of Guam.

Harmon VORsite (Portion) (AJKZ)
Municipality of Dededo
Dededo Co: Guam GU 96912–
Location: Approx. 12 miles southwest of Anderson AFB proper.
Landholding Agency: Air Force
Property Number: 189120234
Status: Unutilized
Comment: 550 sq. ft. bldg., needs rehab on 82 acres.

Idaho

Bldg. 121
Mountain Home Air Force Base
Main Avenue
(See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189030007
Status: Excess
Comment: 3375 sq. ft.; 1 story wood frame; potential utilities; needs rehab; presence of asbestos; building is set on piers; most recent use—medical administration, veterinary services.

Illinois

Bldg. 7
Ohio River Locks & Dam No. 53
Grant Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010001
Status: Unutilized
Comment: 900 sq. ft.; 1 floor wood frame; most recent use—residence.

Bldg. 6
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010002
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 5
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010003
Status: Unutilized

Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 4
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010004
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 3
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010005
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame.

Bldg. 2
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010006
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 1
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010007
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Indiana

Bldg. 01, Monroe Lake
Monore Cty. Rd. 37 North to Monroe Dam Rd.
Bloomington Co: Monroe IN 47401–8772
Landholding Agency: COE
Property Number: 319140002
Status: Unutilized
Comment: 1312 sq. ft., 1 story brick residence, off-site use only.

Bldg. 02, Monroe Lake
Monroe Cty. Rd. 37 North to Monroe Dam Rd.
Bloomington Co: Monroe IN 47401–8772
Landholding Agency: COE
Property Number: 319140003
Status: Unutilized
Comment: 1312 sq. ft., 1 story brick residence, off-site use only.

Iowa

Bldg. 00627
Sioux Gateway Airport
Sioux City Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 189310001
Status: Unutilized
Comment: 1923 sq. ft., 1-story concrete block bldg., most recent use—storage, pigeon infested.

Bldg. 00669
Sioux Gateway Airport
Sioux City Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 189310002
Status: Unutilized
Comment: 1113 sq. ft., 1-story concrete block bldg., contamination clean-up in process.

Bldg. 00106, Fort Dodge
Ft. Dodge Co: Webster IA 50501–
Landholding Agency: Air Force
Property Number: 189310051
Status: Unutilized
Comment: 200 sq. ft., 1-story wood frame, needs rehab, most recent use—storage.

Bldg. —Prairie Ridge
Rathbun Lake Project, R.R. #3
Centerville Co: Appanoose IA 52544–
Landholding Agency: COE
Property Number: 319340002
Status: Unutilized
Comment: water storage tower, off-site use only.

Bldg. —Bridgeview
Rathbun Lake Project, R.R. #3
Centerville Co: Appanoose IA 52544–
Landholding Agency: COE
Property Number: 319340003
Status: Unutilized
Comment: 416 sq. ft., 1-story, most recent use—storage, needs major rehab, off-site use only.

Bldg.—Island View
Rathbun Lake Project, R.R. #3
Centerville Co: Appanoose IA 52544–
Landholding Agency: COE
Property Number: 319340004
Status: Unutilized
Comment: 416 sq. ft., 1-story, most recent use—storage, needs major rehab, off-site use only.

Bldg.—Rolling Cove
Rathbun Lake Project, R.R. #3
Centrville Co: Appanoose IA 52544–
Landholding Agency: COE
Property Number: 319340005
Status: Unutilized
Comment: 416 sq. ft., 1-story, most recent use—storage, needs major rehab, off-site use only.

Kansas

Trailer—Clinton Lake
Rt. 5, Box 109B
Lawrence Co: Douglas KS 66046–
Landholding Agency: COE
Property Number: 319410003
Status: Excess
Comment: double-wide trailer (24x50), most recent use—residence, needs repair, off-site use only.

Kentucky

Geen River Lock & Dam #3
Rochester Co: Butler KY 42273–
Location: SR 70 west from Morgantown, KY., approximately 7 miles to site.
Landholding Agency: COE
Property Number: 319010022
Status: Unutilized
Comment: 980 sq. ft.; 2 story wood frame; two story residence; potential utilities; needs major rehab.

Kentucky River Lock and Dam 3
Pleasureville Co: Henry KY 40057–
Location: SR 421 North from Frankfort, KY. to highway 561, right on 561 approximately 3 miles to site.
Landholding Agency: COE
Property Number: 319010060
Status: Unutilized
Comment: 897 sq. ft.; 2 story wood frame; structural deficiencies.

Bldg. 1
Kentucky River Lock and Dam
Carrolton Co: Carroll KY 41008–
Location: Take I–71 to Carrolton, KY exist, go east on SR #227 to Highway 320, then left for about 1.5 miles to site.
Landholding Agency: COE
Property Number: 319011628
Status: Unutilized
Comment: 1530 sq. ft.; 2 story wood frame house; subject to periodic flooding; needs rehab.

Bldg. 2
Kentucky River Lock and Dam
Carrolton Co: Carroll KY 41008–
Location: Take I–71 to Carrolton, KY exit, go east on SR #227 to highway 320, then left for about 1.5 miles to site.
Landholding Agency: COE
Property Number: 319011629
Status: Unutilized
Comment: 1530 sq. ft.; 2 story wood frame house; subject to periodic flooding; needs rehab.

Utility Bldg, Nolin River Lake
Moutardier Recreation Site Co: Edmonson KY
Landholding Agency: COE
Property Number: 319320002
Status: Unutilized
Comment: 541 sq. ft., concrete block, off-site use only.

Bldg. 2—Green River Lake
544 Lake Road
Campbellsville Co: Taylor KY 42718–9805
Landholding Agency: COE
Property Number: 319410001
Status: Unutilized
Comment: 1620 sq. ft., one story, brick veneer residence, presence of asbestos, off-site use only.

Bldg. 1—Green River Lake
544 Lake Road
Campbellsville Co: Taylor KY 42718–9805
Landholding Agency: COE
Property Number: 319410002
Status: Unutilized
Comment: 1260 sq. ft., one story, brick veneer residence, presence of asbestos, off-site use only.

Louisiana

Barksdale Radio Beacon Annex
Barksdale Radio Beacon Annex
Curtis Co: Bossier LA 71111–
Location: 7 miles south of Bossier City on highway 71 south; left 1¼ miles on highway C1552.
Landholding Agency: Air Force
Property Number: 189010269
Status: Unutilized
Comment: 360 sq. ft.; 1 story wood/concrete; on 11.25 acres.

Michigan

Bldg. 30
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010779
Status: Excess

Comment: 2593 sq. ft.; 1 floor; concrete block; possible asbestos; potential utilities; most recent use—communications transmitter building.

Bldg. 46
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010786
Status: Excess
Comment: 5898 sq. ft.; 2 story; concrete block; potential utilities; possible asbestos; most recent use—visiting personnel housing.

Bldg. 51
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010791
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 52
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010792
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 53
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010793
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 54
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010794
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 55
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010795
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 56
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010796
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 57
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010797
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 58
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010798
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 59
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010799
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 60
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010800
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 61
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010801
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 62
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010802
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 63
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010803
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 64
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010804
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 65
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010805
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 66
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010806
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 67
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010807
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 68
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010808
Status: Excess
Comment: 1478 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 70
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010809
Status: Excess
Comment: 1394 sq. ft.; 1 story concrete block, possible asbestos; most recent use—youth center.

Bldg. 72
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010811
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 73
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010812
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 74
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010813
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 75
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010814
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 76
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010815
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 77
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010816
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 78

Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010817
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 79
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010818
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 80
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010819
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 81
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010820
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 82
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010821
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 83
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010822
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 84
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010823
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 85
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010824
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 86
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010825
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 87
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010826
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 88
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010827
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 89
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010828
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 97
Calumet Air Force Station
Calumet Co: Keneenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010829
Status: Excess
Comment: 171 sq. ft.; 1 floor; potential utilities; most recent use—pump house.

Bldg. 98
Calumet Air Force Station
Calumet Co: Keneenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010830
Status: Excess
Comment: 114 sq. ft.; 1 floor; potential utilities; most recent use—pump house.

Bldg. 10
Calumet Air Force Station
Calumet Co: Keneenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010836
Status: Excess
Comment: 1056 sq. ft.; 1 story wood frame residence.

Bldg. 216
Calumet Air Force Station
Calumet Co: Keneenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010847
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 217
Calumet Air Force Station
Calumet Co: Keneenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010847
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 218
Calumet Air Force Station
Calumet Co: Keneenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010849
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 219
Calumet Air Force Station
Calumet Co: Keneenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010850
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 220
Calumet Air Force Station
Calumet Co: Keneenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010851
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 221
Calumet Air Force Station
Calumet Co: Keneenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010852
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 222
Calumet Air Force Station
Calumet Co: Keneenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010853
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 223
Calumet Air Force Station
Calumet Co: Keneenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010854
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 224
Calumet Air Force Station
Calumet Co: Keneenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010855
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 215
Calumet Air Force Station
Calumet Co: Keneenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010856
Status: Excess
Comment: 390 sq. ft.; 1 story wood frame housing garage.

Bldg. 212
Calumet Air Force Station
Calumet Co: Keneenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010859
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 214
Calumet Air Force Station
Calumet Co: Keneenaw MI 49913–

Landholding Agency: Air Force
Property Number: 189010861
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 23
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913-
Landholding Agency: Air Force
Property Number: 189010865
Status: Excess
Comment: 44 sq. ft.; 1 story; metal frame; prior use—storage of fire hoses.

Bldg. 24
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913-
Landholding Agency: Air Force
Property Number: 189010866
Status: Excess
Comment: 44 sq. ft.; 1 story; metal frame; prior use—storage of fire hoses.

Bldg. 36
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913-
Landholding Agency: Air Force
Property Number: 189010872
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 37
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913-
Landholding Agency: Air Force
Property Number: 189010873
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 201
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913-
Landholding Agency: Air Force
Property Number: 189010879
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Montana

Bldg. 00007
Havre Air Force Station Co: Hill MT 59501-
Landholding Agency: Air Force
Property Number: 189330066
Status: Unutilized
Comment: 992 sq. ft., 1-stroy metal, most recent use—auto/hobby shop.

Bldg. 00008
Havre Air Force Station Co: Hill MT 59501-
Landholding Agency: Air Force
Property Number: 189330067
Status: Unutilized
Comment: 2640 sq. ft., 1-story metal, most recent use—vehicle parking.

Bldg. 00016
Havre Air Force Station Co: Hill MT 59501-
Landholding Agency: Air Force
Property Number: 189330068
Status: Unutilized
Comment: 3604 sq. ft., 1-story cinder block, most recent use—storage.

Bldg. 00023
Havre Air Force Station Co: Hill MT 59501-
Landholding Agency: Air Force
Property Number: 189330069
Status: Unutilized
Comment: 3315 sq. ft., 1-story wood, most recent use—fire station.

Bldg. 00024
Havre Air Force Station Co: Hill MT 59501-
Landholding Agency: Air Force
Property Number: 189330070
Status: Unutilized
Comment: 5016 sq. ft., 1-story brick, most recent use—dormitory.

Bldg. 00027
Havre Air Force Station Co: Hill MT 59501-
Landholding Agency: Air Force
Property Number: 189330071
Status: Unutilized
Comment: 14280 sq. ft., 1-story cinder block, most recent use—recreation center and commissary store.

Bldg. 00029
Havre Air Force Station Co: Hill MT 59501-
Landholding Agency: Air Force
Property Number: 189330072
Status: Unutilized
Comment: 63 sq. ft., 1-story metal.

Bldg. 00031
Havre Air Force Station Co: Hill MT 59501-
Landholding Agency: Air Force
Property Number: 189330073
Status: Unutilized
Comment: 3130 sq. ft., 1-story cinder block, most recent use—maintenance shop and admin.

Bldg. 00032
Havre Air Force Station Co: Hill MT 59501-
Landholding Agency: Air Force
Property Number: 189330074
Status: Unutilized
Comment: 64 sq. ft., metal, most recent use—storage.

Bldg. 00035
Havre Air Force Station Co: Hill MT 59501-
Landholding Agency: Air Force
Property Number: 189330075
Status: Unutilized
Comment: 2252 sq. ft., 4-story metal, most recent use—storage.

Bldg. 00039
Harve Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330076
Status: Unutilized
Comment: 21924 sq. ft., 1-story masonry, most recent use—storage.

Bldg. 00040
Harve Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330077
Status: Unutilized
Comment: 874 sq. ft., 1-story masonry, most recent use—storage.

Bldg. 00041
Harve Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330078
Status: Unutilized
Comment: 108 sq. ft., 1-story masonry.

Bldg. 00042
Harve Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330079
Status: Unutilized
Comment: 760 sq. ft., 1-story masonry, most recent use—warehouse.

Bldg. 00044
Harve Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330080
Status: Unutilized
Comment: 3298 sq. ft., 1-story metal, most recent use—wood hobby shop.

Bldg. 51, 52, 56, 58
Harve Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330081
Status: Unutilized
Comment: 1352 sq. ft. each, 1-story wood, most recent use—residential.

Bldg. 53–55, 57, 59, 61, 63, 65, 67, 69, 71
Harve Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330082
Status: Unutilized
Comment: 1152 sq. ft. each, 1-story wood, most recent use—residential.

Bldg. 60, 62, 64, 66, 68
Harve Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330083
Status: Unutilized
Comment: 1361 sq. ft. each, 1-story wood, most recent use—residential.

Bldg. 70, 72, 74, 78
Harve Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330084
Status: Unutilized
Comment: 1455 sq. ft. each, 1-story wood, most recent use—residential.

Bldg. 76, 80
Harve Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330085
Status: Unutilized
Comment: 1343 sq. ft. each, 1-story wood, most recent use—residential.

Bldg. 82
Harve Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330086
Status: Unutilized
Comment: 1553 sq. ft. each, 1-story wood, most recent use—residential.

Bldg. 150, 152, 154, 156, 158, 160, 162, 164, 168, 170, 172, 174, 176, 178, 180, 182, 184—Harve Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330087
Status: Unutilized
Comment: 1247 sq. ft. each, 1-story wood, most recent use—residential.

Bldg. 106–109, 112–113
Harve Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330088
Status: Unutilized
Comment: 36 sq. ft. each, most recent use—fire hose house.

Bldg. 202, 204, 206, 212, 214, 216, 218
Harve Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330089
Status: Unutilized
Comment: 72 sq. ft. each, most recent use—storage units.

Bldg. 208, 210
Harve Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330090
Status: Unutilized
Comment: 36 sq. ft. each, most recent use—storage.

Bldg.—Conrad Training Site
15 miles east of the City of Conrad Co: Pondera MT 59425–
Landholding Agency: Air Force
Property Number: 189420025
Status: Unutilized
Comment: 7000 sq. ft., 1-story brick, most recent use—technical training site.

New Jersey

Sandy Hook Light
Middletown Co: Monmouth NJ 07732–
Location: Adjacent to Gateway National Recreation Area
Landholding Agency: DOT
Property Number: 879340001
Status: Unutilized
Comment: Brick 29' base diameter lighthouse, historic structure, needs major rehab.

North Carolina

Dwelling 1
USCG Coinjock Housing
Coinjock Co: Currituck NC 27923–
Landholding Agency: DOT
Property Number: 879120083
Status: Unutilized
Comment: one story wood residence, periodic flooding in garage and utility room occurs in heavy rainfall.

Dwelling 2
USCG Coinjock Housing
Coinjock Co: Currituck NC 27923–
Landholding Agency: DOT
Property Number: 879120084
Status: Unutilized
Comment: one story wood residence, periodic flooding in garage and utility room occurs in heavy rainfall.

Dwelling 3
USCG Coinjock Housing
Coinjock Co: Currituck NC 27923–
Landholding Agency: DOT
Property Number: 879120085
Status: Unutilized
Comment: one story wood residence, periodic flooding in garage and utility room occurs in heavy rainfall.

Ohio

Barker Historic House
Willow Island Locks and Dam
Newport Co: Washington OH 45768–9801
Location: Located at lock site, downstream of lock and dam structure
Landholding Agency: COE
Property Number: 319120018
Status: Unutilized
Comment: 1600 sq. ft. bldg. with ½ acre of land; 2 story brick frame, needs rehab, on Natl Register of Historic Places, no utilities, off-site use only.

William H. Harsha Lake Bldg.
3782 Williamsburg-Bantam Road
Batavia Co: Clermont OH 45106–
Landholding Agency: COE
Property Number: 319240011
Status: Unutilized
Comment: 1568 sq. ft., wood frame residence, needs major repairs, off-site use only.

Pennsylvania

Mahoning Creek Reservoir
New Bethlehem Co: Armstrong PA 16242–
Landholding Agency: COE
Property Number: 319210008
Status: Unutilized
Comment: 1015 sq. ft., 2 story brick residence, off-site use only.

South Carolina

Bldg. 1
J. S. Thurmond Dam and Reservoir
Clarks Hill Co: McCormick SC 29821–
Location: ½ mile east of Resource Managers Office.
Landholding Agency: COE
Property Number: 319011544
Status: Excess
Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage, off-site removal only.

Bldg. 2
J. S. Thurmond Dam and Reservoir
Clarks Hill Co: McCormick SC 29821–
Location: ½ mile east of Resource Managers Office.
Landholding Agency: COE
Property Number: 319011545
Status: Excess
Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage, off-site removal only.

Bldg. 3
J. S. Thurmond Dam and Reservoir
Clarks Hill Co: McCormick SC 29821–
Location: ½ mile east of Resource Managers Office.
Landholding Agency: COE
Property Number: 319011546
Status: Excess
Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage, off-site removal only.

Bldg. 4
J. S. Thurmond Dam and Reservoir
Clarks Hill Co: McCormick SC 29821–
Location: ½ mile east of Resource Managers Office.
Landholding Agency: COE
Property Number: 319011547
Status: Excess
Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage, off-site removal only.

Bldg. 5
J. S. Thurmond Dam and Reservoir
Clarks Hill Co: McCormick SC
Location: ½ mile east of Resource Managers Office.
Landholding Agency: COE
Property Number: 319011548
Status: Excess
Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage, off-site removal only.

South Dakota

West Communications Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Mead SD 57706–
Landholding Agency: Air Force
Property Number: 189340051
Status: Unutilized
Comment: 2 bldgs. on 2.37 acres, remote area, lacks infrastructure, road hazardous during winter storms, most recent use—industrial storage.

Bldg. 1, Fort Randall
Lake Francis Case Project
RR 2, Box 20
Bonesteel Co: Gregory SD 57317–
Landholding Agency: COE
Property Number: 319410004
Status: Unutilized
Comment: 1403 sq. ft., 2-story residence, basement is full of water, off-site use only.

Garage 1, Fort Randall
Lake Francis Case Project
RR 2, Box 20
Bonesteel Co: Gregory SD 57317–
Landholding Agency: COE
Property Number: 319410005
Status: Unutilized
Comment: 364 sq. ft. garage, off-site use only.

Garage 2, Fort Randall
Lake Francis Case Project
RR 2, Box 20
Bonesteel Co: Gregory SD 57317
Landholding Agency: COE
Property Number: 319410006
Status: Unutilized
Comment: 288 sq. ft. garage, off-site use only.

Granary, Fort Randall
Lake Francis Case Project
RR 2, Box 20
Bonesteel Co: Gregory SD 57317–
Landholding Agency: COE
Property Number: 319410007
Status: Unutilized
Comment: 448 sq. ft., most recent use—storage, off-site use only.

Barn #1, Fort Randall
Lake Francis Case Project
RR 2, Box 20
Bonesteel Co: Gregory SD 57317–
Landholding Agency: COE
Property Number: 319410008
Status: Unutilized
Comment: 2400 sq. ft. barn, most recent use—storage, off-site use only.

Barn #2, Fort Randall
Lake Francis Case Project
RR 2, Box 20
Bonesteel Co: Gregory SD 57317–
Landholding Agency: COE
Property Number: 319410009
Status: Unutilized
Comment: 1248 sq. ft. barn, most recent use—storage, off-site use only.

Machine Shed, Fort Randall
Lake Francis Case Project
RR 2, Box 20
Bonesteel Co: Gregory SD 57317–
Landholding Agency: COE
Property Number: 319410010
Status: Unutilized
Comment: 2275 sq. ft., most recent use—storage, off-site use only.

Concrete Silo, Fort Randall
Lake Francis Case Project
RR 2, Box 20
Bonesteel Co: Gregory SD 57317–
Landholding Agency: COE
Property Number: 319410011
Status: Unutilized
Comment: 18,000 bushel capacity, most recent use—storage, off-site use only.

Metal Silo, Fort Randall
Lake Francis Case Project
RR 2, Box 20
Boneteel Co: Gregory SD 57317–
Landholding Agency: COE
Property Number: 319410012
Status: Unutilized
Comment: 16,000 bushel capacity, most recent use—storage, off-site use only.

Shed, Fort Randall
Lake Francis Case Project
RR 2, Box 20
Bonesteel Co: Gregory SD 57317–
Landholding Agency: COE
Property Number: 319410013
Status: Unutilized
Comment: 120 sq. ft., most recent use—hog production, off-site use only.

Chicken Coop, Fort Randall
Lake Francis Case Project
RR 2, Box 20
Bonesteel Co: Gregory SD 57317–
Landholding Agency: COE
Property Number: 319410014
Status: Unutilized
Comment: 160 sq. ft., most recent use—chicken production, off-site use only.

Texas

Bldg. 121
Lauglin Air Force Base Co: Val Verde TX 788843–5000
Landholding Agency: Air Force
Property Number: 189420026
Status: Unutilized
Comment: 11202 sq. ft., 1-story, needs rehab, presence of asbestos, secured area with alternate access.

Bldg. 348
Lauglin Air Force Base Co: Val Verde TX 78843–5000
Landholding Agency: Air Force
Property Number: 189420027
Status: Unutilized
Comment: 1799 sq. ft., 1-story, needs rehab, presence of asbestos, secured area with alternate access.

Bldg. 475
Lauglin Air Force Base Co: Val Verde TX 78843–5000
Landholding Agency: Air Force
Property Number: 18920028
Status: Unutilized
Comment: 1083 sq. ft., 1-story, needs rehab, secured area with alternate access.

Cabin, Texoma Lake
Lot 100, Tract 673, Mill Creek Estates Co: Grayson TX
Landholding Agency: COE
Property Number: 319330003
Status: Excess
Comment: 975 sq. ft., 1-story wood frame with asbestos and masonite wall, most recent use—residential, off-site use only.

House, Texoma Lake
Lot 102, Tract 669, Mill Creek Estates Co: Grayson TX
Landholding Agency: COE
Property Number: 319330004
Status: Excess
Comment: 1296 sq. ft., 1-story brick veneer, most recent use—residential, off-site use only.

Virginia

Housing
Rt. 637—Gwynnville Road
Gwynn Island Co: Mathews VA 23066–
Landholding Agency: DOT
Property Number: 879120082
Status: Unutilized
Comment: 929 sq. ft., one story residence.

West Virginia

House—Stonewall Jackson Lake
Entrance to State Park off Route 19
Roanoke Bay Co: Lewis WV 26452–
Landholding Agency: COE
Property Number: 319320007
Status: Excess
Comment: 2367 sq. ft., 1-story frame residence, off-site use only.

Wisconsin

Former Lockmaster's Dwelling
Cedar Locks
4527 East Wisconsin Road
Appleton Co: Outagamie WI 54911–
Landholding Agency: COE
Property Number: 319011524
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Appleton 4th Lock
905 South Lowe Street
Appleton Co: Outagamie WI 54911–
Landholding Agency: COE
Property Number: 319011525
Status: Unutilized
Comment: 908 sq. ft.; 2 story wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Kaukauna 1st Lock
301 Canal Street
Kaukauna Co: Outagamie WI 54131–
Landholding Agency: COE
Property Number: 319011527
Status: Unutilized
Comment: 1290 sq. ft.; 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Appleton 1st Lock
905 South Oneida Street
Appleton Co: Outagamie WI 54911–
Landholding Agency: COE
Property Number: 319011531
Status: Unutilized
Comment: 1300 sq. ft.; potential utilities; 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Rapid Croche Lock
Lock Road
Wrightstown Co: Outagamie WI 54180–
Location: 3 miles southwest of intersection State Highway 96 and Canal Road.
Landholding Agency: COE
Property Number: 319011533
Status: Unutilized
Comment: 1952 sq. ft.; 2 story wood frame residence; potential utilities; needs rehab.

Former Lockmaster's Dwelling
Little KauKauna Lock
Little KauKauna
Lawrence Co: Brown WI 54130–
Location: 2 miles southeasterly from intersection of Lost Dauphin Road (County Trunk Highway "D") and River Street.
Landholding Agency: COE
Property Number: 319011535
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rahab.

Former Lockmaster's Dwelling
Little Chute, 2nd Lock
214 Mill Street
Little Chute Co: Outagamie WI 54140–
Landholding Agency: COE
Property Number: 319011536
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; potential utilities; needs rehab; secured area with alternate access.

Land (by State)

Arkansas

Parcel 01
DeGray Lake
Section 12
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010071
Status: Unutilized
Comment: 77.6 acres.

Parcel 02
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010072
Status: Unutilized
Comment: 198.5 acres.

Parcel 03
DeGray Lake
Section 18
Arkadelphia Co: 71923–9361
Landholding Agency: COE
Property Number: 319010073
Status: Unutilized
Comment: 50.46 acres.

Parcel 04
DeGray Lake
Section 24, 25, 30 and 31
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010074
Status: Unutilized
Comment: 236.37 acres.

Parcel 05
DeGray Lake
Section 16
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010075
Status: Unutilized
Comment: 187.30 acres.

Parcel 06
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010076
Status: Unutilized
Comment: 13.0 acres.

Parcel 07
DeGray Lake
Section 34
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 319010077
Status: Unutilized
Comment: 0.27 acres.

Parcel 08
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010078
Status: Unutilized
Comment: 14.6 acres.

Parcel 09

DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 319010079
Status: Unutilized
Comment: 6.60 acres.

Parcel 10
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 319010080
Status: Unutilized
Comment: 4.5 acres.

Parcel 11
DeGray Lake
Section 19
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 319010081
Status: Unutilized
Comment: 19.50 acres.

Lake Greeson
Section 7, 8 and 18
Murfreesboro Co: Pike AR 71958–9720
Landholding Agency: COE
Property Number: 319010083
Status: Unutilized
Comment: 46 acres.

Old Lock & Dam site No. 6
Ouachita-Black Rivers Navigation Proj. Co: Ashley/Union AR
Landholding Agency: GSA
Property Number: 549420007
Status: Excess
Comment: 62.37 acres in two tracts, no known utilities potential
GSA Number: 7–D–AR–549.

California

60 ARG/DE
Travis ILS Outer Marker Annex
Rio-Dixon Road
Travis AFB Co: Solano CA 94535–5496
Location: State Highway 113
Landholding Agency: Air Force
Property Number: 189010189
Status: Excess
Comment: .13 acres; most recent use—location for instrument landing systems equipment.

Lake Mendocino
1160 Lake Mendocino Drive
Ukiah Co: Mendocino CA 95482–9404
Landholding Agency: COE
Property Number: 319011015
Status: Unutilized
Comment: 20 acres; steep, dense brush; potential utilities.

Guam

Annex 1
Andersen Communication
Dededo Co: Guam GU 96912–
Location: In the municipality of Dededo.
Landholding Agency: Air Force
Property Number: 189010427
Status: Underutilized
Comment: 862 acres; subject to utilities easements.

Annex 2, (Partial)
Andersen Petroleum Storage
Dededo Co: Guam GU 96912–
Location: In the municipality of Dededo.
Landholding Agency: Air Force
Property Number: 189010428
Status: Underutilized
Comment: 35 acres; subject to utilities easements.

Illinois

Lake Shelbyville
Shelbyville Co: Shelby & Moultr IL 62565–9804
Landholding Agency: COE
Property Number: 319240004
Status: Unutilized
Comment: 5 parcels of land equalling 0.70 acres, improved w/4 small equipment storage bldgs. and a small access road, easement restrictions.

Indiana

Portion of Tract No. 116
Huntington Lake
Huntington Co: Huntington IN 46750–
Landholding Agency: COE
Property Number: 3193200001
Status: Excess
Comment: 3.41 acres with road easement.

Kansas

Parcel 1
El Dorado Lake
Section 13, 24, and 18
(See County) Co: Butler KS
Landholding Agency: COE
Property Number: 319010064
Status: Unutilized
Comment: 61 acres; most recent use—recreation.

Parcels #2 and #3
Fall River Lake
Section 25 and 26 Co: Greenwood KS
Landholding Agency: COE
Property Number: 319010066
Status: Excess
Comment: 64.24 acres; most recent use—recreation
GSA Number: 7–D–KS–0513.

Kentucky

Tract 2625
Barkley Lake, Kentucky, and Tennessee
Cadiz Co: Trigg KY 42211–
Location: Adjoining the village of Rockcastle.
Landholding Agency: COE
Property Number: 319010025
Status: Excess
Comment: 2.57 acres; rolling and wooded.

Tract 2709–10 and 2710–2
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 319010026
Status: Excess
Comment: 2.00 acres; steep and wooded.

Tract 2708–1 and 2709–1
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 319010027
Status: Excess
Comment: 3.59 acres; rolling and wooded; no utilities.

Tract 2800
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 4½ miles in a southeasterly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 319010028
Status: Excess
Comment: 5.44 acres; steep and wooded.

Tract 2915
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 6½ miles west of Cadiz.
Landholding Agency: COE
Property Number: 319010029
Status: Excess
Comment: 5.76 acres; steep and wooded; no utilities.

Tract 2702
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 1 mile in a southerly direction from the village of Rockcastle
Landholding Agency: COE
Property Number: 319010031
Status: Excess
Comment: 4.90 acres; wooded; no utilities.

Tract 4318
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: Trigg Co. adjoining the city of Canton, KY on the waters of Hopson Creek.
Landholding Agency: COE
Property Number: 319010032
Status: Excess
Comment: 8.24 acres; steep and wooded.

Tract 4502
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 3½ miles in a southerly direction from Canton, KY.
Landholding Agency: COE
Property Number: 319010033
Status: Excess
Comment: 4.26 acres; steep and wooded.

Tract 4611
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 5 miles south of Canton, KY.
Landholding Agency: COE
Property Number: 319010034
Status: Excess
Comment: 10.51 acres; steep and wooded; no utilities.

Tract 4619
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 4½ miles south from Canton, KY.
Landholding Agency: COE
Property Number: 319010035
Status: Excess
Comment: 2.02 acres; steep and wooded; no utilities.

Tract 4817
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 6½ miles south of Canton, KY.
Landholding Agency: COE
Property Number: 319010036
Status: Excess
Comment: 1.75 acres; wooded.

Tract 1217
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: On the north side of the Illinois Central Railroad.

Landholding Agency: COE
Property Number: 319010042
Status: Excess
Comment: 5.80 acres; steep and wooded.

Tract 1906
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 4 miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010044
Status: Excess
Comment: 25.86 acres; rolling steep and partially wooded; no utilities.

Tract 1907
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038–
Location: On the waters of Pilfen Creek, 4 miles east of Eddyville, KY
Landholding Agency: COE
Property Number: 319010045
Status: Excess
Comment: 8.71 acres; rolling steep and wooded; no utilities.

Tract 2001 #1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 4½ miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010046
Status: Excess
Comment: 47.42 acres; steep and wooded; no utilities.

Tract 2001 #2
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 4½ miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010047
Status: Excess
Comment: 8.64 acres; steep and wooded; no utilities.

Tract 2005
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 5½ miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010048
Status: Excess
Comment: 4.62 acres; steep and wooded; no utilities.

Tract 2307
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 7½ miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010049
Status: Excess
Comment: 11.43 acres; steep; rolling and wooded; no utilities.

Tract 2403
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: 7 miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010050
Status: Excess
Comment: 1.56 acres; steep and wooded; no utilities.

Tract 2504
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: 9 miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010051
Status: Excess
Comment: 24.46 acres; steep and wooded; no utilities.

Tract 214
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: South of the Illinois Central Railroad, 1 mile east of the Cumberland River.
Landholding Agency: COE
Property Number: 319010052
Status: Excess
Comment: 5.5 acres; wooded; no utilities.

Tract 215
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Landholding Agency: COE
Property Number: 319010053
Status: Excess
Comment: 1.40 acres; wooded; no utilities.

Tract 241
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Landholding Agency: COE
Property Number: 319010054
Status: Excess
Comment: 1.26 acres; steep and wooded; no utilities.

Tract 306, 311, 315 and 325
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 2.5 miles southwest of Kuttawa, KY. on the waters of Cypress Creek.
Landholding Agency: COE
Property Number: 319010055
Status: Excess
Comment: 38.77 acres; steep and wooded; no utilities.

Tracts 2305, 2306, and 2400–1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: 6½ miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010056
Status: Excess
Comment: 97.66 acres; steep rolling and wooded; no utilities.

Tract 500–2
Barkley Lake, Kentucky and Tennessee
Kuttawa Co: Lyon KY 42055–
Location: Situated on the waters of Poplar Creek, approximately 1 mile southwest of Kuttawa, KY.
Landholding Agency: COE
Property Number: 319010057
Status: Excess
Comment: 3.58 acres; hillside ridgeland and wooded; no utilities.

Tracts 5203 and 5204
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Location: Village of Linton, KY state highway 1254.
Landholding Agency: COE
Property Number: 319010058
Status: Excess
Comment: 0.93 acres, rolling, partially wooded; no utilities.

Tract 5240
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Location: 1 mile northwest of Linton, KY.
Landholding Agency: COE
Property Number: 319010059
Status: Excess
Comment: 2.26 acres; steep and wooded; no utilities.

Tract 4628
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 4½ miles south from Canton, KY.
Landholding Agency: COE
Property Number: 319011621
Status: Excess
Comment: 3.71 acres; steep and wooded; subject to utility easements.

Tract 4619–B
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 4½ miles south from Canton, KY.
Landholding Agency: COE
Property Number: 319011622
Status: Excess
Comment: 1.73 acres; steep and wooded; subject to utility easements.

Tract 2403–B
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038–
Location: 7 miles southeasterly from Eddyville, KY.
Landholding Agency: COE
Property Number: 319011623
Status: Unutilized
Comment: 0.70 acres, wooded; subject to utility easements.

Tract 241–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: South of Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Landholding Agency: COE
Property Number: 319011624
Status: Excess
Comment: 11.16 acres; steep and wooded; subject to utility easements.

Tracts 212 and 237
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Landholding Agency: COE
Property Number: 319011625
Status: Excess
Comment: 2.44 acres; steep and wooded; subject to utility easements.

Tract 215–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Landholding Agency: COE
Property Number: 319011626
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract 233
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Landholding Agency: COE

Property Number: 319011627
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract B—Markland Locks & Dam
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw Co: Gallatin KY 41095–
Landholding Agency: COE
Property Number: 319130002
Status: Unutilized
Comment: 10 acres, most recent use—recreational, possible periodic flooding.

Tract A—Markland Locks & Dam
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw Co: Gallatin KY 41095–
Landholding Agency: COE
Property Number: 319130003
Status: Unutilized
Comment: 8 acres, most recent use—recreational, possible periodic flooding.

Tract C—Markland Locks & Dam
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw Co: Gallatin KY 41095–
Landholding Agency: COE
Property Number: 319130005
Status: Unutilized
Comment: 4 acres, most recent use—recreational, possible periodic flooding.

Tract N–819
Dale Hollow Lake & Dam Project
Illwill Creek, Hwy 90
Hobart Co: Clinton KY 42601–
Landholding Agency: COE
Property Number: 319140009
Status: Underutilized
Comment: 91 acres, most recent use—hunting, subject to existing easements.

Portion of Lock & Dam No. 1
Kentucky River
Carrolton Co: Carroll KY 41008–0305
Landholding Agency: COE
Property Number: 319320003
Status: Unutilized
Comment: approx. 3.5 acres (sloping), access monitored.

Portion of Lock & Dam No. 2
Kentucky River
Lockport Co: Henry KY 40036–9999
Landholding Agency: COE
Property Number: 319320004
Status: Underutilized
Comment: approx. 13.14 acres (sloping), access monitored.

Louisiana

Wallace Lake Dam and Reservoir
Shreveport Co: Caddo LA 71103–
Landholding Agency: COE
Property Number: 319011009
Status: Unutilized
Comment: 11 acres; wildlife/forestry; no utilities.

Bayou Bodcau Dam and Reservoir
Haughton Co: Caddo LA 71037–9707
Location: 35 miles Northeast of Shreveport, La.
Landholding Agency: COE
Property Number: 319011010
Status: Unutilized
Comment: 203 acres; wildlife/forestry; no utilities.

Michigan

Calumet Air Force Station
Section 1, T57N, R31W
Houghton Township
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010862
Status: Excess
Comment: 34 acres; potential utilities.

Calumet Air Force Station
Section 31, T58N, R30W
Houghton Township
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010863
Status: Excess
Comment: 3.78 acres; potential utilities.

Minnesota

Parcel D
Pine River
Cross Lake Co: Crow Wing MN 56442–
Location: 3 miles from city of Cross Lake, between highways 6 and 371.
Landholding Agency: COE
Property Number: 319011038
Status: Excess
Comment: 17 acres; no utilities.

Tract 92
Sandy Lake
McGregor Co: Aitkins MN 55760–
Location: 4 miles west of highway 65, 15 miles from city of McGregor.
Landholding Agency: COE
Property Number: 319011040
Status: Excess
Comment: 4 acres; no utilities.

Tract 98
Leech Lake
Benedict Co: Hubbard MN 56641–
Location: 1 mile from city of Federal Dam, Mn.
Landholding Agency: COE
Property Number: 319011041
Status: Excess
Comment: 7.3 acres; no utilities.

Mississippi

Parcel 7
Grenada Lake
Sections 22, 23, T24N
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011019
Status: Underutilized
Comment: 100 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 8
Grenada Lake
Section 20, T24N
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011020
Status: Underutilized
Comment: 30 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 9
Grenada Lake
Section 20, T24N, R7E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011021
Status: Underutilized
Comment: 23 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 10
Grenada Lake
Sections 16, 17, 18 T24N R8E
Grenada Co: Calhoun MS 38901–0903
Landholding Agency: COE
Property Number: 319011022
Status: Underutilized
Comment: 490 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 2
Grenada Lake
Section 20 and T23N, R5E
Grenada Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 319011023
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 3
Grenada Lake
Section 4, T23N, R5E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011024
Status: Underutilized
Comment: 120 acres; no utilities; most recent use—wildlife and forestry management; (13.5 acres/agriculture lease).

Parcel 4
Grenada Lake
Section 2 and 3. T23N, R5E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011025
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 5
Grenada Lake
Section 7, T24N, R6E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011026
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management; (14 acres/agriculture lease).

Parcel 6
Grenada Lake
Section 9, T24N, R6E
Grenada Co: Yalobusha MS 38903–0903
Landholding Agency: COE
Property Number: 319011027
Status: Underutilized
Comment: 80 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 11
Grenada Lake
Section 20, T24N, R8E
Grenada Co: Calhoun MS 38901–0903
Landholding Agency: COE
Property Number: 319011028
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 12
Grenada Lake
Section 25, T24N, R7E
Grenada Co: Yalobusha MS 38390–10903
Landholding Agency: COE
Property Number: 319011029
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 13

Grenada Lake
Section 34, T24N, R7E
Grenada Co: Yalobusha MS 38903–0903
Landholding Agency: COE
Property Number: 319011030
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management; (11 acres/agriculture lease).

Parcel 14
Grenada Lake
Section 3, T23N, R6E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011031
Status: Underutilized
Comment: 15 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 15
Grenada Lake
Section 4, T24N, R6E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011032
Status: Underutilized
Comment: 40 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 16
Grenada Lake
Section 9, T23N, R6E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011033
Status: Underutilized
Comment: 70 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 17
Grenada Lake
Section 17, T23N, R7E
Grenada Co: Grenada MS 28901–0903
Landholding Agency: COE
Property Number: 319011034
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 18
Grenada Lake
Section 22, T23N, R7E
Grenada Co: Grenada MS 28902–0903
Landholding Agency: COE
Property Number: 319011035
Status: Underutilized
Comment: 10 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 19
Grenada Lake
Section 9, T22N, R7E
Grenada Co: Grenada MS 28901–0903
Landholding Agency: COE
Property Number: 319011036
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management.

Missouri

Harry S Truman Dam & Reservoir
Warsaw Co: Benton MO 65355–
Location: Triangular shaped parcel southwest of access road "B", part of Bledsoe Ferry Park Tract 150.
Landholding Agency: COE
Property Number: 319030014
Status: Underutilized
Comment: 1.7 acres; potential utilities.

Montana

120 acres, Fort Peck Lake Proj Co: McCone MT
Location: Twp 21 north, RNG 43 east, Section 34, N/2NE/4, Section 35, NW/4NW/4
Landholding Agency: COE
Property Number: 319220005
Status: Unutilized
Comment: 120.00 acres, rough & rugged terrain GSA Number: 7–D–MT–4137–FF.

Ohio

Hannibal Locks and Dam
Ohio River
P.O. Box 8
Hannibal Co: Monroe OH 43931–0008
Location: Adjacent to the new Martinsville Bridge.
Landholding Agency: COE
Property Number: 319010015
Status: Underutilized
Comment: 22 acres; river bank.

Oklahoma

Pine Creek Lake
Section 27
(See County) Co: McCurtain OK
Landholding Agency: COE
Property Number: 319010923
Status: Unutilized
Comment: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3.

Pennsylvania

Mahoning Creek Lake
New Bethlehem Co: Armstrong PA 16242–9603
Location: Route 28 north to Belknap, Road #4
Landholding Agency: COE
Property Number: 319010018
Status: Excess
Comment: 2.58 acres; steep and densely wooded.

Tracts 610, 611, 612
Shenango River Lake
Sharpsville Co: Mercer PA 16150–
Location: I–79 North, I–80 West, Exit Sharon. R18 North 4 miles, left on R518, right on Mercer Avenue.
Landholding Agency: COE
Property Number: 319011001
Status: Excess
Comment: 24.09 acres; subject to flowage easement.

Tracts L24, L26
Crooked Creek Lake
Co: Armstrong PA 03051–
Location: Left bank—55 miles downstream of dam.
Landholding Agency: COE
Property Number: 319011011
Status: Unutilized
Comment: 7.59 acres; potential for utilities.

Puerto Rico

La Hueca—Naval Station
Roosevelt Roads
Vieques PR 00765–
Landholding Agency: GSA
Property Number: 549420006
Status: Excess
Comment: 323 acres, cultural site.

Tennessee

Tract 6827
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 2½ miles west of Dover, TN.
Landholding Agency: COE
Property Number: 319010927
Status: Excess
Comment: .57 acres; subject ot existing easements.

Tracts 6002–2 and 6010
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 3½ miles south of village of Tabaccoport.
Landholding Agency: COE
Property Number: 319010928
Status: Excess
Comment: 100.86 acres; subject to existing easements.

Tract 11516
Barkley Lake
Ashland City Co: Dickson TN 37015–
Location: ½ mile downstream from Cheatham Dam
Landholding Agency: COE
Property Number: 319010929
Status: Excess
Comment: 26.25 acres; subject to existing easements.

Tract 2319
J. Percy Priest Dam and Resorvoir
Murfreesboro Co: Rutherford TN 37130–
Location: West of Buckeye Bottom Road
Landholding Agency: COE
Property Number: 319010930
Status: Excess
Comment: 14.48 acres; subject to existing easements.

Tract 2227
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: Old Jefferson Pike
Landholding Agency: COE
Property Number: 319010931
Status: Excess
Comment: 2.27 acres; subject to existing easements.

Tract 2107
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: Across Fall Creek near Fall Creek camping area.
Landholding Agency: COE
Property Number: 319010932
Status: Excess
Comment: 14.85 acres; subject to existing easements.

Tracts 2601, 2602, 2603, 2604
Cordell Hull Lake and Dam Project
Doe Row Creek
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 56
Landholding Agency: COE
Property Number: 319010933
Status: Unutilized
Comment: 11 acres; subject to existing easements.

Tract 1911
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: East of Lamar Road
Landholding Agency: COE
Property Number: 319010934
Status: Excess
Comment: 15.31 acres; subject to existing easements.

Tract 2321

J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: South of Old Jefferson Pike
Landholding Agency: COE
Property Number: 319010935
Status: Excess
Comment: 12 acres; subject to existing easements.

Tract 7206
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 2½ miles SE of Dover, TN.
Landholding Agency: COE
Property Number: 319010936
Status: Excess
Comment: 10.15 acres; subject to existing easements.

Tracts 8813, 8814
Barkley Lake
Cumberland Co: Stewart TN 37050–
Location: 1½ miles East of Cumberland City.
Landholding Agency: COE
Property Number: 319010937
Status: Excess
Comment: 96 acres; subject to existing easements.

Tract 8911
Barkley Lake
Cumberland City Co: Montgomery TN 37050–
Location: 4 miles east of Cumberland City.
Landholding Agency: COE
Property Number: 319010938
Status: Excess
Comment: 7.7 acres; subject to existing easements.

Tract 11503
Barkley Lake
Ashland City Co.: Cheatham TN 37015–
Location: 2 miles downstream from Cheatham Dam.
Landholding Agency: COE
Property Number: 319010939
Status: Excess
Comment: 1.1 acres; subject to existing easements.

Tracts 11523, 11524
Barkley Lake
Ashland City Co: Cheatham TN 37015–
Location: 2½ miles downstream from Cheatham Dam.
Landholding Agency: COE
Property Number: 319010940
Status: Excess
Comment: 19.5 acres; subject to existing easements.

Tract 6410
Barkley Lake
Bumpus Mills Co: Stewart TN 37028–
Location: 4½ miles SW of Bumpus Mills.
Landholding Agency: COE
Property Number: 319010941
Status: Excess
Comment: 17 acres; subject to existing easements.

Tract 9707
Barkley Lake
Palmyer Co: Montgomery TN 37142–
Location: 3 miles NE of Palmyer, TN. Highway 149
Landholding Agency: COE
Property Number: 319010943
Status: Excess
Comment: 6.6 acres; subject to existing easements.

Tract 6949
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 1½ miles SE of Dover, TN.
Landholding Agency: COE
Property Number: 319010944
Status: Excess
Comment: 29.67 acres; subject to existing easements.

Tracts 6005 and 6017
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 3 miles south of Village of Tobaccoport.
Landholding Agency: COE
Property Number: 319011173
Status: Excess
Comment: 5 acres; subject to existing easements.

Tracts K–1191, K–1135
Old Hickory Lock and Dam
Hartsville Co: Trousdale TN 37074–
Landholding Agency: COE
Property Number: 319130007
Status: Underutilized
Comment: 92 acres (38 acres in floodway), most recent use—recreation.

Tract A–102
Dale Hollow Lake & Dam Project
Canoe Ridge, State Hwy 52
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 319140006
Status: Underutilized
Comment: 351 acres, most recent use—hunting, subject to existing easements.

Tract A–120
Dale Hollow Lake & Dam Project
Swann Ridge, State Hwy No. 53
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 319140007
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements.

Tracts A–20, A–21
Dale Hollow Lake & Dam Project
Red Oak Ridge, State Hwy No. 53
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 319140006
Status: Underutilized
Comment: 821 acres, most recent use—recreation, subject to existing easements.

Tract D–185
Dale Hollow Lake & Dam Project
Ashburn Creek, Hwy No. 53
Livingston Co: Clay TN 38570–
Landholding Agency: COE
Property Number: 319140010
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements.

Texas

Parcel #222
Lake Texoma Co: Grayson, TX
Location: C. Meyerheim survey A–829 J. Hamilton survey A–529
Landholding Agency: COE
Property Number: 319010421
Status: Excess
Comment: 52.80 acres; most recent use—recreation.

Suitable/Unavailable Properties

Buildings (by State)

California

Hawes Site (KHGM)
March AFB
Hinckley Co: San Bernardino CA 92402–
Landholding Agency: Air Force
Property Number: 189010084
Status: Unutilized
Comment: 9,290 sq ft.; 2 story concrete; most recent use—radio relay station; possible asbestos; land belongs to Bureau of Land Management; potential utilities.

Sante Fe Flood Control Basin
Irwindale Co: Los Angeles CA 91706–
Landholding Agency: COE
Property Number: 319011298
Status: Unutilized
Comment: 1,400 sq. ft.; 1 story stucco; needs rehab; termite damage; secured area with alternate access.

Florida

Bldg. CN7
Ortona Lock Reservation, Okeechobee Waterway
Ortona Co: Glades FL 33471–
Location: Located off Highway 78 approximately 7 miles west of intersection with Highway 27.
Landholding Agency: COE
Property Number: 319010012
Status: Unutilized
Comment: 1,468 sq. ft.; one floor wood frame; most recent use—residence; secured with alternate access.

Bldg. CN8
Ortona Lock Reservation, Okeechobee Waterway
Ortona Co: Glades FL 33471–
Location: Located off Highway 78 approximately 7 miles west of intersection with Highway 27.
Landholding Agency: COE
Property Number: 319010013
Status: Unutilized
Comment: 1,468 sq. ft.; one floor wood frame; most recent use—residence; secured with alternate access.

Bldg. SF–83
Moore Haven Lock & Dam
Ockeechobee Waterway
Moore Haven Co: Glades FL 33471–
Landholding Agency: COE
Property Number: 319310006
Status: Unutilized
Comment: 1,441 sq. ft.; 1-story frame residence; average condition; restricted access

Guam

Bldg. 99, Loran Station—C
Barrigada GU 96913–
Landholding Agency: DOT
Property Number: 879220002
Status: Excess
Comment: 3,960 sq ft. concrete block transmitting station with tower

Maine

Mount Desert Rock Light
U.S. Coast Guard
Southwest Harbor Co: Hancock ME 04679–
Landholding Agency: DOT
Property Number: 879240023
Status: Unutilized
Comment: 1,600 sq. ft.; 2 story wood frame dwelling; needs rehab; limited utilities;

limited access; property is subject to severe storms.

Little River Light
U.S. Coast Guard
Cutler Co: Washington ME
Landholding Agency: DOT
Property Number: 879240026
Status: Unutilized
Comment: 1,100 sq. ft.; 2-story wood frame dwelling; well is contaminated; limited utilities.

Burnt Island Light
U.S. Coast Guard
Southport Co: Lincoln ME 04576–
Landholding Agency: DOT
Property Number: 879240027
Status: Unutilized
Comment: 750 sq. ft.; 2-story wood frame dwelling.

Massachusetts

Keepers Dwelling
Cape Ann Light, Thachers Island
U.S. Coast Guard
Rockport Co: Essex MA 01966–
Landholding Agency: DOT
Property Number: 879240024
Status: Unutilized
Comment: 1,000 sq. ft.; 2-story brick dwelling; large wave action with severe ocean storms.

Assistant Keepers Dwelling
Cape Ann Light, Thachers Island
U.S. Coast Guard
Rockport Co: Essex MA 01966–
Landholding Agency: DOT
Property Number: 879240025
Status: Unutilized
Comment: 1,000 sq. ft.; 2-story wood frame dwelling; large wave action with severe ocean storms.

Michigan

Bldg. 20
Calumet Air Force Station
Calmut Co: Keweenaw, MI 49913–
Landholding Agency: Air Force
Property Number: 189010775
Status: Excess
Comment: 13,404 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—warehouse/supply facility.

Bldg. 21
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010776
Status: Excess
Comment: 2,146 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—storage.

Bldg. 22
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010777
Status: Excess
Comment: 1,546 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—administrative facility.

Bldg. 28
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010778
Status: Excess
Comment: 1,000 sq. ft.; 1 floor; possible asbestos; potential utilities; most recent use—maintenance facility.

Bldg. 40
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010780
Status: Excess
Comment: 2,069 sq. ft.; 2 floors; concrete block; possible asbestos; potential utilities; most recent use—administrative facility.

Bldg. 41
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010781
Status: Excess
Comment: 2,069 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—dormitory..

Bldg. 42
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010782
Status: Excess
Comment: 4,017 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—dining hall.

Bldg. 43
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010783
Status: Excess
Comment: 3,674 sq. ft.; 2 story; concrete block; potential utilities; possible asbestos; most recent use—dormitory.

Bldg. 44
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010784
Status: Excess
Comment: 7,216 sq. ft.; 2 story; concrete block; possible asbestos; potential utilities; most recent use—dormitory.

Bldg. 45
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010785
Status: Excess
Comment: 6,070 sq. ft.; 2 story; concrete block; potential utilities; possible asbestos; most recent use—administrative facility.

Bldg. 47
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010787
Status: Excess
Comment: 83 sq. ft.; 1 story; concrete block; potential utilities; most recent use—storage.

Bldg. 48
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010788
Status: Excess
Comment: 96 sq. ft.; 1 story; concrete block; potential utilities; most recent use—storage.

Bldg. 49
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010789
Status: Excess
Comment: 1,944 sq. ft.; 1 story; concrete block; potential utilities; most recent use—dormitory.

Bldg. 50
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010790
Status: Excess
Comment: 6,171 sq. ft.; 1 story; concrete block; potential utilities; possible asbestos; most recent use—Fire Department vehicle parking building.

Bldg. 14
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010833
Status: Excess
Comment: 6,751 sq. ft.; 1 floor concrete block; possible asbestos; most recent use—gymnasium.

Bldg. 16
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010834
Status: Excess
Comment: 3,000 sq. ft.; 1 floor concrete block; most recent use—commissary facility.

Bldg. 9
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010835
Status: Excess
Comment: 1,056 sq. ft.; 1 story wood frame residence.

Bldg. 11
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010837
Status: Excess
Comment: 1,056 sq. ft.; 1 floor wood frame residence.

Bldg. 12
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010838
Status: Excess
Comment: 1,056 sq. ft.; 1 story wood frame residence.

Bldg. 13
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010839
Status: Excess
Comment: 1,056 sq. ft.; 1 story wood frame residence.

Bldg. 5
Calumet Air Force Station

Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010840
Status: Excess
Comment: 864 sq. ft.; 1 floor wood frame residence; possible asbestos.

Bldg. 6
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010841
Status: Excess
Comment: 864 sq. ft.; 1 floor wood frame residence; possible asbestos.

Bldg. 7
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010842
Status: Excess
Comment: 864 sq. ft.; 1 story wood frame residence; possible asbestos.

Bldg. 8
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010843
Status: Excess
Comment: 864 sq. ft.; 1 floor wood frame residence; possible asbestos.

Bldg. 4
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010844
Status: Excess
Comment: 2,340 sq. ft.; 1 floor concrete block; most recent use—heating facility.

Bldg. 3
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010845
Status: Excess
Comment: 5,314 sq. ft.; 1 floor concrete block; possible asbestos; most recent use—maintenance shop and office.

Bldg. 1
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010846
Status: Excess
Comment: 4,528 sq. ft.; 1 floor concrete block; possible asbestos; most recent use—office.

Bldg. 158
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010857
Status: Excess
Comment: 3,603 sq. ft.; 1 story concrete/steel; possible asbestos; most recent use—electrical power station.

Bldg. 15
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010864
Status: Excess
Comment: 538 sq..ft.; 1 floor; concrete/wood structure; potential utilities; most recent use—gymnasium facility.

Bldg. 31
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010867
Status: Excess
Comment: 36 sq. ft.; 1 story; metal frame; prior use—storage of fire hoses.

Bldg. 32
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010868
Status: Excess
Comment: 36 sq. ft.; 1 story metal frame; prior use—storage of fire hoses.

Bldg. 33
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010869
Status: Excess
Comment: 36 sq. ft.; 1 story metal frame; prior use—storage of fire hoses.

Bldg. 34
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010870
Status: Excess
Comment: 36 sq. ft.; 1 story metal frame; prior use—storage of fire hoses.

Bldg. 35
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010871
Status: Excess
Comment: 36 sq. ft.; 1 story metal frame; prior use—storage of fire hose.

Bldg. 39
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010874
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 202
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010880
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 203
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010881
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 204
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010882
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 205
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010883
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 206
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010884
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 207
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010885
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 153
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010886
Status: Excess
Comment: 4,314 sq. ft.; 2 story concrete block facility; (radar tower bldg.) potential use—storage.

Bldg. 154
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010887
Status: Excess
Comment: 8,960 sq. ft.; 4 story concrete block facility; (radar tower bldg.) potential use—storage.

Bldg. 157
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010888
Status: Excess
Comment: 3,744 sq. ft.; 1 story concrete/steel facility; (radar tower bldg.); potential use—storage.

Missouri

Jefferson Barracks ANG Base
Missouri National Guard
1 Grant Road
St. Louis Co: St. Louis MO 63125–4118
Landholding Agency: Air Force
Property Number: 189010081
Status: Underutilized
Comment: 20 acres; portion near flammable materials; portion on archaeological site; special fencing required.

Nebraska

Bldg. 4, Hastings Family Hsg.
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320059
Status: Excess
Comment: 19,370 sq. ft., brick frame, 1-story, possible asbestos, most recent use—recreation.

Bldg. 500
Hastings Family Housing
Hastings Radar Bomb Scoring Site

Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320060
Status: Excess
Comment: 4,984 sq. ft., 2-story plus ½ basement wood frame family housing, possible asbestos.

Bldg. 502
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320061
Status: Excess
Comment: 2,108 sq. ft., 2-story plus ½ basement wood frame family housing, possible asbestos.

Bldg. 504
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320062
Status: Excess
Comment: 2,852 sq. ft., 2-story plus ½ basement wood frame family housing, possible asbestos.

Bldg. 506
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320063
Status: Excess
Comment: 2,960 sq. ft., 2-story plus ¾ basement wood frame family housing, possible asbestos.

Bldg. 507
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320064
Status: Excess
Comment: 2,154 sq. ft., 2-story plus ½ basement wood frame family housing, possible asbestos.

Bldg. 509
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320065
Status: Excess
Comment: 2,404 sq. ft., 2-story plus ½ basement wood frame family housing, possible asbestos.

Bldg. 511
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320066
Status: Excess
Comment: 3,156 sq. ft., 2-story plus full basement wood frame family housing, possible asbestos.

Bldg. 512
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320068
Status: Excess
Comment: 2,948 sq. ft., 2-story plus ¾ basement wood frame family housing, possible asbestos.

Bldg. 515
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320068
Status: Excess
Comment: 2,554 sq. ft., 2-story plus ½ basement wood frame family housing, possible asbestos.

Bldg. 517
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320069
Status: Excess
Comment: 2,554 sq. ft., 2-story plus ½ basement wood frame family housing, possible asbestos.

Bldg. 519
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320070
Status: Excess
Comment: 2,800 sq. ft., 2-story plus full basement wood frame family housing, possible asbestos.

Bldg. 521
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320071
Status: Excess
Comment: 2,268 sq. ft., 2-story plus ½ basement wood frame family housing, possible asbestos.

Bldg. 523
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320072
Status: Excess
Comment: 2,718 sq. ft., 2-story plus ¾ basement wood frame family housing, possible asbestos.

Bldg. 525
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320073
Status: Excess
Comment: 2,718 sq. ft., 2-story plus ¾ basement wood frame family housing, possible asbestos.

Bldg. 526
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320074
Status: Excess
Comment: 3,720 sq. ft., 1-story plus ½ basement wood frame family housing, possible asbestos.

Bldg. 529
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320075
Status: Excess
Comment: 2,252 sq. ft., 1-story plus ¾ basement wood frame family housing, possible asbestos.

Bldg. 531
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320076
Status: Excess
Comment: 2,782 sq. ft., 2-story plus ¾ basement wood frame family housing, possible asbestos.

Bldg. 533
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320077
Status: Excess
Comment: 2,324 sq. ft., 2-story plus ¼ basement wood frame family housing, possible asbestos.

Bldg. 534
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320078
Status: Excess
Comment: 3,276 sq. ft., 1-story plus ½ basement wood frame family housing, possible asbestos.

Bldg. 536
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320079
Status: Excess
Comment: 2,228 sq. ft., 2-story plus ½ basement wood frame family housing, possible asbestos.

Bldg. 538
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320080
Status: Excess
Comment: 2,228 sq. ft., 2-story plus full basement wood frame family housing, possible asbestos.

Bldg. 541
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320081
Status: Excess
Comment: 2,452 sq. ft., 2-story plus full basement wood frame family housing, possible asbestos.

Bldg. 542
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320082

Status: Excess
Comment: 2,566 sq. ft., 2-story plus ¾ basement wood frame family housing, possible asbestos.

Bldg. 544
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320083
Status: Excess
Comment: 3,488 sq. ft., 1-story plus full basement wood frame family housing, possible asbestos.

Bldg. 546
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320084
Status: Excess
Comment: 3,724 sq. ft., 1-story plus full basement wood frame family housing, possible asbestos.

Bldg. 549
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320085
Status: Excess
Comment: 2,624 sq. ft., 2-story plus ½ basement wood frame family housing, possible asbestos.

Bldg. 550
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320086
Status: Excess
Comment: 2,270 sq. ft., 2-story plus ½ basement wood frame family housing, possible asbestos.

Bldg. 552
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320087
Status: Excess
Comment: 2,358 sq. ft., 2-story plus ½ basement wood frame family housing, possible asbestos.

Bldg. 553
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320088
Status: Excess
Comment: 2,012 sq. ft., 2-story plus ½ basement wood frame family housing, possible asbestos.

Bldg. 555
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320089
Status: Excess
Comment: 2,286 sq. ft., 2-story plus full basement wood frame family housing, possible asbestos.

Bldg. 557
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320090
Status: Excess
Comment: 2,176 sq. ft., 1-story plus full basement wood frame family housing, possible asbestos.

Bldg. 558
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320091
Status: Excess
Comment: 2,052 sq. ft., 2-story plus ½ basement wood frame family housing, possible asbestos.

Bldg. 560
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320092
Status: Excess
Comment: 2,600 sq. ft., 2-story plus ¾ basement wood frame family housing, possible asbestos.

27 Detached Garages
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320093
Status: Excess
Comment: 280–708 sq. ft., wood frame, accommodates 1 to 3 vehicles, possible asbestos.

Bldg. 17
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320094
Status: Excess
Comment: 2,225 sq. ft., 1-story wood frame, most recent use—offices, needs rehab, possible asbestos.

Bldg. 16
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320095
Status: Excess
Comment: 3,278 sq. ft., 1-story plus basement brick frame, most recent use—storage, possible asbestos.

Bldg. 18
Hastings Radar Bomb Scoring Site
Hastings Co; Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320096
Status: Excess
Comment: 115 sq. ft., 1-story metal frame, most recent use—storage, no known utility potential.

Bldg. 6
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320097
Status: Excess
Comment: 256 sq. ft., 1-story wood frame, most recent use—storage, possible asbestos.

Bldg. 547
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320098
Status: Excess
Comment: 731 sq. ft., 1-story plus full basement wood frame, most recent use—storage, possible asbestos.

Bldg. 604
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320099
Status: Excess
Comment: 224 sq. ft., 1-story wood frame most recent use—storage.

New Hampshire

Bldg. 114
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189320055
Status: Excess
Comment: 2,606 sq. ft., 1-story, concrete block frame, possible asbestos, access restrictions, most recent use—storage.

Bldg. 115
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189320056
Status: Excess
Comment: 2,606 sq. ft., 1-story, concrete block frame, possible asbestos, access restrictions, most recent use—storage.

Bldg. 127
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189320057
Status: Excess
Comment: 698 sq. ft., 1-story, concrete and metal frame, possible asbestos, access restrictions, most recent use—storage.

Oklahoma

Govt. Quarters #1
Fort Supply Lake
Section 16, T 24 N, R 22 E
Ft. Supply Co: Woodward OK 73841–0248
Landholding Agency: COE
Property Number: 319330001
Status: Excess
Comment: 1,568 sq. ft., 1-story steel frame, most recent use—residential, off-site use only.

Govt. Quarters #2
Fort Supply Lake
Section 16, T 24 N, R 22 E
Ft. Supply Co: Woodward OK 73841–0248
Landholding Agency: COE
Property Number: 319330002
Status: Excess
Comment: 1,568 sq. ft., 1-story wood frame, most recent use—residential, off-site use only.

Tennessee

Transiet Quarters

Dale Hollow Lake and Dam Project
Dale Hollow Resource Mgr Office, Rt 1, Box 64
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 319140005
Status: Unutilized
Comment: 1,400 sq. ft., concrete block, possible security restrictions, subject to existing easements.

Texas

Bldg. 605
Brooks Air Force Base
San Antonio Co: Bexar TX 78235–
Landholding Agency: Air Force
Property Number: 189110090
Status: Unutilized
Comment: 392 sq. ft.; 1 story sheet metal building; most recent use—storage; possible asbestos; needs rehab.

Bldg. 696
Brooks Air Force Base
San Antonio Co: Bexar TX 78235–
Landholding Agency: Air Force
Property Number: 189110091
Status: Unutilized
Comment: 1,344 sq. ft.; possible asbestos; most recent use—auto hobby shop; needs rehab.

Bldg. 697
Brooks Air Force Base
San Antonio Co: Bexar TX 78235–
Landholding Agency: Air Force
Property Number: 189110092
Status: Unutilized
Comment: 770 sq. ft.; possible asbestos; most recent use—supply store; needs rehab.

Bldg. 698
Brooks Air Force Base
San Antonio Co: Bexar TX 78235–
Landholding Agency: Air Force
Property Number: 189110093
Status: Unutilized
Comment: 5,815 sq. ft.; 1 story corrugated iron; possible asbestos; needs rehab; most recent use—recreation, workshop.

Bldg. 699
Brooks Air Force Base
San Antonio Co: Bexar TX 78235–
Landholding Agency: Air Force
Property Number: 189110094
Status: Unutilized
Comment: 2,659 sq. ft.; 1 story; possible asbestos; most recent use—arts and crafts center.

Brownsville Urban System (Grantee)
700 South Iowa Avenue
Brownsville Co: Cameron TX 78520–
Landholding Agency: DOT
Property Number: 879010003
Status: Unutilized
Comment: 3,500 sq. ft.; 1 story concrete block, (2nd floor of Admin. Bldg.) on 10750 sq. ft. land, contains underground diesel fuel tanks.

Washington

Residence—Tract 1500–1
LSRFWCP Area, Hwy 12
Walla Walla Co: Walla Walla WA 99362–
Landholding Agency: COE
Property Number: 319320006
Status: Excess
Comment: 1,176 sq. ft.; 1-story frame residence, need roadway easement, off-site use only.

Wisconsin

Former Lockmaster's Dwelling
DePere Lock
100 James Street
De Pere Co: Brown WI 54115–
Landholding Agency: COE
Property Number: 319011526
Status: Unutilized
Comment: 1,224 sq. ft.; 2 story brick/wood frame residence; needs rehab; secured area with alternate access.

Land (by State)

California

Camp Kohler Annex
McClellan AFB
Sacramento Co: Sacramento CA 95652–5000
Landholding Agency: Air Force
Property Number: 189010045
Status: Unutilized
Comment: 35.30 acres + .11 acres easement; 30+ acres undeveloped; potential utilities; secured area; alternate access.

Norton Com. Facility Annex
McClellan AFB
Sixth and Central Streets
Highland Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010194
Status: Excess
Comment: 30.3 acres; most recent use—recreational area; portion subject to easements.

Florida

Parcel A & B
U.S. Coast Guard Light Station
Lots 1, 8 & 11, Section 31
Jupiter Inlet Co: Palm Beach FL 33420–
Location: Township 40 south, range 43 east
Landholding Agency: DOT
Property Number: 879010009
Status: Unutilized
Comment: 56.61 acres, area is uncleared, vegetation growth is heavy, no utilities.

Indiana

Portion of Tract 1219
Salamonie Lake, SR 9
Huntington Co: Huntington IN 46750–
Landholding Agency: COE
Property Number: 319310002
Status: Unutilized
Comment: 0.88 acre, potential utilities.

Portion of Tract No. 1220
Salamonie Lake, SR 9
Huntington Co: Huntington IN 46750–
Landholding Agency: COE
Property Number: 319310003
Status: Unutilized
Comment: 0.30 acre, potential utilities.

Portion of Tract No. 1207
Salamonie Lake, SR 9
Huntington Co: Huntington IN 46750–
Landholding Agency: COE
Property Number: 319310004
Status: Unutilized
Comment: 0.28 acre, potential utilities.

Kentucky

Carr Fork Lake
5 miles SE of Hindman, Ky., Hwy. 60
Hindman Co: Knott KY
Landholding Agency: COE
Property Number: 319240003
Status: Unutilized
Comment: 2.81 acres, most recent use—drainage area for bank stabilization for adjacent cemetery.

Montana

0.01 acre, Fort Peck Lake Proj Co: Valley MT
Location: Twp. 27 north, RNG 41 east, Section 33, E/2SE/4NW/4NE/4
Landholding Agency: COE
Property Number: 319220002
Status: Excess
Comment: 0.01 acre, small triangular parcel, rough/steep terrain.

0.05 acre, Fort Peck Lake Proj Co: Valley MT
Location: Twp 27 north, RNG 41 east, Section 33, E/2SE/4NW/4NE/4
Landholding Agency: COE
Property Number: 319220003
Status: Excess
Comment: 0.05 acre, narrow strip next to highway, steep/rough terrain
GSA Number: 7–D–MT–4137–FF.

122.60 acres
Fort Peck Lake Project Co: McCone MT
Location: Twp 26 north, RNG 42 east, Section 4, Lot 3, SW/4NE/4SE/4NW/4
Landholding Agency: COE
Property Number: 319220004
Status: Excess
Comment: 122.60 acres, rough & rugged terrain, grazing allotment administered by Bureau of Land Management.
GSA Number: 7–D–MT–4137–FF.

Oklahoma

45 acre parcel, Sardis Lake
SE¼ NE¼ Section 4, T 2 N, R 18 E Co: Pushmataha OK 74521–
Landholding Agency: COE
Property Number: 319140004
Status: Excess
Comment: approx. 45 acres, most recent use—fish and wildlife conservation.

Pennsylvania

East Branch Clarion River Lake
Wilcox Co: Elk PA
Location: Free camping area on the right bank off entrance roadway
Landholding Agency: COE
Property Number: 319011012
Status: Underutilized
Comment: 1 acre; most recent use—free Campground.

Texas

Part of Tract 340
Joe Pool Lake Co: Dallas TX
Landholding Agency: COE
Property Number: 319010400
Status: Unutilized
Comment: 1 acre; future use—recreation.

Washington

Portion of Tract 905
Lower Monumental Lock & Dam
½ mi SE of Lyons Ferry Marina Co: Whitman WA
Landholding Agency: COE
Property Number: 319320005
Status: Excess
Comment: 3.788 acres with encroaching private well.

Suitable/To be Excessed

Buildings (by State)

Massachusetts

Cuttyhunk Boathouse
South Shore of Cuttyhunk Pond
Gosnold Co: Dukes MA 02713–
Landholding Agency: DOT
Property Number: 879310001
Status: Unutilized
Comment: 2,700 sq. ft., wood frame, one story, needs rehab, limited utilities, off-site use only.

Nauset Beach Light
Nauset Beach Co: Barnstable MA
Landholding Agency: DOT
Property Number: 879420001
Status: Unutilized
Comment: 48 foot tower, cylindrical cast iron, most recent use—aid to navigation.

Plymouth Light Co: Plymouth MA
Landholding Agency: DOT
Property Number: 879420003
Status: Unutilized
Comment: 250 sq. ft. tower, and 2096 sq. ft. dwelling, wood frame, most recent use—aid to navigation/housing.

Michigan

Former C.G. Lightkeeper Sta.
Little Rapids Channel Project
St. Marys River
Sault Ste. Marie Co: Chippewa MI 49783–
Location: 3 miles east of downtown Sault Ste. Marie
Landholding Agency: COE
Property Number: 319011573
Status: Excess
Comment: 1,411 sq. ft.; 2 story; wood frame on .62 acres; needs rehab; secured area with alternate access.

Nevada

Bldg 300
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120001
Status: Unutilized
Comment: 1,573 sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 301
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120002
Status: Unutilized
Comment: 1,573 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 302
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120003
Status: Unutilized
Comment: 1,573 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 303
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120004
Status: Unutilized
Comment: 2,750 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 304
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120005
Status: Unutilized
Comment: 2,750 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 305
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120006
Status: Unutilized
Comment: 2,750 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 306
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120007
Status: Unutilized
Comment: 2,750 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 307
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120008
Status: Unutilized
Comment: 2,170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 308
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120009
Status: Unutilized
Comment: 2,170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 309
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120010
Status: Unutilized
Comment: 2,170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 310
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120011
Status: Unutilized
Comment: 2,170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 311
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120012
Status: Unutilized
Comment: 2,424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 312
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120013
Status: Unutilized
Comment: 2,424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 313
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120014
Status: Unutilized
Comment: 2,424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 314
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120015
Status: Unutilized
Comment: 2,424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 315
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120016
Status: Unutilized
Comment: 2,424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 316
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120017
Status: Unutilized
Comment: 2,424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 317
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120018
Status: Unutilized
Comment: 2,424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 318

Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120019
Status: Unutilized
Comment: 2,170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 319
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120020
Status: Unutilized
Comment: 2,424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 320
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120021
Status: Unutilized
Comment: 2,170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 321
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120022
Status: Unutilized
Comment: 2,170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 322
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120023
Status: Unutilized
Comment: 2,170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 323
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120024
Status: Unutilized
Comment: 1,233 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 324
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120025
Status: Unutilized
Comment: 2,424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 325
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120026
Status: Unutilized
Comment: 2,424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 326
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120027
Status: Unutilized
Comment: 2,424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 331
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120028
Status: Unutilized
Comment: 1,170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 332
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120029
Status: Unutilized
Comment: 1,170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 333
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120030
Status: Unutilized
Comment: 1,170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 334
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120031
Status: Unutilized
Comment: 1,170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 335
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120032
Status: Unutilized
Comment: 1,170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 336
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120033
Status: Unutilized
Comment: 1,170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 337
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120034
Status: Unutilized
Comment: 1,170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 338
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120035
Status: Unutilized
Comment: 1,170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 339
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120036
Status: Unutilized
Comment: 1,170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 340
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120037
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 341
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120038
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only

Bldg. 343
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120039
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 345
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120040
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 346
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120041

Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 348
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120042
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 349
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120043
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 350
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120044
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 351
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120045
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 352
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120046
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 353
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120047
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 400
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120048
Status: Unutilized
Comment: 2464 Sq. ft., one story, most recent use-maintenance shop, easement restrictions, potential utilities, off-site removal only.

Bldg. 402
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number : 189120049
Status: Unutilized
Comment: 2570 Sq. ft., one story, most recent use-Chapel, easement restrictions, potential utilities, off-site removal only.

Bldg. 404
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number : 189120050
Status: Unutilized
Comment: 2376 Sq. ft., one story, most recent use-religious education facility, easement restrictions, potential utilities, off-site removal only.

Bldg. 406
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number : 189120051
Status: Unutilized
Comment: 2605 Sq. ft., one story, most recent use-child care facility, easement restrictions, potential utilities, off-site removal only.

Bldg. 3027
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number : 189120052
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3028
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number : 189120053
Status: Unutilized
Comment: 60 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3029
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number : 189120054
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3030
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number : 189120055
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3031
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number : 189120056
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3032
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number : 189120057
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3033
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number : 189120058
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3034
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number : 189120059
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3035
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number : 189120060
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3036
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120061
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only

Bldg. 3037
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120062
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3038
Nellis Air Force Base
Indian Spring AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120063
Status: Unutilized

Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3039
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120064
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3040
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120065
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

New York

Point AuRoche Light Co: Clinton NY
Landholding Agency: DOT
Property Number: 879420002
Status: Unutilized
Comment: 471 sq. ft. tower, cut stone frame, most recent use—aid to navigation, needs rehab.

North Dakota

Bldg. 101
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110095
Status: Excess
Comment: 768 sq. ft., 2 bedroom single family housing unit; needs rehab; off-site use only.

Bldg. 102
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110096
Status: Excess
Comment: 988 sq. ft.; 3 bedroom single family housing unit; needs rehab; off-site use only.

Bldg. 103
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110097
Status: Excess
Comment: 988 sq. ft.; 3 bedroom single family housing unit; needs rehab; off-site use only.

Bldg. 104
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110098
Status: Excess
Comment: 988 sq. ft.; 3 bedroom single family housing unit; needs rehab; off-site use only.

Bldg. 105
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110099
Status: Unutilized
Comment: 988 sq. ft.; 3 bedroom single family housing unit; needs rehab; off-site use only.

Bldg. 106
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110100
Status: Excess
Comment: 988 sq. ft.; 3 bedroom single family housing unit; needs rehab; off-site use only.

Bldg. 107
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110101
Status: Excess
Comment: 768 sq. ft.; 2 bedroom single family housing unit; needs rehab; off-site use only.

Bldg. 110
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110102
Status: Excess
Comment: 768 sq. ft.; 2 bedroom single family housing unit; needs rehab; off-site use only.

Bldg. 111
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110103
Status: Excess
Comment: 768 sq. ft.; 2 bedroom single family housing unit; needs rehab; off-site use only.

Bldg. 112
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110104
Status: Excess
Comment: 1,510 sq. ft.; 3 bedroom single family housing unit with attached garage; needs rehab; off-site use only.

Bldg. 113
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110105
Status: Excess
Comment: 1,510 sq. ft.; 3 bedroom single family housing unit with attached garage; needs rehab; off-site use only.

Bldg. 114
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110106
Status: Excess
Comment: 1,510 sq. ft.; 3 bedroom single family housing unit with attached garage; needs rehab; off-site use only.

Bldg. 115
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110107
Status: Excess
Comment: 1,510 sq. ft.; 3 bedroom single family housing unit with attached garage; needs rehab; off-site use only.

Bldg. 116
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110108
Status: Excess
Comment: 1,510 sq. ft.; 3 bedroom single family housing unit with attached garage; needs rehab; off-site use only.

Bldg. 117
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110109
Status: Excess

Comment: 1,595 sq. ft., 3 bedroom single family housing unit with attached garage; needs rehab; off-site use only.

Bldg. 118
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110110
Status: Excess
Comment: 2,295 sq. ft., 4 bedroom single family housing unit, needs rehab; off-site use only.

Bldg. 119
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110111
Status: Excess
Comment: 1,595 sq. ft., 3 bedroom single family housing unit with attached garage; needs rehab; off-site use only.

Bldg. 120
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110112
Status: Excess
Comment: 1,595 sq. ft., 3 bedroom single family housing unit with attached garage; needs rehab; off-site use only

Bldg. 121
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110113
Status: Excess
Comment: 1,595 sq. ft., 3 bedroom single family housing unit with attached garage; needs rehab; off-site use only

Bldg. 122
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110114
Status: Excess
Comment: 1,595 sq. ft., 3 bedroom single family housing unit with attached garage; needs rehab; off-site use only

Bldg. 123
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110115
Status: Excess
Comment: 1,510 sq. ft., 3 bedroom single family housing unit with attached garage; needs rehab; off-site use only.

Bldg. 124
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110116
Status: Excess
Comment: 1,510 sq. ft., 3 bedroom single family housing unit with attached garage; needs rehab; off-site use only.

Bldg. 125
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110117
Status: Excess
Comment: 1,510 sq. ft., 3 bedroom single family housing unit with attached garage; needs rehab; off-site use only.

Bldg. 126
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110118
Status: Excess
Comment: 1510 sq. ft.; 3 bedroom single family housing unit with attached garage; needs rehab; off-site use only.

Bldg. 127
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110119
Status: Excess
Comment: 1510 sq. ft.; 3 bedroom single family housing unit with attached garage; needs rehab; off-site use only

Bldg. 128
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110120
Status: Excess
Comment: 1510 sq. ft.; 3 bedroom single family housing unit with attached garage; needs rehab; off-site use only.

Bldg. 129
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110121
Status: Excess
Comment: 1510 sq. ft.; 3 bedroom single family housing unit with attached garage; needs rehab; off-site use only.

Bldg. 141
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85
Landholding Agency: Air Force
Property Number: 189110122
Status: Excess
Comment: 364 sq. ft.; 1 stall vehicle garage; needs rehab; off-site use only.

Bldg. 142
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110123
Status: Excess
Comment: 624 sq. ft.; 2 stall vehicle garage; needs rehab; off-site use only.

Bldg. 143
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110124
Status: Excess
Comment: 624 sq. ft.; 2 stall vehicle garage; needs rehab; off-site use only.

Bldg. 144
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110125
Status: Excess
Comment: 624 sq. ft.; 2 stall vehicle garage; needs rehab; off-site use only.

Bldg. 145
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110126
Status: Excess
Comment: 624 sq. ft.; 2 stall vehicle garage; needs rehab; off-site use only.

Bldg. 201
Fortuna Air Force Base
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.

Landholding Agency: Air Force
Property Number: 189110127
Status: Excess
Comment: 1,203 Sq. ft.; 3 bedroom single family relocatable housing unit; needs rehab; off-site use only.

Bldg. 202
Fortuna Air Force Base
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110128
Status: Excess
Comment: 1,203 Sq. ft.; 3 bedroom single family relocatable housing unit; needs rehab; off-site use only.

Bldg. 203
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110129
Status: Excess
Comment: 1,203 Sq. ft.; 3 bedroom single family relocatable housing unit; needs rehab; off-site use only.

Bldg. 204
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110130
Status: Excess
Comment: 1,203 Sq. ft.; 3 bedroom single family relocatable housing unit; needs rehab; off-site use only.

Bldg. 205
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110131
Status: Excess
Comment: 1,203 Sq. ft.; 3 bedroom single family relocatable housing unit; needs rehab; off-site use only.

Bldg. 206
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110132
Status: Excess
Comment: 1,203 Sq. ft.; 3 bedroom single family relocatable housing unit; needs rehab; off-site use only.

Bldg. 207
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110133
Status: Excess
Comment: 1,203 Sq. ft.; 3 bedroom single family relocatable housing unit; needs rehab; off-site use only.

Bldg. 208
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110134
Status: Excess
Comment: 1,203 Sq. ft.; 3 bedroom single family relocatable housing unit; needs rehab; off-site use only.

Bldg. 209
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110135
Status: Excess
Comment: 1,203 Sq. ft.; 3 bedroom single family relocatable housing unit; needs rehab; off-site use only.

Bldg. 210
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110136
Status: Excess
Comment: 1203 sq. ft.; 3 bedroom single family relocatable housing unit; needs rehab; off-site use only.

Bldg. 211
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110137
Status: Excess
Comment: 1203 sq. ft.; 3 bedroom single family relocatable housing unit; needs rehab; off-site use only.

Bldg. 212
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110138
Status: Excess
Comment: 1203 sq. ft.; 3 bedroom single family relocatable housing unit; needs rehab; off-site use only.

Bldg. 213
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110139
Status: Excess
Comment: 1203 sq. ft.; 3 bedroom single family relocatable housing unit; needs rehab; off-site use only.

Bldg. 214
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110140
Status: Excess
Comment: 1203 sq. ft.; 3 bedroom single family relocatable housing unit; needs rehab; off-site use only.

Bldg. 215
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110141
Status: Excess
Comment: 1203 sq. ft.; 3 bedroom single family relocatable housing unit; needs rehab; off-site use only.

Bldg. 216
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110142
Status: Excess
Comment: 1203 sq. ft.; 3 bedroom single family relocatable housing unit; needs rehab; off-site use only.

Bldg. 217
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110143
Status: Excess
Comment: 1203 sq. ft.; 3 bedroom single family relocatable housing unit; needs rehab; off-site use only.

Bldg. 218
Fortuna Air Force Station
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110144
Status: Excess
Comment: 1203 sq. ft.; 3 bedroom single family relocatable housing unit; needs rehab; off-site use only.

Bldg. 221
Fortuna Air Force Base
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110145
Status: Excess
Comment: 672 sq. ft., 2 stall vehicle garage; needs rehab; off-site use only.

Bldg. 222
Fortuna Air Force Base
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110146
Status: Excess
Comment: 672 sq. ft., 2 stall vehicle garage; needs rehab; off-site use only.

Bldg. 223
Fortuna Air Force Base
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110147
Status: Excess
Comment: 672 sq. ft., 2 stall vehicle garage; needs rehab; off-site use only.

Bldg. 224
Fortuna Air Force Base
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110148
Status: Excess
Comment: 672 sq. ft., 2 stall vehicle garage; needs rehab; off-site use only.

Bldg. 225
Fortuna Air Force Base
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110149
Status: Excess
Comment: 672 sq. ft., 2 stall vehicle garage; needs rehab; off-site use only.

Bldg. 226
Fortuna Air Force Base
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110150
Status: Excess
Comment: 672 sq. ft., 2 stall vehicle garage; needs rehab; off-site use only.

Bldg. 227
Fortuna Air Force Base
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110151
Status: Excess
Comment: 672 sq. ft., 2 stall vehicle garage; needs rehab; off-site use only.

Bldg. 228
Fortuna Air Force Base
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110152
Status: Excess
Comment: 672 sq. ft., 2 stall vehicle garage; needs rehab; off-site use only.

Bldg. 229
Fortuna Air Force Base
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189110153
Status: Excess
Comment: 672 sq. ft., 2 stall vehicle garage; needs rehab; off-site use only.

Bldg. 1
Fortuna Air Force Base
Fortuna Co: Divide ND 58844–
Location: Located on North Dakota State Highway 5, four miles west of Fortuna and approximately 60 miles north of Williston via U.S. Highway 85.
Landholding Agency: Air Force
Property Number: 189310066
Status: Excess
Comment: 10,859 sq. ft., 1-story concrete, needs extensive repairs, presence of asbestos.

Bldg. 2
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310067
Status: Excess
Comment: 1543 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 4
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310068
Status: Excess
Comment: 1759 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 5
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310069
Status: Excess
Comment: 368 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 7
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310070
Status: Excess
Comment: 694 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 8
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310071
Status: Excess
Comment: 867 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 10
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310072
Status: Excess
Comment: 112 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 11
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310073
Status: Excess
Comment: 96 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 12
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310074
Status: Excess
Comment: 2198 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 13
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310075
Status: Excess
Comment: 2118 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 14
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310076
Status: Excess
Comment: 3462 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 15
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force

Property Number: 18930077
Status: Excess
Comment: 4182 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 16
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310078
Status: Excess
Comment: 3772 sq. ft., 2-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 17
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310079
Status: Excess
Comment: 2925 sq., ft. l-story concrete, needs extensive repairs, presence of asbestos.

Bldg. 18
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310080
Status: Excess
Comment: 5806 sq. ft., 2-story concrete, needs extensive repairs, presence of asbestos.

Bldg. 19
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310081
Status: Excess
Comment: 5806 sq. ft., 2-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 20
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 1893110082
Status: Excess
Comment: l882 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 21
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310083
Status: Excess
Comment: 192 sq. ft., 1-story wood frame, needs extensive repairs, presence of asbestos.

Bldg. 22
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310084
Status: Excess
Comment: 1571 sq. ft., 1-story wood frame needs extensive repairs, presence of asbestos.

Bldg. 23
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310085
Status: Excess
Comment: 1212 sq. ft., 1-story wood frame, needs extensive repairs, presence of asbestos.

Bldg. 24
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310086
Status: Excess
Comment: 2758 sq. ft. 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 26
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310087
Status: Excess
Comment: 302 sq. ft., 1-story wood frame, needs extensive repairs, presence of asbestos.

Bldg. 27
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310088
Status: Excess
Comment: 64 sq. ft. 1-story metal, needs extensive repairs, presence of asbestos.

Bldg. 28
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310089
Status: Excess
Comment: 4967 sq. ft., l-story wood frame, needs extensive repairs presence of asbestos.

Bldg. 30
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310090
Status: Excess
Comment: 4795 sq. ft., 1-story concrete, needs extensive repairs, presence of asbestos.

Bldg. 31
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310091
Status: Excess
Comment: 1,800 sq. ft., 1-story pre-fab metal, needs extensive repairs, presence of asbestos.

Bldg. 32
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310092
Status: Excess
Comment: 6,615 sq. ft., 1-story pre-fab metal, needs extensive repairs, presence of asbestos.

Bldg. 35
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310093
Status: Excess
Comment: 14,520 sq. ft., 5-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 36
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310094
Status: Excess
Comment: 949 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 37
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310095
Status: Excess
Comment: 288 sq. ft., pre-fab metal, needs extensive repairs, presence of asbestos.

Bldg. 38
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310096
Status: Excess
Comment: 5,687 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 40
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310097
Status: Excess
Comment: 576 sq. ft., 1-story pre-fab metal, needs extensive repairs, presence of asbestos.

Bldg. 52
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310098
Status: Excess
Comment: 160 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 55
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310099
Status: Excess
Comment: 1,003 sq. ft., 1-story pre-fab metal, needs extensive repairs, presence of asbestos.

Bldg. 56

Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310100
Status: Excess
Comment: 448 sq. ft., 1-story steel, needs extensive repairs, presence of asbestos.

Bldg. 57
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310101
Status: Excess
Comment: 3,854 sq. ft., 1-story wood frame, needs extensive repairs, presence of asbestos.

Bldg. 98
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310102
Status: Excess
Comment: 62 sq. ft., 1-story concrete block, needs extensive repairs, presence of asbestos.

Bldg. 100
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310103
Status: Excess
Comment: 768 sq. ft., 1-story wood frame, needs extensive repairs, presence of asbestos.

Bldg. 912
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310104
Status: Excess
Comment: 960 sq. ft., 1-story wood frame, needs extensive repairs, presence of asbestos.

Bldg. 300
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310105
Status: Excess
Comment: 2730 sq. ft., 1-story concrete, needs extensive repairs, presence of asbestos.

Bldgs. 41–49, 51, 61, 62
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310106
Status: Excess
Comment: 36–40 sq. ft., wood frame, no utilities, need extensive repairs, presence of asbestos, most recent use—fire hose storage.

Land (by State)

Florida

Springfield Annex (VZTD)
Tyndall Air Force Base
Springfield Co: Bay FL
Landholding Agency: Air Force
Property Number: 189240053
Status: Unutilized
Comment: 7.55 acres; improved w/parking lot, 2 loading ramps and railroad tracks.

Indiana

Cecil M. Harden Lake Project
Rockville Co: Parke IN 47872–
Location: Route 57 at intersection w/country road 910E.
Landholding Agency: COE
Property Number: 319011689
Status: Excess
Comment: 2.68 acres; narrow triangular shaped area of land.

Kansas

Parcel #1
Fall River Lake
Section 26 Co: Greenwood KS
Landholding Agency: COE
Property Number: 319010065
Status: Unutilized
Comment: 155 acres; most recent use—recreation and leased cottage sites.

Parcel No. 2, El Dorado Lake
Approx. 1 mi east of the town of El Dorado Co: Butler KS
Landholding Agency: COE
Property Number: 319210005
Status: Unutilized
Comment: 11 acres, part of a relocated railroad bed, rural area.

Massachusetts

Buffumville Dam
Flood Control Project
Gale Road
Carlton Co: Worcester MA 01540–0155
Location: Portions of tracts B–200, B-248, B–251, B–204, B–247, B–200 and B–256
Landholding Agency: COE
Property Number: 319010016
Status: Excess
Comment: 1.45 acres.

Conant Brook Dam
Flood Control Dam
Wales Road
Monson Co: Hampden MA 01057–
Location: Portion of Tract 211
Landholding Agency: COE
Property Number: 319010017
Status: Excess
Comment: 5.27 acres.

Hodges Village
Dam flood Control Project
Old Howarth Road
Oxford Co: Worcester MA 01540–0500
Location: Portion of Tract A–108, See Project Manager at Hodges Village Dam, Oxford, MA (508) 987–2600.
Landholding Agency: COE
Property Number: 319011006
Status: Excess
Comment: 3.22 acres.

Michigan

U.S. Coast Guard—Air Station
Traverse City Co: Grand Traverse MI 49684–
Landholding Agency: DOT
Property Number: 879120099
Status: Underutilized
Comment: 21.7 aces, most recent use—Helo landings.

Minnesota

Tract #3
Lac Qui Parle Flood Control Project
County Rd. 13
Watson Co: Lac Qui Parle MN 56295–
Landholding Agency: COE
Property Number: 319340006
Status: Unutilized
Comment: Approximately 2.9 acres, fallow land.

Tract #34
Lac Qui Parle Flood Control Project
Marsh Lake
Watson Co: Lac Qui Parle MN 56295–
Landholding Agency: COE
Property Number: 319340007
Status: Unutilized
Comment: Approx. 8 acres, fallow land.

Ohio

Middleport Public Access Site
Gallipolis Locks & Dam
Middleport Co: Meigs OH 45760–
Landholding Agency: COE
Property Number: 319230001
Status: Underutilized
Comment: Approximately 17.23 acres including parking lot, flowage easement, right-of-way for city street and utilities.

Oklahoma

Parcel No. 7
Kaw Lake
Section 27 Co: Kay OK
Landholding Agency: COE
Property Number: 319010842
Status: Excess
Comment: 21 acres; potential utilities; most recent use—recreation.

Pennsylvania

Dashields Locks and Dam
(Glenwillard, PA)
Crescent Twp. Co: Allegheny PA 15046–0475
Landholding Agency: COE
Property Number: 319210009
Status: Unutilized
Comment: 0.58 acres, most recent use—baseball field.

Tennessee

Tract D–456
Cheatham Lock and Dam
Ashland Co: Cheatham TN 37015–
Location: Right downstream bank of Sycamore Creek.
Landholding Agency: COE
Property Number: 319010942
Status: Excess
Comment: 8.93 acres; subject to existing easements.

Texas

Tract J–957
Whitney Lake
Bosque Co: Bosque TX
Location: Via Avenue B within the community of Kopperl.
Landholding Agency: COE
Property Number: 319110029
Status: Unutilized
Comment: .18 acres; potential utilities; encroachments on large portion of property.

Tract J–936
Whitney Lake

Bosque Co: Bosque TX
Location: Off F. M. Highway 56 within the community of Kopperl.
Landholding Agency: COE
Property Number: 319110032
Status: Unutilized
Comment: 5.4 acres; potential utilities.

Tract F–516 O.C. Fisher Lake
Parallel with Grape Creek Road
San Angelo Co: Tom Green TX 76902–3085
Landholding Agency: COE
Property Number: 319120002
Status: Unutilized
Comment: 2.13 acres, potential limited utilities.
GSA Number: 7–D–TX–0968–A.

Part of Tract 102 Segment 1
Bardwell Dam Road
Ennis Co: Ellis TX 75119–
Landholding Agency: COE
Property Number: 319140014
Status: Unutilized
Comment: Approx. 6.38 acres.
GSA Number: 7–D–TX–738–D.

Corpus Christi Ship Channel
Corpus Christi Co: Neuces TX
Location: East side of Carbon Plant Road, approx. 14 miles NW of downtown Corpus Christi
Landholding Agency: COE
Property Number: 319240001
Status: Unutilized
Comment: 4.4 acres, most recent use—farm land.

Unsuitable Properties

Buildings (by State)

Alabama

Bldg. 913
Maxwell AFB
Avenue "C"
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189010002
Status: Unutilized
Reason: Secured Area.

Bldg. 927
Maxwell AFB
Montgomery Co: Montgomery AL 36112–
Location: Off Avenue "C"
Landholding Agency: Air Force
Property Number: 189010003
Status: Unutilized
Reason: Secured Area.

Bldg. 935
Maxwell AFB
Montgomery Co: Montgomery AL 36112–
Location: Off Selfridge Street
Landholding Agency: Air Force
Property Number: 189010004
Status: Unutilized
Reason: Secured Area.

Bldg. 936
Maxwell AFB
Selfridge Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189010005
Status: Unutilized
Reason: Secured Area.

Bldg. 809
Gunter AFB
Montgomery Co: Montgomery AL 36114–
Location: Off Renfroe Street
Landholding Agency: Air Force
Property Number: 189010011
Status: Underutilized
Reason: Secured Area.

Bldg. 861
Gunter AFB
South Drive
Montgomery Co: Montgomery AL 36114–
Landholding Agency: Air Force
Property Number: 189010012
Status: Unutilized
Reason: Secured Area.

Bldg. 1011
Gunter AFB
Avenue "A"
Montgomery Co: Montgomery AL 36114–
Landholding Agency: Air Force
Property Number: 189010013
Status: Unutilized
Reason: Secured Area.

Bldg. 1022
Gunter AFB
Montgomery Co: Montgomery AL 36114–
Location: Adjacent to Avenues "A" and "C"
Landholding Agency: Air Force
Property Number: 189010015
Status: Underutilized
Reason: Secured Area.

Bldg. 1042
Gunter AFB
Montgomery Co: Montgomery AL 36114–
Location: Between Avenues "A" and "C"
Landholding Agency: Air Force
Property Number: 189010016
Status: Underutilized
Reason: Secured Area.

Bldg. 1052
Gunter AFB
Montgomery Co: Montgomery AL 36114–
Location: Between Avenues A and C
Landholding Agency: Air Force
Property Number: 189010019
Status: Underutilized
Reason: Secured Area.

Bldg. 1060
Gunter AFB
4th Street at Avenue C
Montgomery Co: Montgomery AL 36114–
Landholding Agency: Air Force
Property Number: 189010020
Status: Unutilized
Reason: Secured Area.

Bldg. 1061
Gunter AFB
Avenue C
Montgomery Co: Montgomery AL 36114–
Landholding Agency: Air Force
Property Number: 189010022
Status: Unutilized
Reason: Secured Area.

Bldg. 1435
Maxwell Air Force Base
Mimosa Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189030220
Status: Unutilized
Reason: Floodway; Secured Area.

Bldg. 1436
Maxwell Air Force Base
Mimosa Road
Montgomery Co: Montgomery Al 36112–
Landholding Agency: Air Force
Property Number: 189030221
Status: Unutilized
Reason: Floodway; Secured Area.

Bldg. 1440
Maxwell Air Force Base
Mimosa Road
Montgomery Co: Montgomery Al 36112–
Landholding Agency: Air Force
Property Number: 189030222
Status: Unutilized
Reason: Floodway; Secured Area.

Bldg. 1441
Maxwell Air Force Base
Mimosa Road
Montgomery Co: Montgomery Al 36112–
Landholding Agency: Air Force
Property Number: 1890302223
Status: Unutilized
Reason: Floodway; Secured Area.

Bldg. 830
Gunter Air Force Base
Ramp Road
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189040853
Status: Underutilized
Reason: Secured Area.

Bldg. 421
Gunter Air Force Base
Avenue D
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189040854
Status: Underutilized
Reason: Secured Area.

Bldg. 426
Gunter Air Force Base
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189040855
Status: Underutilized
Reason: Secured Area.

Petrol OPS Bldg.
Maxwell Air Force Base
1101 Chanute Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189110165
Status: Unutilized
Reason: Secured Area.

Law Center
Maxwell Air Force Base
519 10th Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189110166
Status: Unutilized
Reason: Secured Area.

Bldg. 1011
Maxwell Air Force Base
Dannelly Street
Montgomery Co: Montgomery AL 36112–5000
Landholding Agency: Air Force
Property Number: 189110167
Status: Unutilized
Reason: Secured Area.

HQ Specified Bldg.
Maxwell AFB
677 Third Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force

Property Number: 189120231
Status: Unutilized
Reason: Secured Area.

Base Personnel Office
Maxwell AFB
853 Second Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189120232
Status: Unutilized
Reason: Secured Area.

Bldg. 932
932 3rd St. & Ave. D, West
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189130335
Status: Unutilized
Reason: Secured Area.

Bldg. 8
8 Maxwell Blvd., East
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189130336
Status: Unutilized
Reason: Secured Area.

Bldg. 712
Avenue "E"
Gunter Air Force Base
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189130349
Status: Unutilized
Reason: Secured Area.

Bldg. 1004
Reserves Forces Training Facility
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Location: 1004 Maxwell Blvd. & Kelly Street
Landholding Agency: Air Force
Property Number: 189130369
Status: Unutilized
Reason: Secured Area; Within airport runway clear zone.

Bldg. 1006, Reproduction Plant
1006 Kelly Street
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189130370
Status: Unutilized
Reason: Secured Area.

Bldg. 72, Storage Shed
72 Selfridge & Maxwell Blvd.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189130371
Status: Unutilized
Reason: Secured Area.

Bldg. 95, Storage Shed
95 Selfridge & Maxwell Blvd.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189130372
Status: Unutilized
Reason: Secured Area.

Bldg. 96, Storage Shed
96 Selfridge & Maxwell Blvd.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189130373
Status: Unutilized
Reason: Secured Area.

Bldg. 97, Storage Shed
97 Selfridge & Maxwell Blvd.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189130374
Status: Unutilized
Reason: Secured Area.

Bldg. 78, Maintenance Shop
78 Selfridge & Maxwell Blvd.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189130375
Status: Unutilized
Reason: Secured Area.

Bldg. 79, Warehouse
79 Selfridge & Maxwell Blvd.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189130376
Status: Unutilized
Reason: Secured Area.

Bldg. 82, Storage CV Facility
82 Selfridge & Maxwell Blvd.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189130377
Status: Unutilized
Reason: Secured Area.

Bldg. 83, Storage CV Facility
83 Selfridge & Maxwell Blvd.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189130378
Status: Unutilized
Reason: Secured Area.

Bldg. 88, Maintenance Shop
88 Selfridge & Maxwell Blvd.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189130379
Status: Unutilized
Reason: Secured Area.

Bldg. 90, Storage CV Facility
90 Selfridge & Maxwell Blvd.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189130380
Status: Unutilized
Reason: Secured Area.

Bldg. 94, Storage CV Facility
94 Selfridge & Maxwell Blvd.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189130381
Status: Unutilized
Reason: Secured Area.

Bldg. 135
Gunter Air Force Base
1st Street
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189140001
Status: Underutilized
Reason: Secured Area.

Bldg. 206
Gunter Air Force Base
Off 1st Street
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189140002
Status: Underutilized
Reason: Secured Area.

Bldg. 208
Gunter Air Force Base
1st Street at "D" Streets
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189140003
Status: Unutilized
Reason: Secured Area.

Bldg. 420
Gunter Air Force Base
2nd Street at Avenue "D"
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189140004
Status: Underutilized
Reason: Secured Area.

Bldg. 559
Gunter Air Force Base
4th Street
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189140005
Status: Underutilized
Reason: Secured Area.

Bldg. 560
Gunter Air Force Base
4th Street
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189140006
Status: Underutilized
Reason: Secured Area.

Bldg. 561
Gunter Air Force Base
Off 4th Street
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189140007
Status: Unutilized
Reason: Secured Area.

Bldg. 562
Gunter Air Force Base
4th Street
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189140008
Status: Underutilized
Reason: Secured Area.

Bldg. 818
Gunter Air Force Base
Foster Street
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189140009
Status: Unutilized
Reason: Secured Area.

Bldg. 807

Maxwell Air Force Base
Maxwell Blvd. & Third Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189140010
Status: Unutilized
Reason: Secured Area.

Bldg. 1001
Maxwell Air Force Base
Kelly St., North & Airplane Park. Apron 3001
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189140011
Status: Unutilized
Reason: Secured Area.

Bldg. 1010
Maxwell Air Force Base
Bet. Maxwell Blvd. & Dannelly St.
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189140012
Status: Unutilized
Reason: Secured Area.

Bldg. 1039
Maxwell Air Force Base
Kelly Street at Taxiway 3004
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189140013
Status: Unutilized
Reason: Secured Area.

Bldg. 1215
Maxwell Air Force Base
March St. bet. Willow St. & Beech St.
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189140014
Status: Unutilized
Reason: Secured Area.

Bldg. 823
Gunter Air Force Base
Ramp Road at Second Street
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189140021
Status: Unutilized
Reason: Secured Area.

Bldg. 81
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189220005
Status: Unutilized
Reason: Secured Area.

Bldg. 1041
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189220006
Status: Unutilized
Reason: Secured Area.

Bldg. 1042
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189220007
Status: Unutilized
Reason: Secured Area.

Bldg. 1114
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189220008
Status: Unutilized
Reason: Secured Area.

Bldg. 1208
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189220009
Status: Unutilized
Reason: Secured Area.

Bldg. 1210
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189220010
Status: Unutilized
Reason: Secured Area.

Bldg. 1211
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189220011
Status: Unutilized
Reason: Secured Area.

Bldg. 1214
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189220012
Status: Unutilized
Reason: Secured Area.

Bldg. 1229
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189220013
Status: Unutilized
Reason: Secured Area.

Bldg. 1245
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189220014
Status: Unutilized
Reason: Secured Area.

Bldg. 906
Maxwell Air Force Base
Bet. Avenue B & C on Second Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189240013
Status: Unutilized
Reason: Secured Area; Other.
Comment: Extensive Deterioration.

Bldg. 907
Maxwell Air Force Base
Bet. Avenue B & C on Second Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189240014
Status: Unutilized
Reason: Secured Area; Other.
Comment: Extensive Deterioration.

Bldg. 931
Maxwell Air Force Base
Corner of Selfridge & 3rd Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189240015
Status: Unutilized
Reason: Secured Area; Other.
Comment: Extensive Deterioration.

Bldg. 933
Maxwell Air Force Base
Corner of Selfridge & 3rd Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189240016
Status: Unutilized
Reason: Secured Area; Other.
Comment: Extensive Deterioration.

Bldg. 934
Maxwell Air Force Base
Corner of Selfridge & 3rd Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189240017
Status: Unutilized
Reason: Secured Area; Other
Comment: Extensive Deterioration.

Bldg. 143
Maxwell Air Force Base
Avenue D
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189240018
Status: Unutilized
Reason: Secured Area.

Bldg. 839
Maxwell Air Force Base
1st & Bay Streets at Ash Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189240019
Status: Unutilized
Reason: Secured Area.

Bldg. 603, Maxwell AFB
Gunter Annex
Montgomery Co: Montgomery AL 36114–3112
Landholding Agency: Air Force
Property Number: 189310042
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 315, Maxwell AFB
Gunter Annex
Montgomery Co: Montgomery AL 36114–3112
Landholding Agency: Air Force
Property Number: 189310043
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 314, Maxwell AFB
Gunter Annex
Montgomery Co: Montgomery AL 36114–3112
Landholding Agency: Air Force
Property Number: 189310044
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 301, Maxwell AFB
Gunter Annex
Montgomery Co: Montgomery AL 36114–3112
Landholding Agency: Air Force
Property Number: 189310045
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Water Supply Bldg. Maxwell AFB
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189310046
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Recrea./Library, Maxwell AFB
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189310047
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

BE Storage Shed, Maxwell AFB
1043 Kelly Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189310048
Status: Unutilized
Reason: Secured Area.

Data Proc. Bldg., Maxwell AFB
908 Avenue B at Avenue C
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189310049
Status: Unutilized
Reason: Secured Area.

Youth Center, Maxwell AFB
712 6th Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189310050
Status: Unutilized
Reason: Secured Area.

Education Center
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189320044
Status: Unutilized
Reason: Secured Area; Other.
Comment: Extensive Deterioration.

Admin. Office
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189320045
Status: Unutilized
Reason: Secured Area; Other.
Comment: Extensive Deterioration.

Bldg. 830, Gunter Annex
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189320046
Status: Unutilized
Reason: Secured Area.

Chaplain School
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189320047
Status: Unutilized
Reason: Secured Area.

Recreation Bldg.
Maxwell Air Force Base
690 Ash Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330045
Status: Unutilized
Reason: Secured Area.

Storage Shed
Maxwell Air Force Base
1068 Kelly Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330046
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Storage Shed
Maxwell Air Force Base
1350 River Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330047
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 400
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330048
Status: Unutilized
Reason: Secured Area.

Bldg. 402
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330049
Status: Unutilized
Reason: Secured Area.

Bldg. 408
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330050
Status: Unutilized
Reason: Secured Area.

Bldg. 410
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330051
Status: Unutilized
Reason: Secured Area.

Bldg. 502
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330052
Status: Unutilized
Reason: Secured Area.

Bldg. 503
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330053
Status: Unutilized
Reason: Secured Area.

Bldg. 504
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330054
Status: Unutilized
Reason: Secured Area.

Bldg. 505
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330055
Status: Unutilized
Reason: Secured Area.

Bldg. 506
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330056
Status: Unutilized
Reason: Secured Area.

Bldg. 508
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330057
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 509
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330058
Status: Unutilized
Reason: Secured Area.

Bldg. 512
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330059
Status: Unutilized
Reason: Secured Area.

Bldg. 513
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330060
Status: Unutilized
Reason: Secured Area.

Bldg. 715
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330061
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 716
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330062
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 820
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330063
Status: Unutilized
Reason: Secured Area.

Bldg. 864
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330064
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 875
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330065
Status: Unutilized
Reason: Secured Area.

Bldg. 813
Maxwell Air Force Base
Montgomery AL 36114–
Landholding Agency: Air Force
Property Number: 189430001
Status: Unutilized
Reason: Secured Area.

Dwelling A
USCG Mobile Pt. Station

Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120001
Status: Excess
Reason: Floodway.

Dwelling B
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120002
Status: Excess
Reason: Floodway.

Oil House
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120003
Status: Excess
Reason: Floodway.

Garage
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87912004
Status: Excess
Reason: Floodway.

Shop Building
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120005
Status: Excess
Reason: Floodway.

Alaska

Bldg. 203
Tin City Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010296
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 165
Sparrevohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010298
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 150
Sparrevohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010299
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 130
Sparrevohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010300
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 306
King Salmon Airport
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010301
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 11–230
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010303
Status: Unutilized
Reason: Secured Area; Contamination.

Bldg. 21–116
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010304
Status: Unutilized
Reason: Secured Area; Contamination.

Bldg. 43–010
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010306
Status: Unutilized
Reason: Secured Area; Contamination.

Bldg. 63–320
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010307
Status: Unutilized
Reason: Secured Area; Contamination.

Bldg. 63–325
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010308
Status: Unutilized
Reason: Secured Area; Contamination.

Bldg. 103
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010309
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 110
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010310
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 112
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number : 189010311
Status: Unutilized
Reason: Secured Area; Isolated Area; Not accessible by road; Contamination.

Bldg. 113
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number : 189010312
Status: Unutilized
Reason: Secured Area; Isolated Area; Not accessible by road; Contamination.

Bldg. 114
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number : 189010313
Status: Unutilized
Reason: Secured Area; Isolated Area; Not accessible by road; Contamination.

Bldg. 115
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number : 189010314
Status: Unutilized
Reason: Secured Area; Isolated Area; Not accessible by road; Contamination.

Bldg. 118
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number : 189010315
Status: Unutilized
Reason: Secured Area; Isolated Area; Not accessible by road; Contamination.

Bldg. 1018
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number : 189010317
Status: Unutilized
Reason: Secured Area; Isolated Area; Not accessible by road; Contamination.

Bldg. 11025
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number : 189010318
Status: Unutilized
Reason: Secured Area; Isolated Area; Not accessible by road; Contamination.

Bldg. 1055
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number : 189010319
Status: Unutilized
Reason: Secured Area; Isolated Area; Not accessible by road; Contamination.

Bldg. 107
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number : 189010320
Status: Unutilized
Reason: Secured Area; Isolated Area; Not accessible by road; Contamination.

Bldg. 115
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number : 189010321
Status: Unutilized
Reason: Secured Area; Isolated Area; Not accessible by road; Contamination.

Bldg. 113
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number : 189010322
Status: Unutilized
Reason: Secured Area; Isolated Area; Not accessible by road; Contamination.

Bldg. 150
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 88506–5000
Landholding Agency: Air Force
Property Number : 189010323
Status: Unutilized
Reason: Secured Area; Isolated Area; Not accessible by road; Contamination.

Bldg. 152
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010324
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 301
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010325
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1001
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010326
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1003
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010327
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1055
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010328
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1056
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010329
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 103
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010330
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 104
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010331
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 105
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010332
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 110
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010333
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 114
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010334
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 202
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010335
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 204
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010336
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 205
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010337
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1001
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010338
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1015
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010339
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 50
Cold Bay Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010433
Status: Unutilized
Reason: Other; Isolated area; Not accessible by road.
Comment: Isolated and remote; Arctic environment.

Bldg. 1548, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force

Property Number: 189420001
Status: Unutilized
Reason: Floodway; Secured Area; Extensive deterioration.

Bldg. 1568, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420002
Status: Unutilized
Reason: Floodway; Secured Area; Extensive deterioration.

Bldg. 1570, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420003
Status: Unutilized
Reason: Floodway; Secured Area; Extensive deterioration.

Bldg. 1700, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420004
Status: Unutilized
Reason: Floodway; Secured Area; Extensive deterioration.

Bldg. 1832, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420005
Status: Unutilized
Reason: Floodway; Secured Area; Extensive deterioration.

Bldg. 1842, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420006
Status: Unutilized
Reason: Floodway; Secured Area; Extensive deterioration.

Bldg. 1844, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420007
Status: Unutilized
Reason: Floodway; Secured Area; Extensive deterioration.

Generator Bldg.
Naval Security Group Activity
Adak Island AK
Landholding Agency: Navy
Property Number: 779430017
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 28
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210126
Status: Excess
Reason: Within airport runway clear zone; Secured Area.

Bldg. 24
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210127
Status: Excess
Reason: Within airport runway clear zone; Secured Area; Within 2,000 ft. of flammable or explosive material.

Bldg. 19
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210128
Status: Excess
Reason: Within airport runway clear zone Secured Area; Other.
Comment: Extensive deterioration.

Bldg. 94
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210129
Status: Excess
Reason: Secured Area; Other.
Comment: Extensive deterioration.

Bldg. 85
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210130
Status: Excess
Reason: Secured Area; Other.
Comment: Extensive deterioration.

Bldg. 18
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210132
Status: Excess
Reason: Secured Area; Within airport runway clear zone.
GSA Number: U–ALAS–655A.

Bldg. A512
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210133
Status: Excess
Reason: Secured Area; Within airport runway clear zone; Within 2,000 ft. of flammable or explosive material.

Bldg. R1, Holiday Beach
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310014
Status: Unutilized
Reason: Secured Area.

Bldg. S–3
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310015
Status: Unutilized
Reason: Secured Area.

Bldg. S–16
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310016
Status: Unutilized
Reason: Secured Area.

Bldg. 82
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310017
Status: Unutilized
Reason: Secured Area.

Bldg. 86
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310018
Status: Unutilized
Reason: Secured Area.

Bldg. 98
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310019
Status: Unutilized
Reason: Secured Area.

Bldg. 524A
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310020
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 624
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310021
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Housing Ketchikan (Naushon UPH)
3615 Baranof Avenue
Ketchikan Co: Ketchikan AK 99801–
Landholding Agency: DOT
Property Number: 879320005
Status: Unutilized
Reason: Extensive deterioration.

Old Petersburg Moorings
Cannery Wharf
Petersburg AK 99833–
Landholding Agency: DOT
Property Number: 879330002
Status: Unutilized
Reason: Extensive deterioration.

Arizona

Facility 90002
Holbrook Radar Site
Holbrook Co: Navajo AZ 86025–
Landholding Agency: Air Force
Property Number: 189340049
Status: Unutilized
Reason: Within airport runway clear zone.

California

Bldg. 4052
March AFB
Ice House in West March
Riverside Co: Riverside CA 92518–
Landholding Agency: Air Force
Property Number: 189010082
Status: Unutilized
Reason: Within airport runway clear zone.

Bldg. 392 60 ABG/DE
Travis Air Force Base
Hospital Drive
Travis AFB Co: Solano CA 94535–5496
Landholding Agency: Air Force
Property Number: 189010187
Status: Underutilized
Reason: Within 2,000 ft. of flammable or explosive material; Secured Area.

Bldg. 1182 60 ABG/DE
Travis Air Force Base
Perimeter Road
Travis AFB Co: Solano CA 94535–5496
Landholding Agency: Air Force
Property Number: 189010188
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 152 60 ABG/DE
Travis Air Force Base
Broadway Street
Travis AFB Co: Solano CA 94535–5496
Landholding Agency: Air Force
Property Number: 189010190
Status: Unutilized
Reason: Within 2,000 ft. of flammable or explosive material; Secured Area.

Bldg. 159 60 ABG/DE
Travis Air Force Base
Broadway Street
Travis AFB Co: Solano CA 94535–5496
Landholding Agency: Air Force
Property Number: 189010191
Status: Unutilized
Reason: Within 2,000 ft. of flammable or explosive material; Secured Area.

Bldg. 384 60 ABG/DE
Travis Air Force Base
Hospital Drive
Travis AFB Co: Solano CA 94535–5496
Landholding Agency: Air Force
Property Number: 189010192
Status: Unutilized
Reason: Within 2,000 ft. of flammable or explosive material; Secured Area.

Bldg. 707 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernardino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010193
Status: Excess
Reason: Within 2,000 ft. of flammable or explosive material; Secured Area.

Bldg. 575 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernardino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010195
Status: Excess
Reason: Within 2,000 ft. of flammable or explosive material.

Bldg. 502 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernardino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010196
Status: Excess
Reason: Within 2,000 ft. of flammable or explosive material; Secured Area.

Bldg. 23 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernardino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010197
Status: Excess
Reason: Within 2,000 ft. of flammable or explosive material; Secured Area.

Bldg. 100
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010233
Status: Underutilized
Reason: Secured Area.

Bldg. 101
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010234
Status: Underutilized
Reason: Secured Area.

Bldg. 116
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010235
Status: Unutilized
Reason: Secured Area.

Bldg. 202
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010236
Status: Unutilized
Reason: Secured Area.

Bldg. 201
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010546
Status: Unutilized
Reason: Secured Area.

Bldg. 202
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010547
Status: Unutilized
Reason: Secured Area.

Bldg. 203
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010548
Status: Unutilized
Reason: Secured Area.

Bldg. 204
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010549
Status: Unutilized
Reason: Secured Area.

Bldg. 1100
Vandenberg Air Force Base
Off Terra Road
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010567
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1101
Vandenberg Air Force Base
Off Terra Road
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010568
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1103
Vandenberg Air Force Base
Off Terra Road
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010569
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1104
Vandenberg Air Force Base
Off Terra Road
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010571
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1105
Vandenberg Air Force Base
Off Terra Road
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010572
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1106
Vandenberg Air Force Base
Off Terra Road
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010573
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1107
Vandenberg Air Force Base
Off Terra Road
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010574
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1110
Vandenberg Air Force Base
Off Terra Road
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force

Property Number: 189010579
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1108
Vandenberg Air Force Base
Off Terra Road
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010580
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1823
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189130360
Status: Excess.
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 10312
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189210026
Status: Unutilized
Reason: Secured Area.

Bldg. 10314
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189210027
Status: Unutilized
Reason: Secured Area.

Bldg. 10503
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189210028
Status: Unutilized
Reason: Secured Area.

Bldg. 10748
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189210029
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 10702
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189230008
Status: Underutilized
Reason: Secured Area.

Bldg. 10704
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189230009
Status: Underutilized
Reason: Secured Area.

Bldg. 10706, Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246; Coast Rd., Pt Sal Rd.; Miguelito Cyn
Landholding Agency: Air Force
Property Number: 189230010
Status: Underutilized
Reason: Secured Area.

Bldg. 10710, Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246; Coast Rd., Pt Sal Rd.; Miguelito Cyn
Landholding Agency: Air Force
Property Number: 189230011
Status: Underutilized
Reason: Secured Area.

Bldg. 10726, Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246; Coast Rd., Pt Sal Rd.; Miguelito Cyn
Landholding Agency: Air Force
Property Number: 189230012
Status: Underutilized
Reason: Secured Area.

Bldg. 10742, Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246; Coast Rd., Pt Sal Rd.; Miguelito Cyn
Landholding Agency: Air Force
Property Number: 189230013
Status: Underutilized
Reason: Secured Area.

Bldg. 16104, Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246; Coast Rd., Pt Sal Rd.; Miguelito Cyn
Landholding Agency: Air Force
Property Number: 189230020
Status: Underutilized
Reason: Secured Area.

Bldg. 1791
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246; Coast Rd., PT Sal Road; Miguelito CYN
Landholding Agency: Air Force
Property Number: 189240044
Status: Unutilized
Reason: Secured Area.

Bldg. 10721
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246; Coast Rd., PT Sal Road; Miguelito CYN
Landholding Agency: Air Force
Property Number: 189240048
Status: Underutilized
Reason: Secured Area.

Bldg. 11026
Vandenberg Air Force Base
VAndenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246; Coast Rd., PT Sal Road; Miguelito CYN
Landholding Agency: Air Force
Property Number: 189240049
Status: Underutilized
Reason: Secured Area.

Bldg. 13028
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246; Coast Rd., PT Sal Road; Miguelito CYN
Landholding Agency: Air Force
Property Number: 189240050
Status: Unutilized
Reason: Secured Area.

Bldg. 5426, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310013
Status: Unutilized
Reason: Secured Area.

Bldg. 5427, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310014
Status: Unutilized
Reason: Secured Area.

Bldg. 5428, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310015
Status: Unutilized
Reason: Secured Area.

Bldg. 5430, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310016
Status: Unutilized
Reason: Secured Area.

Bldg. 5431, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310017
Status: Unutilized
Reason: Secured Area.

Bldg. 6407, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310024
Status: Unutilized
Reason: Secured Area.

Bldg. 6424, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310025
Status: Unutilized
Reason: Secured Area.

Bldg. 6425, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310027
Status: Unutilized
Reason: Secured Area.

Bldg. 6444, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310028
Status: Unutilized
Reason: Secured Area.

Bldg. 7303, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310029
Status: Unutilized
Reason: Secured Area.

Bldg. 7304, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310030
Status: Unutilized
Reason: Secured Area.

Bldg. 12406, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310034
Status: Unutilized
Reason: Secured Area.

Bldg. 12407, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310035
Status: Unutilized
Reason: Secured Area.

Bldg. 13010, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310036
Status: Unutilized
Reason: Secured Area.

Bldg. 13014, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310039
Status: Unutilized
Reason: Secured Area.

Bldg. 9103
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320011
Status: Excess
Reason: Secured Area.

Bldg. 12205
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320020
Status: Excess
Reason: Secured Area.

Bldg. 12206
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320021
Status: Excess
Reason: Secured Area.

Bldg. 12207
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320022
Status: Excess
Reason: Secured Area.

Bldg. 12209
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320023
Status: Excess
Reason: Secured Area.

Bldg. 12210
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320024
Status: Excess
Reason: Secured Area.

Bldg. 12306
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320025
Status: Excess
Reason: Secured Area.

Bldg. 12307
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320026
Status: Excess
Reason: Secured Area.

Bldg. 12309
Vandenbrg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320027
Status: Excess
Reason: Secured Area.

Bldg. 12310
Vandenbrg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320028
Status: Excess
Reason: Secured Area.

Bldg. 12313
Vandenbrg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320029
Status: Excess
Reason: Secured Area.

Bldg. 12314
Vandenbrg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320030
Status: Excess
Reason: Secured Area.

Bldg. 12503
Vandenbrg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320031
Status: Excess
Reason: Secured Area.

Bldg. 5437
Vandenbrg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330011
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 6206
Vandenbrg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330013
Status: Excess
Reason: Secured Area.

Bldg. 8114
Vandenbrg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330014
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 8115
Vandenbrg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330015
Status: Unutilized
Reason: Secured Area.

Bldg. 8215
Vandenbrg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330016
Status: Unutilized
Reason: Secured Area.

Bldg. 8220
Vandenbrg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330019
Status: Unutilized
Reason: Secured Area.

Bldg. 8221
Vandenbrg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330020
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 8222
Vandenbrg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330021
Status: Unutilized
Reason: Secured Area.

Bldg. 8230
Vandenbrg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330027
Status: Unutilized
Reason: Secured Area.

Bldg. 9001
Vandenbrg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330028
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 13025
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–

Landholding Agency: Air Force
Property Number: 189330032
Status: Unutilized
Reason: Secured Area.

Bldg. 13027
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330033
Status: Unutilized
Reason: Secured Area.

Bldg. 17595
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330034
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 4412
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340001
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 4415
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340002
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 1988
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340003
Status: Unutilized
Reason: Other; Secured Area.
Comment: Electrical Power Generator Bldg.

Bldg. 1130
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340005
Status: Unutilized
Reason: Secured Area.

Bldg. 1324
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340006
Status: Unutilized
Reason: Secured Area.

Bldg. 1341
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340007
Status: Unutilized
Reason: Secured Area.

Bldg. 1955
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340008
Status: Unutilized
Reason: Secured Area.

Bldg. 5007
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340009
Status: Unutilized
Reason: Secured Area.

Bldg. 5107
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340010
Status: Unutilized
Reason: Secured Area.

Bldg. 5118
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340011
Status: Unutilized
Reason: Secured Area.

Bldg. 5120
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340012
Status: Unutilized
Reason: Secured Area.

Bldg. 5132
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340013
Status: Unutilized
Reason: Secured Area.

Bldg. 6008
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340014
Status: Unutilized
Reason: Secured Area.

Bldg. 6418
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340015
Status: Unutilized
Reason: Secured Area.

Bldg. 6420
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340016
Status: Unutilized
Reason: Secured Area.

Bldg. 6429
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340017
Status: Unutilized
Reason: Secured Area.

Bldg. 6441
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340018
Status: Unutilized
Reason: Secured Area.

Bldg. 6442
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340019
Status: Unutilized
Reason: Secured Area.

Bldg. 6443
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340020
Status: Unutilized
Reason: Secured Area.

Bldg. 7301
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340021
Status: Unutilized
Reason: Secured Area.

Bldg. 7306
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340022
Status: Unutilized
Reason: Secured Area.

Bldg. 8309
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340023
Status: Unutilized
Reason: Secured Area.

Bldg. 9310
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340024
Status: Unutilized
Reason: Secured Area.

Bldg. 11190
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340025
Status: Unutilized
Reason: Secured Area.

Bldg. 11308
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340026

Status: Unutilized
Reason: Secured Area.

Bldg. 13001
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number : 189340027
Status: Unutilized
Reason: Secured Area.

Bldg. 16164
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number : 189340028
Status: Unutilized
Reason: Secured Area.

Bldg. 6521
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189410004
Status: Unutilized
Reason: Secured Area.

Bldg. 13019
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189410005
Status: Unutilized
Reason: Secured Area.

Bldg. 501
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189420008
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 8223
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189420009
Status: Unutilized
Reason: Secured Area.

Bldg. 11435
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189420010
Status: Unutilized
Reason: Secured Area.

Bldg. 13020
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189420011
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 31539
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–
Landholding Agency: Navy
Property Number: 779430016
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 10, USCG Support Center
Coast Guard Island
Alameda Co: Alameda CA 94501–5100
Landholding Agency: DOT
Property Number: 879210134
Status: Excess
Reason: Secured Area.

Colorado

Bldg. 712
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330002
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 518
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330003
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 505
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330004
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 504
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330005
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 503
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330006
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 502
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330007
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 32
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330008
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 27
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330009
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 23
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330010
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Barn—Tract 103
Falcon Air Force Base
Co: El Paso CO 80912–
Landholding Agency: Air Force
Property Number: 189420012
Status: Unutilized
Reason: Extensive deterioration.

Alemeda Facility
350 S. Santa Fe Drive
Denver Co: Denver CO 80223–
Landholding Agency: DOT
Property Number: 879010014
Status: Unutilized
Reason: Other environmental.
Comment: contamination.

Connecticut

Falkner Island Light
U.S. Coast Guard
Guilford Co: New Haven CT 06512–
Landholding Agency: DOT
Property Number: 879240031
Status: Unutilized
Reason: Floodway.

Delaware

Bldg. 1900
436 CSG Dover AFB
Dover Co: Kent DE 19902–5516
Landholding Agency: Air Force
Property Number: 189120230
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 1304 (436 CSG)
Dover Air Force Base
Dover Co: Kent DE 19902–5065
Landholding Agency: Air Force
Property Number: 189140018
Status: Unutilized
Reason: Secured Area; Within airport runway clear zone.

Florida

Bldg. 902
Tyndall Air Force Base
Panama City Co: Bay FL 32403–5000
Landholding Agency: Air Force
Property Number: 189130348
Status: Underutilized
Reason: Secured Area.

Bldg. 400
Patrick Air Force Base
C Street bet. First & Second Streets
Cocoa Beach Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189220001
Status: Unutilized
Reason: Secured Area.

Bldg. 430
Patrick Air Force Base
Third Street bet. B and C Streets
Cocoa Beach Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189220002
Status: Underutilized

Reason: Secured Area.

Bldg. 1176
Patrick Air Force Base
1176 School Avenue,
Co: Brevard FL 32935–
Landholding Agency: Air Force
Property Number: 189240029
Status: Unutilized
Reason: Secured Area; Other.
Comment: Extensive Deterioration.

Bldg. 1179
Patrick Air Force Base
1179 School Avenue
Co: Brevard FL 32935–
Landholding Agency: Air Force
Property Number: 189240030
Status: Unutilized
Reason: Secured Area; Other.
Comment: Extensive Deterioration.

Bldg. 321
Patrick Air Force Base
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 1893200001
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material; Other.
Comment: Extensive Deterioration.

Bldg. 510
Patrick Air Force Base Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189320002
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material; Other.
Comment: Extensive Deterioration.

Bldg. 558
Patrick Air Force Base Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189320003
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Other.
Comment: Extensive Deterioration.

Bldg. 575
Patrick Air Force Base Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189320004
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Other.
Comment: Extensive Deterioration.

Bldg. 184
MacDill AFB
MacDill AFB Co: Hillsborough FL 33608–
Landholding Agency: Air Force
Property Number: 189320100
Status: Unutilized
Reason: Extensive deterioration.

Facility 90523
Cape Canaveral AFS
Cape Canaveral AFS Co: Brevard FL
Landholding Agency: Air Force
Property Number: 189330001
Status: Underutilized
Reason: Secured Area.

Bldg. 921
Patrick Air Force Base Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189430002
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility No. 01676V
Cape Canaveral AFS Co Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189430003
Status: Unutilized
Reason: Secured Area.

Bldg. 2613
Tyndall Air Force Base
Panama City Co: Bay FL 32403–
Landholding Agency: Air Force
Property Number: 189430004
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 2625
Tyndall Air Force Base
Panama City Co: Bay FL 32403–
Landholding Agency: Air Force
Property Number: 189430005
Status: Unutilized
Reason: Extensive Deterioration; Secured Area.

Bldg. 2639
Tyndall Air Force Base
Panama City Co: Bay FL 32403–
Landholding Agency: Air Force
Property Number: 189430006
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 2642
Tyndall Air Force Base
Panama City Co: Bay FL 32403–
Landholding Agency: Air Force
Property Number: 189430007
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. #3, Recreation Cottage
USCG Station
Marathon Co: Monroe FL 33050–
Landholding Agency: DOT
Property Number: 879210008
Status: Unutilized
Reason: Secured Area; Floodway.

Bldg. 103, Trumbo Point
Key West Co: Monroe FL 33040
Landholding Agency: DOT
Property Number: 879230001
Status: Unutilized
Reason: Floodway; Secured Area.

Exchange Building
St. Petersburg Co: Pinellas FL 33701–
Landholding Agency: DOT
Property Number: 879410004
Status: Unutilized
Reason: Floodway.

Idaho

Bldg. 1012
Mountain Home Air Force Base
7th Avenue
(See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189030004
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 923
Mountain Home Air Force Base
7th Avenue
(See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189030005
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 604
Mountain Home Air Force Base
Pine Street
(See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189030006
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 229
Mt. Home Air Force Base
1st Avenue and A Street
Mt. Home AFB Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189040857
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone.

Illinois

Bldg. 3191
Scott Air Force Base
East Drive 375/ABG/DE
Scott AFB Co: St. Clair IL 62225–5001
Landholding Agency: Air Force
Property Number: 189010247
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 3670
Scott Air Force Base
East Drive 375/ABG/DE
Scott AFB Co: St. Clair IL 62225–5001
Landholding Agency: Air Force
Property Number: 189010248
Status: Unutilized
Reason: Secured Area.

Bldg. 503
Scott Air Force Base
Scott AFB Co: St. Clair IL 62225–
Landholding Agency: Air Force
Property Number: 189010725
Status: Unutilized
Reason: Secured Area.

Bldg. 869
Scott Air Force Base
375 CSG/DEER
Scott AFB Co: St. Clair IL 62225–5045
Landholding Agency: Air Force
Property Number: 189110087
Status: Unutilized
Reason: Secured Area.

Bldg. 865
Scott Air Force Base
Belleville Co: St. Clair IL 62225–
Landholding Agency: Air Force
Property Number: 189130347
Status: Unutilized
Reason: Secured Area.

Calumet Harbor Station
U.S. Coast Guard
Chicago Co: Cook IL
Landholding Agency: DOT
Property Number: 879310005
Status: Excess
Reason: Secured Area.

Indiana

Arnold's Creek Access Site #8
Markland Locks and Dam

Rising Sun Co: Ohio IN 47040–
Landholding Agency: COE
Property Number: 319420001
Status: Unutilized
Reason: Extensive deterioration.

Iowa

Bldg. 00273
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 189310008
Status: Unutilized
Reason: Secured Area.

Bldg. 00671
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 189310009
Status: Unutilized
Comment: Fuel pump station.

Bldg. 00736
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 189310010
Status: Unutilized
Reason: Other.
Comment: Pump station.

Kansas

Bldg. 1407
McConnell Air Force Base
Wichita Co: Sedgwick KS 67221–
Landholding Agency: Air Force
Property Number: 189340029
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 186
McConnell Air Force Base
Wichita Co: Sedgwick KS 67221–
Landholding Agency: Air Force
Property Number: 189340030
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 187
McConnell Air Force Base
Wichita Co: Sedgwick KS 67221–
Landholding Agency: Air Force
Property Number: 189340031
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Kentucky

Spring House
Kentucky River Lock and Dam No. 1
Highway 320
Carrollton Co: Carroll KY 41008–
Landholding Agency: COE
Property Number: 219040416
Status: Unutilized
Reason: Other.
Comment: Spring House.

Building
Kentucky River Lock and Dam No. 4
1021 Kentucky Avenue
Frankfort Co: Franklin KY 40601–9999
Landholding Agency: COE
Property Number: 219040417
Status: Unutilized
Reason: Other.
Comment: Coal Storage.

Building
Kentucky River Lock and Dam No. 4
1021 Kentucky Avenue
Frankfort Co: Franklin KY 40601–9999
Landholding Agency: COE
Property Number: 219040418
Status: Unutilized
Reason: Other.
Comment: Coal Storage.

Barn
Kentucky River Lock and Dam No. 3
Highway 561
Pleasureville Co: Henry KY 40057–
Landholding Agency: COE
Property Number: 219040419
Status: Underutilized
Reason: Other.
Comment: 110 year old barn with crumbled foundation.

Tract 111—Building
Martins Fork Lake
Smith Co: Harlan KY 40867–
Location: 13 miles southeast of Harlan on Highway 987.
Landholding Agency: COE
Property Number: 319010062
Status: Unutilized
Reason: Floodway.

Latrine
Kentucky River Lock and Dam Number 3
Highway 561
Pleasureville Co: Henry KY 40057–
Landholding Agency: COE
Property Number: 319040009
Status: Unutilized
Reason: Other.
Comment: Detached Latrine.

6-Room Dwelling
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway.
Landholding Agency: COE
Property Number: 319120010
Status: Unutilized
Reason: Floodway.

2-Car Garage
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 319120011
Status: Unutilized
Reason: Floodway.

Office and Warehouse
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 319120012
Status: Unutilized
Reason: Floodway.

2 Pit Toilets
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Landholding Agency: COE
Property Number: 319120013
Status: Unutilized
Reason: Floodway.

Louisiana

Bldg. 3477
Barksdale Air Force Base
Davis Avenue
Barksdale AFB Co: Bossier LA 71110–5000
Landholding Agency; Air Force
Property Number: 189140015
Status: Unutilized
Reason: Secured Area.

Maine

Supply Bldg., Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 879240005
Status: Unutilized
Reason: Floodway.

Base Exchange, Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 879240006
Status: Unutilized
Reason: Floodway.

Engineering Shop, Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 879240007
Status: Unutilized
Reason: Floodway.

Storage Bldg., Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 879240008
Status: Unutilized
Reason: Floodway.

Squirrel Point Light
U.S. Coast Guard
Phippsburg Co: Sayadahoc ME 04530–
Landholding Agency: DOT
Property Number: 879240032
Status: Unutilized
Reason: Floodway.

Keepers Dwelling
Heron Neck Light, U.S. Coast Guard
Vinalhaven Co: Knox ME 04841–
Landholding Agency: DOT
Property Number: 879240035
Status: Underutilized
Reason: Extensive deterioration.

Fort Popham Light
Phippsburg Co: Sagadahoc ME 04562–
Landholding Agency: DOT
Property Number: 879320024
Status: Unutilized
Reason: Extensive deterioration.

Nash Island Light
U.S. Coast Guard
Addison Co: Washington ME 04606–
Landholding Agency: DOT
Property Number: 879420005
Status: Unutilized
Reason: Other.
Comment: Inaccessible.

Bldg.—South Portland Base
U.S. Coast Guard
S. Portland Co: Cumberland ME 04106–
Landholding Agency: DOT
Property Number: 879420006
Status: Unutilized
Reason: Secured Area.

Garage—Boothbay Harbor Stat.

Boothbay Harbor Co: Lincoln ME 04538–
Landholding Agency: DOT
Property Number: 879430001
Status: Unutilized
Reason: Secured Area.

Maryland

Bldg. 4
Brandywine Storage Annex
1776 ABW/DE Brandywine Road, Route 381
Andrews AFB Co: Prince Georges MD 20613–
Landholding Agency: Air Force
Property Number: 189010261
Status: Unutilized
Reason: Secured Area.

Bldg. 5
Brandywine Storage Annex
1776 ABW/DE Brandywine Road, Route 381
Andrews AFB Co: Prince Georges MD 20613–
Landholding Agency: Air Force
Property Number: 189010264
Status: Unutilized
Reason: Secured Area.

Bldg. 3427
Andrews Air Force Base
3427 Pennsylvania Avenue
Andrews AFB Co: Prince George's MD 20335–
Landholding Agency: Air Force
Property Number: 189140016
Status: Unutilized
Reason: Secured Area.

Bldg. 3492
Andrews Air Force Base
Andrews AFB Co: Prince George's MD 20335–
Landholding Agency: Air Force
Property Number: 189340050
Status: Unutilized
Reason: Secured Area.

Massachusetts

Bldg. 1900
Westover Air Force Base
Chicopee Co: Hampden MA 01022–
Landholding Agency: Air Force
Property Number: 189010438
Status: Unutilized
Reason: Secured Area.

Bldg. 1833
Westover Air Force Base
Chicopee Co: Hampden MA 01022–5000
Landholding Agency: Air Force
Property Number: 189040002
Status: Unutilized
Reason: Secured Area.

Bldg. 4. USCG Support Center
Commercial Street
Boston Co: Suffolk MA 02203–
Landholding Agency: DOT
Property Number: 879240001
Status: Underutilized
Reason: Secured Area.

Eastern Point Light
U.S. Coast Guard
Gloucester Co: Essex MA 01930–
Landholding Agency: DOT
Property Number: 879240029
Status: Unutilized
Reason: Floodway; Secured Area.

Michigan

Bldg. 560
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Location: North end of airfield.
Landholding Agency: Air Force
Property Number: 189010522
Status: Unutilized
Reason: Secured Area.

Bldg. 5658
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Location: Near South Perimeter Road, near Building 590.
Landholding Agency: Air Force
Property Number: 189010523
Status: Unutilized
Reason: Secured Area.

Bldg. 580
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Location: South end of airfield.
Landholding Agency: Air Force
Property Number: 189010524
Status: Unutilized
Reason: Secured Area.

Bldg. 856
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010525
Status: Unutilized
Reason: Secured Area.

Bldg. 1005
Selfridge Air National Guard Base
1005 C. Street
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010526
Status: Unutilized
Reason: Secured Area.

Bldg. 1012
Selfridge Air National Guard Base
1012 A. Street
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010527
Status: Unutilized
Reason: Secured Area.

Bldg. 1041
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010528
Status: Unutilized
Reason: Secured Area.

Bldg. 1412
Selfridge Air National Guard Base
1412 Castle Avenue
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010529
Status: Unutilized
Reason: Secured Area.

Bldg. 1434
Selfridge Air National Guard Base
1434 Castle Avenue
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010530
Status: Unutilized
Reason: Secured Area.

Bldg. 1688
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Location: Near South Perimeter Road, near Building 1694.
Landholding Agency: Air Force
Property Number: 189010531
Status: Unutilized
Reason: Secured Area.

Bldg. 1689
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Location: Near South Perimeter Road, near Building 1694.
Landholding Agency: Air Force
Property Number: 189010532
Status: Unutilized
Reason: Secured Area.

Bldg. 5670
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010533
Status: Unutilized
Reason: Secured Area.

Bldg. 71
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010810
Status: Excess
Reason: Other.
Comment: Sewage treatment and disposal facility.

Bldg. 99 (WATER WELL)
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010831
Status: Excess
Reason: Other.
Comment: Water well.

Bldg. 100 (WATER WELL)
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010832
Status: Excess
Reason: Other.
Comment: Water well.

Bldg. 118
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010875
Status: Excess
Reason: Other.
Comment: Gasoline Station.

Bldg. 120
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010876
Status: Excess
Reason: Other.
Comment: Gasoline Station.

Bldg. 166
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010877
Status: Excess
Reason: Other.
Comment: Pump lift station.

Bldg. 168
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010878
Status: Excess
Reason: Other.

Comment: Gasoline station.

Bldg. 69
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010889
Status: Excess
Reason: Other.
Comment: Sewer pump facility.

Bldg. 2
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010890
Status: Excess
Reason: Other.
Comment: Water pump station.

Bldg. 402, U.S. Air Station
Traverse City Co: Grand Traverse MI 49684–3586
Landholding Agency: DOT
Property Number: 879220001
Status: Unutilized
Reason: Extensive deterioration.

Minnesota

Bldg. 641
Minnesota Air National Guard
934th Airlift Group
Minneapolis Co: Hennepin MN 55111–4098
Landholding Agency: Air Force
Property Number: 189310003
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 643
Minnesota Air National Guard
934th Airlift Group
Minneapolis Co: Hennepin MN 55111–4098
Landholding Agency: Air Force
Property Number: 189310004
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 646
Minnesota Air National Guard
934th Airlift Group
Minneapolis Co: Hennepin MN 55111–4098
Landholding Agency: Air Force
Property Number: 189310005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 665
Minnesota Air National Guard
934th Airlift Group
Minneapolis Co: Hennepin MN 55111–4098
Landholding Agency: Air Force
Property Number: 189310006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Mississippi

Natchez Moorings
82 L.E. Berry Road
Natchez Co: Adams MS 39121–
Landholding Agency: DOT
Property Number: 879340002
Status: Unutilized
Reason: Extensive deterioration.

Missouri

Bldg. 42
Jefferson Barracks ANG Base
1 Grant Road, Missouri National Guard
St. Louis Co: St. Louis MO 63125–
Landholding Agency: Air Force
Property Number : 189010726
Status: Unutilized
Reason: Secured Area.

Bldg. 45
Jefferson Barracks ANG Base
1 Grant Road, Missouri National Guard
St. Louis Co: St. Louis MO 63125–
Landholding Agency: Air Force
Property Number : 189010728
Status: Unutilized
Reason: Secured Area.

Bldg. 46
Jefferson Barracks ANG Base
1 Grant Road, Missouri National Guard
St. Louis Co: St. Louis MO 63125–
Landholding Agency: Air Force
Property Number : 189010729
Status: Unutilized
Reason: Secured Area.

Bldg. 47
Jefferson Barracks ANG Base
1 Grant Road, Missouri National Guard
St. Louis Co: St. Louis MO 63125–
Landholding Agency: Air Force
Property Number : 189010730
Status: Unutilized
Reason: Secured Area.

Bldg. 61
Jefferson Barracks ANG Base
1 Grant Road, Missouri National Guard
St. Louis Co: St. Louis MO 63125–
Landholding Agency: Air Force
Property Number : 189010731
Status: Unutilized
Reason: Secured Area.

Montana

Bldg. 140
Malmstrom AFB
Between Goddard Avenue & 2nd Street
Malmstrom Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number : 189010076
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area; Other environmental.

Bldg. 280
Malmstrom AFB
Flightline & Avenue G
Malmstrom Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number : 189010077
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area; Other environmental.

Bldg. 621
Malmstrom AFB
1st Street & Avenue I
Malmstrom Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189010078
Status: Unutilized
Reason: Other environmental; Secured Area.
Comment: Friable asbestos.

Bldg. 627
Malmstrom Air Force Base
2nd St. and I Avenue
Great Falls Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189010722
Status: Unutilized
Reason: Secured Area; Other environmental.

Bldg. 677
Malmstrom Air Force Base
Avenue F between Goddard and 1st Avenue
Great Falls Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189010723
Status: Unutilized
Reason: Secured Area; Other environmental.

Bldg. 1991
Malmstrom Air Force Base
Between Avenue G and H
Malmstrom Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189040057
Status: Underutilized
Reason: Secured Area; Other environmental.

Bldg. 440
Malmstrom Air Force Base
Great Falls Co: Cascade MT 59402–7525
Landholding Agency: Air Force
Property Number: 189430008
Status: Unutilized
Reason: Extensive deterioration, Secured Area.

Bldg. 444
Malmstrom Air Force Base
Great Falls Co: Cascade MT 59402–7525
Landholding Agency: Air Force
Property Number: 189430009
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 464
Malmstrom Air Force Base
Great Falls Co: Cascade MT 59402–7525
Landholding Agency: Air Force
Property Number: 189430010
Status: Unutilized
Reason: Secured Area.

Bldg. 495
Malmstrom Air Force Base
Great Falls Co: Cascade MT 59402–7525
Landholding Agency: Air Force
Property Number: 189430011
Status: Unutilized
Reason: Secured Area.

Bldg. 626
Malmstrom Air Force Base
Great Falls Co: Cascade MT 59402–7525
Landholding Agency: Air Force
Property Number: 189430012
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1882
Malmstrom Air Force Base
Great Falls Co: Cascade MT 59402–7525
Landholding Agency: Air Force
Property Number: 189430013
Status: Unutilized
Reason: Secured Area.

Nebraska

Offutt Communications Annex-#3
Offutt Air Force Base
Scribner Co: Dodge NE 68031–
Landholding Agency: Air Force
Property Number: 189210006
Status: Unutilized
Reason: Other.
Comment: former sewage lagoon.

Bldg. 637

Lincoln Municipal Airport
2301 West Adams
Lincoln Co: Lancaster NE 68524–
Landholding Agency: Air Force
Property Number: 189230021
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 639
Lincoln Municipal Airport
2301 West Adams
Lincoln Co: Lancaster NE 68524–
Landholding Agency: Air Force
Property Number: 189230022
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 31
Offutt Air Force Base
Sac Boulevard
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240007
Status: Unutilized
Reason: Secured Area.

Bldg. 311
Offutt Air Force Base
Nelson Drive
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240008
Status: Unutilized
Reason: Secured Area

Bldg. 401
Offutt Air Force Base
Custer Drive
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240009
Status: Unutilized
Reason: Secured Area

Bldg. 416
Offutt Air Force Base
Sherman Turnpike
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240010
Status: Unutilized
Reason: Secured Area

Bldg. 417
Offutt Air Force Base
Sherman Turnpike
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240011
Status: Unutilized
Reason: Secured Area

Bldg. 545
Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240012
Status: Unutilized
Reason: Secured Area

Bldg. 21
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320058
Status: Excess
Reason: Other
Comment: Generator

New Hampshire

Bldg. 101
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189320005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 102
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189320006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 104
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189320007
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

New Jersey

Piers and Warf
Station Sandy Hook
Highlands Co: Monmouth NJ 07732–5000
Landholding Agency: DOT
Property Number: 879240009
Status: Unutilized
Reason: Extensive deterioration; Secured Area

New Mexico

Bldg. 831
833 CSG/DEER
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189130333
Status: Unutilized
Reason: Secured Area

Bldg. 21
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240032
Status: Unutilized
Reason: Secured Area

Bldg. 80
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240033
Status: Unutilized
Reason: Secured Area

Bldg. 98
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240034
Status: Unutilized
Reason: Secured Area

Bldg. 324
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240035
Status: Unutilized
Reason: Secured Area

Bldg. 598
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240036
Status: Unutilized
Reason: Secured Area

Bldg. 801
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240037
Status: Unutilized
Reason: Secured Area

Bldg. 802
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240038
Status: Unutilized
Reason: Secured Area

Bldg. 1095
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240039
Status: Unutilized
Reason: Secured Area

Bldg. 1096
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240040
Status: Unutilized
Reason: Secured Area

Facility 321
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240041
Status: Unutilized
Reason: Secured Area

Facility 75115
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240042
Status: Unutilized
Reason: Secured Area

Bldg. 874
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189320041
Status: Unutilized
Reason: Secured Area; Other Comment: Extensive Deterioration

Bldg. 1258
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189320042
Status: Unutilized
Reason: Secured Area; Other Comment: Extensive Deterioration

Bldg. 134
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430014
Status: Unutilized
Reason: Secured Area

Bldg. 640
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430015
Status: Unutilized
Reason: Secured Area

Bldg. 703

Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430016
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area

Bldg. 813
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430017
Status: Unutilized
Reason: Secured Area

Bldg. 821
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430018
Status: Unutilized
Reason: Secured Area

Bldg. 829
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430019
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area

Bldg. 867
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430020
Status: Unutilized
Reason: Secured Area

Bldg. 884
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430021
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area

Bldg. 886
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430022
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area

Bldg. 908
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430023
Status: Unutilized
Reason: Secured Area

New York

Bldg. 626 (Pin: RVKQ)
Niagara Falls International Airport
914th Tactical Airlift Group
Niagara Falls Co: Niagara NY 14303–5000
Landholding Agency: Air Force
Property Number: 189010075
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 272
Griffiss Air Force Base
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189140022
Status: Excess
Reason: Secured Area

Bldg. 888
Griffiss Air Force Base
Rome Co: Oneida NY 13441–
Landholding Agency: 189140023
Status: Excess
Reason: Secured Area

Facility 814, Griffiss AFB
NE of Weapons Storage Area
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189230001
Status: Excess
Reason: Within airport runway clear zone; Secured Area

Facility 808, Griffiss AFB
Perimeter Road
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189230002
Status: Excess
Reason: Within airport runway clear zone; Secured Area

Facility 807, Griffiss AFB
Perimeter Road
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189230003
Status: Excess
Reason: Within airport runway clear zone; Secured Area

Facility 126
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240020
Status: Unutilized
Reason: Secured Area

Facility 127
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240021
Status: Unutilized
Reason: Secured Area

Facility 135
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240022
Status: Unutilized
Reason: Secured Area

Facility 137
Griffiss Air Force Base
Otis Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240023
Status: Unutilized
Reason: Secured Area

Facility 138
Griffiss Air Force Base
Otis Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240024
Status: Unutilized
Reason: Secured Area

Facility 173
Griffiss Air Force Base
Selfridge Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240025
Status: Unutilized
Reason: Secured Area

Facility 261
Griffiss Air Force Base
McDill Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240026
Status: Unutilized
Reason: Secured Area

Facility 308
Griffiss Air Force Base
205 Chanute Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240027
Status: Unutilized
Reason: Secured Area

Facility 1200
Griffiss Air Force Base
Donaldson Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240028
Status: Unutilized
Reason: Secured Area

Bldg. 759, Hancock Field
6001 East Molloy Road
Syracuse Co: Onondaga NY 13211–7099
Landholding Agency: Air Force
Property Number: 189310007
Status: Unutilized
Reason: Extensive deterioration; Secured Area

Facility 841
Griffiss Air Force Base
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189330097
Status: Unutilized
Reason: Secured Area

Bldg. 852
Niagara Falls International Airport
914th Tactical Airlift Group
Niagara Falls Co: Niagara NY 14304–5000
Landholding Agency: Air Force
Property Number: 189420013
Status: Unutilized
Reason: Secured Area

2 Buildings
Ant Saugerties
Saugerties Co: Ulster NY 12477–
Landholding Agency: DOT
Property Number: 879230005
Status: Unutilized
Reason: Extensive deterioration

Bldg. 604, USCG Station
Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240010
Status: Excess
Reason: Secured Area

Bldg. 606, USCG Station
Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240011
Status: Excess
Reason: Secured Area

Bldg. 607, USCG Station
Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240012
Status: Excess
Reason: Secured Area

Bldg. 606, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240020
Status: Unutilized
Reason: Secured Area

Bldg. 607, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240021
Status: Unutilized
Reason: Secured Area; Other
Comment: Extensive deterioration

Bldg. 605, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240022
Status: Unutilized
Reason: Secured Area; Other
Comment: Extensive deterioration

Eatons Neck Station
U.S. Coast Guard
Huntington Co: Suffolk NY 11743–
Landholding Agency: DOT
Property Number: 879310003
Status: Unutilized
Reason: Extensive deterioration; Secured Area

Bldg. 517, USCG Support Center
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 879320025
Status: Unutilized
Reason: Secured Area

Bldg. 138
U.S. Coast Guard Support Center
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 879410003
Status: Unutilized
Reason: Secured Area

Bldg. 830
U.S. Coast Guard
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 879420004
Status: Unutilized
Reason: Secured Area

North Carolina

Bldg. 187
Pope Air Force Base
317 CSG/DE Reilly Road
Pope AFB Co: Cumberland NC 28308–5045
Landholding Agency: Air Force
Property Number: 189010262
Status: Unutilized
Reason: Secured Area

Bldg. 4230—Youth Center
Cannon Ave.
Goldsboro Co: Wayne NC 27531–5005
Landholding Agency: Air Force
Property Number: 189120233
Status: Underutilized
Reason: Secured Area

Bldg. 600, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 189330035
Status: Unutilized
Reason: Extensive deterioration; Secured Area

Bldg. 602, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 189330036
Status: Unutilized
Reason: Extensive deterioration; Secured Area

Bldg. 603, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 189330037
Status: Unutilized
Reason: Extensive deterioration; Secured Area

Bldg. 604, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 189330038
Status: Unutilized
Reason: Extensive deterioration; Secured Area

Bldg. 605, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 189330039
Status: Unutilized
Reason: Extensive deterioration; Secured Area

Bldg. 606, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 189330040
Status: Unutilized
Reason: Extensive deterioration; Secured Area

Bldg. 607, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 189330041
Status: Unutilized
Reason: Extensive deterioration; Secured Area

Bldg. 612, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 189330042
Status: Unutilized
Reason: Extensive deterioration; Secured Area

Bldg. 619, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 189330043
Status: Unutilized
Reason: Extensive deterioration; Secured Area

Bldg. 6606
Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 189330044
Status: Unutilized
Reason: Extensive deterioration; Secured Area

Bldg. 255, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420019
Status: Unutilized
Reason: Secured Area; Extensive deterioration

Bldg. 370, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420020
Status: Unutilized
Reason: Secured Area; Extensive deterioration

Bldg. 904, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420021
Status: Unutilized
Reason: Secured Area; Extensive deterioration

Bldg. 910, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420022
Status: Unutilized
Reason: Secured Area; Extensive deterioration

Bldg. 912, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420023
Status: Unutilized
Reason: Secured Area; Extensive deterioration

Bldg. 914, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420024
Status: Unutilized
Reason: Secured Area; Extensive deterioration

Group Cape Hatteras
Boiler Plant
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 879240018
Status: Unutilized
Reason: Secured Area

Group Cape Hatteras
Bowling Alley
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 879240019
Status: Unutilized
Reason: Secured Area

Bldg. 21, Fuel Farm
U.S. Coast Guard Air Station
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320010
Status: Unutilized
Reason: Floodway; Secured Area

Bldg. 22, Fuel Farm
U.S. Coast Guard Air Station
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320011
Status: Unutilized
Reason: Floodway; Secured Area

Bldg. 25, Fuel Farm
U.S. Coast Guard Air Station
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320012
Status: Unutilized
Reason: Floodway; Secured Area

Bldg. 27, Fuel Farm

U.S. Coast Guard Air Station
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320013
Status: Unutilized
Reason: Floodway; Secured Area

Bldg. 32, Fuel Farm
U.S. Coast Guard Air Station
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320014
Status: Unutilized
Reason: Floodway; Secured Area

Bldg. 67, USCG Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320016
Status: Unutilized
Reason: Secured Area

Bldg. 69, USCG Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320017
Status: Unutilized
Reason: Secured Area

Bldg. 71, USCG Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320018
Status: Unutilized
Reason: Secured Area

Bldg. 73, USCG Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320019
Status: Unutilized
Reason: Secured Area

Bldg. 54
Group Cape Hatteras
Buston Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 879340004
Status: Unutilized
Reason: Secured Area

Bldg. 83
Group Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 879340005
Status: Unutilized
Reason: Secured Area

Water Tanks
Group Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 879340006
Status: Unutilized
Reason: Secured Area

USCG Gentian (WLB 290)
Fort Macon State Park
Atlantic Beach Co: Carteret NC 27601–
Landholding Agency: DOT
Property Number: 879420007
Status: Excess
Reason: Secured Area

North Dakota

Bldg. 422
Minot Air Force Base
Minot Co: Ward ND 58705–
Landholding Agency: Air Force
Property Number: 189010724
Status: Underutilized
Reason: Secured Area

Bldg. 50
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310107
Status: Excess
Reason: Other
Comment: garbage incinerator

Bldg. 119
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320034
Status: Unutilized
Reason: Secured Area

Bldg. 191
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320035
Status: Unutilized
Reason: Secured Area

Bldg. 490
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320036
Status: Unutilized
Reason: Secured Area

Bldg. 509
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320037
Status: Unutilized
Reason: Secured Area

Bldg. 526
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320038
Status: Unutilized
Reason: Secured Area

Bldg. 895
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320039
Status: Unutilized
Reason: Secured Area

Bldg. 1019
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320040
Status: Unutilized
Reason: Secured Area

Ohio

Bldg. 404, Hydrant Fuel
910 Airlift Group
Kings-Graves Road
Vienna Co: Trumbull OH 44473–5000
Landholding Agency: Air Force
Property Number: 189220015
Status: Unutilized
Reason: Secured Area

Bldg. 405, Test Cell
910 Airlift Group
Kings-Graves Road
Vienna Co: Trumbull OH 44473–5000
Landholding Agency: Air Force
Property Number: 189220016
Status: Unutilized
Reason: Secured Area

Oklahoma

Bldg. 604
Vance Air Force Base
Enid Co: Garfield OK 73705–5000
Landholding Agency: Air Force
Property Number: 189010204
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material

Puerto Rico

Bldg. 10
Punta Salinas Radar Site
Toa Baja Co: Toa Baja PR 00759–
Landholding Agency: Air Force
Property Number: 189010544
Status: Underutilized
Reason: Secured Area

NAFA Warehouse
U.S. Coast Guard Air Station Borinquen
Aquadilla PR 00604–
Landholding Agency: DOT
Property Number: 879310011
Status: Unutilized
Reason: Secured Area

Storage Equipment Bldg.
U.S. Coast Guard Air Station Borinquen
Aquadilla PR 00604–
Landholding Agency: DOT
Property Number: 879330001
Status: Unutilized
Reason: Secured Area

Rhode Island

Station Point Judith Pier
Narranganset Co: Washington RI 02882–
Landholding Agency: DOT
Property Number: 879310002
Status: Unutilized
Reason: Extensive deterioration

South Dakota

Bldg. 88513
Ellsworth Air Force Base
Porter Avenue
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189210001
Status: Unutilized
Reason: Extensive deterioration

Bldg. 88501
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189210002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 200, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320048
Status: Unutilized
Reason: Extensive deterioration

Bldg. 201, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force

Property Number: 189320049
Status: Unutilized
Reason: Extensive deterioration

Bldg. 203, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320050
Status: Unutilized
Reason: Extensive deterioration

Bldg. 204, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320051
Status: Unutilized
Reason: Extensive deterioration

Bldg. 205, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320052
Status: Unutilized
Reason: Extensive deterioration

Bldg. 206, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320053
Status: Unutilized
Reason: Extension deterioration.

Bldg. 00605
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320054
Status: Underutilized
Reason: Secured Area.

Bldg. 88535
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340032
Status: Unutilized
Reason: Secured Area.

Bldg. 88470
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340033
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 88304
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340034
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Other, Secured Area
Comment: Extensive deterioration.

Bldg. 9011
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340035
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Other, Secured Area
Comment: Extensive deterioration.

Bldg. 9010
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340036
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Other, Secured Area
Comment: Extension deterioration.

Bldg. 7506
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340037
Status: Unutilized
Reason: Secured Area.

Bldg. 6908
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340038
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Other, Secured Area
Comment: Extensive deterioration.

Bldg. 6904
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340039
Status: Unutilized
Reason: Within 20000 ft. of flammable or explosive material, Other, Secured Area
Comment: Extensive deterioration.

Bldg. 4102
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340040
Status: Unutilized
Reason: Secured Area.

Bldg. 4101
Ellsworth Air Force Base
Ellsworth AFB Co: Meade 57706–
Landholding Agency: Air Force
Property Number: 189340041
Status: Unutilized
Reason: Secured Area.

Bldg. 4100
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340042
Status: Unutilized
Reason: Secured Area.

Bldg. 3016
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340043
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Other, Secured Area
Comment: Waste treatment bldg.

Bldg. 1115
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340044
Status: Unutilized
Reason: Secured Area.

Bldg. 1210
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340045
Status: Unutilized
Reason: Secured Area.

Bldg. 1112
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340046
Status: Unutilized
Reason: Secured Area.

Bldg. 1110
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340047
Status: Unutilized
Reason: Secured Area.

Bldg. 606
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340048
Status: Unutilized
Reason: Secured Area.

Tennessee

Bldg. 204
Cordell Hull Lake and Dam Project
Defeated Creek Recreation Area
Carthage Co: Smith TN 37030–
Location: US Highway 85
Landholding Agency: COE
Property Number: 319011499
Status: Unutilized
Reason: Floodway.

Tract 2618 (Portion)
Cordell Hull Lake and Dam Project
Roaring River Recreation Area
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 135
Landholding Agency: COE
Property Number: 319011503
Status: Underutilized
Reason: Floodway.

Water Treatment Plant
Dale Hollow Lake & Dam Project
Obey River Park, State Hwy 42
LIvingston Co: Clay TN 38351–
Landholding Agency: COE
Property Number: 319140011
Status: Excess
Reason: Other
Comment: water treatment plant.

Water Treatment Plant
Dale Hollow Lake & Dam Project
Lillydale Recreation Area, State Hwy 53
Livingston Co: Clay TN 38351–
Landholding Agency: COE
Property Number: 319140012
Status: Excess
Reason: Other
Comment: water treatment plant.

Water Treatment Plant
Dale Hollow Lake & Dam Project
Willow Grove Recreational Area, Hwy No. 53
Livingston Co: Clay TN 38351–
Landholding Agency: COE
Property Number: 319140013
Status: Excess
Reason: Other
Comment: water treatment plant.

Texas

Bldg. 400
Laughlin Air Force Base
Val Verde Co. Co: Val Verde TX 78843–5000
Location: Six miles on Highway 90 east of Del Rio, Texas.

Landholding Agency: Air Force
Property Number: 189010173
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone.

Bldg. 40
Laughlin Air Force Base Co: Val Verde TX 78843–5000
Landholding Agency: Air Force
Property Number: 189420014
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 107
Laughlin Air Force Base Co: Val Verde TX 78843–5000
Landholding Agency: Air Force
Property Number: 189420015
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 119
Laughlin Air Force Base Co: Val Verde TX 78843–5000
Landholding Agency: Air Force
Property Number: 189420016
Status: Unutilized
Reason: Extensive deterioration.

House L–103
Falcon Government Village
Falcon Co: Starr TX 78545–
Landholding Agency: Justice
Property Number: 649410001
Status: Unutilized
Reason: Extensive deterioration.

House L–105
Falcon Government Village
Falcon Co: Starr TX 78545–
Landholding Agency: Justice
Property Number: 649410002
Status: Unutilized
Reason: Extensive deterioration.

House L–107
Falcon Government Village
Falcon Co: Starr TX 78545–
Landholding Agency: Justice
Property Number: 649410003
Status: Unutilized
Reason: Extensive deterioration.

House K–201
Falcon Government Village
Falcon Co: Starr TX 78545–
Landholding Agency: Justice
Property Number: 649410004
Status: Unutilized
Reason: Extensive deterioration.

Ysleta Port of Entry Bldg.
El Paso Co: El Paso TX
Landholding Agency: Justice
Property Number: 649410005
Status: Unutilized
Reason: Extensive deterioration.

Old Exchange Bldg.
U.S. Coast Guard
Galveston Co: Galveston, TX 77553–3001
Landholding Agency: DOT
Property Number: 879310012
Status: Unutilized
Reason: Secured Area.

Utah

Bldg. 789
Hill Air Force Base
(See County) Co: Davis, UT 84056–
Landholding Agency: Air Force
Property Number: 189040859
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Vermont

Depot Street
Downtown at the Waterfront
Burlington Co: Chittenden VT 05401–5226
Landholding Agency: DOT
Property Number: 879220003
Status: Excess
Reason: Floodway.

Virginia

Bldg. 052 & Tennis Court
USCG Reserve Training Center
Yorktown Co: York, VA 23690–
Landholding Agency: DOT
Property Number: 879230004
Status: Excess
Reason: Secured Area.

Damage Control Bldg.
Coast Guard, Group Eastern Shores
Chincoteague Co: Accomack VA 23361–510
Landholding Agency: DOT
Property Number: 879240013
Status: Unutilized
Reason: Secured Area.

Admin. Bldg.
Coast Guard, Group Eastern Shores
Chincoteague Co: Accomack VA 23361–510
Landholding Agency: DOT
Property Number: 879240014
Status: Unutilized
Reason: Secured Area.

Storage Bldg.
Coast Guard, Group Eastern Shores
Chincoteague Co: Accomack VA 23361–510
Landholding Agency: DOT
Property Number: 879240015
Status: Unutilized
Reason: Secured Area.

Little Creek Station
Navamphib Base, West Annex, U.S. Coast Guard
Norfolk Co: Princess Anne VA 23520–
Landholding Agency: DOT
Property Number: 879310004
Status: Unutilized
Reason: Secured Area.

Washington

Bldg. 640
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010139
Status: Unutilized
Reason: Secured Area.

Bldg. 641
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010140
Status: Unutilized
Reason: Secured Area.

Bldg. 642
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010141
Status: Unutilized
Reason: Secured Area.

Bldg. 643
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010142
Status: Unutilized
Reason: Secured Area.

Bldg. 645
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010143
Status: Unutilized
Reason: Secured Area.

Bldg. 646
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010144
Status: Unutilized
Reason: Secured Area.

Bldg. 647
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010145
Status: Unutilized
Reason: Secured Area.

Bldg. 1415
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010146
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1429
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010147
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1464
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010148
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1465
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010149
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1466
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010150
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 3503
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010151
Status: Unutilized
Reason: Secured Area.

Bldg. 3504
Fairchild AFB

Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010152
Status: Unutilized
Reason: Secured Area.

Bldg. 3505
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010153
Status: Unutilized
Reason: Secured Area.

Bldg. 3506
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010154
Status: Unutilized
Reason: Secured Area.

Bldg. 3507
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010155
Status: Unutilized
Reason: Secured Area.

Bldg. 3510
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010156
Status: Unutilized
Reason: Secured Area.

Bldg. 3514
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010157
Status: Unutilized
Reason: Secured Area.

Bldg. 3518
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010158
Status: Unutilized
Reason: Secured Area.

Bldg. 3521
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010159
Status: Unutilized
Reason: Secured Area.

Bldg. 100, Geiger Heights
Grove and Hallet Streets
Fairchild AFB Co: Spokane WA 99204–
Landholding Agency: Air Force
Property Number: 189210004
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 261
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310053
Status: Unutilized
Reason: Secured Area.

Bldg. 284
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011
Landholding Agency: Air Force
Property Number: 189310054
Status: Unutilized
Reason: Secured Area.

Bldg. 923
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310055
Status: Unutilized
Reason: Secured Area.

Bldg. 1330
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010056
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 1336
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310057
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 2000
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310058
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 2143
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310059
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 2385
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310060
Status: Unutilized
Reason: Secured Area.

Bldg. 3509
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310061
Status: Unutilized
Reason: Secured Area.

Bldg. 1405
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310062
Status: Underutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Facility 1468
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310063
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Facility 1469
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310064
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Facility 2450
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310065
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 1, Waste Annex
West of Crain Road Co: Spokane WA 99022–
Landholding Agency: Air Force
Property Number: 189320043
Status: Unutilized
Reason: Secured Area.

Bldg. 1220
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189330091
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 1224
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189330092
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 2004
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189330093
Status: Unutilized
Reason: Secured Area.

Bldg. 2018
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189330094
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 2150
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189330095
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 2164
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189330096
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Wisconsin

Bldg. 204, 440 Airlift Wing
Gen. Mitchell IAP
Milwaukee Co: Milwaukee WI 53207–6299
Landholding Agency: Air Force
Property Number: 189320032
Status: Unutilized
Reason: Secured Area.

Bldg. 306, 440 Airlift Wing

Gen. Mitchell IAP
Milwaukee Co: Milwaukee WI 53207–6299
Landholding Agency: Air Force
Property Number: 189320033
Status: Unutilized
Reason: Secured Area.

Wyoming

Bldg. 31
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010198
Status: Unutilized
Reason: Secured Area.

Bldg. 34
F. E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010199
Status: Underutilized
Reason: Secured Area.

Bldg. 37
F. E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010200
Status: Unutilized
Reason: Secured Area.

Bldg. 284
F. E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010201
Status: Unutilized
Reason: Secured Area.

Bldg. 385
F. E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010202
Status: Unutilized
Reason: Secured Area.

Bldg. 803
F. E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010203
Status: Unutilized
Reason: Secured Area.

Bldg. 802
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189240001
Status: Unutilized
Reason: Secured Area.

Bldg. 804
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189240002
Status: Unutilized
Reason: Secured Area.

Bldg. 805
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189240003
Status: Unutilized
Reason: Secured Area.

Bldg. 806
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189240004
Status: Unutilized
Reason: Secured Area.

Bldg. 2780
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189240005
Status: Unutilized
Reason: Secured Area.

Bldg. 2781
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 18924006
Status: Unutilized
Reason: Secured Area.

Bldg. 808
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189410001
Status: Unutilized
Reason: Secured Area.

Bldg. 844
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189410002
Status: Unutilized
Reason: Secured Area.

Bldg. 848
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189410003
Status: Unutilized
Reason: Secured Area.

Bldg. 362
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189420017
Status: Unutilized
Reason: Secured Area.

Bldg. 342
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189420018
Status: Unutilized
Reason: Secured Area.

Land (by State)

Alaska

Campion Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010430
Status: Unutilized
Reason: Other; Isolated area; Not accessible by road.
Comment: Isolated and remote area; Arctic environment.

Lake Louise Recreation
21 CSG–DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 1890101431
Status: Unutilized
Reason: Other Isolated area; Not accessible by road.
Comment: Isolated and remote area; Arctic coast.

Nikolski Radio Relay Site
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 1890101432
Status: Unutilized
Reason: Other; Isolated area; Not accessible by road.
Comment: Isolated and remote area; Arctic coast.

Florida

Land
MacDill Air Force Base
6601 S. Manhattan Avenue Tampa Co: Hillsborough FL 33608–
Landholding Agency: Air Force
Property Number: 189030003
Status: Excess
Reason: Floodway.

Indiana

Portion of Tract No. 1224
Salamonie Lake
Huntington Co: Huntington IN 46750–
Landholding Agency: COE
Property Number: 319310001
Status: Unutilized
Reason: Other
Comment: Landlocked.

Kentucky

Tract 4626
Barkley, Lake, Kentucky and Tennessee
Donaldson Creek Launching Area
Cadiz Co: Trigg KY 42211–
Location: 14 miles from US Highway 68.
Landholding Agency: COE
Property Number: 319010030
Status: Underutilized
Reason: Floodway.

Tract AA–2747
Wolf Creek Dam and Lake Cumberland
US HWY. 27 to Blue John Road
Burnside Co: Pulaski KY 42519–
Landholding Agency: COE
Property Number: 319010038
Status: Underutilized
Reason: Floodway.

Tract AA–2726
Wolf Creek Dam and Lake Cumberland
KY HWY. 80 to Route 769
Burnside Co: Pulaski Ky 52519–
Landholding Agency: COE
Property Number: 319010039
Status: Underutilized
Reason: Floodway.

Tract 1358
Barkley Lake, Kentucky and Tennessee
Eddyville Recreation Area
Eddyville Co: Lyon Ky 42038–
Location: US Highway 62 to state highway 93.
Landholding Agency: COE
Property Number: 319010043
Status: Excess
Reason: Floodway.

Red River Lake Project
Stanton Co: Powell Ky 40380–
Location: Exit Mr. Parkway at the Stanton and Slade Interchange, then take SR Hand 15 north to SR 613.
Landholding Agency: COE

Property Number: 319011684
Status: Unutilized
Reason: Floodway.

Barren River Lock & Dam No. 1
Richardsville Co: Warren KY 42270–
Landholding Agency: COE
Property Number: 319120008
Status: Unutilized
Reason: Floodway.

Green River Lock & Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy. 369, which runs off a Western Ky. Parkway.
Landholding Agency: COE
Property Number: 319120009
Status: Unutilized
Reason: Floodway.

Green River Lock & Dam No. 4
Woodbury Co: Butler KY 42288–
Location: Off State Hwy 403, which is off State Hwy 231
Landholding Agency: COE
Property Number: 319120014
Status: Underutilized
Reason: Floodway.

Green River Lock & Dam No. 5
Readville Co: Butler KY 42275–
Location: Off State Hwy 185
Landholding Agency: COE
Property Number: 319120015
Status: Unutilized
Reason: Floodway.

Green River Lock & Dam No. 6
Brownsville Co: Edmonson KY 42210–
Location: Off State Hwy 259
Landholding Agency: COE
Property Number: 319120016
Status: Underutilized
Reason: Floodway.

Vacant land west of locksite
Greenup Locks and Dam
Rural Co: Greenup KY 41144–
Landholding Agency: COE
Property Number: 319120017
Status: Unutilized
Reason: Floodway.

Tract 6404, Cave Run Lake
U.S. Hwy 460
Index Co: Morgan KY
Landholding Agency: COE
Property Number: 319240005
Status: Underutilized
Reason: Floodway.

Tract 6803, Cave Run Lake
State Road 1161
Pomp Co: Morgan KY
Landholding Agency: COE
Property Number: 319240006
Status: Underutilized
Reason: Floodway.

Maryland

Land
Brandywine Storage Annex
1776 ABW/DE Brandywine Road, Route 381
Andrews AFB Co: Prince Georges MD 20613–
Landholding Agency: Air Force
Property Number: 189010263
Status: Unutilized
Reason: Secured Area.

Tract 131R
Youghiogheny River Lake, Rt. 2, Box 100
Friendsville Co: Garrett MD
Landholding Agency: COE
Property Number: 319240007
Status: Underutilized
Reason: Floodway.

Michigan

Middle Marker Facility
Yipsilanti Co: Washtenaw MI 48198–
Location: 549 ft. north of intersection of Coolidge and Bradley Ave. on East side of street
Landholding Agency: DOT
Property Number: 879120006
Status: Unutilized
Reason: Within airport runway clear zone.

Minnesota

Parcel G
Pine River
Cross Lake Co: Crow Wing MN 56442–
Location: 3 miles from city of Cross Lake between highways 6 and 371
Landholding Agency: COE
Property Number: 319011037
Status: Excess
Reason: Other
Comment: highway right of way.

Mississippi

Parcel 1
Grenada Lake
Section 20
Grenada Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 319011018
Status: Underutilized
Reason: Within airport runway clear zone.

Missouri

Ditch 19, Item 2, Tract No. 230
St. Francis Basin Project
2½ miles west of Malden Co: Dunklin MO
Landholding Agency: COE
Property Number: 319130001
Status: Unutilized
Reason: Floodway

Union Lake
Sec 7, Twshp 42 north, Ranger West
Beaufort Co: Franklin MO
Landholding Agency: COE
Property Number: 319240008
Status: Unutilized
Reason: Floodway.

Confluence Levee (32B)
Missouri & Osage Rivers Co: Cole & Osage MO
Landholding Agency: COE
Property Number: 319430001
Status: Unutilized
Reason: Floodway.

New Mexico

Facility 75100
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240043
Status: Unutilized
Reason: Secured Area.

North Carolina

Land
Atlantic Intracoastal Waterway Co: Corrituck NC
Location: Near old Coinjack Bridge.
Landholding Agency: COE
Property Number: 319011537
Status: Unutilized
Reason: Floodway.

North Dakota

Tracts 1 & 2
Garrison Dam
Lake Sakakawea
Williston Co: Williams ND 58801–
Landholding Agency: COE
Property Number: 319410015
Status: Excess
Reason: Within 2000 ft. of flammable or explosive marterial; Floodway.

Ohio

Ohio River
Pike Island Lock and Dam
RD #1, Box 33
Tiltonsville Co: Jefferson OH
Landholding Agency: COE
Property Number: 319011561
Status: Underutilized
Reason: Floodway.

Tract—13.8 acres
New Cumberland Lock and Dam
Old Property #319011560
Glasgow Co: Beaver OH
Landholding Agency: COE
Property Number: 319430002
Status: Underutilized
Reason: Floodway.

Pennsylvania

Lock and Dam #7
Monongahela River
Greensboro Co: Greene PA
Location: Left hand side of entrance roadway to project.
Landholding Agency: COE
Property Number: 319011564
Status: Unutilized
Reason: Floodway.

Lock and Dam #3
Monongahela River
Elizabeth Co: Allegheny PA 15037–0455
Landholding Agency: COE
Property Number: 319240014
Status: Unutilized
Reason: Floodway.

South Dakota

Badlands Bomb Range
60 miles southeast of Rapid City, SD
1½ miles south of Highway 44 Co: Shannon SD
Landholding Agency: Air Force
Property Number: 189210003
Status: Unutilized
Reason: Secured Area.

Tennessee

McClure Bend
Cordell Hull Dam and Reservior
Carthage Co: Smith TN 37030–
Location: Highway 85 to McClure Bend Road.
Landholding Agency: COE
Property Number: 219040412
Status: Underutilized
Reason: Floodway.

Brooks Bend
Cordell Hull Dam and Reservoir
Highway 85 to Brooks Bend Road
Gainesboro Co: Jackson TN 38562–
Location: Tracts 800, 802–806, 835–837, 900–902, 1000–1003, 1025
Landholding Agency: COE
Property Number: 219040413
Status: Underutilized
Reason: Floodway.

Cheatham Lock and Dam

Highway 12
Ashland City Co: Cheatham TN 37015–
Location: Tracts E–513, E–512–1 and E–512–2
Landholding Agency: COE
Property Number: 219040415
Status: Underutilized
Reason: Floodway.

Tract 6737
Blue Creek Recreation Area
Barkley Lake, Kentucky and Tennessee
Dover Co: Stewart TN 37058–
Location: U.S. Highway 79/TN Highway 761
Landholding Agency: COE
Property Number: 319011478
Status: Underutilized
Reason: Floodway.

Tract 3102, 3105, and 3106
Brimstone Launching Area
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 319011479
Status: Excess
Reason: Floodway.

Tract 3507
Proctor Site
Cordell Hull Lake and Dam Project
Celina Co: Clay TN 38551–
Location: TN Highway 52
Landholding Agency: COE
Property Number: 319011480
Status: Unutilized
Reason: Floodway.

Tract 3721
Obey
Cordell Hull Lake and Dam Project
Celina Co: Clay TN 38551–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 319011481
Status: Unutilized
Reason: Floodway.

Tracts 608, 609, 611 and 612
Sullivan Bend Launching Area
Cordell Hull Lake and Dam Project
Carthage Co: Smith TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 319011482
Status: Underutilized
Reason: Floodway.

Tract 920
Indian Creek Camping Area
Cordell Hull Lake and Dam Project
Granville Co: Smith TN 38564–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 319011483
Status: Underutilized
Reason: Floodway.

Tracts 1710, 1716, and 1703
Flynns Lick Launching Ramp
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: Whites Bend Road
Landholding Agency: COE
Property Number: 319011484
Status: Underutilized
Reason: Floodway.

Tract 1810
Wartrace Creek Launching Ramp
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38551–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 319011485
Status: Underutilized
Reason: Floodway.

Tract 2524
Jennings Creek
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 319011486
Status: Unutilized
Reason: Floodway.

Tract 2905 and 2907
Webster
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38551–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 319011487
Status: Unutilized
Reason: Floodway.

Tracts 2200 and 2201
Gainesboro Airport
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 319011488
Status: Underutilized
Reason: Within airport runway clear zone; Floodway.

Tracts 710C and 712C
Sullivan Island
Cordell Hull Lake and Dam Project
Carthage Co: Smith TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 319011489
Status: Unutilized
Reason: Floodway.

Tract 2403, Hensley Creek
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 319011490
Status: Unutilized
Reason: Floodway.

Tracts 2117C, 2118 and 2120
Cordell Hull Lake and Dam Project Trace Creek
Gainesboro Co: Jackson TN 38562–
Location: Brooks Ferry Road
Landholding Agency: COE
Property Number: 319011491
Status: Unutilized
Reason: Floodway.

Tracts 424, 425 and 426
Cordell Hull Lake and Dam Project
Stone Bridge
Carthage Co: Smith TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 319011492
Status: Unutilized
Reason: Floodway.

Tract 517
J. Percy Priest Dam and Reservoir
Suggs Creek Embayment
Nashville Co: Davidson TN 37214–
Location: Interstate 40 to S. Mount Juliet Road.
Landholding Agency: COE
Property Number: 319011493
Status: Underutilized
Reason: Floodway.

Tract 1811
West Fork Launching Area
Smyrna Co: Rutherford TN 37167–
Location: Florence Road near Enon Springs Road
Landholding Agency: COE
Property Number: 319011494
Status: Underutilized
Reason: Floodway.

Tract 1504
J. Perry Priest Dam and Reservoir
Lamon Hill Recreation Area
Smyrna Co: Rutherford TN 37167–
Location: Lamon Road
Landholding Agency: COE
Property Number: 319011495
Status: Underutilized
Reason: Floodway.

Tract 1500
J. Perry Priest Dam and Reservoir
Pools Knob Recreation
Smyrna Co: Rutherford TN 37167–
Location: Jones Mill Road
Landholding Agency: COE
Property Number: 319011496
Status: Underutilized
Reason: Floodway.

Tracts 245, 257, and 256
J. Perry Priest Dam and Reservoir
Cook Recreation Area
Nashville Co: Davidson TN 37214–
Location: 2.2 miles south of Interstate 40 near Saunders Ferry Pike.
Landholding Agency: COE
Property Number: 319011497
Status: Underutilized
Reason: Floodway.

Tracts 107, 109 and 110
Cordell Hull Lake and Dam Project
Two Prong
Carthage Co: Smith TN 37030–
Location: US Highway 85
Landholding Agency: COE
Property Number: 319011498
Status: Unutilized
Reason: Floodway.

Tracts 2919 and 2929
Cordell Hull Lake and Dam Project
Sugar Creek
Gainesboro Co: Jackson TN 38562–
Location: Sugar Creek Road
Landholding Agency: COE
Property Number: 319011500
Status: Unutilized
Reason: Floodway.

Tracts 1218 and 1204
Cordell Hull Lake and Dam Project
Granville—Alvin Yourk Road
Granville Co: Jackson TN 38564–
Landholding Agency: COE
Property Number: 319011501
Status: Unutilized
Reason: Floodway.

Tract 2100
Cordell Hull Lake and Dam Project
Galbreaths Branch
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 319011502

Status: Unutilized
Reason: Floodway.

Tract 104 et. al.
Cordell Hull Lake and Dam Project
Horshoe Bend Launching Area
Carthage Co: Smith TN 37030–
Location: Highway 70 N
Landholding Agency: COE
Property Number: 319011504
Status: Underutilized
Reason: Floodway.

Tracts 510, 511, 513 and 514
J. Percy Priest Dam and Reservoir Project
Lebanon Co: Wilson TN 37087–
Location: Vivrett Creek Launching Area, Alvin Sperry Road
Landholding Agency: COE
Property Number: 319120007
Status: Underutilized
Reason: Floodway.

Tract A–142, Old Hickory Beach
Old Hickory Blvd.
Old Hickory Co: Davidson TN 37138–
Landholding Agency: COE
Property Number: 319130008
Status: Underutilized
Reason: Floodway.

Texas

Tracts 104, 105–1, 105–2 & 118
Joe Pool Lake Co: Dallas TX
Landholding Agency: COE
Property Number: 319010397
Status: Underutilized
Reason: Floodway.

Part of Tract 201–3
Joe Pool Lake Co: Dallas TX
Landholding Agency: COE
Property Number: 319010398
Status: Underutilized
Reason: Floodway.

Part of Tract 323
Joe Pool Lake Co: Dallas TX
Landholding Agency: COE
Property Number: 319010399
Status: Underutilized
Reason: Floodway.

Tract 702–3
Granger Lake
Route 1, Box 172
Granger Co: Williamson TX 76530–9801
Landholding Agency: COE
Property Number: 319010401
Status: Unutilized
Reason: Floodway.

Tract 706
Granger Lake
Route 1, Box 172
Granger Co: Williamson TX 76530–9801
Landholding Agency: COE
Property Number: 319010402
Status: Unutilized
Reason: Floodway.

Virginia

Parcel 1 (Byrd Field)
Richmond IAP
5680 Beulah Road
Richmond Co: Henrico VA 23150–
Landholding Agency: Air Force
Property Number: 189010435
Status: Unutilized
Reason: Floodway.

Parcel 3, (Byrd Field)
Richmond IAP
5680 Beulah Road
Richmond Co: Henrico VA 23150–
Landholding Agency: Air Force
Property Number: 189010436
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Parcel 2, (Byrd Field)
Richmond IAP
5680 Beulah Road
Richmond Co: Henrico VA 23150–
Landholding Agency: Air Force
Property Number: 189010437
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

ANG Site
Camp Pendleton
Virginia Air National Guard
Virginia Beach Co: (See County) VA 23451–
Landholding Agency: Air Force
Property Number: 189010589
Status: Unutilized
Reason: Secured Area.

0.07 Acre, Dismal Swamp Canal
West of U.S. Rt. 17
Chesapeake VA
Landholding Agency: COE
Property Number: 319210012
Status: Unutilized
Reason: Other
Comment: Inaccessible.

Washington

Fairchild AFB
SE corner of base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010137
Status: Unutilized
Reason: Secured Area.

Fairchild AFB
Fairchild AFB Co: Spokane WA 99011–
Location: NW corner of base
Landholding Agency: Air Force
Property Number: 189010138
Status: Unutilized
Reason: Secured Area.

West Virginia

Ohio River
Pike Island Locks and Dam
Buffalo Creek
Wellsburg Co: Brooke WV
Landholding Agency: COE
Property Number: 319011529
Status: Unutilized
Reason: Floodway.

Morgantown Lock and Dam
Box 3 RD # 2
Morgantown Co: Monongahelia WV 26505–
Landholding Agency: COE
Property Number: 319011530
Status: Unutilized
Reason: Floodway.

London Lock and Dam
Route 60 East
Rural Co: Kanawha WV 25126–
Location: 20 miles east of Charleston, W. Virginia.
Landholding Agency: COE
Property Number: 319011690
Status: Unutilized
Reason: Other
Comment: .03 acres; very narrow strip of land located too close to busy highway.

[FR Doc. 94–19577 Filed 8–11–94; 8:45 am]
BILLING CODE 4210–29–M

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N–94–3679; FR–3329–N–04]

NOFA for the Rental Voucher Set-Aside for Homeless Persons With Disabilities for FY 94; Amendment

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of fund availability for FY 1994; Amendment.

SUMMARY: The Department published a Notice of Fund Availability (NOFA) on February 1, 1994, that announced the availability of a set-aside of rental voucher funds of up to $147.7 million for very low-income homeless persons with disabilities and their families in a regional competition. The deadline date for applications was May 2, 1994 at the HUD State or Area Office. The Department received a large number of applications in response to the NOFA and began the review and ratings process. During the review process, HUD determined that many housing agencies (HAs) did not submit a request for a specific amount of Section 8 budget authority in addition to a request for the number of units, shown in the Form HUD–52515. The lack of a budget authority request, or, in the case of some HAs, an inadequate budget authority request based on the number of units listed in the Form HUD–52515, led to circumstances in which the certification in Attachment 7A of the NOFA was either rendered meaningless (in the absence of a budget authority request) or the application was rendered unacceptable, since the dollar-for-dollar match requirement was not met. Based upon the information originally submitted by the HAs by the May 2, 1994, deadline, HUD determined that a large number of applications would be rejected.

The Department has decided through this amendment to the February 1, 1994, NOFA to allow HAs to submit an initial or revised request for Section 8 budget authority. This request must equal the amount of Section 8 budget authority necessary to fund the number of units requested in the Form HUD–52515. The HA may request that the HUD Office calculate this amount for the HA if the HA provides to HUD the number of units by bedroom size and the average monthly adjusted income. It will also be

used as the amount of supportive services commitments to which the HA, or other entity, commits itself in the Attachment 7A certification. If the new request for Section 8 budget authority does not match the amount of budget authority needed to fund the full request for units, as shown in the Form HUD–52515, the application will be rejected. HAs should be aware that the new request for Section 8 budget authority may affect the value of the supportive services certified by the HA in Attachment 7A of the NOFA. HAs should also be aware that the first year firm financial commitments may not be modified although the change in the request for Section 8 budget authority may affect the score received under Selection Criterion 5: Documentation of First Year Supportive Services. HAs will not be allowed to revise any other aspect of their applications and any other information submitted by HAs under this amendment will not be accepted.

DATES: Revised data must be received by 3:00 p.m., local time, September 12, 1994, in the HUD Office to which the original application was received.

ADDRESSES: Submit revised data to the same HUD State or Area Office/Native American Programs Office to which the original application was submitted.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Director, Operations Branch, Rental Assistance Division, Office of Public and Indian Housing, Room 4220, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410–8000, telephone (202) 708–0477. Hearing- or speech-impaired individuals may call HUD's TDD number (202) 708–4594. (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: Accordingly, FR Docket No. N–93–3679; FR 3329–N–01, the Notice of Fund Availability (NOFA) for Fiscal Year 1993, for the Section 8 Set-Aside for Homeless Persons with Disabilities, published in the **Federal Register** on February 1, 1994 (59 FR 4758), is amended as follows:

1. On page 4761, in column three, paragraph (10) is deleted and the following is inserted to read:

II. Application Process * * *

(B) Unacceptable Applications * * *

(10) The HA has not provided an estimate of the amount of Section 8 budget authority required to fund the number of units requested in Form HUD–52515.

(11) The HA has not submitted an Attachment 7A certification.

2. On page 4764, Section III(B) is revised to add item (8) to read:

III. Checklist for Application Submission Requirements * * *

(B) Required Application Contents * * *

(8) HA Request for Budget Authority

Each HA in its application must state in dollars the amount of Section 8 Budget Authority necessary to fund the number of units requested on Form HUD–52515. The HA may request that the HUD Office calculate this amount for the HA if the HA provides to HUD the number of units by bedroom size (see Section B of Form HUD–52515) and the average monthly adjusted income (see Section H of Form HUD–52515).

Dated: August 4, 1994.

Joseph Shuldiner,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 94–19698 Filed 8–11–94; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Exxon Valdez Oil Spill Public Advisory Group; Notice of Public Meeting

AGENCY: Department of the Interior, Office of the Secretary.

ACTION: Notice of meeting.

SUMMARY: The Department of the Interior, Office of the Secretary is announcing a public meeting of the Exxon Valdez Oil Spill Public Advisory Group.

DATES: The public meeting will be held on Wednesday and Thursday, October 12–13, 1994, at 8:30 a.m. in the first floor conference room, 645 "G" Street, Anchorage, Alaska.

ADDRESS: Questions or comments can be addressed to: Department of the Interior, Office of Environmental Policy and Compliance, 1689 "C" Street, Suite 119, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: Douglas Mutter, Department of the Interior, Office of Environmental Policy and Compliance, 1689 "C" Street, Suite 119, Anchorage, Alaska, (907) 271–5011. He can also be reached by addressing PGates@IOS.DOI.GOV on Internet.

SUPPLEMENTARY INFORMATION: The Public Advisory Group was created by Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America and the State of Alaska on August 27, 1991 and approved by the United States District Court for the District of Alaska in settlement of *United States of America* v. *State of Alaska*, Civil Action No. A91–081 CV. The agenda will include the review of habitat protection activities, discussion of restoration issues identified by Public Advisory Group members, review of and comment on the draft 1995 Work Plan, and status reports on various restoration activities.

Dated: August 8, 1994.

Willie R. Taylor,

Acting Director, Office of Environmental Policy and Compliance.

[FR Doc. 94–19684 Filed 8–11–94; 8:45 am]

BILLING CODE 4310–RG–M

Bureau of Land Management

[Docket No. 4310–DN–P; Mt-060–02–4333–11]

Montana Off-Road Vehicle Designation

AGENCY: Department of the Interior, Bureau of Land Management.

ACTION: Notice to limit off-road vehicle use on public lands.

SUMMARY: Notice is hereby given that beginning September 1, 1994, the use of off-road vehicles (ORV) is limited on public lands within the Chain-Buttes/Dunn Ridge area in northern Petroleum County, Montana. This will be in effect during the bird and big game hunting season as established by the Montana Department of Fish, Wildlife and Parks in accordance with the authority and requirements of regulation 43 CFR 8364.1.

DATES: This designation will only be in effect between September 1, 1994 and December 1, 1994.

FOR FURTHER INFORMATION CONTACT: Chuck Otto, Judith Resource Area Manager, Bureau of Land Management (BLM), P.O. Box 1160, Airport Road, Lewistown, MT 59457.

SUPPLEMENTARY INFORMATION: This block management area (BMA) includes 92,810 acres. Public land is administered by the BLM, Judith Resource Area, Lewistown District. This designation is the result of a cooperative effort among private landowners, U.S. Fish and Wildlife Service, Montana Department of Fish, Wildlife and Parks, Montana Department of State Lands and the BLM. The purpose of this designation is to prevent damage to soil, vegetation and scenic resources, to open additional private and state lands for hunting and to reduce landowner/recreationist conflicts so as to provide a higher quality hunt.

The off-road vehicle limitation area is located in northern Petroleum County.

Montana. It includes all public lands administered by the BLM north of the Crooked Creek and Dunn Ridge roads.

Hunting within the described block will be subject to the following rules.

1. All off-road vehicle travel is prohibited.

2. All roads not shown on this map or signed as open, are closed to motorized vehicle use with the exclusive exception of retrieving downed big game. Big game retrieval is allowed between 10 a.m. and 2 p.m. daily on open or closed roads. Prior to or after these hours, motorized vehicles are not permitted on closed roads or off roads. No off-road vehicle use will be allowed on any lands within this BMA.

3. All public land in this management area is open to walk in hunting.

4. The private land in this management area is open to walk in hunting, except around residential areas, shipping pastures and portions of the Weingart, Iverson, Sikveland and Square Butte Grazing Association Ranches (these are individually signed at reasonable access and boundary points).

5. Camping on private land requires landowner permission.

6. Camping is permitted on public land (14-day stay limit) within 100 yards of open roads. Direct access by motor vehicle is permitted to and from campsites using the most direct route to avoid damage to soils and vegetation. Such camping is also allowed within a reasonable distance down closed roads, after obtaining a special use permit issued by the Judith Resource Area.

7. Use of state land is governed by the Department of State Land (DSL) regulations. There are four major areas where these rules differ from those used in the rest of this BMA. These include: (1) A DSL recreational use license is required for general recreational use; (2) Camping is allowed within 200 feet of an open road and is limited to two days only; (3) No open fires or fireworks are allowed; and (4) Horses cannot be kept on state lands overnight.

8. Outfitters and other recreationists must use certified weed free hay on BLM and DSL land for their livestock.

Dated: August 3, 1994.

B. Gene Miller,

Associate District Manager.

[FR Doc. 94–19723 Filed 8–11–94; 8:45 am]

BILLING CODE 4310–84–P

[OR–020–03–4332–02/8341: G4–254]

Vehicle Route Closure

AGENCY: Bureau of Land Management, (BLM), DOI.

ACTION: Notice.

SUMMARY: A portion of two dead-end vehicle routes on Federal public lands located along the east side of the Pueblo Mountains in Harney County, Oregon, are being closed to all motorized and mechanized (bicycles, etc.) vehicular traffic, except as noted below, under the provisions of 43 CFR 8364.1.

SUPPLEMENTARY INFORMATION: The closures include the following two routes:

(1) The route that follows Little Cottonwood Creek to the west will be closed at .7 mile west from where the route begins on the Fields/Denio County Road in the SE¼NW¼ sec. 28, T. 39 S., R. 35 E., Willamette Meridian, approximately 1.5 miles west to its dead end.

(2) A secondary route off the main route that follows Arizona Creek will be closed beginning 2 miles from the Fields/Denio County Road heading west in the SW¼SW¼ sec. 32, T. 39 S., R. 35 E., Willamette Meridian, approximately 1-mile north to its dead end. These routes are being closed to all motorized and mechanized vehicles with the following exceptions:

1. Law enforcement and other emergency personnel while engaged in emergency operations and official duties.

2. BLM employees while engaged in approved official duties.

3. Approved reclamation actions designed to restore the routes back to a more natural condition that existed prior to the route(s) existence.

Failure to comply with this closure may result in a fine of not more than $1,000 or imprisonment not to exceed 12 months, or both, in accordance with 43 CFR 8360.0–7.

These closures are being initiated to better protect sensitive plant species that are found in the Pueblo Foothills Research Natural Area, protect reclamation projects allowing vegetation to become reestablished, enhance wilderness values within the Pueblo Mountains Wilderness Study Area (2–81), prevent any further illegal expansion of vehicle routes within the Wilderness Study Area, and safety concerns regarding deterioration of the route(s) due to washouts. An Environmental Assessment of the closure is available for inspection at the address listed below.

EFFECTIVE DATES: The closures will be effective upon posting and closure of the route(s) by the Authorized Officer. These closures are permanent.

FOR FURTHER INFORMATION CONTACT: Glenn Patterson, Andrews Resource Area, Area Manager, or Scott Moore, District Wilderness Specialist, HC 74–12533 Hwy 20 West, Hines, Oregon 97738, telephone (503) 573–5241.

Dated: August 5, 1994.

Glenn T. Patterson,

Andrews Resource Area Manager.

[FR Doc. 94–19695 Filed 8–11–94; 8:45 am]

BILLING CODE 4332–02–M

[ID–942–04–321A–02]

Idaho: Filing of Plats of Survey; Idaho

The plat of survey of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m., August 4, 1994.

The plat representing the dependent resurvey of a portion of the subdivisional lines, and the survey of Lot 6 in section 10, Township 9 North, Range 17 East, Boise Meridian, Idaho, Group No. 871, was accepted August 2, 1994.

This survey was executed to meet certain administrative needs of this Bureau.

All inquiries concerning the survey of the above-described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: August 4, 1994.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 94–19666 Filed 8–11–94; 8:45 am]

BILLING CODE 4310–GG–M

[ID–942–04–321A–02]

Idaho: Filing of Plats of Survey; Idaho

The plat of survey of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m., August 4, 1994.

The plat representing the dependent resurvey of portions of the west boundary and subdivision of section 7, and the survey of Lot 10 in section 7, Township 14 North, Range 19 East, Boise Meridian, Idaho, Group No. 872, was accepted August 2, 1994.

This survey was executed to meet certain administrative needs of this Bureau.

All inquiries concerning the survey of the above-described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: August 4, 1994.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 94–19667 Filed 8–11–94; 8:45 am]

BILLING CODE 4310–GG–M

Fish and Wildlife Service

Notice of Availability of a Draft Recovery Plan for the Shenandoah Salamander for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service announces the availability for public review of a draft Recovery Plan for the Shenandoah salamander (*Plethodon shenandoah*). The Shenandoah salamander is limited to mountain slopes within the boundaries of Shenandoah National Park in Page and Madison Counties, Virginia. It was listed as endangered in 1989 due to competition with the redbacked salamander (*Plethodon cinereus*) and eventual succession of the Shenandoah salamander's talus-slope habitat to conditions favoring the redbacked salamander. Human-related factors potentially affecting the Shenandoah salamander include potentially adverse physiological and/or reproductive effects associated with acid deposition, and defoliation of trees associated with non-native insect outbreaks. The primary recovery strategy for this species is to minimize any human-related impacts on the Shenandoah salamander while monitoring the effects of natural competition. The Service solicits review and comment from the public on this draft Plan.

DATES: Comments on the draft Recovery Plan must be received September 12, 1994 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft Recovery Plan can obtain a copy from the U.S. Fish and Wildlife Service, Region Five, 300 Westgate Center Drive, Hadlley, Massachusetts 01035–9589, telephone (413) 253–8628. Comments should be sent to this address, to the attention of Mary Parkin.

FOR FURTHER INFORMATION CONTACT: Mary J. Parkin (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare Recovery Plans for most of the listed species native to the United States. Recovery Plans describe actions considered necessary for conservation of the species, established criteria for the recovery level for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) requires the development of Recovery Plans for listed species unless such a Plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during Recovery Plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised Recovery Plan. The Service and other Federal agencies will also take these comments into account in the course of implementing Recovery Plans.

The document submitted for review is the draft Shenandoah Salamander (*Plethodon shenandoah*) Recovery Plan. This small woodland salamander is known only from the northeast to northwest-facing talus slopes of three mountains—Hawksbill, The Pinnacles, and Stony Man—all within the boundaries of Shenandoah National Park in Page and Madison Counties, Virginia.

The effects of fires, farming, and timbering operations prior to 1936 (when the Park was established) on the current limited distribution of the Shenandoah salamander are unknown. In its present environment, however, the primary threats to the salamander appear to be competition with the aggressive and successful red-backed salamander (which confines the Shenandoah salamander to a few relatively dry talus areas not occupied by the competitor), and eventual succession of these talus areas to moister habitat more suitable for the red-backed salamander. The red-backed salamander is widely distributed and completely surrounds each of the three isolates of the Shenandoah salamander.

Against this backdrop of naturally occurring threats to the salamander's continued existence, two major, relatively recent anthropogenic factors appear to have the potential of further endangering this species as well as threatening other faunal and floral components of the ecosystem it inhabits. These include: (1) defoliation of trees within its habitat, associated with outbreaks of gypsy moths, hemlock woolly adelgids, or other introduced forest pest species; and (2) further debilitation of overstory vegetation, changes in soil chemistry, and direct impacts to the salamanders associated with acid deposition and other sources of air pollution.

Because the Shenandoah salamander represents an unusual case in which natural factors play a major role in its present endangerment, the recovery objective is to stabilize this species. Recovery activities will focus on minimizing human impacts on the Shenandoah salamander and conducting long-term monitoring to detect any significant changes in size or demographic structure of Shenandoah salamander populations as well as any shifts in distribution between this species and the red-backed salamander. Studies to examine impacts of acid deposition, forest defoliators, and control agents will be conducted if it is determined that Shenandoah salamander habitat is susceptible to defoliation. All Park maintenance and management activities will be conducted in a way that is compatible with Shenandoah salamander populations.

The draft Recovery Plan is being submitted for agency review. After consideration of comments received during the review period, the Plan will be submitted for final approval.

Public Comments Solicited

The Service solicits written comments on the Recovery Plan described. All comments received by the date specified above will be considered prior to approval of the Plan.

Authority

The authority for this action is Section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: August 5, 1994.

Ralph Pisapia,

Acting for Regional Director.

[FR Doc. 94–19697 Filed 8–11–94; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

Public Review of the Finding of No Significant Impact on the Designation of Upper Klamath River into the National Wild and Scenic Rivers System

AGENCY: National Park Service, Interior.

ACTION: Public Review of Finding of No Significant Impact.

SUMMARY: The National Park Service is releasing for public review its finding that the designation of the upper Klamath River, Oregon, into the National Wild and Scenic Rivers System will not result in impacts significantly affecting the quality of the environment. The river has been found eligible for the national system, and the state of Oregon has met all requirements for designation of the river through section 2(a)(ii) of the National Wild and Scenic Rivers Act.

DATES: Comments must be received by September 9, 1994.

ADDRESSES: Copies of the Finding of No Significant Impact and the Klamath Wild & Scenic River Eligibility Report and Environmental Assessment are available from: Cheryl Teague, National Park Service, Pacific Northwest Regional Office, 909 First Avenue, Seattle, Washington 98104–1060, telephone (206) 220–4112; or Jim Vienop, Bureau of Land Management, Klamath Falls Resource Area, 2795 Anderson Avenue, Building 25, Klamath Falls, Oregon 97603, telephone (503) 883–6916.

FOR FURTHER INFORMATION CONTACT: Cheryl Teague, National Park Service, Pacific Northwest Regional Office, 909 First Avenue, Seattle, Washington 98104–1060, (206) 220–4112.

Dated: August 8, 1994.

Charles H. Odegaard,

Regional Director, National Park Service.

[FR Doc. 94–19802 Filed 8–11–94; 8:45 am]

BILLING CODE 4310–70–P

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–55 (Sub-No. 491X)]

CSX Transportation, Inc.—Abandonment Exemption—In Polk County, FL

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon its line of railroad, known as the Lake Alfred Branch, between milepost AW–836.0 and milepost AW–839.5, a distance of approximately 3.5 miles, in Polk County, FL.

CSXT has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on September 11, 1994, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29[3] must be filed by August 22, 1994. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by September 1, 1994, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Charles M. Rosenberger, 500 Water St., J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, the exemption is void ab initio.

CSXT has filed an environmental report which addresses the abandonment's effects, if any, on the environmental and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by August 17, 1994. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: August 4, 1994.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Acting Secretary.

[FR Doc. 94–19715 Filed 8–11–94; 8:45 am]

BILLING CODE 7035–01–P

[1] A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 94–33]

Phillip L. Brown, D.D.S.; Revocation of Registration

On July 23, 1993, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Phillip L. Brown, D.D.S. (Respondent) of Aurora, Colorado. The Order to Show Cause sought to revoke Respondent's DEA Certificate of Registration, AB2731998, and to deny any pending applications for renewal of such registration. The Order to Show Cause alleged that Respondent's continued registration would be inconsistent with the public interest as that term is used in 21 U.S.C. 823(f). Specifically, the Order to Show Cause alleged that Respondent administered lethal doses of Demerol, a Schedule II controlled substance, and Valium, a Schedule IV controlled substance, while attempting to sedate a patient; and as a result of such action, Respondent pled guilty to and was convicted of one count of manslaughter in the State of Colorado and voluntarily surrendered his dental license to the Colorado State Board of Dental Examiners (Board), effective August 19, 1992.

Respondent, acting on his own behalf, filed a timely request for a hearing. The matter was docketed before Administrative Law Judge Paul A. Tenney. Thereafter, the Government filed a motion for summary disposition alleging that Respondent no longer had state authority to handle controlled substances. Respondent did not file a response to this motion.

On May 17, 1994, the administrative law judge issued an order stating that the motion for summary disposition was warranted as there was no question of material fact involved. Furthermore, he explained that the DEA lacks statutory authority to register a practitioner unless the practitioner currently has state authority to handle controlled substances and concluded that Respondent is without authority to handle controlled substances in the State of Colorado. Consequently, the administrative law judge granted the Government's motion for summary disposition and recommended that Respondent's DEA Certificate of Registration be revoked. No exceptions were filed and on June 17, 1994, the entire record of these proceedings was transmitted to the Deputy Administrator.

After a careful review of the record in this matter, the Deputy Administrator adopts the administrative law judge's recommendation. DEA does not have the authority under the Controlled Substances Act to grant a registration to a practitioner if that practitioner is not authorized by a state to handle controlled substances. *See Ramon Pla, M.D.*, Docket No. 86–54, 51 FR 41168 (1986); *George S. Heath, M.D.*, Docket No. 86–24, 51 FR 26610 (1986); *Dale D. Shahan, D.D.S.*, Docket No. 85–57, 51 FR 23481 (1986). There is no evidence in the record to contradict the Government's position that Respondent's Colorado dental license has been revoked pursuant to Respondent's surrender of his dental license and that his authority to handle controlled substances in the State of Colorado has been nullified. Consequently, revocation of Respondent's DEA registration is warranted.

The Deputy Administrator concurs with the administrative law judge's granting of the Government's motion for summary disposition. In the absence of a question of material fact, a plenary adversary administrative proceeding is not required. *See United States v. Consolidated Mines and Smelting Company, Ltd.*, 445 F.2d 432, 453 (9th Cir. 1971); *N.L.R.B. v. International Association of Bridge, Structural and Ornamental Ironworkers, AFL–CIO*, 549 F.2d 634 (9th Cir. 1977); *Alfred Tennyson Smurthwaite, N.D.*, Docket No. 77–29, 43 FR 11873 (1978).

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104 (59 FR 23637), hereby orders that DEA Certificate of Registration, AB2731998, previously issued to Phillip L. Brown, D.D.S., be, and it hereby is, revoked and that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective August 12, 1994.

Dated: August 5, 1994.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 94–19700 Filed 8–11–94; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 93–76]

Diana J. Smith, M.D., Revocation of Registration

On August 9, 1993, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Diana J. Smith, M.D. (Respondent). The Order to Show Cause sought to revoke Respondent's DEA Certificate of Registration, AS2966919, issued to her in Arizona and to deny any pending applications for renewal of such registration. The Order to Show cause alleged that Respondent's continued registration would be inconsistent with the public interest as that term is used in 21 U.S.C. 823(f).

Respondent filed a timely request for a hearing. The matter was docketed before Administrative Law Judge Mary Ellen Bittner. Before the hearing could be scheduled, the Arizona Board of Medical Examiners (Board) entered into a consent decree with Respondent, in which Respondent voluntarily relinquished her license to practice medicine in the State of Arizona, effective October 14, 1993. The Government then filed a motion for summary disposition based upon the Board's order, alleging that since Respondent was not currently authorized to handle controlled substances in the State of Arizona, DEA could not continue to register Respondent in that state. Respondent filed a response to this motion, arguing that her DEA registration should not be revoked because she still had current medical licenses in two other states, Virginia and North Carolina, and was applying for medical licensure in the State of Washington where she currently resides.

On April 18, 1994, the administrative law judge issued her opinion and recommended decision. The administrative law judge stated that the motion for summary disposition was warranted as there was no question of material fact involved. Furthermore, she explained in her opinion that the only relevant medical license was the one that Respondent formerly held in Arizona, since Respondent's DEA registration was issued to her in that state. The administrative law judge then noted that the DEA lacks statutory power to register a practitioner unless the practitioner holds state authority to handle controlled substances and concluded that Respondent is without authority to handle controlled substances in the State of Arizona. Consequently, the administrative law judge granted the Government's motion for summary disposition and recommended that Respondent's DEA Certificate of Registration be revoked. No exceptions were filed and on May 23, 1994, the entire record of these proceedings was transmitted to the Deputy Administrator.

After a careful review of the record in this matter, the Deputy Administrator adopts the administrative law judge's opinion and recommended decision. As DEA has consistently held, the DEA does not have the authority under the Controlled Substances Act to grant a registration to a practitioner if that practitioner is not authorized by a state to handle controlled substances. *See Ramon Pla, M.D.*, Docket No. 86–54, 51 FR 41168 (1986); *George S. Heath, M.D.* Docket No. 86–24, 51 FR 26610 (1986); *Dale D. Shahan, D.D.S.*, Docket No. 85–57, 51 FR 23481 (1986). There is no evidence in the record to contradict the Government's position that Respondent's Arizona medical license has been revoked and that her authority to handle controlled substances in the State of Arizona has been nullified. Furthermore, Respondent has not requested modification of her DEA registration to one of the two states where she currently holds medical licenses. Consequently, revocation of Respondent's DEA registration is warranted.

The Deputy Administrator concurs with the administrative law judge's granting of the Government's motion for summary disposition. In the absence of a question of material fact, a plenary adversary administrative proceeding is not required. *See United States v. Consolidated Mines and Smelting Company, Ltd.*, 445 F.2d 432, 453 (9th Cir. 1971); *N.L.R.B. v. International Association of Bridge, Structural and Ornamental Ironworkers, AFL–CIO*, 549 F.2d 64 (9th Cir. 1977); *Alfred Tennyson Smurthwaite, N.D.*, Docket No. 77–29, 43 FR 11873 (1978).

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104 (59 FR 23637), hereby orders that DEA

Certificate of Registration, AS2966919, previously issued to Diana J. Smith, * M.D., be, and it hereby is, revoked and that any pending applications for renewal of such registration be, and they hereby are, denied. This order is effective August 12, 1994.

Dated: August 5, 1994.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 94–19701 Filed 8–11–94; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Office of the Secretary

Bureau of International Labor Affairs; U.S. National Administrative Office; North American Agreement on Labor Cooperation; Amended Notice of Hearing on Submissions #940001 and #940002

AGENCY: Office of the Secretary, Labor.

ACTION: Amended notice of hearing.

SUMMARY: On July 28, 1994, the Department announced in the **Federal Register** a hearing, scheduled for August 31, 1994, at 10:00 a.m., on Submissions #940001 and #940002. The purpose of this amended notice is to announce a change of the time and date for the hearing and a corresponding change of the date for submitting written statements or briefs and requests to present oral testimony.

DATES: The hearing will be held on September 12, 1994, commencing at 9:00 A.M. Persons wishing to provide information or present their views on matters related to the review of Submission #940001 or #940002 may do so by filing written statements or briefs with the U.S. National Administrative Office, which must be received by August 31, 1994. Persons desiring to present oral testimony at the hearing must submit a request in writing at the time the written statement or brief is filed.

ADDRESSES: The hearing will be held at the Department of Labor, 200 Constitution Avenue, N.W., Room N–3437, Washington, DC 20210. Written statements or briefs and requests to present oral testimony may be mailed or hand delivered to the U.S. National Administrative Office, Department of Labor, 200 Constitution Avenue, N.W., Room C–4322, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Irasema T. Garza, Secretary, U.S. National Administrative Office, Department of Labor, 200 Constitution Avenue, N.W., Room C–4322, Washington, DC 20210. Telephone: (202) 501–6653 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Please refer to the notice published on July 28, 1994 in the **Federal Register** (59 FR 38492) for supplementary information.

Signed at Washington, DC on August 10, 1994.

Irasema T. Garza,

Secretary, U.S. National Administrative Office.

[FR Doc. 94–19914 Filed 8–11–94; 8:45 am]

BILLING CODE 4510–28–M

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 basis 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 determination 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 19 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 supersedeas 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 decision, together with any modifications issued, must be made a part of every contract for performance of the described work within 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 I

Massachusetts
MA940017 (Aug. 12, 1994)
MA940018 (Aug. 12, 1994)
MA940019 (Aug. 12, 1994)

Maine
ME940028 (Aug. 12, 1994)
ME940029 (Aug. 12, 1994)
ME940030 (Aug. 12, 1994)
ME940031 (Aug. 12, 1994)
ME940032 (Aug. 12, 1994)
ME940033 (Aug. 12, 1994)
ME940034 (Aug. 12, 1994)
ME940035 (Aug. 12, 1994)

ME940036 (Aug. 12, 1994)
ME940037 (Aug. 12, 1994)

Volume II

Virginia
VA940112 (August 12, 1994)

Volume III

GA940083 (Aug. 12, 1994)

Modification to General Wage Determinations 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

Connecticut
CT940001 (Feb. 11, 1994)
CT940003 (Feb. 11, 1994)
CT940004 (Feb. 11, 1994)
Massachusetts
MA940001 (Feb. 11, 1994)
Maine
ME940003 (Feb. 11, 1994)
New York
NY940002 (Feb. 11, 1994)
NY940020 (Feb. 11, 1994)

Volume II

District of Col
DC940001 (Feb. 11, 1994)
Maryland
MD940034 (Feb. 11, 1994)
MD940048 (Feb. 11, 1994)
Virginia
VA940025 (Feb. 11, 1994)
VA940034 (Feb. 11, 1994)
VA940048 (Feb. 11, 1994)
VA940052 (Feb. 11, 1994)
VA940054 (Feb. 11, 1994)
VA940058 (Feb. 11, 1994)
VA940080 (Feb. 11, 1994)
VA940104 (Feb. 11, 1994)
VA940105 (Feb. 11, 1994)
VA940108 (Apr. 11, 1994)

Volume III

Georgia
GA940003 (Feb. 11, 1994)
GA940011 (Feb. 11, 1994)
GA940048 (Feb. 11, 1994)
Kentucky
KY940003 (Feb. 11, 1994)
KY940004 (Feb. 11, 1994)
KY940006 (Feb. 11, 1994)
KY940007 (Feb. 11, 1994)
KY940025 (Feb. 11, 1994)
KY940027 (Feb. 11, 1994)
KY940028 (Feb. 11, 1994)
KY940029 (Feb. 11, 1994)
KY940032 (Feb. 11, 1994)
KY940035 (Feb. 11, 1994)
KY940054 (Feb. 11, 1994)

Volume IV

Indiana
IN940006 (Feb. 11, 1994)
Wisconsin
WI940001 (Feb. 11, 1994)

Volume V

Iowa
IA940010 (Feb. 11, 1994)
IA940016 (Feb. 11, 1994)
IA940032 (Feb. 11, 1994)
Kansas
KS940019 (Feb. 11, 1994)
KS940020 (Feb. 11, 1994)
KS940021 (Feb. 11, 1994)
KS940023 (Feb. 11, 1994)
KS940026 (Feb. 11, 1994)
Nebraska
NE940001 (Feb. 11, 1994)
NE940003 (Feb. 11, 1994)
NE940004 (Feb. 11, 1994)
NE940005 (Feb. 11, 1994)
NE940009 (Feb. 11, 1994)
NE940010 (Feb. 11, 1994)
NE940011 (Feb. 11, 1994)
NE940019 (Feb. 11, 1994)
NE940030 (Feb. 11, 1994)

Volume VI

Alaska
AK940001 (Feb. 11, 1994)
California
CA940004 (Feb. 11, 1994)
Colorado
CO940002 (Feb. 11, 1994)
CO940003 (Feb. 11, 1994)
CO940004 (Feb. 11, 1994)
CO940005 (Feb. 11, 1994)
CO940006 (Feb. 11, 1994)
CO940008 (Feb. 11, 1994)
CO940009 (Feb. 11, 1994)
CO940010 (Feb. 11, 1994)
CO940011 (Feb. 11, 1994)
CO940014 (Feb. 11, 1994)
CO940018 (Feb. 11, 1994)
CO940020 (Feb. 11, 1994)
CO940021 (Feb. 11, 1994)
CO940023 (Feb. 11, 1994)
CO940024 (Feb. 11, 1994)
Idaho
ID940002 (Feb. 11, 1994)
Oregon
OR940001 (Feb. 11, 1994)
Washington
WA940001 (Feb. 11, 1994)
WA940002 (Feb. 11, 1994)
WA940003 (Feb. 11, 1994)
WA940007 (Feb. 11, 1994)
WA940008 (Feb. 11, 1994)
WA940011 (Feb. 11, 1994)
WA940013 (Feb. 11, 1994)

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 Printing Depository Libraries and many of the 1,400 Government Depository Libraries across the county. Subscriptions may be purchased from: Superintendent of Documents, U.S. Printing Government 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 six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which included 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 August 1994.

Alan L. Moss,

Director, Division of Wage Determination.

[FR Doc. 94–19525 Filed 8–11–94; 8:45 am]

BILLING CODE 4510–27–M

LIBRARY OF CONGRESS

Copyright Office

[Docket No. RM 93–5A]

Cable Compulsory License; Major Television Market List

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of policy decision.

SUMMARY: In light of the 1992 Cable Act's direction to the Federal Communications Commission (FCC) to update the § 76.51 major television market list, the Copyright Office is reaffirming its 1987 Policy Decision accepting Commission market redesignation for purposes of the copyright cable compulsory license. Broadcast signals entitled to mandatory carriage status under the FCC's must-carry rules in effect on April 15, 1976, as a result of a Commission market redesignation order, are to be treated as local signals for purposes of the cable compulsory license. The Copyright Office declines to take a position at this time as to the possible copyright effect of a future FCC reranking of major television markets.

EFFECTIVE DATE: Effective date August 12, 1994.

FOR FURTHER INFORMATION CONTACT: Eric Schwartz, Acting General Counsel, U.S. Copyright Office, Library of Congress, Washington, D.C. 20559. Telephone: (202) 707–8380; Telefax (202) 707–8366.

SUPPLEMENTARY INFORMATION:

I. Background

On June 28, 1993, the Copyright Office issued a Notice of Inquiry (NOI) informing the public that it was considering the impact of the Federal Communications Commission's recent update of its major television market

list, 47 CFR 76.51, on copyright liability under the cable compulsory license, 17 U.S.C. 111. 58 FR 34594 (June 28, 1993). The Commission's action, *Report and Order* in MM Docket 92–259, 8 FCC Rcd 2965 (1993), was in response to the "Cable Television Consumer Protection and Competition Act of 1992" (1992 Cable Act) which adds a new section 614(f) to the Communications Act of 1934 requiring the FCC to "update section 76.51 of title 47 of the Code of Federal Regulations." The Commission amended three markets on the list by adding Chillicothe to the Columbus, Ohio market; New London to the Hartford-New Haven-New Britain-Waterbury, Connecticut market; and Rome to the Atlanta, Georgia market. 8 FCC Rcd at 2978. The Commission also announced that a major revision of the major television market list was not necessary at that time, and that any future changes would be made on a case-by-case basis. *Id.*

The NOI fully described the history and copyright significance of the major television market list. *See* 58 FR at 34594 (June 28, 1993). To summarize briefly, the major television market list contained in § 76.51 of the Commission's rules is a ranking, based on audience size, of the top 100 television markets in the country derived from Arbitron's 1970 prime time household rankings. Adopted in 1972, the list named the communities comprising each individual market [1] and related, *inter alia,* to the carriage obligations of cable systems under the former FCC distant signal and must-carry rules. With the elimination of the distant signal rules in 1981 and, especially, the invalidation of the must-carry rules in the *Quincy Cable T.V., Inc.* v. *FCC,* 768 F.2d 1434 (D.C. Cir. 1985), *cert. denied,* 476 U.S. 1169 (1986) and *Century Communications* v. *FCC,* 838 F.2d 292 (D.C. Cir. 1987), *cert. denied,* 486 U.S. 1032 (1988) cases, the FCC no longer made changes to § 76.51. The 1992 Cable Act [2] resuscitated the major-market list by requiring the Commission to update it.

Section 76.51 has relevance for the section 111 copyright cable compulsory license in two ways. The first is in determining whether a broadcast signal is local or distant. Compulsory license royalties are determined, for the most part, by the number of distant signals a cable system carries. When Congress created the cable license in 1976, it defined a broadcast station as being local to a cable system when the station "is entitled to insist upon its signal being retransmitted by a cable system pursuant to the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976." 17 U.S.C. 111(f). This passage is a direct reference to the FCC's 1976 must-carry rules, in which the major television market list played a significant role. Under those earlier rules, any cable system community within 35 miles of a market identified in the § 76.51 list was subject to mandatory carriage of any broadcast station licensed to a community within the market. Hence, as provided by section 111 of the Copyright Code, cable systems in those circumstances may carry stations located within the major market as a "local" signal, thereby avoiding the distant signal cable compulsory license royalty fee.

Aside from the local/distant status of broadcast signals, § 76.51 also serves a purpose in determining the applicable royalty rate for distant signals to be paid by cable systems. The earlier FCC must-carry rules determined when a broadcast signal was distant, and in turn the Commission's distant signal carriage rules in effect in 1976 determined how many distant signals a cable operator in a top 100 television market could carry. 47 C.F.R. §§ 76.61 and 76.63 (1976). Cable systems operating in the top 50 markets listed in § 76.51 were generally allowed to carry three distant signals, while systems in the second 50 markets could generally carry only two. When the distant signal carriage rules were eliminated in 1981, *see Malrite T.V. of New York, Inc.* v. *FCC,* 652 F.2d 1140 (2d Cir. 1981), *cert. denied sub. nom., National Football League, Inc.* v. *FCC,* 454 U.S. 1143 (1982), the Copyright Royalty Tribunal adjusted the royalty rates under the Copyright Code provision permitting adjustment "[i]n the event that the rules and regulations of the [FCC] are amended . . . to permit the carriage of additional television broadcast signals beyond the local service area of such signals. . . ." 17 U.S.C. 801(b)(2)(B). The result was that cable carriage of formerly non-permitted distant signals triggered a substantially higher copyright royalty rate (3.75% of gross receipts per signal) than that applicable to carriage of formerly permitted signals (less than 1% of gross receipts per signal). *See Adjustment of the Royalty Rates for Cable Systems,* 47 FR 52146 (Nov. 19, 1982). Cable systems in the top fifty § 76.51 markets, therefore, can generally carry one more non-3.75% distant signal than cable systems located in the second 50 markets.

Except for redesignation of the scope of a particular market, the markets listed in § 76.51 and their ranking have remained unchanged since the section's inception in 1972. In 1985, the FCC amended the list to include Melbourne and Cocoa, Florida in the Orlando-Daytona Beach, Florida hyphenated market, and added Visalia, Hanford, and Clovis, California to the Fresno, California market. *See Report and Order* in MM Docket No. 84–11 RM 4557, 102 FCC2d 1062 (1985)(Florida); *Report and Order* in MM Docket No. 84–439, FCC–85–59 (1985)(California). That action raised some of the same issues presented in this proceeding, and we asked for public comment concerning the implications of the FCC action on the copyright cable compulsory license. *Notice of Inquiry* in Docket No. RM 85–2, 50 FR 14725 (Apr. 15, 1985). We asked the public to respond to a series of questions, including:

(1) What is the impact on the copyright law of a change by the FCC in the major television market list;

(2) Whether the amendment of § 76.51 was a rule change requiring an adjustment in the royalty rates;

(3) How should the 3.75% royalty for distant formerly nonpermitted signals be applied to the changed market; and

(4) What action, if any, should the Copyright Office take to clarify the issues raised by the FCC changes in the major television market list.

We received 12 comments from interested parties, including comments from the FCC. The commentators were in unanimous agreement that the redesignations of the Orlando-Daytona Beach, Florida and Hanford-Clovis, California hyphenated markets were not changes in the FCC rules in effect on April 15, 1976, and that the Copyright Office should treat signals in the newly defined markets that were local for communications purposes as local for purposes of computing copyright royalties as well.

We issued a policy decision in 1987 accepting the Florida and California market changes for compulsory license purposes. 52 FR 28362 (July 29, 1987). We stated that we were—* * * formally adopt[ing] the view that signals entitled to mandatory carriage status under the FCC's former must-carry rules as a result of an FCC market redesignation order are to be treated as local signals for purposes of the cable compulsory

[1] Markets containing the names of more than one community are known as "hyphenated" markets. E.g., Roanoke-Lynchburg, Virginia.

[2] The 1992 Act restored must-carry requirements, but adopted a different standard ("area of dominant influence" or "ADI") for applying them. The Supreme Court has reviewed the must-carry rules and, while they currently remain in force, remanded them to the trial court to make factual findings justifying their retention. *Turner Broadcasting, Inc.* v. *F.C.C.,* 62 U.S.L.W. 4647 (June 27, 1994).

license. This position is necessarily based upon the interpretations that (1) Congress did not intend § 76.51 to be frozen to its April 15, 1976 status for purposes of determining cable systems' local service area and copyright royalty fees; and (2) when the FCC amends its major television market list in 47 CFR 76.51, there has been no substantive rule change effected so as to impact calculation of cable copyright royalties. *Id.* at 28366 (July 29, 1987).

While we noted that our "interpretation [was] based on the legislative history of the Copyright Act," we underscored the moot nature of our policy decision by what then appeared to be the end of changes to § 76.51:

[T]he changes in the FCC's must-carry-rules following the *Quincy* decision have essentially mooted the subject of this Notice. When this inquiry began the Copyright Office had concerns about enlargement of the class of local signals under the Copyright Act due to the approximately 400 petitions for market redesignation at that time pending at the FCC. However, it would appear that this policy concern is now eliminated because under the FCC's amended must-carry rules, the major market list is not determinative of must-carry status, and it is unlikely that a large number of market redesignations will be effected by the FCC in the future.

Id. The above statement proved to be accurate, especially with the elimination of all must-carry obligations later that year. *See Century Communications v. FCC,* 835 F.2d 292 (D.C. Cir. 1987), *cert. denied,* 486 U.S. 1032 (1988).

II. 1992 Cable Act

The composition of the major television market list remained intact until the passage of the 1992 Cable Act. The 1992 Cable Act amends the Communications Act of 1934 by, among other things, adding a new section 614 governing the cable carriage obligations for local commercial television stations, *i.e.*, new must-carry rules. As noted above, the 1992 must-carry requirements no longer involve the major-market list. Nevertheless, section 614(f) of the 1992 Act requires that the FCC's regulations adopted to implement the new must-carry rules "shall include necessary revisions to update section 76.51 of title 47 of the Code of Federal Regulations." As we noted in our NOI, the instruction of § 614(f) may seem somewhat anomalous since the § 76.51 major television market list has nothing to do with the new must-carry obligations of cable systems.[3] *See* 58 FR at 34594 n.1 (June 28, 1993). In compliance with the statutory directive, however, the Federal Communications Commission on November 19, 1992, published a Notice of Proposed Rulemaking in MM Docket No. 92–259, 7 FCC Rcd 8055 (1992) to consider changes to the § 76.51 list. The Commission stated that, while the Cable Act was silent as to the reason for changes to § 76.51, "it appears that this [congressional] action would primarily affect copyright liability under the compulsory license." 7 FCC Rcd at 8059 (1992).

In its final regulation issued in 1993, the Commission confirmed its copyright observation and redesignated three § 76.51 markets: 1) it added Chillocothe to the Columbus, Ohio market; 2) it added New London to the Hartford-New Haven-New Britain-Waterbury, Connecticut market; and 3) it added Rome to the Atlanta, Georgia market. *Report and Order* in MM Docket 92–259, 8 FCC Rcd 2965 (1993). Nonetheless, the Commission took a conservative approach in updating § 76.51: We do not believe that a major update of the § 76.51 market list is necessary on the basis of the record before us. Wholesale changes in or reranking the markets on the list would have significant implications for copyright liability and for the Commission's broadcast and cable program exclusivity rules. We are not prepared to make such changes on the present record.

8 FCC Rcd at 2979 (1993). Future revisions of the major television market list are to be done on a "case-by-case" basis by petition for rulemaking. *Id.*

Although the Commission confined its discussion to the redesignation of markets, it neither embraced nor ruled out the possibility of reordering markets. ("We are not prepared to make such changes on the present record.") It is therefore possible that future changes to the § 76.51 list may include not only redesignations but also reranking and deletions and additions to the market list, although probably in limited circumstances.

III. Notice of Inquiry

In order to determine the copyright implications, if any, of the 1992 Cable Act's instruction to the FCC to update the major television market list, we published a NOI initiating this proceeding. 58 FR 34594 (June 28, 1993). We requested direct response to a series of questions:

(1) The section 111(f) definition of a "local service area of a primary transmitter" is "the area in which such station is entitled to insist upon its signal being retransmitted by a cable system pursuant to the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976"—*i.e.*, the 1976 must-carry rules. Is the amendment to the § 76.51 major television market list required by the 1992 Cable Act an amendment of the 1976 rules, or is it a separate and independent action of Congress? If it is an independent act with no bearing on the 1976 rules, under what statutory justification should the Copyright Office follow the present and future changes to the § 76.51 list?

(2) The FCC has stated its belief that "Congress intended for our updated § 76.51 list to be applied to assess copyright liability." What evidence is there in the 1992 Cable Act to support this contention?

(3) If the Copyright Office accepts the redesignations of Ohio, Connecticut, and Georgia for copyright purposes, should the Office accept any future redesignations? Should such acceptance be as a matter of course, or should it be on a case-by-case basis?

(4) If the Commission at some future date reranks markets on the list, and/or adds or subtracts markets, should the Copyright Office recognize these changes as applicable to the cable compulsory license? If so, in the situation where a reranking results in a cable system reducing its number of permitted distant signals, should the cable system be allowed to continue to carry a former permitted distant signal on a grandfathered basis as a non-3.75% distant signal?

We received comments from the following parties: Federal Communications Commission (FCC); National Association of Broadcasters (NAB); Motion Picture Association of America, Inc. (MPAA); National Cable Television Association (NCTA); Association of Independent Television Station, Inc. (INTV); Commissioner of Baseball, National Basketball Association and National Hockey League (Professional Sports); Press Broadcasting, Company, Inc.; R&R Media Corporation; United Video, Inc.; Force Amusement Enterprises, Inc.; Providence Journal Company and Multivision Cable TV Corporation; WLIG–TV, Inc.; TV 14, Inc.; and Cablevision Industries Corporation, Comcast Cable Communications, Inc.,

[3] Section 76.51 does have relevance for the Commission's non-network territorial exclusivity, network non-duplication and syndicated exclusivity rules. 47 C.F.R. §§ 73.658(m), 76.92 and 76.151.

Cox Cable Communications, Jones Intercable, Inc. and Newhouse Broadcasting Corporation (Joint Cable Operators).

IV. Summary of the Comments

The comments reveal a general unanimity as to the effect of the 1992 Cable Act and the Commission's recent action regarding § 76.51; the parties generally agree Congress did intend to affect copyright through the 1992 Cable Act, and that the Copyright Office should observe the Ohio, Connecticut, and Georgia redesignations for cable compulsory license purposes. While there is a slight difference of opinion as to how the Office should treat future FCC redesignations, most parties stated that the issue of FCC rerankings of the top 100 television markets was not ripe for decision.

a. Response to Question 1.

Question #1 addresses an extremely important legal issue: whether the 1992 Cable Act's direction to the FCC to update § 76.51 constituted an amendment of the FCC must-carry rules which were in effect in 1976. The Copyright Code requires application only of the 1976 must-carry rules. *See* 17 U.S.C. 111(f) (definition of a "local service area of a primary transmitter"). With the exception of the MPAA, all of the parties who addressed the issue agreed that the 1992 Cable Act's direction to the FCC to amend § 76.51 was not an amendment of the 1976 must-carry rules.

Professional Sports argues that amendment of § 76.51 by the FCC is not an amendment of the 1976 must-carry rules because § 76.51 was not part of the must-carry rules. Rather, the applicability of the 1976 must-carry rules was determined only by reference to the § 76.51 list. Sports, however, qualifies the separability of § 76.51 from the 1976 must-carry rules by noting that a fundamental change in § 76.51 could amount to a de facto amendment of the 1976 must-carry rules: [S]o long as the underlying structure of the [§ 76.51] list remains unchanged, a case-by-case modification of individual components of the list is an external event—comparable to modification in the reach of a station's Grade B contour—which may affect a station's local service area under the 1976 must-carry rules, but which does not alter the underlying principles by which calculation of a station's local service area is made under those rules. * * * However, if at any time in the future the Commission reverses itself and chooses to redefine the underlying structure of the 76.51 list, such a change could—depending on the nature of the change—constitute an amendment of the 1976 must-carry rules requiring a different response from the Copyright Office.

Professional Sports, comments at 7–8.

NAB supports the position that the 1992 Cable Act is not an amendment of the 1976 must-carry rules. NAB notes that the House Judiciary Committee Report accompanying the 1976 Copyright Act specifically omits mention of § 76.51 in its discussion of the must-carry rules, thereby indicating that Congress did not intend to freeze § 76.51 for compulsory license purposes: In explaining the definition of the "local service area" in Section 111(f) as being that area in which stations were entitled to must carry under the FCC's rules in effect on April 15, 1976, this report specifically referenced Sections 76.57, 76.59, 76.61 and 76.63. It did *not* reference Section 76.51. . . . The logical explanation for the omission of Section 76.51 is that Congress did not intend to freeze, in perpetuity, the list of top 100 markets as they existed on April 15, 1976.

NAB, comments at 3 n.4. Press Broadcasting also argues that Congress must have intended not to freeze § 76.51; otherwise the 1992 Cable Act direction to update the list would not make sense. Press Broadcasting, comments at 4.

The MPAA, unlike the other commentators, takes the position that the 1992 Cable Act is a separate and independent action of Congress and is an amendment of the 1976 must-carry rules. MPAA, comments at 4. According to MPAA, however, the Copyright Office still has authority to adopt the FCC changes to the § 76.51 list, but it is not statutorily bound by such changes. MPAA compares the Cable Act amendment with the invalidation of the 1976 must-carry rules in the *Quincy* case. The invalidation of the must-carry rules "was effectively an amendment of the 1976 regulations" but the "Copyright Office did not eliminate local station carriage for royalty purposes." *Id.* The statutory justification for the Copyright Office to either accept or reject amendments of § 76.51 does not come from whether there has been a change of the 1976 rules, but is the "responsibility assigned . . . [the office] to implement the provisions of the [compulsory license] plan. That responsibility requires the Office to determine the appropriate copyright policy related to the circumstances." *Id.* MPAA asserts that the Copyright Office is free to either follow or reject FCC changes to § 76.51 depending upon how they affect copyright policy.

b. Response to Question 2.

The FCC's *Report and Order* redesignating the Ohio, Connecticut, and Georgia markets concluded that Congress specifically intended to affect copyright liability through its direction to the Commission to update § 76.51. In question #2 we sought specific evidence to back the FCC's conclusion.

The FCC argues that the legislative history of the 1992 Cable Act clearly reflects Congress' intention to affect liability under the cable compulsory license through its direction to the 1992 Commission to update the § 76.51 list. Although we noted in our NOI that the amendment to the Cable Act offered by Congressman McEwen did not explain the reasons for updating § 76.51, *see* 58 FR at 34594 n. 1 (June 28, 1993), the FCC reveals that Rep. John Dingell, Chairman of the House Committee on Energy and Commerce, did include a statement accompanying the McEwen amendment. "The McEwen amendment requires the FCC to update the list of the Nation's television markets in order to clarify whether a signal of a television station is considered to be local or distant." Amendment No. 14, 138 Cong. Rec. H6529 (daily ed. July 23, 1992). Furthermore, the FCC notes that Congressman McEwen represented the Sixth District of Ohio, which is where Chillocothe, one of the Commission's redesignated markets, is located. FCC comments at 5. The FCC urges that it is therefore clear that Congress attempted to affect copyright liability through the Cable Act: In short, the sequence of events, including the hyphenation of the Orlando market by the Commission and the acceptance of that amendment of Section 76.51 for copyright purposes by the Copyright Office; the Copyright Office's [1992 cable] report specifically bringing this to the attention of Congress; the specific problem associated with the Columbus-Chillocothe television market and the response thereto; and the legislative history's indication that such changes were to define stations as "local" or "distant;" all point to or are entirely consistent with a Congressional intention that changes resulting from the inclusion of Section 614(f) in the 1992 Cable Act were intended to have both communications and copyright consequences.

Id at 6. *See generally* comments of R&R Media Corp. and NAB.

c. Response to Question 3.

Question #3 asks whether the Copyright Office, assuming it accepts the FCC's redesignations of the Ohio, Connecticut, and Georgia markets,

should accept future Commission redesignations as a matter of course or on a case-by-case basis. With the exception of the MPAA, all parties addressing the issue believed that the Office should accept FCC redesignations as a matter of course. *See, e.g.,* Force Amusement Enterprises, Inc., comments at 1–2; NCTA, comments at 4; NAB, comments at 1–2; INTV, comments at 4; WLIG-TV, Inc., comments at 1; Professional Sports, comments at 5–6; TV 14, Inc., comments at 1; Press Broadcasting, comments at 3–4. Since the FCC announced in its *Report & Order* that redesignations will be made on a case-by-case basis, the parties argue that this approach will provide the necessary governmental scrutiny and avoid widescale market changes affecting the copyright status of distant signals. One commentator declared: "The addition or deletion of individual communities to or from designated markets listed in § 76.51 of the Commission's Rules should have little overall effect on the cable copyright compulsory license royalty scheme." Professional Sports, comments at 5. According to this commentator, reconsideration of each Commission redesignation by the Copyright Office is therefore not only unnecessary, but unwise. Furthermore, several commentators noted that acceptance of future redesignations for copyright purposes is consistent with the position taken by the Office in its 1987 Policy Decision accepting the Florida and California redesignations, and with other Copyright Office declarations on the subject.

The MPAA is the one commentator arguing that we should not accept FCC redesignations as a matter of course. MPAA supports acceptance of the Ohio, Connecticut, and Georgia redesignations by the Office for compulsory license purposes, but states that the "acceptance should be specifically limited to the current circumstances and should have no controlling effect on future cases." MPAA, comments at 5. MPAA is concerned that the FCC may apply ADI (Area of Dominant Influence), adopted by the 1992 Cable Act for determining must-carry status, to future redesignations. Widescale use of ADI could, according to MPAA, transform the mere "renaming" of markets into a virtual "reordering" of the top 100 markets, thereby dramatically affecting the compulsory license royalty scheme. MPAA, comments at 3 n.1. While this has not yet happened, MPAA urges the Copyright Office to "set clear guidelines now to govern cable royalty reporting and payment practices in the event the FCC replaces the 1970 major market list with one based on current ADI designations." *Id.* at 3.

Parties submitting reply comments in this proceeding were critical of the MPAA's rejection of acceptance of future redesignations and its admonition urging the Copyright Office to set guidelines. *See* Force Amusement Enterprises, Inc., reply comments at 2; NAB, reply comments at 4; INTV, reply comments at 6. Force underscores that the Commission specifically declined in its *Report & Order* to make wholesale changes in the major television market list, and that "[u]nless and until such a major policy shift is actually considered by the FCC," reason dictates following the Commission's case-by-case redesignations. The reply commentators were also critical of the MPAA's recommendation that we adopt guidelines to evaluate the copyright consequences of future redesignations. They state that MPAA offers no argument or suggestions as to—1) why the criteria used by the FCC in making such redesignations are inadequate for copyright purposes; 2) what criteria, other than those employed by the FCC, the Copyright Office should use independently to evaluate market redesignations; or 3) the policy justification for, in essence, creating two separate major market lists. NAB, reply comments at 4. Another commentator argued that adoption of guidelines would also be an unjustified rejection of our 1987 Policy Decision to accept Commission redesignations for cable license purposes. INTV, reply comments at 6–7.

d. Response to Question 4.

Question #4 raises the issue of possible future reranking of markets on the § 76.51 list and asks what effect reranking should have on the copyright status of distant signals. Since the FCC has not received a petition for reranking of markets, several commentators have suggested that the copyright implications of such an action are not ripe for decision. Parties aligned with cable interests support the view that current cable system carriage of permitted distant signals should be grandfathered, while copyright interests argue that the grandfathering of distant signals would be bad copyright policy resulting in considerable harm to the compulsory license royalty scheme.

In announcing its practice for handling future revisions of the § 76.51 list, the FCC did not address the possibility of reorganizing the order of the top 100 markets. *See Report & Order,* 8 FCC Rcd at 2979 (1993) (FCC not ready to consider reranking on basis of present record). We noted in our NOI to this proceeding that since the Commission did not announce a definitive position on reranking of markets, "[i]t is therefore possible that future changes to the § 76.51 list may include both reranking and renaming, although probably in limited circumstances." NOI, 58 FR at 34595 (June 28, 1993). Reranking would present the possibility of changes in the number of permitted/non-permitted distant signals that a cable system located in a top 100 market could carry, since the § 76.51 list also had significance for the Commission's former distant signal carriage rules.

For example, a cable system located in a second 50 market can generally carry two distant signals at the permitted base rate copyright royalty fee. Additional distant signals must be reported at the more expensive non-permitted 3.75% royalty fee. If a reranking of markets occurs and the cable system moves into the top 50 markets, then, according to the FCC's former distant signal carriage rules, the cable system could potentially carry three permitted base rate signals, instead of just two. If a reranking resulted in a cable system moving from the top 50 to the second 50, then the cable system would lose a base rate distant signal and possibly incur the 3.75% royalty for that signal. Concerned about the potential for a change in royalty status of current distant signals, we sought in Question #4 to elicit comment as to the possibility of grandfathering the royalty status of signals despite the effects of market reordering.

Because the FCC has yet to receive a petition for reranking of the § 76.51 list or to consider the issue, several commentators urge that the copyright implications of a reranking are not ripe for decision. Press Broadcasting, comments at 9; Professional Sports, comments at 1; NCTA, comments at 3. Noting that the questions involving market ranking versus market redesignation involve "very different considerations," INTV urges that "until the FCC is willing to revisit the ranking aspect of § 76.51, the Copyright Office need not rush into the matter." INTV, comments at 22. Professional Sports also urges restraint, encouraging the Office to seek further comment at such time as the Commission does consider reranking. Professional Sports, comments at 9–10.

Commentators aligned with cable argue that the Copyright Office must apply grandfathering principles to any reranking of television markets. *See*

comments of United Video, Providence Journal, NCTA, INTV, and Joint Cable Operators. Citing the "no rollback policy" used by the Commission to apply its former distant signal carriage rules, these commentators state that the grandfathering of carriage of distant signals is critical to continued carriage of existing distant signals. The FCC specifically allowed for grandfathering of distant signals which had been carried prior to a rule change, so as to prevent carriage disruption. *See, e.g.*, 36 FCC2d 143 (1972) (grandfathering signals carried prior to new distant signal and syndicated exclusivity rules); 54 FCC2d 265 (1975) (grandfathering distant signal sports imported prior to new restriction). The commentators note that the Copyright Office has also observed the practice of grandfathering. *See* Letter of Dorothy Schrader, Copyright Office General Counsel, to Peter H. Feinberg of January 31, 1990 (grandfathering of permitted signal after change in station's community of license from major market to nearby smaller market community); Letter of Dorothy Schrader, Copyright Office General Counsel, to Irving Gastfreund of December 11, 1986 (grandfathering of permitted distant signals where area formerly located outside all markets becomes smaller market). Joint Cable Operators argue that there is no precedent for the Copyright Office to refuse to grandfather carriage of existing distant signals at the permitted base royalty rate. Thus, where a cable system moves from the top 50 to a second 50 market, or from a top 50 or second 50 market to a smaller market, we could not assess the 3.75% royalty rate against distant signals formerly carried on a permitted basis. Joint Cable Operators, comments at 3, Providence Journal, comments at 3, United Video, comments at 2–3.

MPAA opposes application of the practice of grandfathering permitted signals. According to MPAA, if the Commission engages in a reranking of markets, "the Office must either accept the reordering entirely or not at all for copyright royalty purposes." MPAA, comments at 5. If reranking results in a second 50 market moving to the first 50, cable systems in that newly reranked market would gain an additional permitted signal. However, cable systems located in a market that loses one or more permitted signals as a result of reordering would have to pay the increased 3.75% royalty rate for those signals. This must be so because the practice of grandfathering would unfairly advantage cable systems: they would gain the benefit of additional permitted signals when their markets move up the § 76.51 list, but would not lose any permitted signals when their markets move down the list. *Id.* at 6. Permitting grandfathering would, in MPAA's opinion, create as a practical result a § 76.51 list which, for copyright purposes, would treat more than 50 markets as being top 50 markets since cable operators in markets dropping out of the top 50 as the result of an FCC reranking would still retain the copyright benefits of being a top 50 market. *Id.* at 7. Full acceptance or rejection of a Commission reranking will preserve balance in the royalty scheme. *Id.*

United Video criticizes MPAA's position, submitting that "the issue should not be maintaining precise balance or 'imbalance' in the royalty plan or whether cable systems receive some minimal advantage or disadvantage. The primary issue and consideration in this proceeding should be the public interest in avoiding disruption of television signal carriage." United Video, reply comments at 2. Joint Cable Operators state that "[w]hile the idea of cable systems gaining or losing permitted signals as they move up or down the major market list has a certain 'symmetrical' appeal to it, the result will be needless disruption in service to viewers." Joint Cable Operators, comments at 3.

e. Policy Considerations.

In addition to responding to our questions, several commentators offered other reasons for accepting any and all changes to the § 76.51 list. In what can loosely be categorized as "policy considerations," these parties ask us to continue our 1987 Policy Decision accepting FCC redesignations and give effect to Congressional efforts to harmonize the cable compulsory license with the 1992 Cable Act.

Several commentators aligned with broadcast and cable interests argue that the current proceeding is unnecessary because we already resolved the handling of § 76.51 redesignations in our 1987 proceeding. *See, e.g.*, Press Broadcasting, comments at 3–4; NCTA, comments at 4; INTV, comments. They underscore that the Office's 1987 statement "formally adopts the view that signals entitled to mandatory carriage status under the FCC's former must-carry rules as a result of an FCC market redesignation order are to be treated as local signals for purposes of the cable compulsory license," 52 FR 28362 (July 29, 1987), and argue that nothing supports a change in this position. They argue that if the Office ignored its 1987 Policy Decision and did not follow Commission redesignations, then the Office would in effect be making its own determination of market status. R&R Media Corp., comments at 6. *See also* NAB, comments at 4–5 (Copyright Office has no authority to ignore FCC changes to § 76.51).

According to INTV, maintaining the 1987 practice is "more likely to promote the basic policy goal of copyright." INTV, comments at 18. We "must resist the superficial notion which suggests that enlarging stations' copyright local area would decrease the cable royalty pool," and recognize that the addition of communities to § 76.51 markets will increase carriage of broadcast stations not previously carried by cable systems in those markets because of distant royalty fees. *Id.* at 19. Increased carriage will make more broadcast stations stronger, and "stations then will be in a position to pay more for programming. This enhances the value of the program owners' copyrights and assures an enhanced reward for use of their works. Program production is stimulated, and the goal of copyright is furthered." *Id.* at 20.

Several commentators also argue that the Copyright Office's refusal to follow § 76.51 changes would frustrate policy goals of the 1992 Cable Act. Press Broadcasting notes the language in the House version of the 1992 Cable Act, stating "[n]othing in this section shall be construed to modify or otherwise affect title 17, United States Code," was deliberately omitted from the Senate version that ultimately became the law. Press Broadcasting, comments at 8. "By deleting language which would have rendered the Copyright Act immutable in the face of the 1992 Cable Act, Congress has at least strongly suggested that the latter legislation, being Congress' most recent action in the area, should be deemed to take precedence over the 17 year-old Copyright Act to the limited extent that any conflict between the two may be perceived." *Id.* at 8.

INTV argues that Congress' direction in the 1992 Cable Act to update § 76.51 is an effort to harmonize what is a local signal for both the Cable Act and section 111 of the Copyright Code. INTV, reply comments at 1–2. Through the 1992 Cable Act, Congress abandoned the unnecessarily restrictive and difficult to administer 1976 must-carry definition of a local signal, employing the more rationally based ADI concept. Congress also gave the FCC authority to adjust ADI determinations in situations where application of ADI would result in broadcast stations in the same market being treated differently. INTV, comments at 8 (citing H.R. Rep. No. 268,

102 Cong., 2d Sess. 98 (1992)). According to INTV, updating § 76.51 promotes both goals of ADI-wide carriage and parity among stations. Failure to recognize market redesignations for compulsory copyright license purposes "would hinder ADI-wide carriage and promote competitive disparity among broadcast stations in the same market." *Id.* at 9.

V. Policy Decision

We have fully considered the record in this proceeding and are satisfied that the 1992 Cable Act's amendment of the Communications Act of 1934 requiring that the FCC make "necessary revisions to update section 76.51 of title 47 of the Code of Federal Regulations" is not a substantive change of the "rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976." As a matter of sound copyright policy, we will therefore observe the redesignations of the Ohio, Connecticut, and Georgia markets contained in the Commission's March 29, 1993, *Report & Order* for purposes of calculating royalty fees under the cable compulsory license, 17 U.S.C. 111. We will also observe for cable compulsory license purposes other FCC redesignations—defined as the addition or deletion of communities to the markets contained on the § 76.51 list—made after March 29, 1993. We do not, at this time, take a position with respect to the reranking of markets by the FCC—defined as the reordering and/or addition or deletion of markets contained on the § 76.51 list—and its effects on the calculation of the royalty fees under 17 U.S.C. 111.

The Copyright Code defines the local service area of a broadcast station as the area in which the station would be entitled to insist upon its signal being retransmitted by a cable system in accordance with "the rules, regulations, and authorizations of the Federal Communications Commission in effect on April 15, 1976"—*i.e.*, the 1976 must-carry rules. 17 U.S.C. 111(f). There is no question that in creating the cable compulsory license, Congress chose to freeze the 1976 must-carry rules for purposes of calculating cable copyright royalties. H.R. Rep. No. 1476, 94th Cong., 2d Sess. 99 (1976). The purpose of freezing the must-carry rules was to insure that any subsequent rule amendments by the FCC that either increase or decrease the size of the local service area for its purposes do not change the definition for copyright purposes. The Committee believes that any such change for copyright purposes, which would materially affect the royalty fee payments provided in the legislation, should only be made by an amendment to the statute. *Id.*

Because Congress froze the 1976 must-carry rules for copyright purposes in determining local signals, we must resolve whether Congress also intended to freeze the major television market list as it was in 1976. We are persuaded by the legislative history of the Copyright Code, and the supporting views of the majority of commentators to this proceeding, that Congress did not intend to freeze § 76.51, and that FCC redesignations of markets on the list are not substantive changes to the 1976 must-carry rules. In describing the must-carry area for the definition of the local service area of a broadcast signal, the 1976 House Committee Report specifically listed the FCC rules that contained must-carry provisions: "Under FCC rules and regulations this so-called must-carry area is defined based on the market size and position of cable systems in 47 C.F.R. §§ 76.57, 76.59, 76.61 and 76.63." *Id.* Omission of § 76.51 is not surprising since § 76.51 is not a must-carry rule; § 76.51 is only incorporated by reference to must-carry determinations. We therefore reaffirm the conclusions announced in our 1987 Policy Decision: (1) Congress did not intend § 76.51 to be frozen to its April 15, 1976 status for purposes of determining cable systems' local service area and copyright royalty fees; and (2) when the FCC amends its major television market list in 47 CFR 76.51, there has been no substantive rule change effected so as to impact calculations of cable copyright royalties. 52 FR 28365 (July 29, 1987).

Our NOI questioned whether the 1992 Cable Act's direction to the FCC to update § 76.51 sought to bring a change in the copyright laws or the cable compulsory license. *See* 58 FR at 34594 n. 1 (June 28, 1993) ("It cannot be definitively said that Congress sought to bring about a change in the copyright laws or the administration of the cable compulsory license through this provision."). Some of the commentators to this proceeding have produced evidence in the legislative history that is strongly suggestive of a congressional effort to clarify the local/distant status of broadcast signals. This history includes correspondence between the licensee of WWAT (TV) Chillocothe, Ohio, one of the communities subject to the 1993 FCC redesignation; and Rep. McEwen requesting an amendment to the 1992 Cable Act to redesignate the Columbus, Ohio market to include Chillocothe, R & R Media Corp. comments, at appendix; and a statement of Rep. John Dingell, Chairman of the House Committee on Energy and Commerce, endorsing the adoption of the McEwen amendment into the 1992 Cable Act requiring the FCC to update § 76.51 of its rules, 138 Cong. Rec. H6529 (daily ed. July 23, 1992). Moreover, the Senate version, which ultimately became the law, omitted the language in the 1992 House cable bill, stating that nothing in the bill should be construed to affect the Copyright Act.

We conclude that it is sound copyright policy to accept the FCC's redesignations[4] of markets in the § 76.51 list for cable compulsory license purposes beginning with the Commission's March 29, 1993, Report & Order redesignating the Ohio, Connecticut, and Georgia markets. Acceptance of redesignations promotes greater uniformity between the operation of the copyright and communications laws, and is a better assessment of the reality of modern television marketplaces. Broadcast stations that for all intents and purposes compete and operate in a major television market can, through FCC redesignation, establish their location within that market. Their localition within that market should be recognized with respect to the cable compulsory license. All of the commentators agree that it is permissible for the Copyright Office to recognize FCC market redesignations of § 76.51 for purposes of 17 U.S.C. 111. We therefore reaffirm our 1987 Policy Decision by "formally adopt[ing] the view that signals entitled to mandatory carriage status under the FCC's former must-carry rules as a result of an FCC market redesignation order are to be treated as local signals for purposes of the cable compulsory license." 52 FR 28366 (July 29, 1987).

While we will accept market redesignations now and in the future, we are aware of the possibility that, over time, a large number of market redesignations could dramatically affect the royalty structure of the cable compulsory license. There were approximately 400 petitions for redesignation pending at the FCC when the Copyright Office began its inquiry into § 76.51 in 1985, *see* 52 FR at 28366, and while there is nowhere near that number before the FCC at this time, it is difficult to predict how many redesignation petitions the Commission will receive in the future. Extensive addition of new communities to existing markets could significantly raise the number of local signals carried by cable

[4] By "redesignation," we mean the addition or deletion of communities to the top 100 television markets already appearing on the § 76.51 list.

systems, thereby resulting in considerable decreases in royalties paid for distant signals. While we have said that we will accept future FCC redesignations as a matter of course, we are mindful that Congress expressly chose to freeze the 1976 must-carry rules for copyright purposes so as not to "materially affect the royalty fee payments provided in the legislation." H.R. Rep. No. 1476, 94th Cong., 2d Sess. 99 (1976). Should there come a day when the number of redesignations "materially affect[s] the royalty fee payments" under the cable compulsory license, the Copyright Office may find it necessary to make its concerns public, to call the issue to the attention of Congress, and petition for a legislative solution.

In addition to market redesignations, we have also considered the issue of possible future reranking of markets on the § 76.51 list. Reranking would be the reordering of markets as they appear in § 76.51, including the addition or deletion of markets. Because the FCC has currently declined to consider the reranking of major television markets, *see Report & Order*, 8 FCC Rcd 2965, 2978 (1994), and there is no petition before the Commission seeking a reranking of § 76.51, we agree with the majority of commentators that the results of reranking on Copyright Office policy are not ripe for decision at this time.

We are, however, troubled by the implications of reranking. In its comments the Federal Communications Commission, in discussing its 1993 *Report & Order* updating § 76.51, noted that the commentators to that proceeding "generally suggested that the FCC not rerank markets." FCC, comments at 3. In a footnote, the FCC added: Those opposing a reranking of the markets generally contend that such action was unnecessary, impractical or would result in confusion and instability. However, in recognition of the dual communications and copyright implications of Section 76.51, virtually all commentators agreed that any changes with respect to market rankings be done in conjunction with the Copyright Office.

Id. n. 11. We heartily agree that, should the FCC consider a reranking of § 76.51 in the future, it is both necessary and proper for the Commission and the Copyright Office to consult with one another, and we welcome the opportunity to work with the Commission on such an important issue, should the need arise.

In spite of our considerable doubts on the matter, we do not take a position as to what effect, if any, an FCC reranking of the § 76.51 major television market list would have on the section 111 cable compulsory license because a decision on this issue would be premature at this time.

Dated: August 8, 1994.

Marybeth Peters,

Register of Copyrights.

Approved:

James H. Billington,

Librarian of Congress.

[FR Doc. 94–19668 Filed 8–11–94; 8:45 am]

BILLING CODE 1410–08–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. Stn 50–528, Stn 50–529, and Stn 50–530]

Arizona Public Service Co.; Palo Verde Nuclear Generating Station, Units 1, 2, and 3 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations to Facility Operating License Nos. NPF–41, NPF–51, and NPF–74, issued to Arizona Public Service Company, (the licensee), for operation of the Palo Verde Nuclear Generating Station, Units 1, 2, and 3 (Palo Verde), located in Maricopa County, Arizona.

Environmental Assessment

Identification of the Proposed Action

The exemption would allow implementation of a hand geometry biometric system of site access control so that photograph identification badges can be taken offsite.

The proposed action is in accordance with the licensee's application dated April 29, 1994, for exemption from certain requirements of 10 CFR 73.55, "Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage."

The Need for the Proposed Action

Pursuant to 10 CFR 73.55(a), the licensee shall establish and maintain an onsite physical protection system and security organization. Paragraph 1 of 10 CFR 73.55(d), "Access Requirements," specifies that the "licensee shall control all points of personnel and vehicle access into a protected area." Title 10 of the *Code of Federal Regulations*, paragraph 73.55(d)(5), specifies that "A numbered picture badge identification system shall be used for all individuals who are authorized access to protected areas without escort." Paragraph 73.55(d)(5) also states that an individual not employed by the licensee (i.e., a contractor) may be authorized access to protected areas without escort provided the individual "receives a picture badge upon entrance into the protected area which must be returned upon exit from the protected area."

Currently, unescorted access into protected areas of the Palo Verde units is controlled through the use of a photograph on a combination badge and keycard (hereinafter, these are referred to as the badge). The security officers at each entrance station use the photograph on the badge to visually identify the individual requesting access. The badges for both licensee employees and contractor personnel who have been granted unescorted access are issued upon entrance at each entrance/exit location and are returned upon exit. The badges are stored and are retrievable at each entrance/exit location. In accordance with 10 CFR 73.55(d)(5), contract individuals are not allowed to take badges offsite. In accordance with the plants' physical security plans, neither licensee employees nor contractors are allowed to take badges offsite.

The licensee proposes to implement an alternative unescorted access control system which would eliminate the need to issue and retrieve badges at each entrance/exit location and would allow all individuals with unescorted access to keep their badges with them when departing the site. An exemption from 10 CFR 73.55(d)(5) is required to permit contractors to take their badges offsite instead of returning them when exiting the site.

Environmental Impacts of the Proposed Action

The staff has completed its evaluation of the licensee's application. Under the proposed system, individuals who are authorized for unescorted entry into protected areas would have the physical characteristics of their hand (hand geometry) registered with their badge number in the access control system. When an individual enters the badge into the card reader and places the hand on the measuring surface, the system would record the individual's hand image. The unique characteristics of the extracted hand image would be compared with the previously stored template to verify authorization for entry. Individuals, including licensee employees and contractors, would be allowed to keep their badge with them when they depart the site.

Based on a Sandia report entitled "A Performance Evaluation of Biometric

Identification Devices" (SAND91–0276 UC–906 Unlimited Release, Printed June 1991) and on the licensee's experience with the current photo identification system, the licensee demonstrated that the proposed hand geometry system would provide enhanced site access control. Since both the badge and hand geometry would be necessary for access into the protected area, the proposed system would provide for a positive verification process. Potential loss of a badge by an individual, as a result of taking the badge offsite, would not enable an unauthorized entry into the protected area. The licensee will implement a process for testing the proposed system to ensure continued overall level of performance equivalent to that specified in the regulation. The Physical Security Plans for Palo Verde will be revised to include implementation and testing of the hand geometry access control system and to allow licensee employees and contractors to take their badges offsite.

The access will continue to be under the observation of security personnel. A numbered picture badge identification system will continue to be used for all individuals who are authorized access to protected areas without escorts. Badges will continue to be displayed by all individuals while inside the protected area. Accordingly, the Commission concludes that this proposed action would result in no significant radiological environmental impact.

With regard to potential nonradiological impacts, the proposed change does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Palo Verde Nuclear Generating Station, Units 1, 2, and 3.

Agencies and Persons Consulted

The NRC staff consulted with the Arizona State official regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated April 29, 1994, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004.

Dated at Rockville, Maryland, this 5th day of August 1994.

For the Nuclear Regulatory Commission.

Steven D. Bloom,

Acting Director, Project Directorate IV–2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 94–19717 Filed 8–11–94; 8:45 am]

BILLING CODE 4590–01–M

Generic Letter 94–03, "Intergranular Stress Corrosion Cracking of Core Shrouds in Boiling Water Reactors"; Issued

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of issuance.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued Generic Letter 94–03, "Intergranular Stress Corrosion Cracking of Core Shrouds in Boiling Water Reactors," on July 25, 1994. The purpose of this generic letter is to request that each addressee identified in the letter (1) inspect the core shrouds in their boiling water reactor (BWR) plants no later than the next scheduled refueling outage, and perform an appropriate evaluation and/or repair based on the results of the inspection; and (2) perform a safety analysis supporting continued operation of the facility until inspections are conducted. This generic letter is available in the Public Document Rooms under accession number 9407210200. A notice of opportunity for public comment on the generic letter was not published in the **Federal Register** because of the urgent nature of the actions requested. The NRC determined that the need for licensees to implement the requested actions quickly made it necessary to issue this generic letter immediately. The generic letter is discussed in Commission information paper SECY–94–195, dated July 28, 1994, which will also be available in the Public Document Rooms.

DATES: Letter 94–03 was issued on July 25, 1994.

EFFECTIVE DATE: Not applicable.

FOR FURTHER INFORMATION CONTACT: Edwin M. Hackett, (301) 504–2751.

Dated at Rockville, Maryland, this third day of August 1994.

For the Nuclear Regulatory Commission

Elizabeth L. Doolittle,

Acting Chief, Generic Communications Branch, Division of Operating Reactor Support Office of Nuclear Reactor Regulation.

[FR Doc. 94–19718 Filed 8–11–94; 8:45 am]

BILLING CODE 7590–01–M

Proposed Generic Communication; "Voltage-Based Repair Criteria For The Repair Of Westinghouse Steam Generator Tubes Affected By Outside Diameter Stress Corrosion Cracking"

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of opportunity for public comment.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to issue a generic letter. A generic letter is an NRC document that: (1) Requests licensees to submit analyses or descriptions of proposed corrective actions, or both, regarding matters of safety, safeguards, or environmental significance, or (2) requests licensees to submit information to the NRC on other technical or administrative matters, or (3) transmits information to licensees regarding approved changes to rules or regulations, the issuance of reports or evaluations of interest to the industry, or changes to NRC administrative procedures. When issued, this generic letter will provide guidance for licensees who may wish to request a license amendment to the plant technical specifications to implement an alternate steam generator tube repair limit applicable specifically to outside diameter stress corrosion cracking at the tube-to-tube support plate intersections in Westinghouse designed steam generators having drilled-hole tube support plates. This generic letter is intended to provide relief while maintaining an acceptable level of safety for licensees having steam generators experiencing this particular degradation mechanism while the NRC pursues a longer term resolution to the issue of

steam generator degradation through the development of a steam generator rule. The NRC is seeking comment from interested parties regarding both the technical and regulatory aspects of the proposed generic letter presented under the Supplementary Information heading. Additionally, the NRC is seeking public comments on the following question which pertains to the technical positions described in the proposed generic letter. The voltage-based repair methodology and calculational approach incorporates numerous conservatism throughout the calculation in part to bound uncertainties that currently exist in the methodology. The NRC is soliciting public comment on the propagation of uncertainties through the leakage rate and radiological dose calculations under postulated accident conditions and the appropriateness of the conservatism that have been included in the analyses to account for these uncertainties. Two examples of uncertainties in the voltage-based repair methodology and calculational approach are: (1) Several functional forms (in addition to the log-logistic curve used in the proposed generic letter) can be fit to the available probability of leakage data equally well from the standpoint of a statistical goodness of fit, and (2) there is a paucity of definitive data describing iodine releases into the reactor coolant system following a large depressurization transient such as the postulated main steam line break.

During development of the proposed generic letter, three individual NRC staff members expressed technical concerns (including one member filing a differing professional opinion) with the NRC positions described in the generic letter, in response to an internal memorandum requesting such comments. The differing professional opinion is currently being processed in accordance with the established NRC procedures. The NRC policies on differing professional opinions (DPOs) or differing professional views (DPVs) were established to ensure employees have the ability to freely express their DPOs or DPVs and to underscore management's intention to address these concerns in a timely and responsible manner. The NRC has decided to make these technical concerns and the differing professional opinion publicly available as part of the information available in the Public Document Rooms, and to provide the public an opportunity to comment on these concerns as they may relate to the draft generic letter. The NRC held internal technical interactions with the three individuals regarding their technical concerns and gave the concerns careful consideration (the concerns did not necessarily result in revisions to the proposed generic letter nor were they necessarily resolved to the individuals' satisfaction) during development and review of the proposed generic letter. The technical concerns and differing professional opinion are briefly summarized as follows: (1) The first concern is that use of the eddy current voltage repair criteria could result in leakage rates following a postulated main steam line break that could ultimately exceed the make-up capacity of the refueling water storage tank for the emergency core cooling system supply and result in core damage. The concern stems from the belief that there is no direct relation between leakage and measured eddy current voltage. (2) The second concern is that there is no physical basis for choosing a given probability of leakage (POL) function versus other POL functions, when all functions fit the available data from a statistical standpoint. (3) The third concern stems from the application of a voltage-based repair criterion when there is not a unique correlation between voltage amplitude and physical parameters (i.e., length or depth) of a defect that can be directly related to tube structural integrity or leakage. The DPO is similar to technical concern: (1) With additional concerns raised regarding the paucity of iodine spiking data for the calculation of offsite doses for a postulated main steam line break with induced steam generator tube leakage and the effectiveness of reducing reactor coolant system iodine activity for reducing calculated offsite doses. The summaries above are not intended to oversimplify the expressed technical concerns or differing professional opinion. To fully understand the concerns, it is recommended that each concern be read in its entirety. The proposed generic letter and supporting documentation were discussed in the 260th meeting of the Committee to Review Generic Requirements (CRGR). At this meeting, the three individual NRC staff members presented their technical concerns to the CRGR. The relevant information used to support CRGR review of the proposed generic letter will be available in the Public Document Rooms. In addition, the proposed generic letter and supporting documentation were discussed in a meeting of the Materials and Metallurgy Subcommittee of the NRC Advisory Committee on Reactor Safeguards (ACRS) on August 3, 1994, as well as a full ACRS meeting held on August 4, 1994.

The NRC will consider comments received from interested parties in the final evaluation of the proposed generic letter. The NRC final evaluation will include a review of the technical position and, when appropriate, an analysis of the value/impact on licensees. Should this generic letter be issued in final form by the NRC, it will become available for public inspection in the Public Document Rooms.

DATES: Comment period expires September 12, 1994. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESSES: Submit written comments to Chief, Rules Review and Directives Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Written comments may also be delivered to Room T6–D59, 11545 Rockville Pike, Rockville, Maryland, 20852 from 7:30 a.m. to 4:15 p.m., Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street, N.W. (Lower Level), Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Timothy A. Reed, (301) 504–1465.

SUPPLEMENTARY INFORMATION

NRC Generic Letter 94–XX: Voltage-Based Repair Criteria For The Repair of Westinghouse Steam Generator Tubes Affected by Outside Diameter Stress Corrosion Cracking

Addressees

All holders of operating licenses or construction permits for nuclear power reactors having steam generators designed by Westinghouse Electric Corporation (W).

Purpose

The U.S. Nuclear Regulatory Commission (NRC) is issuing this guidance for licensees who may wish to request a license amendment to the plant technical specifications to implement an alternate steam generator tube repair limit applicable specifically to outside diameter stress corrosion cracking (ODSCC) at the tube-to-tube support plant intersections in Westinghouse designed steam generators having drilled-hole tube support plates (TSP). The NRC has previously allowed a few licensees to implement alternate steam generator repair criteria for this particular degradation mechanism on an operating

cycle specific basis. This generic letter does not restrict the approval of such repair criteria to a cycle specific basis.

Current plant technical specifications require that flawed tubes be removed from service by plugging or repaired by sleeving, if the depths of the flaws exceed the repair limit, typically 40 percent through-wall. This generic letter provides guidance on the implementation of an alternate repair criterion to be applied to ODSCC at TSP locations. This criterion does not set limits on the depth of the cracks to ensure tube integrity margins; instead, it relies on correlating the eddy current voltage amplitude from a bobbin coil probe with the more specific measurement of burst pressure and leak rate.

This generic letter is intended to provide relief while maintaining an acceptable level of safety for licensees having steam generators experiencing this particular degradation mechanism while the staff pursues a longer term resolution to the issue of steam generator degradation through the development of a steam generator rule. Although this generic letter allows licensees to pursue various options regarding the implementation of the voltage-based criteria (e.g., tube support place deflection analyses, probability of detection versus voltage dependence), licensees should recognize that pursuing such options could have significant scheduler implications since the NRC staff would be required to review and approve the associated information and analyses. Regarding the correlations and supporting data utilized to implement the generic letter guidance, the staff will review this information on an as-required basis to enable updated correlations and new data to be used for implementation of the generic letter guidance. The NRC staff will make publicly available an updated list of approved correlations and models on a periodic basis.

Background

The thin-walled tubing of the steam generator constitutes more than half of the reactor coolant pressure boundary (RCPB). Maintenance of the structural and leakage integrity of the RCPB is a requirement under Title 10 of the Code of Federal Regulations Part 50 (10 CFR 50), Appendix A. Specific requirements governing the maintenance of steam generator tube integrity are contained in the plant technical specifications and Section XI of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (ASME Code). These include requirements for periodic inservice inspection of the tubing, flaw acceptance criteria (i.e., repair limits for plugging or sleeving), and primary-to-secondary leakage limits. These requirements coupled with the broad scope of plant operational and maintenance programs, have formed the basis for assuring adequate steam generator tube integrity.

Flaw acceptance criteria, termed plugging/repair limits, are specified in the plant technical specifications. The purpose of the technical specification repair limits is to ensure that tubes accepted for continued service will retain adequate structural and leakage integrity during normal operating, transient, and postulated accident conditions, consistent with General Design Criteria (GDC) 14, 15, 30, 31, and 32 of 10 CFR part 50, appendix A. Structural integrity refers to maintaining adequate margins against gross failure, rupture, and collapse of the steam generator tubing. Leakage integrity refers to limiting primary-to-secondary leakage to within acceptable limits.

The traditional strategy for accomplishing the objectives of the General Design Criteria related to steam generator tube integrity has been to establish a minimum wall thickness requirement in accordance with the structural criteria of Regulatory Guide 1.121, "Bases for Plugging Degraded PWR Steam Generator Tubes." Development of minimum wall thickness requirements to satisfy Regulatory Guide 1.121 was governed by analyses for uniform thinning of the tube wall in the axial and circumferential directions. The assumption of uniform thinning conservatively bonds the degrading effects of all flaw types occurring in the field, and is the basis of the standard 40 percent depth-based plugging limit incorporated into the technical specifications. However, the 40 percent repair limit is conservative for highly localized flaws such as pits and short cracks. In particular, the 40 percent depth-based repair limit is conservative for outside diameter stress corrosion cracking (ODSCC) that occurs at the tube support plates.

The new voltage-based repair limit does not incorporate a minimum wall thickness requirement. The voltage-based repair limit allows the possibility that tubes with up to 100 percent through-wall cracks, which may develop between successive steam generator inspections, can remain in service, subject to certain restrictions. These restrictions ensure structural integrity and leakage limits consistent with the applicable GDC of 10 CFR part 50 appendix A and the limits of 10 CFR Part 100. Although the voltage-based repair limit ensures adequate structural integrity and leakage limits, the NRC staff recognizes that overall margins have been reduced when compared to the margins associated with the existing 40% depth-based repair limit.[1] Because of the increased likelihood of through-wall cracks developing in service, the staff has included provisions for augmented steam generator inspections and more restrictive operational tube leakage limits in the generic letter guidance.

In taking the interim action described in this letter, the NRC staff wishes to emphasize that, while use of the specific voltage-based repair methods described herein is approved as an acceptable short-term measure for dealing with ODSCC tube degradation, this action should not be construed to discourage the use by licensees of better or further refined data acquisition techniques, eddy current technology, and eddy current data analysis as they become available; and the staff strongly encourages the industry to continue its efforts to improve the nondestructive examination of steam generator tubes. The staff continues to believe that inspection methods and repair criteria based on physical dimensions (e.g., length and depth) of defects are the most desirable when they can be achieved.

Discussion

1. Overview of the Voltage Repair Limit Approach

In order to use the voltage repair criteria, licensees should complete the following actions:

—Perform an enhanced inspection of tubes, particularly at the tube support plate (TSP) intersections,
—Utilize nondestructive examination (NDE) data acquisition and analysis procedures that are consistent with the methodology used to develop the voltage-based repair limits,
—Repair or plug tubes that exceed the voltage limits,
—Determine the beginning of cycle voltage distribution,
—Project the end-of-cycle (EOC) distribution,
—For the projected EOC voltage distribution, calculate leakage and

[1] During development of the proposed generic letter, three individual NRC staff members expressed technical concerns (including one member filing a differing professional opinion) with the NRC positions described in the generic letter. The technical concerns and differing professional opinion are publicly available in the Public Document Rooms. The NRC will consider public comments from interested parties on the technical concerns as they relate to the positions proposed in the draft generic letter.

conditional burst probability (and repair additional tubes if necessary).

2. Generic Letter Applicability

The criteria in this generic letter are only applicable to ODSCC located at the tube-to-tube support plate intersections in Westinghouse designed steam generators. These criteria are not applicable to other forms of steam generator tube degradation, nor are they applicable to ODSCC that occurs at other locations within a steam generator. The voltage-based repair criteria can be applied only under the following constraints:

(1) The repair criteria of this generic letter apply only to Westinghouse designed steam generators with 1.9 cm [¾ inch] and 2.2 cm [⅞ inch] diameter tubes and drilled hole tube support plates,

(2) The repair criteria of this generic letter apply only to predominantly axially oriented ODSCC confined within the tube-to-tube support plate intersection (refer to Section 1.a of Enclosure 1 for further guidance) and,

(3) Certain intersections are excluded from the application of the voltage-based repair criteria as discussed in Section 1.b of Enclosure 1.

3. Voltage Repair Limit

The voltage repair limits are:

(1) for 2.2 cm [⅞ inch] diameter tubes:

- Indications below 2.0 volts as measured by bobbin coil may remain in service;
- Indications between 2.0 and 5.6 volts as measured by bobbin coil can remain in service if motorized rotating pancake coil (MRPC) inspections do not confirm the indications; and
- Indications between 2.0 and 5.6 volts as measured by bobbin coil that are confirmed by MRPC and indications exceeding 5.6 volts as measured by bobbin coil must be repaired.

(2) For 1.9 cm [¾-inch] diameter tubes.

- Indications below 1.0 volt as measured by bobbin coil may remain in service;
- Indications between 1.0 and 2.7 volts as measured by bobbin coil can remain in service if MRPC inspections do not confirm the indications; and
- Indications between 1.0 and 2.7 volts as measured by robin coil that are confirmed by MRPC and indications exceeding 2.7 volts as measured by bobbin coil must be repaired.

The voltage-based repair limits of this generic letter were determined considering the entire range of design basis events that could challenge tube integrity. The voltage repair limits ensure structural integrity and leakage limits for all postulated design basis events. The structural criteria are intended to ensure that tubes subjected to the voltage repair limits will be able to withstand a pressure of 1.4 times a maximum possible main steam line break (MSLB) differential pressure postulated to occur at the end of the operating cycle consistent with the criteria of Regulatory Guide 1.121. The leakage criteria ensure that for tubes subject to the voltage repair limits, induced leakage under worst-case MSLB conditions calculated using licensing basis assumptions, will not result in offsite dose releases that exceed the applicable limits of 10 CFR Part 100.

Requested Actions

Implementation of the guidance in this generic letter is voluntary. If a licensee chooses to implement these criteria, the following should be included in the proposed program:

(1) Implementation of the inspection guidance discussed in Section 3 of Enclosure 1. The inspection guidance ensures that the techniques used to inspect steam generators are consistent with the techniques used to develop voltage-based repair limit methodology.

(2) Calculation of leakage per the guidance of Section 2.b of Enclosure 1. This calculation, in conjunction with the use of licensing basis assumptions for calculating offsite releases, enables licensees to demonstrate that the applicable limits of 10 CFR Part 100 continue to be met.

(3) Calculation of conditional burst probability per the guidance of Section 2.a of Enclosure 1. This is a calculation to assess the voltage distribution left in service against a threshold value.

(4) Implementation of the operational leakage limits identified in Section 5 of Enclosure 1. The operational leak limit is a defense-in-depth measure that provides a means for identifying leaks during operation to enable repair before such leaks result in tube failure.

(5) Review of leakage monitoring measures including the procedures for timely detection, trending, and response to rapidly increasing leaks. The objective is to ensure that should a significant leak be experienced in service, it will be detected and the plant shut down in a timely manner to reduce the likelihood of a potential rupture.

(6) Acquisition of tube pull data per the guidance of Section 4 of Enclosure 1. It is necessary to acquire pulled tube data to confirm the degradation mechanism.

(7) Reporting of results per the guidance of Section 6 of Enclosure 1.

(8) Submittal of a technical specification (TS) amendment request that commits to the above and provides TS pages per the guidance of Enclosure 2 including the associated consideration of no significant hazards consideration (10 CFR 50.92) and supporting safety analysis.

Licensees that plan to adopt this TS amendment are encouraged to follow the guidance given in Enclosures 1 and 2. The staff requests that licensees following the guidance of this generic letter submit their TX amendment request at least 90 days prior to the beginning of the refueling outage during which the alternate repair criteria are to be implemented.

Backfit Discussion

Licensee action to propose TS changes under the guidance of this generic letter is voluntary; therefore, such action is not a backfit under the provisions of 10 CFR 50.109.

Paperwork Reduction Act Statement

[To Be Provided in the Final Generic Letter]

Enclosures:

1. Guidance for a Proposed License Amendment to Implement an Alternate Steam Generator Tube Repair Limit for Outside Diameter Stress Corrosion Cracking at the Tube Support Plate Intersections
2. Model Technical Specifications
3. List of Recently Issued NRC Generic Letters

Guidance for a Proposed License Amendment To Implement an Alternate Steam Generator Tube Repair Limit for Outside Diameter Stress Corrosion Cracking at the Tube Support Plate Intersections

1. Introduction

This guidance provides the NRC staff position on the implementation of the voltage-based repair criteria in steam generators designed by Westinghouse for outside diameter stress corrosion cracking (ODSCC) located at the tube-to-tube support plate intersections. This guidance is not applicable to other forms of steam generator tube degradation nor is it applicable to ODSCC that occurs at other locations with the steam generator. The voltage-based repair criteria have been developed for, and are currently applicable only to, Westinghouse-designed steam generators with 2.2 cm [⅞-inch] or 1.9 cm [¾-inch] diameter tubes with drilled hole tube support plates (TSPs). Application of the alternate repair criteria to other vendor designed steam generators would

require both the development and NRC staff review and approval of a comparable data base and the associated correlations for each vendor steam generator type.

The NRC staff wants to emphasize that while the NRC has approved the implementation of the voltage-based repair methods described in this generic letter as a short-term measure, this guidance should not be construed to discourage the development and use of better acquisition techniques, eddy current technology, and eddy current data analysis. The staff strongly encourages the industry to continue to improve the NDE of steam generator tubes.

1.a ODSCC

The voltage-based repair criteria are applicable only to indications at support plate intersections where the degradation mechanism is dominantly axial ODSCC with no significant cracks extending outside the thickness of the support plate.

For purposes of this guidance, OSDCC refers to degradation whose dominant morphology consists of axial stress corrosion cracks which occur either singularly or in networks of multiple cracks, sometimes with limited patches of general intergranular attack (IGA). Circumferential cracks may sometimes occur in the IGA affected regions resulting in a grid-like pattern of axial and circumferential cracks, termed cellular corrosion. Cellular corrosion is assumed to be relatively shallow (based on available data from tube specimens removed from the field), transitioning to dominantly axial cracks as the cracking progresses in depth. The circumferential cracks are assumed (based on available data) not to be of sufficient size to produce a discrete, crack-like circumferential indication during field nondestructive examination (NDE) inspections. Thus, the failure mode of ODSCC is axial and the burst pressure is controlled by the geometry of the most limiting axial crack or array of axial cracks.

It is also assumed for purposes of this guidance that the ODSCC is confined to within the thickness of the tube support plate, based on available data from tube specimens removed from the field. Very shallow microcracks are sometimes observed on these specimens to initiate at locations slightly outside the thickness of the tube support plate; however, these microcracks are small compared to the cracks within the thickness of the support plate and are too small to produce an eddy current response.

Confirmation that the degradation mechanism is dominantly axial ODSCC should be accomplished by periodically removing tube specimens from the steam generators and by examining and testing these specimens as specified in Section 4 of this guidance. The acceptance criteria should consist of demonstrating that the dominant degradation mechanism affecting the burst and leakage properties of the tube is axially oriented ODSCC. In addition, results of inservice inspections with motorized rotating pancake coil (MRPC) probes should be evaluated in accordance with Section 3.b of this guidance to confirm the absence of detectable crack-like circumferential indications and detectable ODSCC indications extending outside the tube support plate thickness.

1.b Exclusion of Intersections

The voltage repair criteria of this guidance do not apply to intersections meeting the criteria discussed below:

1.b.1 The repair criteria do not apply to support plate intersections where the tubes may potentially collapse or deform following a postulated loss-of-coolant accident plus safe shutdown earthquake event (e.g., intersections located near the wedge supports at the upper tube support plates). Licensees should perform or reference an analysis that identifies which intersections are to be excluded.

1.b.2 The repair criteria do not apply to tubes support plate intersections having dent signals greater than 5 volts as measured with the bobbin probe.

1.b.3 The repair criteria do not apply to intersections where there are mixed residuals of sufficient magnitude to cause a 1-volt ODSCC indication (as measured with a bobbin probe) to be missed or misread.

1.b.4 The repair criteria do not apply to the tube-to-flow distribution baffle plate intersections.

2. Tube Integrity Evaluation

Licensees should perform an evaluation prior to plant restart to confirm that the steam generator tubes will retain adequate structural and leakage integrity until the next scheduled inspection. The first portion of this evaluation, referred to as the conditional burst probability calculation, assesses the voltage distribution left in service against a threshold value of 1×10^{-2} probability of rupture under postulated main steam line break (MSLB) conditions. The conditional burst probability calculation is intended to provide a conservative assessment of tube structural integrity during a postulated MSLB occurring at end-of-cycle[2] (EOC). It is used to determine whether the NRC needs to focus additional attention on the particular voltage repair limit application. If the calculated conditional burst probability exceeds 1×10^{-2}, the licensee should notify the NRC per the guidance provided in Section 6 of this guidance.

The second portion of the tube integrity evaluation is intended to assure that total leak rate from the affected steam generator (SG) during a postulated MSLB occurring at EOC would be less than that which could lead to radiological releases in excess of the licensing basis for the plant. If calculated leakage exceeds the allowable limit determined by the licensing basis dose calculation, licensees can either repair tubes, beginning with the largest voltage indications until the leak limit is met, or reduce reactor coolant system specific iodine activity (refer to example technical specification (TS) pages of Enclosure 2). The analyses discussed above may incorporate or reference previous analyses, or portions thereof, to the extent that they continue to bound the conditions of the steam generator as determined by inspection.

For plants in which the technical specifications do not require the pressurizer power-operated relief valves (PORVs) to be operable during power operation, these tube integrity analyses should be conducted for an assumed differential pressure across the tube walls equal to the pressurizer safety valve set point plus 3 percent for the valve accumulation less atmospheric pressure in faulted steam generators. For plants in which the technical specifications do require the PORVs to be operable, the assumed differential pressure may be based on the PORV set point in lieu of the safety valve set point with similar adjustments.

2. a Conditional Probability of Burst During MSLB

For this generic letter, the conditional probability of burst refers to the probability that the burst pressures associated with 1 or more indications in the faulted steam generator will be less than the maximum pressure differential associated with a postulated MSLB assumed to accur at EOC. A methodology should be submitted for NRC review and approval for

[2] For the purposes of this guidance, "cycle" refers to the operating cycle between two scheduled steam generator inspections. Operating cycle and inspection cycle are used interchangeably.

calculating this conditional burst probability. After the NRC approves a method for calculating conditional probability of burst, licensees may reference the approved method. This methodology should involve: (1) Determining the distribution of indications as a function of their voltage response at beginning of cycle (BOC) as discussed in Section 2.b.1, (2) projecting this BOC distribution to an EOC voltage distribution based on consideration of voltage growth due to defect progression between inspections as discussed in Section 2.b.2(2) and voltage measurement uncertainty as discussed in Section 2.b.2(1), and (3) evaluating the conditional probability of burst for the projected EOC voltage distribution using the correlation between burst pressure and voltage discussed in Section 2.a.1. The solution methodology should account for uncertainties in voltage measurement (Section 2.b.2(1)), the distribution of potential voltage growth rates applicable to each indication (Section 2.b.2(2)), and the distribution of potential burst pressures as a function of voltage (Section 2.a.1). Monte Carlo simulations constitute an acceptable approach for accounting for these various sources of uncertainty.

2.a.1 Burst Pressure Versus Bobbin Voltage

An empirical model, for 7/8-inch or 3/4-inch diameter tubing as applicable, should be used to relate burst pressure to bobbin voltage response for purposes of estimating the conditional probability of burst during a postulated MSLB. This model should explicitly account for burst pressure uncertainty as indicated by scatter of the supporting test data and should also account for the parametric (i.e., slope and intercept) uncertainty of the regression fit of the data. The supporting data for 7/8-inch diameter and 3/4-inch diameter tubing should include all applicable data consistent with the industry recommendations in letter dated April 22, 1994, to Jack Strosnider, NRC, from David A. Steininger, EPRI, "Exclusion of Data from Alternate Repair Criteria (ARC) Databases Associated with 7/8 inch Tubing Exhibiting ODSCC" (Reference 1) and letter dated June 9, 1994, to Brian Sheron, NRC, from David J. Modeen, Nuclear Energy Institute (Reference 2) respectively, with certain exceptions. Specifically, data excluded under criteria 2a and 2b in References 1 and 2 should not be excluded pending staff review and approval of these criteria.

2.b Total Leak Rate During MSLB

A methodology should be submitted for NRC review and approval for calculating the total primary-to-secondary leak rate in the faulted steam generator during a postulated MSLB assumed to occur at EOC. After the NRC approves a leakage calculation methodology, licensees may reference the approved method. This methodology involves: (1) Determining the distribution of indications as a function of their voltage response at beginning of cycle (BOC) as discussed in Section 2.b.1, (2) projecting this BOC distribution to an EOC voltage distribution based on consideration of voltage growth due to defect progression between inspection as discussed in Section 2.b.2(2) and voltage measurement uncertainty as discussed in Section 2.b.2(1), and (3) evaluating the total leak rate for the projected EOC voltage distribution using a probability of leakage (POL) model as discussed in Section 2.b.3(1) and conditional leak rate model as discussed in Section 2.b.3(2). The solution methodology should account for uncertainties in voltage measurement (Section 2.b.2(1)), the distribution of potential voltage growth rates applicable to each indication (Section 2.b.2(2)), the uncertainties in the probability of leakage as a function of voltage (Section 2.b.3(1)), and the distribution of potential conditional leak rates as a function of voltage (Section 2.b.3(2)). Monte Carlo simulations are an acceptable method for accounting for these sources of uncertainty provided that the calculated total leak rate reflects an upper 95% quantile value. [Note: draft NUREG–1477, Section 3.3, page 3–21, presents an expression for $\overline{T}_l$ (i.e., working bound for total leak rate) which is based on the premise that leak rate is independent of voltage. This expression does not account for parametric uncertainty in either the POL or conditional leak rate model. Thus, the draft NUREG–1477 equation should not be used unless appropriate modifications are made to the equation to account for these parametric uncertainties.]

2.b.1 Distribution of Bobbin Indications as a Function of Voltage at BOC

The frequency distribution by voltage of bobbin indications actually found during inspection should be scaled upward by a factor of 1/POD to account for non-detected cracks which can potentially leak or rupture under postulated MSLB conditions during the next operating cycle. POD stands for probability of detection of ODSCC flaws. This adjusted frequency distribution minus detected indications for tubes that have been plugged or repaired should constitute, for purposes of the tube integrity analyses, the assumed frequency distribution of bobbin indications at BOC as a function of voltage. This can also be expressed as:

$N_l=(1/POD)(N_d)—N_r$

N_l=assumed frequency distribution of bobbin indications

N_d=frequency distribution of indications actually detected

N_r=frequency distribution of repaired indications

POD=probability of detection of ODSCC flaws

POD should be assumed to have a value of 0.6, or as an alternative, and NRC approved POD function can be used if such a function becomes available.

N_d includes all flaw indications detected by the bobbin coil, regardless of whether these indications are confirmed by MRPC inspection.

2.b.2 Projected End-of-Cycle (EOC) Voltage Distribution

As discussed above, the calculation of both conditional burst probability and leakage (during a postulated MSLB) requires the generation of the projected EOC voltage distribution. To project an EOC voltage distribution from the BOC voltage distribution determined above, requires consideration of: (1) Eddy current voltage measurement uncertainty and (2) the addition of voltage growth to account for defect progression. Monte Carlo techniques are an acceptable means for sampling eddy current measurement uncertainty and the voltage growth distribution to determine the projected EOC voltage distribution. Eddy current measurement uncertainty and voltage growth are discussed below.

2.b.2(1) Eddy Current Voltage Measurement Uncertainty

Uncertainty in eddy current voltage measurements stems primarily from two sources:

(a) Voltage response variability (i.e., test repeatability error) which stems primarily from probe wear

(b) Voltage measurement variability among data analysts (i.e., measurement repeatability error)

Each of these uncertainties should be quantified. An acceptable characterization of these uncertainties is contained in EPRI TR–100407, Revision 1, Draft Report August 1993, "PWR Steam Generator Tube Repair Limits-Technical Support Document for Outside Diameter Stress Corrosion Cracking at the tube Support Plates" (Reference 3), Sections 2.4.1, 2.4.2, and D.4.2.3, with the exception that no distribution cutoff should be applied to

the voltage measurement variability distribution. (However, the assumed 15 percent cutoff for the voltage response variability distribution in Reference 3 is acceptable.)

2.b.2(2) Voltage Growth Due to Defect Progression

Potential voltage growth rates during the next inspection cycle (i.e. operating cycle between two scheduled steam generator inspections) should be based on voltage growth rates observed during the last one or two inspection cycles. For a given inspection, previous inspections results at tube support plate intersections currently exhibiting a bobbin indication should be re-evaluated consistent with the date analysis guidelines in Section 3 below. In cases where data acquisition guidelines employed during previous inspection differ from those discussed in Section 3, adjustments to the evaluation of the previous data should be made to compensate for the difference. Voltage growth rates should only be evaluated for those intersections where bobbin indications can be identified at tow successive inspections.

The distribution of observed voltage growth rates (based on the change in voltage on an intersection-to-intersection basis) should be determined for each of the last one or two inspection cycles. When only the current or only the current and previous inspections employed data acquisition guidelines similar to those discussed in Section 3, only the growth rate distribution for the previous cycle should be used to estimate the voltage growth rate distribution for the next inspection cycle. If both the two previous inspections employed such similar guidelines, the most limiting of the two previous growth rate distributions should be used to estimate the voltage growth rate distribution for the next inspection cycle. However, the two distributions should be combined if one or both the distributions is based on a minimal number (i.e., <200) of indications.

It is acceptable to use a statistical model fit of the observed growth rate distribution as part of the integrity analysis. It is also acceptable that the voltage growth distribution be in terms of Δ volts rather than percent Δ volts provided the conservatism of this approach continues to be supported by operating experience. Finally, negative growth rates should be included as zero growth rates in the assumed growth distribution.

2.b.3 Calculation of Projected MSLB Leakage

Once the projected EOC voltage distribution is determined, the leakage for the postulated MSLB is calculated utilizing the EOC voltage distribution and the use of two models: (1) The probability of leakage model and (2) the conditional leak rate model. As previously discussed in Section 2.b, Monte Carlo techniques are an acceptable approach for accounting for the uncertainties implicit in these models. These models are discussed below

2.b3(1) Probability of Leakage as a Function of Voltage

The Probability of leakage (POL) model should utilize the log-logistic functional form. This model should explicitly account for parameter uncertainty of the POL functional fit of the data (i.e., "model fit" uncertainty). The supporting data sets for 2.2 cm (⅞-inch) diameter and 1.9 cm (¾-inch) diameter tubing should include all applicable data consistent with the industry recommendations in References 1 and 2, respectively, with certain exceptions. Namely, data excluded under criteria 2a and 2b in References 1 and 2 should not be excluded pending staff review and approval of these criteria.

2.b.3(2) Conditional Leakage Rate under MSLB Conditions

The conditional leak rate model should incorporate a linear regression fit to the log of the leak rate data, for 2.2 cm (⅞-inch) and 1.9 cm (¾-inch) diameter tubing respectively, as a function of the log of the bobbin voltage and should account for both data scatter and parameter uncertainty of the linear regression fit. Use of this approach is subject to demonstrating that the linear regression fit is valid at the 5% level with a "p-value" test. If this condition is not satisfied, the linear regression fit should be assumed to have zero slope (i.e., the linear regression fit should be assumed to be constant with voltage).

The supporting data sets for 2.2 cm (⅞-inch) diameter and 1.9 cm (¾-inch) diameter tubing should include all applicable data consistent with the industry recommendations in References 1 and 2, respectively, with certain exceptions. Specifically, data excluded under criteria 2a, 2b, 3a, 3b, and 3c in References 1 and 2 should not be excluded pending staff review and approval of these criteria. In addition, an MSLB leak rate of 2496 liters/hour should be utilized for the data point obtained from V.C. Summer tube R28C41 pending staff review and approval of the revised leakage estimate for this tube described in Reference 2.

2.b.4 Calculation of Offsite and Control Room Doses

For the MSLB leak rate calculated above, offsite and control room doses should be calculated utilizing currently accepted licensing basis assumptions. Licensees should note that Enclosure 2 of this generic letter provides example TS pages for reducing reactor coolant system specific iodine activity limits. Reactor coolant system iodine activities may be reduced to .35 microcuries per gram does equivalent I–131. Licensees wishing to reduce iodine activities below this level should provide a justification supporting the request that addresses the release rate data described in Reference 6. Reduction of reactor coolant iodine activity is an acceptable means for accepting higher projected leakage rates and still meeting the applicable limits of Title 10 of the Code of Federal Regulations Part 100 utilizing licensing basis assumptions.

3. Inspection Criteria

The inspection scope, data acquisition, and data analysis should be performed in a manner consistent with the methodology utilized to develop the voltage limits (e.g., the methodology described in Reference 4, Appendix A, and Reference 5, Appendix A) with the exceptions and clarifications noted below.

3.a Bobbin Coil Inspection Scope and Sampling

3.a.1 The bobbin coil inspection should include 100 percent of the hot-leg TSP intersections and cold-leg intersections down to the lowest cold-leg TSP with known ODSCC. The determination of TSPs having ODSCC should be based on the performance of at least a 20 percent random sampling of tubes inspected over their full length.

3.b Motorized Rotating Pancake Coil (MRPC) Inspection

MRPC [3] inspections should be conducted as given below for purposes of obtaining additional characterization of ODSCC flaws found with the bobbin probe and to inspect intersections with significant bobbin interference signals (due to copper, dents, large mix residuals) which may impair the detectability of ODSCC with the bobbin probe or which may unduly influence the bobbin voltage measurement. With respect to ODSCC flaw characterization,

[3] For the purposes of this guidance, MRPC also includes the use of comparable or improved nondestructive examination techniques.

a key purpose of the MRPC inspections is to ensure the absence of detectable crack-like circumferential indications and detectable indications extending outside the thickness of the tube support plate. The voltage-based repair criteria are not applicable to intersections exhibiting such indications, and special reporting requirements pertaining to the finding of such indications are described in Section 6.

3.b.1 MRPC inspection should be performed for all indications exceeding 1.5 volts as measured by bobbin coil for 2.2 cm [⅞-inch] diameter tubes or 1.0 volt as measured by bobbin coil for 1.9 cm [¾-inch] diameter tubes.

3.b.2 The voltage-based criteria of this guidance are not applicable to intersections with copper deposits, dent signals greater than 5 volts, and large mixed residuals.

3.b.3 All intersections with bobbin coil signals indicative of copper deposits should be inspected with MRPC. Any indications found at such intersections with MRPC should cause the tube to be repaired.

3.b.4 All intersections with dent signals greater than 5 volts should be inspected with MRPC. Any indications found at such intersections with MRPC should cause the tube to be repaired.

3.b.5 All intersections with large mixed residuals should be inspected with MRPC. For purposes of this guidance, large mixed residuals are those that could cause a 1-volt bobbin signal to be missed or misread. Any indications found at such intersections with MRPC should cause the tube to be repaired.

3.b.6 A minimum sample of 100 intersections should be inspected with MRPC to meet the criteria of this part.

3.c Data Acquisition and Analysis

3.c.1 The bobbin coil calibration standard should be calibrated against the reference standard used in the laboratory as part of the development of the voltage-based approach by direct testing or through use of a transfer standard.

3.c.2 Bobbin coil probes should be calibrated based on four 100 percent through-wall holes.

3.c.3 Once the probe has been calibrated on the 100 percent through-wall hole, the voltage response of new bobbin coil probes for the 20 percent to 80 percent American Society of Mechanical Engineers (ASME) through-wall holes should not differ from the nominal voltage by more than +/−10 percent.

3.c.4 Probe wear should be controlled by either an inline measurement device or through the use of a periodic wear measurement. When utilizing the periodic wear measurement approach, if a probe is found to be out-of-specification, all tubes inspected since the last successful calibration should be reinspected with the new calibrated probe.

3.c.5 Data analysts should be trained and qualified in the use of the analyst's guidelines and procedures. Data analyst performance should be consistent with the assumptions for analyst measurement variability (Section 2.b.2(1)) utilized in the tube integrity evaluation (Section 2).

3.c.6 Quantitative noise criteria (resulting from electrical noise, tube noise, calibration standard noise) should be included in the data analysis procedures. Data failing to meet these criteria should be rejected, and the tube reinspected.

3.c.7 Data analysts should review the mixed residuals on the standard itself and take action as necessary to minimize these residuals.

3.c.8 Smaller diameter probes can be used to inspect tubes where it is impractical to utilize a full-sized probe provided that the probes and procedures have been demonstrated on a statistically significant basis to give an equivalent voltage response and detection capability when compared to the full size probe. This demonstration can be done on a plant-specific or generic basis.

4. Tube Removal and Examination/ Testing

Implementation of voltage-based plugging criteria should include a program of tube removals for testing and examination as described below. The purpose of this program is to confirm axial ODSCC as the dominant degradation mechanism as discussed in Section 1.a and to provide additional data to enhance the burst pressure, probability of leakage, and conditional leak rate correlations described in Sections 2.a.1, 2.b.3(1), and 2.b.3(2), respectively.

4.a Number and Frequency of Tube Pulls

Pulled tube specimens for at least six tube support plate intersections should be obtained for each plant either during the plant steam generator inspection outage that implements the voltage repair limits or during the inspection outage preceding initial application of voltage-based repair criteria. Additional pulled tube specimens should be obtained periodically after the initial application of voltage-based plugging criteria on a frequency of six tube intersections every two steam generator inspections outages. In some cases, it may be necessary for the staff to request plant specific tube pulls due to special circumstances involved with a particular plant specific application of the voltage-based repair limits.

Alternatively, the request to acquire pulled tube specimens may be met by participating in an industry sponsored tube pull program endorsed by the NRC that meets the objectives of this guidance. Such a program would have to satisfy the following objectives: (1) To confirm the degradation mechanism for plants utilizing the generic letter for the first time, (2) to continue monitoring the ODSCC mechanism over time, and (3) to enhance the burst pressure, probability of leakage, and conditional leak rate correlations. [Note; the industry has proposed such a program in letter dated May 10, 1994, to Brian Sheron, NRC, from David J. Modeen, Nuclear Energy Institute (Reference 5), which is currently under NRC staff review.]

4.b Selection Criteria

Selection of tube pulls should consider the following criteria:

4.b.1 There should be an emphasis on removing tube intersections with large voltage indications.

4.b.2 Where possible the removed tube intersections should cover a range of voltages, including intersections with no detectable degradation.

4.b.3 As a minimum, selected intersections should be such as to ensure that the total data set includes at least a representative number of intersections with MRPC signatures indicative of a single dominant crack as compared to intersections with MRPC signatures indicative of two or more dominant cracks about the circumference.

4.c Examination and Testing

Removed tube intersections should be subjected to leak and burst tests under simulated MSLB conditions to confirm that the failure mode and leakage rates are consistent with that assumed in development of the voltage-based criteria. In addition, these data may be used to enhance the supporting data sets for the burst pressure and leakage correlations subject to NRC review and approval as stated in 4.d, below. Subsequent to burst testing, the intersections should be destructively examined to confirm that the degradation morphology is consistent with the assumed morphology for ODSCC.

4.d General Criteria for Burst and Leakage Models and Supporting Test Data

This guidance allows only the use of NRC approved burst and leakage models and correlations; this includes NRC approval of the data that supports the models and correlations.

5. Operational Leakage Limits

5.a The operational leakage limit should be reduced to 150 gallons per day (gpd) through each steam generator.

5.b Licensees should review their leakage monitoring measures to ensure that should a significant leak be experienced in service, it will be detected and the plant shut down in a timely manner to reduce the likelihood of a potential rupture. Specifically, the effectiveness of these procedures for ensuring the timely detection, trending, and response to rapidly increasing leaks should be assessed. This should include consideration of the appropriateness of alarm set points on the primary-to-secondary leakage detection instrumentation and the various criteria for operator actions in response to detected leakage.

5.c Steam generator tubes with known leaks should be repaired prior to returning the steam generators to service following a steam generator inspection outage.

6. Reporting Requirements

6.a Threshold Criteria for Requiring Prior Staff Approval To Continue With Voltage-Based Criteria

This guidance allows licensees to implement the voltage-based repair criteria on a continuing basis after the NRC staff has approved the initial TS amendment. However, there are several situations for which the NRC staff must receive prior notification before a licensee can continue with the implemtation of the voltage-based repair criteria:

6.a.1 If the actual measured voltage distribution would have resulted in an estimated leakage during the previous operating cycle greater than the leakage limit (determined from the licensing basis calculation), then the licensee should notify the NRC of this occurrence and provide an assessment of its significance prior to returning the steam generators to service.

6.a.2 If (1) indications are identified that extend beyond the confines of the TSP or (2) indications are identified that appear to be circumferential in nature, then the NRC staff should be notified prior to returning the steam generators to service.

6.a.3 If the calculated conditional probability of burst based on the projected EOC voltage distribution exceeds $1X10^{-2}$, licensees should notify NRC and provide an assessment of the significance of this occurrence prior to returning the steam generators to service. This assessment should address the safety significance of the calculated conditional probability.

6.b Information To Be Provided Following Each Restart

The following information should be submitted to the NRC staff within 90 days of each restart following a steam generator inspection:

(a) The results of metallurgical examinations performed for tube intersections removed from the steam generator.

(b) The following distributions should be provided in both tabular and graphical form. This information is to enable the staff to assess the effectiveness of the methodology, determine whether the degradation is changing significantly, determine whether the data supports higher voltage repair limits, and to perform confirmatory calculations:

(i) EOC voltage distribution—all indications found during the inspection regardless of MRPC confirmation

(ii) Cycle voltage growth rate distribution (i.e., from BOC to EOC)

(iii) Voltage distribution for EOC repaired indications—distribution of indications presented in (i) above that were repaired (i.e., plugged or sleeved)

(iv) Voltage distribution for indications left in service at the beginning of the next operating cycle regardless of MRPC confirmation—obtained from (i) and (iii) above

(v) Voltage distribution for indications left in service at the beginning of the next operating cycle that were confirmed by MRPC to be crack-like or not MRPC inspected

(vi) Non-destructive examination uncertainty distribution used in predicting the EOC (for the next cycle of operation) voltage distribution

(c) The results of the tube integrity evaluation described in Section 2. Note that these calculations must be completed prior to restart to ensure that an adequate number of tubes have been repaired to meet the leakage limit and ensure continued tube integrity.

7. References

1. Letter dated April 22, 1994, to Jack Strosnider, NRC, from David A. Steininger, EPRI, "Exclusion of Data from Alternate Repair Criteria (ARC) Databases Associated with ⅞ inch Tubing Exhibiting ODSCC".

2. Letter dated June 9, 1994, to Brian Sheron, NRC, from David J. Modeen, Nuclear Energy Institute.

3. EPRI TR–100407, Revision 1, Draft Report August 1993, "PWR Steam Generator Tube Repair Limits-Technical Support Document for Outside Diameter Stress Corrosion Cracking at the Tube Support Plates".

4. WCAP–12985, Revision 1. "Kewaunee Steam Generator Tube Plugging Criteria for ODSCC at Tube Support Plates," Westinghouse Electric Corporation, January 1993, Westinghouse Proprietary Class 2.

5. WCAP–13522, "V.C. Summer Steam Generator Tube Plugging Criteria for Indications at Tube Support Plates," Westinghouse Electric Corporation, Westinghouse Proprietary Class 2.

6. J.P. Adams and C.L. Atwood, "The Iodine Spike Release Rate During a Steam Generator Tube Rupture," Vol. 94, pg. 361, (1991).

Model Technical Specifications

The model technical specifications are based on the "Standard Technical Specifications (STS) for Westinghouse Pressurized Water Reactors," NUREG–0452, Revision 4a. The indicated changes are identified in italics. Note that the model technical specification changes described below also include an example change to reduce reactor coolant system specific activity. The model technical specifications identified below should be adopted consistent with the licensing basis. It should be noted that in the improved STS, some of these surveillance requirements have been relocated to the Administrative Controls section.

3/4.4.5 Reactor Coolant System

4/4.5.2 *Steam Generator Tube Selection and Inspection*

[add the following paragraphs]

b.4. Tubes left in service as a result of application of the tube support plate plugging criteria shall be inspected by bobbin coil probe during all future refueling outages.

d. Implementation of the steam generator tube/tube support plate plugging criteria requires a 100 percent bobbin coil inspection for hot-leg tube support plate intersections and cold-leg intersections down to the lowest cold-leg tube support plate with known outside diameter stress corrosion cracking (ODSCC) indications. The determination of tube support plate intersections having ODSCC indications shall be based on the performance of at least a 20 percent random sampling of tubes inspected over their full length.

4.4.5.4 Acceptance Criteria

a. As used in this specification:

6. *Plugging Limit*[4] means the imperfection depth at or beyond which the tube shall be removed from service and is equal to 40 percent of the nominal wall thickness. *This definition does not apply to tube support plate intersections for which the voltage-based plugging criteria are being applied. Refer to 4.4.5.4.a.10 for the plugging limit applicable to these intersections.*

10. Tube Support Plate Plugging Limit is used for the disposition of a steam generator tube for continued service that is experiencing outside diameter stress corrosion cracking confined within the thickness of the tube support plates. At tube support plate intersections, the repair limit is based on maintaining steam generator tube serviceability as described below:

a. Degradation attributed to outside diameter stress corrosion cracking within the bounds of the tube support plate with bobbin voltage less than or equal to [Note 1] will be allowed to remain in service.

b. Degradation attributed to outside diameter stress corrosion cracking within the bounds of the tube support plate with a bobbin voltage greater than [Note 1] will be repaired or plugged except as noted in 4.4.5.4.a.10.c below.

c. Indications of potential degradation attributed to outside diameter stress corrosion cracking within the bounds of the tube support plate with a bobbin voltage greater than [Note 1] but less than or equal to [Note 2] may remain in service if a rotating pancake coil inspection does not detect degradation. Indications of outside diameter stress corrosion cracking degradation with a bobbin voltage greater than [Note 2] volts will be plugged or repaired.

d. [If applicable] Certain intersections as identified in [reference report] will be excluded from application of the voltage-based repair criteria as it is determined that these intersections may collapse or deform following a postulated LOCA + SSE event.

e. If a result of leakage due to a mechanism other than ODSCC at the tube support plate intersection, or some other cause, an unscheduled mid-cycle inspection is performed, the following repair criteria apply instead of 4.4.5.4.10.c. If bobbin voltage is within expected limits, the indication can remain in service. The expected bobbin voltage limits are determined from the following equation:

$$V < \frac{\frac{\Delta t}{CL}\left(V_{SL} - V_{BOC}\right) + V_{BOC}}{1 + (.2)\left(\frac{\Delta t}{CL}\right)}$$

where:

V=measured voltage
V_{BOC}=voltage at BOC
Δt=time period of operation to unscheduled outage
CL=cycle length (full operating cycle length where operating cycle is the time between two scheduled steam generator inspections)
V_{SL}=4.5 volts for 3/4-inch tubes and 9.6 volts for 7/8-inch tubes

Note 1.—1.0 volt for 3/4-inch diameter tubes or 2.0 volts for 7/8-inch diameter tubes.

Note 2.—2.7 volts for 3/4-inch diameter tubes or 5.6 volts for 7/8-inch diameter tubes.

4.4.5.5 *Reports*

d. For implementation of the voltage-based repair criteria to tube support plate intersections, notify the staff prior to returning the steam generators to service should any of the following conditions arise:

1. If estimated leakage based on the actual measured end-of-cycle voltage distribution would have exceeded the leak limit (for the postulated main steam line break utilizing licensing basis assumptions) during the previous operation cycle.

2. If circumferential crack-like indications are detected at the tube support plate intersections.

3. If indications are identified that extend beyond the confines of the tube support plate.

4. If the calculated conditional burst probability exceeds 1×10^{-2}, notify the NRC and provide an assessment of the safety significance of the occurrence.

Reactor Coolant system

3/4.4.6 Reactor Coolant System Leakage

3.4.6.2 Reactor Coolant System leakage shall be limited to:

a. No Pressure boundary Leakage,

b. 1 GPM UNIDENTIFIED LEAKAGE,

c. *Primary-to-secondary leakage through all steam generators shall be limited to 150 gallons per day through any one steam generator,*

d. 10 GPM IDENTIFIED LEAKAGE from the Reactor Coolant System, and

3. ____ GPM CONTROLLED LEAKAGE at a Reactor Coolant System pressure of 2235 +/− 20 psig.

f. 1 GPM leakage at a Reactor Coolant System pressure of 2235 +/− 20 psig from any Reactor Coolant System Pressure Isolation Valve specified in Table 3.4–1.

For licensees who want to reduce RCS specific iodine activity, the following TS pages apply:

Reactor Coolant System

3/4.4.8 Specific Activity

3.4.8 The specific activity of the primary coolant shall be limited to:

a. Less than or equal to *[reduced value]* microcurie per gram DOSE EQUIVALENT I–131, and

b. Less than or equal to 100/E microcuries per gram.

APPLICABILITY: MODES 1, 2, 3, 4, and 5.

ACTION:

MODES 1, 2, AND 3*:

a. With the specific activity of the primary coolant greater than *[reduced value]* microcurie per gram DOSE EQUIVALENT I–131 for more than 48 hours . . .

* * * * *

MODES 1, 2, 3, 4, and 5:

a. With the specific activity of the primary coolant greater than *[reduced value]* microcurie per gram DOSE EQUIVALENT I–131 or greater

[Revised Figure 3.4–1 to lower the line by a factor corresponding to the reduction in specific activity. The lowered line should parallel the original]

Reactor Coolant System

BASES

3/4.4.5 STEAM GENERATORS

[To be provided in the final generic letter]

Dated at Rockville, Maryland, this 8th day of August 1994.

For the Nuclear Regulatory Commission.

Elizabeth L. Doolittle,

Acting Chief, Generic Communications Branch, Division of Operating Reactor Support, Office of Nuclear Reactor Regulation.

[FR Doc. 94–19721 Filed 8–11–94; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–400]

Carolina Power & Light Co.; Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Carolina Power & Light Company (the licensee) to withdraw its August 6, 1992 application for proposed amendment, as supplemented September 15, 1993, to Facility Operating License No. NPF–63

[4] For plants that have approved sleeving, "plugging" can be replaced with "repair" to allow tubes to be either plugged or sleeved when indications exceed applicable repair limits.

for the Shearon Harris Nuclear Power Plant, Unit 1, located in Wake and Chatham Counties, North Carolina.

The proposed amendment would have revised Section 6 of the Technical Specifications to implement the functional role and responsibilities of the Nuclear Assessment Department (NAD). The NAD performs internal evaluations and assessment activities. The proposed change would have modified the facility Technical Specifications pertaining to the NAD. The fundamental role of the NAD is to assist in the early identification of deficiencies that may prevent the company's nuclear projects from achieving the desired level of performance on a sustained basis and to ensure effective correction of deficiencies. Because of major changes in the original submittal, the licensee has chosen to withdraw the previous amendment application and provide a new amendment request.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on September 16, 1992 (57 FR 42770). However, by letter dated July 22, 1994, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated August 6, 1992, as supplemented September 15, 1993, and the licensee's letter dated July 22, 1994, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555, and at the Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605.

Dated at Rockville, Maryland, this 5th day of August 1994.

For the Nuclear Regulatory Commission

Ngoc B. Le,

Project Manager, Project Directorate, Division of Reactor Projects—Office of Nuclear Reactor Regulation.

[FR Doc. 94–19719 Filed 8–11–94; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–261]

Carolina Power & Light Co.; Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Carolina Power & Light Company (the Licensee) to withdraw its August 10, 1992, application for proposed amendment to Facility Operating License No. DPR–23 for the H.B. Robinson Steam Electric Plant, Unit No. 2, located in Darlington County, South Carolina.

The proposed amendment would have revised Section 6 of the Technical Specifications to implement the functional role and responsibilities of the Nuclear Assessment Department (NAD). The proposed change would have modified the facility Technical Specifications pertaining to the Nuclear Assessment Department. The fundamental role of the NAD is to assist in the early identification of deficiencies that may prevent the Company's nuclear projects from achieving the desired level of performance on a sustained basis and to ensure effective correction of deficiencies. Because of major changes in the original submittal, the licensee has chosen to withdraw the previous amendment application and provide a new amendment request.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on September 16, 1992, (57 FR 42769). However, by letter dated July 22, 1994, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated August 10, 1992, as supplemented September 15, 1993, and the licensee's letter dated July 22, 1994, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555, and at the Hartsville Memorial Library, 147 West College, Hartsville, South Carolina 29550.

Dated at Rockville, Maryland, this 5th day of August 1994.

For the Nuclear Regulatory Commission.

Brenda L. Mozafari,

Project Manager, Project Directorate II–I, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 94–19720 Filed 8–11–94; 8:45 am]

BILLING CODE 7590–01–M

POSTAL SERVICE

Automation Compatibility of Glassine

AGENCY: Postal Service.

ACTION: Notice of inquiry.

SUMMARY: The Postal Service requests comments on the issuance of a haze value guideline for glassine envelope window-covering material. This guideline would be advisory only; it would not affect the existing Domestic Mail Manual (DMM) standards concerning mail prepared with glassine windows.

DATES: Comments must be received on or before October 5, 1994.

ADDRESS: Written comments should be mailed or delivered to the Manager, Business Mail Acceptance, 475 L'Enfant Plaza SW, Room 8430, Washington, DC 20260-6808. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 8430 at the above address.

FOR FURTHER INFORMATION CONTACT: George T. Hurst, (202) 268-5232, or John J. Mampe, (703) 280-7031.

SUPPLEMENTARY INFORMATION: Postal Service automation-compatibility standards for envelope window-covering material focus on a measurement that combines the window material's transparency and the print quality of the address or barcode that appears behind it. Measuring the transparency and the print quality in concert provides the most relevant data to determine whether Postal Service automated sorting equipment will be capable of successfully reading the address and/or barcode during processing. Thus, Domestic Mail Manual (DMM) standards for letter-size mail in automation-rate mailings require that addresses viewed through a glassine window covering must provide a print contrast ratio (PCR) of at least 45 percent and that barcodes viewed through the material must provide a print reflectance difference (PRD) of at least 30 percent. (These percentages pertain to both the red and the green portions of the optical spectrum, when measured using a USPS or USPS-licensed envelope reflectance meter.)

Although these readability standards identify useful performance criteria for window-covering material, some glassine manufacturers have complained that it is difficult to translate them into production criteria for their products. It is impractical for glassine manufacturers to know, in advance of production, the quality of the printing that will show through the window of an envelope using their product, yet this information becomes critical in determining whether the material meets USPS automation-compatibility specification.

Accordingly, to help glassine manufacturers establish appropriate criteria for the glassine itself in isolation from the printing that will be used with it, the Postal Service conducted a series

of laboratory and operational tests on a variety of materials.

The laboratory test method used was the American Society of Testing and Materials (ASTM) D 1003, Standard Test Method for Haze and Luminous Transmittance of Transparent Plastics. Test measurements were taken with a MacBeth Color-Eye 7000 Spectrophotometer and Optiview software set for correlated haze. Environmental conditions, material thickness, dimensional stability, gloss, and haze were carefully measured and monitored during testing on both the Postal Service multiline optical character reader (MLOCR) version A and the wide area barcode reader (WABCR). (A detailed description of testing methods and criteria is available on request.)

As a result of these tests, the Postal Service proposes that glassine window-covering material be evaluated for automation compatibility by measuring its haze value. Correlated (transmitted) haze is defined as the percentage of transmitted light that deviates from the incident beam by forward scattering when passing through a specimen. Any specimen with a haze value greater than 30 percent, when tested in accordance with ASTM D 1003 is considered diffusing or translucent. This can affect readability on the OCR or WABCR by diffusing the image of the printed insert as read through the window-covering material.

Most plastic window-covering materials evaluated in these tests were considered to be nondiffusing or transparent materials and exhibited hazes in the range of 1 to 25 percent. All glassines tested were considered to be diffusing or translucent materials and exhibited haze values from 64 to 97 percent. Although readability was significantly affected by the quality of the printing on the inserts as well as the spacing between the glassine and the printed insert, those materials that measured no more than a 70-percent correlated haze performed best.

In accordance with these results, the Postal Service proposes recommending, as a general guideline, that glassine when used to cover the windows of mailpieces intended for automation-based rates, have a correlated haze value of no greater than 70 percent (using ASTM D 1003, standard test criteria). This proposed guideline is intended specifically for manufacturers to aid in the production of glassine window-covering materials capable of satisfying Postal Service automation-compatibility requirements.

It will not affect the application of the current standards for print contrast ratio or print reflectance difference because those remain the relevant measurements when evaluating the ability of Postal Service automated sorting equipment to read an address or barcode appearing through a window covering. Accordingly, in some cases a mailpiece may be determined not to qualify for automation-based rates based on failure to meet the PCR or PRD standard, even though the glassine measured alone would comply with the haze value guideline.

Mailers concerned about the acceptability of their mailpieces should note that Postal Service mailpiece design analysts are equipped to assist customers in determining whether their envelopes meet PCR or PRD standards but are not equipped to evaluate correlated haze.

The Postal Service does not intend to publish this guideline in the Domestic Mail Manual. Because this guideline is intended primarily for the small number of manufacturers that produce glassine and will not affect rate eligibility, it does not appear that wide dissemination will be necessary. Instead, the Postal Service plans to issue the guideline in a Customer Support Ruling (CSR). CSRs were created to assist postal personnel and customers with interpreting, clarifying, and applying the meaning of the standards contained in the DMM. The rulings are intended to be used in conjunction with the DMM standards. These rulings are issued by the Manager, Business Mail Acceptance, U.S. Postal Service, Washington, DC. Mailers can request copies of rulings that specifically address certain topics through a local Postal Service manager of business mail entry. In addition, the final standard would be incorporated in a future issue of Postal Service Publication 25, Designing Business Letter Mail.

Interested parties are invited to comment on the proposed guideline as well as the proposed means for its issuance.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 94–19683 Filed 8–11–94; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–34493; File No. SR–CSE–94–6]

Self-Regulatory Organizations; Cincinnati Stock Exchange, Inc.; Order Approving Proposed Rule Change to Amend and Extend the Pilot Program on the Exchange Relating to the Preferencing of Public Orders by Approved Dealers and Other Proprietary Members

August 5, 1994.

I. Introduction

On June 24, 1994, the Cincinnati Stock Exchange, Incorporated ("CSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to extend through May 18, 1995, its pilot program which governs preferenced trading. The Commission originally approved this pilot on February 7, 1991.[3] In connection with this extension of the pilot, the Exchange has proposed certain changes to its rules.

Notice of the filing of this proposal appeared in the **Federal Register** on July 1, 1994.[4] No comment letters were received.[5] For the reasons discussed below, the Commission has determined to approve the proposal on a temporary basis through May 18, 1995.

II. Description

The purpose of the proposed rule change is to amend and extend the existing pilot program of the Exchange relating to the preferencing of public agency market and marketable limit orders by approved dealers and other proprietary members. The Commission originally approved the pilot in February, 1991,[6] and subsequently

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1993).

[3] See Securities Exchange Act Release No. 28866, 56 FR 5854 (Feb. 13, 1991)

[4] See Securities Exchange Act Release No. 34285, 59 FR 33992 (July 1, 1994).

[5] While no comments were received in response to this proposal, in response to the Boston Stock Exchange's Competing Specialist program several SROs expressed views regarding the CSR Preferencing program as structured at that time. Concerns raised included: reduced incentive to place agency limit orders on the CSE due to high costs; immediate execution of agency at-the-market and marketable limit orders on CSE at the Intermarket Trading System ("ITS") BBO without an opportunity for price improvement; and the failure of CSE preferencing dealers to place their limit orders on the CSE book.

[6] *See supra* note 3.

extended the pilot several times.[7] The current approval expires August 6, 1994. The Commission's staff requested that the Exchange seek a limited extension to coincide with the recently approved Boston Stock Exchange's ("BSE") competing specialist pilot program[8] so that the Commission can consolidate its future review of the preferencing programs of the various exchanges.[9]

The CSE preferencing program allows market makers that meet certain qualifications to interact with their own order flow with respect to those orders as long as the individual market maker satisfies, among other things, best execution and other obligations designed to protect customers.[10] The rule is intended to provide market makers with the ability to retain and execute their internal order flow at the national best bid or offer ("NBBO"), provided the public limit orders on the book at that price have been executed.[11]

The proposal amends CSE rules, effective through May 18, 1995.[12] As part of a recent analysis of its preferencing program, the Exchange has reviewed the Division of Market Regulation's ("Division") five recommendations in *Market 2000: An Examination of Current Equity Market Developments* which are directed toward all market makers in listed stocks, including third market makers and firms internalizing order flow.[13] The Exchange, as a result, proposes to codify the Division's recommendations by amending or clarifying current CSE Rules.

First, the Exchange proposes to add interpretive language to CSE Rule 12.10, the Exchange's "best execution" rule requiring members, as part of their Fiduciary obligation to provide best execution for their customers' orders. This new obligation requires a member to expose to the national market system all or a representative portion of any limit order which is priced either *on or between* the NBBO, unless (1) the order is immediately executed, or (2) the customer expressly requests that the order not be exposed.

Second, the CSE is concerned that dealers should not trade ahead of customer limit orders. CSE rule 12.6 currently provides that no member may buy or sell a security for its own account when it holds an unexecuted customer market or like-priced limit order in that security.[14] In order to encourage all members to place public agency limit orders on the CSE book, the Exchange proposes to amend CSE Rule 11.10(e) to eliminate the transaction charge on public agency limit orders.

Third, the CSE is proposing to codify that if a dealer holds a customer buy order and a customer sell order that can be crossed, the dealer should cross those orders without interposing itself as dealer. While the CSE maintains that it historically has interpreted its Rule 12.6 to require the crossing of like-priced customer buy and sell orders, to remove any doubt, the CSE proposes to make that requirement explicit.

Fourth, the Exchange proposes to codify that dealers should establish and adhere to fixed standards for queuing and executing customer orders. This will facilitate CSE enforcement of standards to maintain the integrity of its market.

Fifth, consistent with the ITS trade-through and block policies, dealers will continue to be prohibited from trading at a price outside the ITS BBO without satisfying the market interest at the price.

Finally, in order to gauge the impact of the preferencing program on the CSE and on the national market system, the Exchange has agreed to provide the Commission with quarterly reports similar to those required of the BSE as part of its competing specialist pilot. These reports will provide the following information:

(1) A list indicating how many preferencing DDs are on the exchange and the issues in which they make markets.

(2) The volume of preferenced trades and shares and the percentage of total CSE trade and share volume that preferenced activity represents.

(3) The CSE's volume attributable to ITS commitments sent by other ITS participants and the percentage of such commitments in issues which have preferencing specialists.

(4) The number of preferenced order effected against the National Securities Trading System ("NSTS") limit order book.

(5) The percentage of time that the CSE improves and/or matches the NBBO, and the percentage of time that the CSE achieves price improvement for customer orders when the spread is wider than ⅛th point.[15]

(6) The CSE's share of Consolidated Tape trade reports, as compared to its share on the date of this extension.

III. Discussion

In its recent order approving the BSE's Competing Specialist proposal, the Commission articulated views and concerns regarding exchange proposals that modify traditional auction market priority rules in favor of certain members over others. The Commission is concerned about the implications of

[7] *See* Securities Exchange Act Release Nos. 29524 (Aug. 5, 1991), 56 FR 38160; 30353 (Feb. 7, 1992), 57 FR 5918; 31011 (Aug. 7, 1992), 57 FR 38704; 32280 (May 7, 1993), 58 FR 28422; and 33975 (April 28, 1994), 59 FR 23243.

[8] *See* Securities Exchange Act Release No. 34078, 59 FR 27082 (May 25, 1994) ("BSE Approval"). The BSE pilot was approved for one year expiring May 18, 1995.

[9] The Commission recently approved a CSE proposal implementing information barrier procedures for Designated Dealers ("DDs"). *See* Securities Exchange Act Release No 34449 (July 27, 1994). The term "Designated Dealer" means a Proprietary Member who maintains a minimum net capital amount and who has been approved by the Securities Committee to perform market functions by entering bids and offers for Designated Issues into the system. *See* CSE Rule 11.9 (a)(3). The DD status obligates the dealer to guarantee execution of all public agency market orders and agency limit orders up to 2,099 shares.

[10] For a description of the CSE Preferencing program, *see supra*, note 3: *See also* CSE Rule 11.9 (l), (m), and (u). The CSE is totally automated and utilizes a competing market maker system. Its members transmit orders, make markets, receive instant executions and reports through remote terminals or computer interfaces from around the country. The limit order book is open on the CSE and a market maker or broker must display his best interest if he or she wants to trade.

[11] In a 1990 letter, the CSE wrote:

[a]t all times, the CSE market makers and brokers are subject to being "hit" by brokers representing public orders or by professionals on or off exchange floors. In addition, public orders are guaranteed executions at the NBBO for up to 2099 shares, and market makers often display sizes in excess of that number which are subject to be taken at the literal flick of a switch. No other exchange trader, whether he be a market maker or specialist, is so exposed or out on an electronic limb. We believe that the preferencing rule makes a small dent in this electronic competitive disadvantage and will encourage well-capitalized market makers to learn the system and ultimately to provide deeper electronic makers.

See letter from Frederick Moss, Chairman of the Board of Trustees, CSE, to Richard G. Ketchum, Director, Division of Market Regulation, Securities and Exchange Commission, dated November 14, 1990.

[12] In approving the initial pilot, the CSE agreed to several limitations or requirements, which will continue to apply. These conditions limit the number of issues (350) in which a preferencing dealer may be registered; require the Exchange to provide certain information to the Commission; prohibit preferenced trading for index arbitrage purposes when "circuit breakers" are in effect; and prohibit the preferencing of any order which the preferencing dealer has purchased from the customer for a direct cash payment.

[13] *See* Division of Market Regulation, Securities and Exchange Commission, *Market 2000: An Examination of Current Equity Market Developments ("Market 2000")*, Study III, p. 14 (Jan. 1994).

[14] One way for members to comply with this requirement would be to place their customer limit orders on the CSE limit order book.

[15] Although the BSE is not currently required to provide NBBO and price improvement data, the CSE is offering to provide this additional data because it believes that this would be helpful to the Commission in accurately assessing the contributions of preferencing to the national market system. The Commission, however, intends to generate the necessary data to facilitate adequate comparison of all NBBO data.

the preferencing feature and its effect on quote competition and the risk of market fragmentation through increased internalization of order flow. The Commission holds by its views in that order, and is approving the CSE proposal to extend the expiration date of the CSE perferencing program until May 18, 1995, the same date that the BSE's Competing Specialist pilot expires. During this time the CSE will monitor the pilot, collect data, and submit reports as outlined below.[16]

While the CSE amended the DD program following the BSE approval, the Commission continues to be concerned about changes in priority principles, Implicitly, the CSE argues that failure to provide time priority in a market place whose structure includes multiple market makers need not be inconsistent with the Act if two primary conditions are met. First, market makers protect customer limit orders consistent with the requirements and goals of the Act. This requires that the Exchange establish and enforce specific practices and standards for its members participating in the preferencing program to further the goals of investor protection. Second, the Exchange program contributes meaningfully to the national market system by narrowing the spread between the NBBO.

While the CSE continues to alter its priority rules, it has taken other substantive steps to address the Division's concerns outlined in Study III of *Market 2000* regarding minimum order handling principles to ensure that customers are treated fairly. The current proposal enhances customer protection by clarifying CSE Rules regarding best execution responsibilities, customer priority, and the mandatory crossing of customer orders whenever possible. Specifically, the CSE proposal not only requires as part of a members' "best execution" responsibilities the display of all or a representative portion of customer limit orders that are better than the ITS BBO,[17] but further requires the display of those same orders that are *at* the ITS BBO unless the customer expressly requests that the order not be exposed or unless the order is immediately executed.[18] The Division has stated its belief that this requirement will result in tighter spreads, provide a more accurate picture of trading interests, and contribute to improved price discovery.[19]

The Exchange also has taken steps to encourage and protect customer limit orders by eliminating transaction charges on public agency limit orders and by clarifying that, under its customer priority rule, a member may hot buy or sell for its own account when it holds an unexecuted customer market or like-priced limit order in that security. Moreover, the commitment by CSE in requiring members to expose all of a representative portion of customer limit orders to the entire ITS market addresses commentator's allegations that CSE preferencing dealers do not place their limit orders on the CSE book, but rather hold the orders "upstairs" until the orders become marketable, and thus disadvantage their customer. Under the current proposal, even if a limit order is not placed on the CSE book, a member is required, unless instructed otherwise by a customer, to expose all or part of that limit order to the market thereby ensuring the customer order is exposed, eligible for price improvement, and adds to overall transparency of the marketplace. The CSE has represented that it will enforce specific practices and standards for its members participating in the preferencing program and the Commission expects quarterly data from the Exchange as well as a final report analyzing the effects of the program on the quality of market making by CSE DDs.

Based on the above, the Commission believes it is appropriate to allow the CSE to extend, as amended, its preferencing pilot until May 18, 1995. In making this determination, the Commission has carefully considered the potential benefits from the proposed enhancements, such as better quotes, as well as the potential adverse effects of the proposal, such as the possibility of increased internalization of order flow. The Commission believes that the CSE has incorporated features in its proposal, consistent with the Division's recommendations in *Market 2000,* to allow it to implement on a temporary basis, an amended preferencing program.

The Commission, nevertheless, believes that before the CSE proposal may be extended beyond May 18, 1995, or approved on a permanent basis, the CSE must demonstrate that its proposal resulted in added depth and liquidity to its market and improved quotations.[20] If this showing cannot be made, the Commission would not be inclined to extend the preferencing program. Accordingly, the Commission requests that the CSE provide the information it has agreed to furnish to the Commission,[21] on a quarterly basis. Further, we request the Exchange to submit a report to the Commission, discussing and analyzing the data outlined above, by January 18, 1995.[22] The report should discuss data in terms of the effects of the preferencing pilot on the quality of the CSE market with respect to depth, liquidity, and quote improvement.[23]

IV. Conclusion

The Commission finds that temporary approval of the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b).[24] In particular, the Commission believes the proposal is consistent with Section 6(b)(5) because it is designed to promote just and equitable principles of trade and remove impediments to and perfect the mechanisms of a free and open market and a national market system.

It is Therefore Ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be, and it hereby

---

[16] The CSE is expected to monitor its pilot and provide the Commission with a report on its operation detailing how the proposal has affected the quality of CSE's market, including its effect on quote competition and market transparency. The Commission expects the CSE to demonstrate, through periodic reporting requirements outlined above and other data as the Exchange may wish to generate, that there are in fact beneficial competitive effects from the preferencing program. Specifically, the Commission expects the Exchange to analyze the effects of the program on the quality of market making by CSE DDs as a result of the enhancements/changes adopted herein. If, for any reason, the CSE cannot provide such an analysis, the Commission would have serious reservations about continuing the preferencing program.

[17] When determining the amount of a limit order to expose, a broker, as part of its fiduciary duties, is charged with ensuring the best execution of a customer's order.

[18] This proposed additional requirement also addresses concerns raised by various SROs in the context of the BSE Competing Specialist proposal that limit orders on the CSE are immediately executed at the ITS BBO without the opportunity for price improvement.

The Commission wishes to clarify that as part of the CSE's customer priority rule 12.6, a member is obligated to execute a customer's limit order immediately upon a likepriced proprietary execution on any other market. Further, if a CSE market maker determines to route a customer limit order to another firm or exchange, the limit order will nevertheless be viewed as "held" by the market maker. Thus, the CSE market maker could not trade ahead of a customer limit order that it forwarded to another firm or exchange.

[19] *See Market 2000,* Study IV, p. 6.

[20] The BSE will also be required to make such a showing.

[21] *See supra* Section II.

[22] The BSE report is also due by this date.

[23] As noted in the BSE approval, should any other exchange attempt to implement a similar system that is acceptable to the Commission, the pilot period would be limited to the time period afforded the BSE. As a result all preferencing programs will expire May 18, 1995. At the end of this period, all systems will be subject to the same scrutiny regardless of how long they may have been in operation.

[24] 15 U.S.C. § 78f(b) (1988).

is, approved for an additional period, ending May 18, 1995.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–19681 Filed 8–11–94; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–34500; International Series Release No. 397; File No. SR–Amex–94–20]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Granting Accelerated Approval of a Proposed Rule Change and Amendment Nos. 2 and 3, and Filing and Order Granting Accelerated Approval of Amendment No. 4 to the Proposed Rule Change Relating to the Listing and Trading of Options on the Mexico Index

August 8, 1994.

On June 3, 1994, the American Stock Exchange, Inc. ("Amex" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to Section 19(b)(1) of the Securities and Exchange Act of 1934 ("Act"),[1] and Rule 19b-4 thereunder,[2] a proposed rule change to list and trade options on the Mexico Index ("Mexico Index" or "Index"). On June 27, 1994, the Exchange filed Amendment No. 1 to the proposed rule change, the subject matter of which was superseded with the filing of Amendment No. 2 ("Amendment No. 2"), which was filed on July 7, 1994.[3] Amendment No. 1 was formally withdrawn on July 8, 1994.[4] On July 11, 1994, the Exchange filed Amendment No. 3 ("Amendment No. 3") to the proposed rule change to provide for certain standards to be used in conjunction with the maintenance of the Index, as described below.[5] On July 12, 1994, the Exchange filed Amendment No. 4 ("Amendment No 4") to the proposed rule change to amend the applicable position limits from 10,500 contracts to 7,500.[6]

Notice of the proposed rule change and Amendment Nos. 2 and 3 was published for comment and appeared in the **Federal Register** on July 15, 1994.[7] No comments were received on the proposal. This order approves the proposal and Amendment Nos. 2, 3 and 4.

I. Description of the Proposal

The Amex has developed a new index called the Mexico Index, based entirely on the value of shares or related American Depositary Receipts ("ADRs") of widely held Mexican companies traded on the NYSE, Amex, or that are National Market ("NM") securities traded through the National Association of Securities Dealers Automated Quotation system ("NASDAQ"). The Index contains securities of highly-capitalized companies with major business interests in Mexico. The Exchange states that these companies have been drawn from a variety of industries, including construction, telecommunications, banking, shipping, tobacco, media, and food and beverage, to reflect the diversity of the Mexican market.

Index Calculation and Maintenance

The Index is calculated using a "modified" equal dollar weighting methodology. In an attempt to more closely approximate the industry weightings within the Mexico stock market, the two highest capitalized components within the Index are given higher weightings, 24% and 12%, respectively, while the eight remaining Index components are weighted equally at 8%. Accordingly, as of the market close on June 17, 1994, a portfolio of ten Mexican component securities was established representing a hypothetical investment (rounded to the nearest whole share) of $24,000 in the largest capitalized component in the Index, $12,000 in the second largest, and $8,000 in each of the remaining Index components. The value of the Index equals the current market value (*i.e.*, based on U.S. primary market prices) of the sum of the assigned number of shares of each of the Index components divided by the Index divisor. The Index divisor has been established to yield the benchmark value of 175.00 at the close of trading on July 22, 1994.[8]

Each quarter thereafter, following the close of trading on the third Friday of March, June, September and December, the Index components will be ranked in descending market capitalization order and the Index portfolio adjusted by changing the number of whole shares of each component so that the largest capitalized Index component once again represents 24% of the Index value, the second largest component represents 12%, and each of the remaining components represent 8%. If the number of components in the Index increases to greater than ten, the Amex will continue to weight the two components with the highest market capitalizations 24% and 12%, respectively. The remaining components will then be weighted equally.[9] For example, if two new components are added to the Index, the two securities with the highest market capitalizations will be assigned a 24% and 12% weighting, respectively, while the remaining ten Index components will be assigned a 6.4% weighting.

If it becomes necessary to remove an Index component, the exchange will either add an Index component having characteristics that will permit the Index to remain within the maintenance criteria specified in the Generic Narrow-Based Index Approval Order (and also contained in exchange Rule 901C),[10] or will permit the Index to be calculated based upon the remaining components (but no fewer than nine) until the next quarterly rebalancing, at which time the Exchange will replace the component so that the Index will continue to have at least ten components.[11] The Exchange has chosen to rebalance following the close of trading on the quarterly expiration cycle because it allows an option contract to be held for up to three months without a change in the Index portfolio. If necessary, a divisor adjustment is made at the rebalancing to ensure continuity of the Index's value. The newly adjusted portfolio becomes the basis for the Index's value on the first trading day following the quarterly adjustment.

The Amex states that it has routine experience making regular quarterly

---

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] 17 CFR § 249.19b-4 (1991).

[3] *See* Letter from Howard Baker, Senior Vice President, Derivative Securities, Amex, to Michael Walinskas, Derivative Products Regulation, SEC, dated July 7, 1994. In the original proposal, the Amex sought approval for the listing of options based upon a Mexico Index that was capitalization-weighted and based upon shares of twenty Mexican stocks or American Depositary Receipts ("ADRs") traded on the New York Stock Exchange, Amex or that were National Market securities. The Amex proposed that the Index be classified as a broad-based index. Amendment No. 2 supersedes the original proposal and Amendment No. 1.

[4] *See* Letter from Howard A. Baker, Senior Vice President, Derivative Securities, Amex, to Michael Walinskas, Derivative Products Regulation, SEC, dated July 8, 1994.

[5] *See* Letter from Howard A. Baker, Senior Vice President, Derivative Securities, Amex, to Michael Walinskas, Derivative Products Regulation, SEC, dated July 11, 1994.

[6] *See* Letter from Claire McGrath, Managing Director and Special Counsel, Derivative Securities, Amex, to Michael Walinskas, Derivative Products Regulation, SEC, dated July 12, 1994.

[7] *See* Securities Exchange Act Release No. 34356 (July 12, 1994), 59 FR 36235.

[8] *See* Letter from Howard A. Baker, Senior Vice President, Derivative Securities, Amex, to Michael Walinskas, Derivative Products Regulation, SEC, dated August 3, 1994. The Amex initially proposed to utilize a divisor calculated to yield the value of 231.00 at the close of trading on June 17, 1994.

[9] *See* Amendment No. 3.

[10] *See* Securities Exchange Act Release No. 34157 (June 3, 1994), 59 FR 30062 (June 10, 1994) ("Generic Narrow Based Index Approval Order").

[11] *See* Amendment No. 3.

adjustments to a number of its indexes and has not encountered investor confusion regarding the adjustments, since they are done on a regular basis and timely, proper, and adequate notice is given to market participants. Particularly, an information circular is distributed to all Exchange members notifying them of the quarterly changes. This circular is also sent by facsimile to the Exchange's contacts at the major options firms, mailed to recipients of the Exchange's options related information circulars, and made available to subscribers of the Options News Network. In addition, the Exchange will include in its promotional and marketing materials for the Index a description of the "modified" equal dollar weighting methodology.

As noted above, the number of shares of each component in the Index portfolio remain fixed between quarterly reviews except in the event of certain types of corporate actions such as the payment of a dividend other than an ordinary cash dividend, a stock distribution, stock splits, reverse stock splits, rights offering distribution, reorganization, recapitalization, or similar event with respect to the Index component securities. In a merger or consolidation of an issuer of an Index component, if the component remains in the Index, the number of shares of that component in the Index portfolio may be adjusted, to the nearest whole share, to maintain the component's relative weight in the Index at the level immediately prior to the corporate action. Further, if the Exchange replaces an Index component at a time other than at a quarterly rebalancing, it will do so in the following manner: if one of the two highest weighted Index components is replaced, the Exchange will determined the weighting of the Index component being replaced and assign the same weighting to the newly added component. If one of the equally weighted Index components is replaced, the average dollar value of the remaining Index components within that tier will be calculated and the resulting figure used to determine the assigned Index portfolio shares, to the nearest whole share. In all cases, the divisor will be adjusted, if necessary, to ensure Index continuity, and the Index will be rebalanced at the next regularly scheduled rebalancing.[12]

[12] *See* Letter from Nathan Most, Senior Vice President, New Products Development, Amex, to Michael Walinskas, Derivative Products Regulation, SEC, dated August 3, 1994, This Letter also withdraws that portion of Amendment No. 3 as it relates to the replacement of Index components.

The Amex will calculate and maintain the Index and, pursuant to Exchange Rule 901C(b), may at any time or from time to time substitute Index component securities, or adjust the number of components included in the Index, based on changing conditions in Mexico. However, the Exchange will not decrease the number of Index components to greater than nine or increase the number of components to greater than thirteen without prior Commission approval.[13]

The value of the Index will be calculated continuously and disseminated every 15 seconds over the Consolidated Tape Association's Network B.

Expiration and Settlement

The Exchange proposes to trade cash-settled, European-style Index options (*i.e.*, exercises are permitted at expiration only). The Exchange also proposes that Mexico Index options will have trading hours from 9:30 a.m. to 4:15 p.m. EST. As with other index options traded on the Amex, the options on the Index will expire on the Saturday following the third Friday of the expiration month ("Expiration Friday"). The last trading day in an option series will normally be the second to last business day preceding the Saturday following the third Friday of the expiration month (normally a Thursday). Trading in expiring options will cease at the close of trading on the last trading day.

The Index value for purposes of settling a specific Mexico Index option will be calculated based upon the primary exchange regular way opening sale prices for the Index component securities. In the case of NM securities, the first reported sale price will be used. As trading begins in each of the Index's component securities, its opening sale price is used to calculate the Index settlement value. The Index settlement value can be determined once all of the components have opened. If any of the components do not open for trading on the last trading day before expiration, then the prior day's last sale price is used in the Index settlement value calculation.

The Exchange plans to list options series with expirations in the three near-term calender months and in the two additional calendar months in the March cycle. In addition, longer term option series having up to thirty-six months to expiration may be traded. In lieu of such long-term options on a full-value Index level, the Exchange may instead list long-term, reduced-value put and call options based on one-tenth (1/10th) the Index's full-value. In either event, the interval between expiration months for either a full-value or reduced-value long-term option will not be less than six months.

[13] *See* Amendment No. 3.

Eligibility and Maintenance Standards for Index Components

The Exchange has represented that it will ensure that the Index initially and thereafter satisfies the initial listing and maintenance criteria set forth in the Generic Narrow-Based Index Approval Order. In choosing among Index component securities that meet the initial minimum criteria set forth in the Generic Narrow-Based Index Approval Order (as well as Exchange Rule 901C), the Exchange will select components that: (1) have a minimum market value of at least U.S. $75 million, except that for each of the lowest weighted component securities in the Index that in the aggregate account for no more than 10% of the weight of the Index, the market value may be at least $50 million; (2) have an average monthly trading volume in the U.S. markets over the previous six-month period of not less than one million shares (or ADRs) except that for each of the lowest weighted component securities in the Index that in the aggregate account for no more than 10% of the weight of the Index, the trading volume shall be at least 500,000 shares in each of the last six months; (3) have at least 90% of the numerical Index value and at least 80% of the total number of component securities meeting the current criteria for standardized option trading set forth in Exchange Rule 915; and (4) are reported securities that trade on either the NYSE, Amex (subject to the limitations of Rule 901C), or are NM securities. In addition, no individual stock in the Index may represent more than 25% of the Index weight (at the time of rebalancing) and the five highest weight stocks may not constitute more than 60% of the Index weight (at the time of rebalancing).

The Amex will ensure that not more than 20% of the weight of the Index is represented by ADRs overlying foreign securities that are not subject to comprehensive surveillance sharing agreements.[14] Currently, one component ADR, accounting for 8% of the Index value, has the majority of its trading volume occurring on the Bolsa Mexicana de Valores, an exchange with which the Amex does not currently have in place an effective information sharing agreement.

[14] *See* Amendment No. 3: Also, *see infra* note 23.

If the Index fails at any time to satisfy the maintenance criteria set forth in the Generic Narrow-Based Index Approval Order and Exchange Rule 901C, the Exchange will immediately notify the Commission of that fact and will not open for trading any additional series of options of the Index unless such failure is determined by the Exchange not to be significant and the Commission concurs in that determination, or unless the continued listing of options on the Mexico Index has been approved by the Commission under Section 19(b)(2) of the Exchange Act.[15]

Exchange Rules Applicable to Stock Index Options

Amex Rules 900C through 980C will apply to the trading of regular and long-term contracts based on the Index. These Rules cover issues as such as surveillance, exercise prices, and position limits. Surveillance procedures currently used to monitor trading in each of the Exchange's other index options will also be used to monitor trading in options on the Index. The Index is deemed to be a Stock Index option under Rule 901C(a) and a Stock Index Group under Rule 900C(b)(1). With respect to Rule 903C(b), the Exchange proposes to list near-the-money (*i.e.*, within ten points above or below the current index value) options series on the Index at 2½ point strike (exercise) price intervals when the value of the Index is below 200 points. In addition, the Exchange proposes to establish, pursuant to Rule 904C(c), a position limit of 7,500 contracts on the same side of the market.[16]

The Exchange seeks to have the ability to utilize its Auto-Ex system for orders in the Index options of up to 50 contracts. Auto-Ex is the Exchange's automated execution system which provides for the automatic execution of market and marketable limit orders at the best bid or offer at the time the order is entered. The Amex believes the ability to use Auto-Ex for orders of up to 50 contracts will provide customers with deep, liquid markets as well as expeditious executions. The Amex represents that it has the necessary systems capacity to support new series that would result from the introduction of Mexico Index Options.[17]

[15] *See* Amendment No. 3.

[16] *See* Amendment No. 4.

[17] *See* Letter from Edward Cook, Jr., Managing Director, Information Technology, Amex, to Michael Walinskas, Derivative Products Regulation, SEC, dated July 8, 1994. Additionally, the Options Price Reporting Authority ("OPRA") has stated that it has the necessary systems capacity to support those new series of index options that would result from the introduction of Index options and Index LEAPS. *See* Memorandum from Joe Corrigan, Executive Director, OPRA, to Charles Faurot, Managing Director, Market Data Services, Amex, dated July 8, 1994.

II. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6(b)(5).[18] Specifically, the Commission finds that the trading of Mexico Index options, including full-value and reduced-value Index LEAPS, will serve to promote the public interest and help to remove impediments to a free and open securities market by providing investors with a means of hedging exposure to market risk associated with Mexican securities.[19]

The trading of options on the Mexico Index, including full-value and reduced-value Index LEAPS, however, raises several concerns, namely issues related to index design, customer protection, surveillance, and market impact. The Commission believes, for the reasons discussed below, that the Amex adequately has addressed these concerns.

A. Index Design and Structure

The Commission finds that the Mexico Index is a narrow-based index. The Mexico Index is composed of only ten securities, all of which represent Mexico companies.[20] Accordingly, in light of the limited number of components in the Index, the Commission believes it is proper to classify the Mexico Index as narrow-based and apply Amex's rules governing narrow-based index options to trading in the Index options.

The Commission also finds that the large capitalizations, Liquid markets, and relative weightings of the Index's component securities significantly minimize the potential for manipulation of the Index. First, the overwhelming majority of the components that comprise the Index are actively traded, with an average daily trading volume for the period from November, 1993 through May, 1994, ranging from a high of 430,000 shares per day to a low of 106,000 shares per day. Second, the market capitalizations of the securities in the Index are very large, ranging, during the same period, from a high of $31 billion to a low of $156.92 billion, with the mean and median being $6.77 billion and $1.94 billion, respectively. Third, although the Index is only comprised of ten component securities, no one particular security or group of securities dominates the Index. Specifically, no one stock or ADR comprises more than 24 percent of the Index's total value and the percentage weighting of the five largest issues in the Index account for 60 percent of the Index's value. Fourth, at least 90 percent of the securities in the Index, by weight, and at least 80 percent of the number of components of the Index, must be eligible for standardized options trading. This proposed maintenance requirement will ensure that the Index is substantially comprised of options-eligible securities. Fifth, if the Amex increases the number of component securities to more than thirteen or decreases that number to less than nine, the Amex will be required to seek Commission approval pursuant to Section 19(b)(2) of the Act before listing new strike price or expiration month series of Mexico Index options and Index LEAPS. This will help protect against material changes in the composition and design of the Index that might adversely affect the Amex's obligations to protect investors and to maintain fair and orderly markets in Mexico Index options and Index LEAPS. Sixth, the Amex will be required to ensure that each component of the Index is subject to last sale reporting pursuant to Rule 11Aa3–1 of the Act.[21] This will further reduce the potential for manipulation of the value of the Index. Finally, the Commission believes that the expense of attempting to manipulate the value of the Mexico Index in any significant way through trading in

[18] 15 U.S.C. § 78f(b)(5) (1988).

[19] Pursuant to Section 6(b)(5) of the Act, the Commission must predicate approval of any new option proposal upon a finding that the introduction of such new derivative instrument is in the public interest. Such a finding would be difficult for a derivative instrument that served no hedging or other economic function, because any benefits that might be derived by market participants likely would be outweighted by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns. In this regard, the trading of listed Index options and full-value Index LEAPS will provide investors with a hedging vehicle that should reflect the overall movement of Mexican stocks and ADRs in the U.S. securities markets. The Commission also believes that these Index options will provide investors with a means by which to make investment decisions regarding Mexican securities traded in the U.S. securities markets, allowing them to establish positions or increase existing positions in such markets in a cost effective manner. Moreover, the Commission believes that the reduced-value Index LEAPS, which will be traded on an index computed at one-tenth the value of the Mexico Index, will serve the needs of retail investors by providing them with the opportunity to use a long-term option to hedge their portfolios from long-term market moves, at a reduced cost.

[20] The reduced-value Mexico Index, which is composed of the same component securities as the Index and calculated by dividing the Index value by ten, is identical to the Mexico Index.

[21] *See* Amendment No. 3.

component stocks, ADRs, or securities underlying ADRs (or options on those securities) coupled with, as discussed below, existing mechanisms to monitor trading activity in those securities, will help deter such illegal activity.

Furthermore, the Commission notes that the Amex has agreed to apply the initial listing and maintenance standards set forth in the Generic Narrow Based Index Approval Order to the Index and Index options. These standards are reasonably designed to ensure the protection of investors and the public interest. Specifically, the Commission finds that the generic standards covering minimum capitalization, monthly trading volume, and relative weightings of component stocks are designed to ensure that the trading markets for component stocks are adequately capitalized and sufficiently liquid, and that no one stock or stock group dominates an Index. Thus, the Commission believes that the satisfaction of these requirements significantly minimizes the potential for manipulation of the Index.

B. Customer Protection

The Commission believes that a regulatory system designed to protect public customers must be in place before the trading of sophisticated financial instruments, such as Mexico Index options (including full-value and reduced-value Mexico LEAPS), can commence on a national securities exchange. The Commission notes that the trading of standardized exchange-traded options occurs in an environment that is designed to ensure, among other things, that: (1) the special risks of options are disclosed to public customers; (2) only investors capable of evaluating and bearing the risks of options trading are engaged in such trading; and (3) special compliance procedures are applicable to options accounts. Accordingly, because the Index options and Index LEAPS will be subject to the same regulatory regime as the other standardized options currently traded on the Amex, the Commission believes that adequate safeguards are in place to ensure the protection of investors in Mexico Index options and full-value and reduced-value Mexico Index LEAPS.

C. Surveillance

The Commission believes that a surveillance sharing agreement between an exchange proposing to list a security index derivative product and the exchange(s) trading the securities underlying the derivative product is an important measure for surveillance of the derivative and underlying securities markets. Such agreements ensure the availability of information necessary to detect and deter potential manipulations and other trading abuses, thereby making the security index product less readily susceptible to manipulation.[22] In this regard, the Amex, NYSE, and NASD are all members of the ISG, which provides for the exchange of all necessary surveillance information.[23] Further, as to present and future ADR components of the Index, either the Exchange will have comprehensive surveillance sharing agreements with the primary foreign markets for the securities underlying the ADRs or the U.S. will be the relevant market for surveillance purposes.[24]

D. Market Impact

The Commission believes that the listing and trading of Mexico Index options, including full-value and reduced-value Index LEAPS, on the Amex will not adversely impact the underlying securities markets. First, as described above, for the most part, no one security or group of securities dominates the Index. Second, because at least 90% of the numerical value of the Index and at least 80% of the components of the Index must be accounted for by securities that meet the Exchange's options listing standards, and because each of the component securities must be subject to last sale reporting pursuant to Rule 11Aa3–1 of the Act,[25] the component securities generally will be actively-traded, highly-capitalized securities. Third, the 7,500 contract position and exercise limits applicable to Index options and Index LEAPS will serve to minimize potential manipulation and market impact concerns.

The Commission believes that settling expiring Mexico Index options (including full-value and reduced-value Index LEAPS) based on the opening prices of component securities is consistent with the Act. As noted in other contexts, valuing options for exercise settlement on expiration based on opening prices rather than closing prices may help reduce adverse effects on markets for securities underlying options on the Index.[26] Lastly, the Commission believes the ability to use Auto-Ex for orders of up to 50 contracts will provide customers with liquid markets and efficient executions.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6(b)(5).[27] In particular, the Commission believes the proposal is consistent with the Section 6(b)(5) requirement that the rules of an exchange be designed to promote just and equitable principles of trade and not to permit unfair discrimination between customers, issuers, brokers, and dealers.

The Commission finds good cause for approving the proposed rule change, as amended, and Amendment No. 4 to the Exchange's proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. Amendment No. 4 clarifies that the Exchange will apply its current rules to determine applicable position limits for the Index options and, therefore, raises no new or unique regulatory issues. Furthermore, the Commission notes that the Amex did not realize the proposal would have been eligible for filing, pursuant to Section 19(b)(3)(A) of the Act, under the Generic Narrow Based Index Approval Order. Accordingly, because the effectiveness of the proposal was therefore delayed, in part, by confusion over the proper method under which to file, and considering the proposal has already been subject to a 21-day comment period, and no comments were received, the Commission believes it is consistent with Sections 19(b)(2) and 6(b)(5) of the Act to approve the proposed rule change, as amended, on an accelerated basis.

---

[22] Securities Exchange Act Release No. 31243 (September 28, 1992), 57 FR 45849 (October 5, 1992).

[23] If the prices of the ADR components, or the composition of the Index, should change so that greater than 20% of the weight of the Index would be represented by ADRs whose underlying securities were not the subject of a comprehensive surveillance sharing agreement with the Amex, then it would be difficult for the Commission to reach the conclusions reached in this order and the Commission would have to determine whether it would be suitable for the Exchange to continue to trade options on this Index. The Amex should, accordingly, notify the Commission immediately if more than 20% of the numerical value of the Index is represented by ADRs whose underlying securities are not subject to a comprehensive surveillance sharing agreement. Such a change in the current relative weights of the Index or in the composition of the Index may warrant the submission of a rule filing pursuant to Section 19 of the Act. In determining whether a particular ADR is subject to a comprehensive surveillance sharing agreement, *see, e.g.*, Securities Exchange Act Release Nos. 31531 (November 27, 1992), 57 FR 57250 (December 3, 1992); and 33554 (January 31, 1994), 59 FR 5622 (February 7, 1994).

[24] *See* Securities Exchange Act Release Nos. 31531 (November 27, 1992), 57 FR 57250 (December 3, 1992); and 33554 (January 31, 1994), 59 FR 5622 (February 7, 1994).

[25] *See* Amendment No. 3.

[26] *See* Securities Exchange Act Release No. 30944 (July 21, 1992), 57 FR 33376 (July 28, 1992).

[27] 15 U.S.C. § 78f(b)(5) (1988).

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 4. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by September 2, 1994.

It therefore is Ordered, pursuant to Section 19(b)(2) of the Act,[28] that the proposed rule change, as amended, (SR–AMEX–94–20) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[29]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–19743 Filed 8–11–94; 8:45 am]

BILLING CODE 8010–01–M

[Release No. IC–20447; 812–8500]

Defined Asset Funds—Equity Income Fund, et al.; Notice of Application

August 5, 1994.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: Defined Asset Funds—Equity Income Fund, and Merrill Lynch, Pierce, Fenner & Smith Incorporated ("Merrill Lynch").

RELEVANT ACT SECTIONS: Order requested under sections 6(c) and 17(b) from section 17(a).

SUMMARY OF APPLICATION: Applicants request an order to permit a terminating series of a unit investment trust to sell portfolio securities to a new series of the trust.

FILING DATE: The application was filed on July 26, 1993 and amended July 15, 1994.

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 August 30, 1994, 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 request, 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, c/o Merrill Lynch, Pierce, Fenner & Smith Incorporated, Unit Investment Trusts, P.O. Box 9051, Princeton, NJ 08543–9051, Attn: Teresa Koncick, Esq.

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.

Applicant's Representations

1. Defined Asset Funds—Equity Income Fund, a unit investment trust registered under the Act, consists of a number of series (each a "Series") that include each of the Select Ten Series. All of the Series currently outstanding are Select Ten Series. Merrill Lynch is the agent for the sponsors of the Series. Applicants request that the relief sought herein apply to future Series for which Merrill Lynch serves as agent for the sponsors.

2. The investment objective of each Select Ten Series is to seek a greater total return than the stocks comprising an entire related published index (*e.g.*, the Dow Jones Industrial Average, the Hang Seng Index, or the Financial Times Industrial Ordinary Share Index) (each an "Index"). Certain Series of the Select Ten Series acquire approximately equal values of the ten stocks in the Dow Jones Industrial Average having the highest dividend yields as of a specified date and holds those stocks for approximately one year (each a "Dow Series"). The other Select Ten Series create their portfolios in a similar manner using securities that are included in other Indexes. The sponsors of the Series intend that, as each Select Ten Series terminates, a new Series based on the appropriate Index will be offered for the next year.

3. Each Series has a contemplated date (a "Rollover Date") on which holders of units in that Series (a "Rollover Series") may at their option redeem their units in the Rollover Series and receive in return units of a subsequent Series of the same type (a "New Series") which is created on or about the Rollover Date, and has a portfolio which contains securities ("Qualified Securities") which are (i) actively traded (*i.e.*, have had an average daily trading volume in the preceding six months of at least 500 shares equal in value to at least 25,000 United States dollars) on an average (a "Qualified Exchange") which is either (a) A national securities exchange which meets the qualifications of section 6 of the Securities Exchange Act of 1934 or (b) a foreign securities exchange that meets the qualifications set out in the proposed amendment to rule 12d3–1(d)(6) under the Act as proposed by the Commission and that releases daily closing prices, and (ii) included in an Index.

4. There is normally some overlap from year to year in the stocks having the highest dividends yields in an Index and, therefore, between the portfolios of each Rollover Series and the New Series. In the case of the 1993 Spring Series of the Dow Series, 7 of the 10 securities were identical. To date each Rollover Series has, in connection with its termination, sold all of its portfolio securities on the New York Stock Exchange as quickly as practicable. Similarly, a New Series acquires its portfolio securities in purchase transactions on the New York Stock Exchange. This procedure creates brokerage commissions on portfolio securities of the same issue that are borne by the holders of units of both the Rollover Series and the New Series. Applicants, therefore, request an exemptive order to permit any Rollover Series to sell portfolio securities to a New Series and a New Series to purchase those securities.

5. In order to minimize overreaching, Merrill Lynch shall certify in writing to the trustee of the Rollover Series and the New Series, following each sale from a Rollover Series to a New Series, (a) That the transaction is consistent with the policy of both the Rollover Series and the New Series, as recited in their respective registration statements and reports filed under the Act, (b) the date of such transaction, and (c) the closing sales price on the Qualified Exchange for the sale date of the securities subject

---

[28] 15 U.S.C. § 78s(b)(2) (1988).

[29] 17 CFR § 200.30–3(a)(12) (1993).

to such sale. The trustee will then countersign the certificate, unless, in the unlikely event that the trustee disagrees with the closing sales price listed on the certificate, the trustee immediately informs Merrill Lynch orally of any such disagreement and returns the certificate within five days to Merrill Lynch with corrections duly noted. Upon Merrill Lynch's receipt of a corrected certificate, if Merrill Lynch can verify the correct price by reference to an independently published list of closing sales prices for the date of the transaction, Merrill Lynch will ensure that the price of units of the New Series, and distributions to holders of the Rollover Series with regard to redemption of their units or termination of the Rollover Series, accurately reflect the corrected price. To the extent that Merrill Lynch disagrees with the trustee's corrected price, Merrill Lynch and the trustee will jointly determine the correct sales price by reference to a mutually agreeable, independently published list of closing sales prices for the date of the transaction.

Applicants' Legal Analysis

1. Section 17(a) of the Act generally makes it unlawful for an affiliated person of a registered investment company to sell securities to or purchase securities from the company. Investment companies under common control may be considered affiliates of one another. The Series may be under common control because they have identical or common sponsors, and Merrill Lynch as agent for the sponsors.

2. Section 17(b) provides that the SEC shall exempt a proposed transaction from section 17(a) if evidence establishes that: (a) The terms of the proposed transaction are reasonable and fair and do not involve overreaching; (b) the proposed transaction is consistent with the policies of the registered investment company involved; and (c) the proposed transaction is consistent with the general provisions of the Act. Under section 6(c), the SEC may exempt classes of transactions if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants believe that the proposed transactions satisfy the requirements of sections 6(c) and 17(b).

3. Rule 17a–7 under the Act permits registered investment companies that might be deemed affiliates solely by reason of common investment advisers, directors, and/or officers, to purchase securities from or sell securities to one another at an independently determined price, provided certain conditions are met. Paragraph (e) of the rule requires an investment company's board of directors to adopt and monitor the procedures for these transactions to assure compliance with the rule. A unit investment trust does not have a board of directors and, therefore, may not rely on the rule. Applicants represent that they will comply with all of the provisions of rule 17a–7, other than paragraph (e).

4. Applicants represent that purchases and sales between Series will be consistent with the policy of each Series, as only securities that otherwise would be bought and sold on the open market pursuant to the policy of each Series will be involved in the proposed transactions. Applicants further believe that the current practice of buying and selling on the open market leads to unnecessary brokerage fees and is therefore contrary to the general purposes of the Act. In order to minimize the possibility of overreaching, applicants have agreed to comply with the conditions discussed below.

Applicants' Conditions

Applicants agree that the order granting the requested relief shall be subject to the following conditions:

1. Each sale of Qualified Securities by a Rollover Series to a New Series will be effected at the closing price of the securities sold on a Qualified Exchange on the sale date, without any brokerage charges or other remuneration except customary transfer fees, if any.

2. The nature and conditions of such transactions will be fully disclosed to investors in the appropriate prospectus of each future Rollover Series and New Series.

3. The trustee of each Rollover Series and New Series will (a) Review the procedures relating to the sale of securities from a Rollover Series and the purchase of securities for deposit in a New Series and (b) make such changes to the procedures as the trustee deems necessary that are reasonably designed to comply with paragraphs (a) through (d) of rule 17a–7.

4. A written copy of these procedures and a written record of each transaction pursuant to this order will be maintained as provided in rule 17a–7(f).

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–19678 Filed 8–11–94; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–20446; 812–9068]

First American Mutual Funds, et al.; Notice of Application

August 5, 1994.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: First American Mutual Funds ("FAMF"), First American Investment Funds, Inc. ("FAIF"), and First Bank National Association (the "Adviser").

RELEVANT ACT SECTIONS: Order requested: (a) Under section 17(b) granting an exemption from section 17(a); (b) permitting certain joint transactions under section 17(d) and rule 17d–1, and (c) under 6(c) granting an exemption from the provisions of section 15(f)(1)(A).

SUMMARY OF APPLICATION: Applicants seek an order under section 17(b) for an exemption from section 17(a) and an order under section 17(d) and rule 17d–1 to permit certain series of FAIF to acquire all of the assets of certain series of FAMF in exchange for shares of FAIF. Applicants also seek an order under section 6(c) granting an exemption from section 15(f)(1)(A) to permit FAIF's board of directors to continue with its present membership following completion of the proposed transactions.

FILING DATE: The application was filed on June 24, 1994 and amended on August 4, 1994.

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 August 30, 1994, and should be accompanied by proof of service on the 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 Fifth Street, NW., Washington, DC 20549. Applicants: FAMF and FAIF, 680 East Swedesford Road, Wayne, Pennsylvania 19087. The Adviser, First Bank Place, 601 Second Avenue South, Minneapolis, Minnesota 55480.

FOR FURTHER INFORMATION CONTACT: John V. O'Hanlon, Senior Attorney, at (202) 942–0578 or C. David Messman, Branch Chief, at (202) 942–0564 (Office of Investment Company Regulation, Division of Investment Management).

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. FAMF is an open-end management investment company organized as a Massachusetts business trust and registered under the Act.[1] FAMF currently offers four series of shares: Diversified Growth Fund, Managed Income Fund, Limited Term Tax Free Income Fund, and Equity Income Fund (collectively, the "Acquired Funds"). As of June 13, 1994, FAMF had total net assets of approximately $129 million.

2. FAIF is an open-end management investment company organized as a Maryland corporation and registered under the Act.[2] FAIF currently offers seventeen series of shares. One of these series is the Limited Term Income Fund (together with three series to be created in connection with the proposed transactions, the "Acquiring Funds"). As of June 13, 1994, FAIF had total net assets of approximately $979 million.

3. The Adviser acts as investment adviser to each series of FAMF and FAIF. The Adviser is a wholly-owned subsidiary of First Bank System, Inc. ("FBS").

4. Boulevard Bank National Association ("Boulevard Bank") is an indirect wholly-owned subsidiary of FBS. Boulevard Bank and its affiliates hold of record through a nominee more than 5% of the outstanding shares of each Acquired Fund, and they hold or share voting and/or investment discretion with respect to a portion of such shares. All such shares are held for the benefit of others in a trust, agency, custodial, or other fiduciary or representative capacity. Boulevard Bank and its affiliates do not have an economic interest in any such shares.

5. First Trust National Association ("First Trust") also is a wholly-owned subsidiary of FBS and acts as custodian for FAMF and FAIF. First Trust and its affiliates hold of record in their own name and in the name of a nominee more than 5% of the outstanding shares of one of the Acquiring Funds, and they hold or share voting and/or investment discretion with respect to a portion of such shares. All such shares are held for the benefit of others in a trust, agency, custodial, or other fiduciary or representative capacity. First Trust and its affiliates do not have an economic interest in any such shares.

6. FBS acquired the holding company for Boulevard Bank on March 25, 1994, and thus became the indirect 100% owner of Boulevard Bank. Boulevard Bank was the investment adviser to each series of FAMF until March 28, 1994. Thus, FBS' acquisition of indirect ownership of Boulevard Bank arguably constituted a sale of Boulevard Bank and an assignment of its advisory contract with FAMF within the meaning of section 15(f). On March 25, 1994, the shareholders of FAMF approved the Adviser as successor investment adviser to each series of FAMF and elected a new Board of Trustees of FAMF. The new members of the FAMF Board are identical to the members of the FAIF Board of Directors, except that one director of FAIF does not serve on FAMF's board. This individual was not nominated to serve on FAMF's board in order to ensure that at least 75% of FAMF's trustees would be "disinterested," as required by the "safe harbor" provisions of section 15(f)(1)(A).[3]

7. Applicants propose that the Acquired Funds be combined with and into the Acquiring Funds in tax-free reorganizations (the "Reorganizations"). In the Reorganizations, each Acquiring Fund will acquire all of the assets and liabilities of the respective Acquired Fund in exchange for shares of the Acquiring Fund, which then will be distributed to former shareholders of the Acquired Fund. The number of Limited Term Income Fund shares to be issued in exchange for each Managed Income Fund share of each class will be determined by dividing the net asset value of one Managed Income Fund share of such class as of the effective time of the Reorganization (before giving effect thereto) by the net asset value of one Limited Term Income Fund share of the same class at such time. In the case of the three Acquired Funds which are being acquired by newly created Acquiring Funds, the share exchanges will take place on a share-for-share basis.

8. Each Acquired Fund and each Acquiring Fund offers or will offer Retail Class, CDSC Class, and Institutional Class shares.[4] Each such class of each Acquired Fund is subject to front-end and deferred sales charges and to rule 12b–1 and shareholder servicing fees that are identical to those of its counterpart Acquiring Fund. In addition, each Acquired Fund is subject to investment advisory fees which are identical to those of its counterpart Acquiring Fund. In the Reorganizations, former Acquired Fund shareholders will receive Acquiring Fund shares of the class which corresponds to that of their Acquired Fund shares and which have an aggregate net asset value equal, at the effective time of the Reorganizations, to that of their Acquired Fund shares. The investment objectives, policies, and restrictions of each Acquired Fund are substantially similar to those of its respective Acquiring Fund.

9. The Adviser has agreed to waive advisory fees and reimburse expenses for each class of each Acquiring Fund to the extent that it is currently doing so with respect to the counterpart classes of the respective Acquired Funds, in each case through January 31, 1996. As a result, through such date former Acquired Fund shareholders will retain the benefit of the fee waivers currently applicable to them following the Reorganization. The differential among classes in the total expense cap agreed to by the Adviser is and will be equal to the differential in rule 12b–1 fees applicable to the respective classes.

10. Former holders of Acquired Fund CDSC Class shares who receive Acquiring Fund CDSC Class shares in the Reorganizations will receive credit for the period they held Acquired Fund CDSC Class shares in applying any contingent deferred sales charge on Acquiring Fund CDSC Class shares and in applying any conversion feature. In addition, in applying any deferred sales charge on purchases of Retail Class shares, credit will be given for the period a former Acquired Fund shareholder who is subject to such a deferred sales charge held his or her shares.

11. A registration statement on Form N–14 will be filed with respect to the Reorganizations. A special meeting of shareholders of FAMF will be held to consider and act upon the Reorganizations in accordance with the Act and Massachusetts law. If the

[1] FAMF was organized in 1992 as "The Boulevard Funds" and changed its name to FAMF on May 18, 1994.

[2] FAIF was incorporated in 1987 as "SECURAL Mutual Funds, Inc." and changed its name to FAIF in 1991.

[3] The proxy statement provided to shareholders of FAMF in connection with their March 25, 1994 meeting stated that the section 15(f)(1)(A) requirement that at least 75% of FAMF's directors be disinterested may be disregarded in the future if the SEC grants an exemptive order or no-action relief permitting such action.

[4] Each series of FAIF and FAMF is authorized to issue multiple classes of shares in reliance on an exemptive order issued to the distributor of their shares. Investment Company Act Released Nos. 19698 (Sept. 9, 1993) (notice) and 19757 (Oct. 4, 1993) (order).

required shareholder votes are obtained, the closing is expected to take place shortly thereafter.

12. At meetings held June 8, 1994, the Board of Trustees of FAMF and the Board of Directors of FAIF, including the disinterested trustees and directors, found, as required by rule 17a–8(a), that participation in the Reorganizations is in the best interests of the Acquired Funds and the Acquiring Funds and that the interests of existing shareholders of such funds will not be diluted as a result of the Reorganizations. The Boards also unanimously approved the Reorganizations. In doing so, the Boards considered: The compatibility of the investment objectives, policies, and restrictions of the respective Acquired Funds and Acquiring Funds; the expected advantages to the Acquired Funds and the Acquiring Funds of the Reorganizations; the anticipated tax-free nature of the Reorganizations; the terms and conditions of the Reorganizations; the costs associated with the Reorganizations, and the agreement of the Adviser to bear such costs; the anticipated advisory fees and sales charges before and after the Reorganization, the Adviser's agreement to waive a portion of such fees, and the provision for giving credit to former Acquired Fund shareholders for the period they held their shares in applying deferred sales charges; and the potential benefits to the Adviser of the Reorganizations.

13. The expected advantages to the Acquired Funds and Acquiring Funds considered by the Boards include: elimination of certain duplicative expenses of separate funds and of separate legal entities; spreading of relatively fixed expenses across larger asset bases; potential increased sales of the surviving funds due to the ability of FAIF to offer a "full line" of funds; and facilitation of portfolio management. The potential benefits to the Adviser considered by the Boards include potentially reduced expenses for advisory fee waivers to the extent that the total expense ratios before waivers of the combined funds decrease as a result of the Reorganizations. The Boards found that the expected advantages to the Acquiring Funds and the Acquired Funds outweighed the potential benefits to the Adviser.

14. Applicants have agreed not to make any material changes to the reorganization agreements that affect the application without the prior approval of the SEC staff. Applicants also have agreed not to waive, amend, or modify any provision of the reorganization agreements that is required by state or federal law in order to effect the Reorganizations.

Applicants' Legal Analysis

1. Section 2(a)(3) of the Act provides, in pertinent part, that any person directly or indirectly owning, controlling, or holding with power to vote 5% or more of the outstanding voting securities of any other person is an affiliated person of that person.

2. Section 17(a), in pertinent part, prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, from selling to or purchasing from such registered company, or any company controlled by such registered company, any security or other property.

3. Section 17(b) provides that the Commission may exempt a transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

4. Rule 17a–8 under the Act exempts from the prohibitions of section 17(a) mergers, consolidations, or purchases or sales of substantially all of the assets of registered investment companies that are affiliated persons solely by reason of having a common investment adviser, common directors, and/or common officers, provided that certain conditions set forth in the rule are satisfied.

5. As noted above, the Acquiring Funds and the Acquired Funds have a common investment adviser. Thus, the Reorganizations would be exempt from the provisions of section 17(a) by virtue of rule 17a–8, but for the fact that the Acquiring Funds and the Acquired Funds may be affiliated for reasons other than those set forth in the rule. Boulevard Bank and its affiliates hold of record more than 5% of the outstanding voting securities of each of the Acquired Funds and hold or share voting and/or investment discretion with respect to a portion of such shares. Because of this ownership, each Acquired Fund is an affiliated person of Boulevard Bank under section 2(a)(3)(B). Boulevard Bank is an affiliated person of the Adviser because it is under common ownership and control with the Adviser. The Adviser, in turn, is an affiliated person of each Acquiring Fund under section 2(a)(3)(E) by virtue of its investment advisory relationship with these funds. Therefore, each Acquiring Fund is an affiliated person of an affiliated person of each Acquired Fund.

6. Similarly, one Acquiring Fund might be deemed an affiliated person of an affiliated person of its counterpart Acquired Fund because First Trust and its affiliates hold of record more than 5% of the outstanding voting securities of such Acquiring Fund and hold or share voting and/or investment discretion with respect to a portion of such shares.

7. Section 17(d) of the Act prohibits any affiliated person of, or principal underwriter for, a registered investment company, or any affiliated person of such a person, acting as principal from effecting any transaction in which such registered company is a joint, or joint and several, participant with such person in contravention of such rules and regulations as the Commission may prescribe for the purpose of limiting or preventing participation by such registered company on a basis different from, or less advantageous than, that of such other participant. Rule 17d–1 under the Act provides that no joint transaction covered by the rule may be consummated unless the SEC grants exemptive relief after considering whether the participation of the investment company is consistent with the provisions, policies and purposes of the Act and the extent to which the participation in on a basis different from or less advantageous than that of other participants.

8. The proposed sale of assets by each Acquired Fund to its respective Acquiring Fund and the related transactions involved in the Reorganizations might be deemed to be a joint enterprise or other joint arrangement in which a registered investment company and affiliated person of such company are participants.

9. Applicants submit that the Reorganizations meet the standards for relief under section 17(b) and rule 17d–1, in that the terms of the Reorganizations, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; the Reorganizations are consistent with the policy of each Acquired Fund and Acquiring Fund; the Reorganizations are consistent with the general purposes of the Act; the participation of the Acquired Funds and the Acquiring Funds in the Reorganizations on the basis proposed is consistent with the provisions, policies, and purposes of the Act; and the extent to which such participation is on a basis different from or less advantageous than

that of other participants does not outweigh the advantages of such participation.

10. Section 15(f) of the Act permits an investment adviser or affiliate thereof to receive any amount or benefit in connection with the "assignment" of its investment advisory contract with a registered investment company if the requirements of that section are satisfied. Section 15(f)(1)(A) requires that, for three years after the transaction, at least 75% of the directors of the investment company (or its successor) are not interested persons, within the meaning of section 2(a)(19) of the Act, of the investment adviser or predecessor investment adviser of such investment company.

11. Applicants request an exemption from section 15(f)(1)(A) because FBS' acquisition of indirect ownership of Boulevard Bank constituted a sale of Boulevard Bank and an assignment of its advisory contract with FAMF within the meaning of section 15(f).

12. Although FAMF's Board of Trustees currently meets the 75% requirement of section 15(f)(1)(A), upon completion of the Reorganizations FAIF's board of directors will not because two of its six directors will be deemed "interested persons" of the Adviser under section 2(a)(19). Thus, unless exemptive relief from section 15(f)(1)(A) is granted, the Reorganizations cannot be completed within the "safe harbor" of section 15(f) unless the Board of Directors of FAIF is reconstituted by either adding two disinterested directors or by securing the resignation of one interested director. Neither of these actions is believed by applicants to be in the best interests of FAIF shareholders or necessary for the protection of FAMF shareholders.

13. Section 15(f)(3) of the Act provides that if an assignment of an investment advisory contract with a registered investment company results in a successor investment adviser to such company and such adviser is then an investment adviser with respect to other assets substantially greater in amount than the amount of assets of such company, such discrepancy in size of assets shall be considered by the Commission in determining whether or to what extent an application for exemption from the provisions of section 15(f)(1)(A) should be granted.

14. As of June 13, 1994, FAMF had total net assets of approximately $129 million, while FAIF had total net assets of approximately $979 million. Applicants submit that this substantial disparity in assets should be taken into account under section 15(f)(3) in determining whether to grant exemptive relief. Applicants believe that it is appropriate to compare the overall size of FAIF to that of FAMF, because the question is whether the Board that is responsible for all series of FAIF (and not just for the Acquiring Funds) is to be reconstituted. Applicants further submit that the requested relief from section 15(f)(1)(A) is necessary and appropriate in the public interest, consistent with the protection of investors, and consistent with the purposes fairly intended by the Act, as required by section 6(c).

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–19679 Filed 8–11–94; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–20445; 812–9060]

First American Funds, Inc., et al.; Notice of Application

August 5, 1994.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the "Act").

APPLICATIONS: First American Funds, Inc. ("FAF") and First Bank National Association (the "Adviser").

RELEVANT ACT SECTIONS: Order requested. (a) Under section 17(b) granting an exemption from section 17 (a) and (b) permitting certain joint transactions under section 17(d) and rule 17d–1.

SUMMARY OF APPLICATION: Applicants seek an order under section 17(b) for an exemption from section 17(a) and an order under section 17(d) and rule 17d–1 to permit certain series FAF to acquire all of the assets of certain other series of FAF in exchange for shares of the acquiring series.

FILING DATES: The application was filed on June 17, 1994 and amended on August 4, 1994.

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 request should be received by the SEC by 5:30 p.m. on August 30, 1994, and should be accompanied by proof of service on the 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 Fifth Street, NW., Washington, DC 20549. Applicants: FAF, 680 East Swedesford Road, Wayne, Pennsylvania 19087. The Adviser, First Bank Place, 601 Second Avenue South, Minneapolis, Minnesota 55480.

FOR FURTHER INFORMATION CONTACT: John V. O'Hanlon, Senior Attorney, at (202) 942–0578, or C. David Messman, Branch Chief, at (202) 942–0564 (Office of Investment Company Regulation, Division of Investment Management).

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. FAF is a open-end management investment company organized as a Minnesota corporation and registered under the Act. FAF currently offers five series of shares: Money Fund, Institutional Money Fund, CT Government Fund, Institutional Government Fund, and CT Treasury Fund. Each series is a money market fund within the meaning of rule 2a–7 under the Act. The Adviser acts as investment adviser to each series. The Adviser is a wholly owned subsidiary of First Bank System, Inc. ("FBS").

2. First Trust National Association ("First Trust") also is a wholly owned subsidiary of FBS, and acts as custodian for FAF. First Trust and its affiliates hold of record in their own name and in the name of their nominee more than 5% of the outstanding shares of Institutional Money Fund, Institutional Government Fund, and CT Government Fund, and they hold or share voting and/or investment discretion with respect to a portion of such shares. All such shares are held for the benefit of others in a trust, agency, custodial, or other fiduciary or representative capacity. First Trust and its affiliates do not have any economic interest in any such shares.

3. Applicants propose that Money Fund and CT Government Fund (the "Acquired Funds") be combined with and into, respectively, Institutional Money Fund and Institutional Government Fund (the "Acquiring Funds") in tax free reorganizations (the "Reorganizations"). In the Reorganizations each Acquiring Fund will acquire all of the assets and

liabilities of its respective Acquired Fund in exchange for shares of the Acquiring Fund, which then will be distributed to former shareholders of the Acquired Fund. The investment objectives, policies, and restrictions of each Acquired Fund are identical or substantially similar to those of its respective Acquiring Fund.

4. The number of Acquiring Fund shares to be issued in exchange for each Acquired Fund share will be determined by dividing the net asset value of one Acquired Fund share as of the effective time of the Reorganization (before giving effect thereto) by the net asset value of one Acquiring Fund share at such time. Because each Acquired Fund and Acquiring Fund computes its net asset value per share using the amortized cost method under rule 2a–7, these procedures will result in a share-for-share and dollar-for-dollar exchange of Acquiring Fund shares for Acquired Fund shares, without adjustment. It is a condition to closing of the Reorganizations that the net asset value per share of each of the Acquiring Funds and the Acquired Funds immediately before the effective time, so computed, be $1.00 per share and that the net asset value per share of each Acquiring Fund immediately after the reorganizations, so computed, be $1.00 per share.

5. At a meeting on June 8, 1994, the Board of Directors of FAF, including the disinterested directors, made the findings required under rule 17a–8 and unanimously approved the Reorganizations. In doing so, the Board considered: (a) The compatibility of the investment objectives, policies and restrictions of the respective Acquired Funds and Acquiring Funds; (b) the expected advantages to the Acquired Funds and the Acquiring Funds of the Reorganizations; (c) the anticipated tax-free nature of the Reorganizations; (d) the terms and conditions of the Reorganization; (e) the costs associated with the Reorganizations, and the agreement of the Adviser to bear such costs; (f) the anticipated advisory fees before and after the Reorganization and the Adviser's agreement to waive a portion of such fees; and (g) the potential benefits to the Adviser of the Reorganizations.

6. The differences between the respective Acquiring Funds and Acquired Funds are principally in their respective rule 12b–1 plans and in the customers to whom they are marketed, not in their objectives, policies, and restrictions. The Board has determined that these differences can be accommodated with equal effectiveness by combining the funds that have an identity of objectives, policies, and restrictions and by instituting a "multiple class" structure in the surviving funds. These contemplated "multiple class" arrangements are not the subject of the application, but their approval by FAF shareholders is a condition to the closing of the Reorganizations.[1] The Board has further determined that significant advantages may accrue to shareholders of the Acquired Funds and the Acquiring Funds as a result of the proposed combinations.

7. The expected advantages to the Acquired Funds and Acquiring Funds considered by the Board include the elimination of certain duplicative expenses of separate funds; spreading of relatively fixed expenses across larger asset bases; potential increased sales of the surviving funds due to the addition of new classes and channels of distribution; and facilitation of portfolio management. The potential benefits to the Adviser considered by the Board include potentially reduced expenses for advisory fee waivers to the extent that the total expense ratios before waivers of the combined funds decrease as a result of the Reorganizations. The Board found that the expected advantages to the Acquiring Funds and the Acquired Funds outweighed the potential benefits to the Adviser.

8. Applicants agree not to make any material changes to the reorganization agreements that affect the application without the prior approval of the SEC staff. Applicants also have agreed not to waive, amend or modify any provision of the reorganization agreements that is required by state or federal law in order to effect the Reorganizations.

9. A registration statement on Form N–14 will be filed with the Commission with respect to the Reorganizations. A special meeting of shareholders of FAF will be held to consider and act upon the Reorganizations in accordance with the Act and Minnesota law. At the special meeting, FAF shareholders also will consider and act upon proposals to authorize the issuance of shares of each series of FAF in multiple classes and to institute or modify rule 12b–1 distribution plans with respect to certain of these classes. If these proposals are approved by shareholders and the Reorganizations are consummated, after the Reorganizations FAF will consist of three series: a "Money Fund" series (currently Institutional Money Fund); a "Government Fund" series (currently Institutional Government Fund); and a "Treasury Fund" series (currently CT Treasury Fund), each of which will be offered in three classes.

10. If the proposed Reorganizations and multiple class structure are approved by shareholders, former shareholders of Money Fund would become shareholders of the new Retail Class of the current Institutional Money Fund, and former shareholders of CT Government Fund would become shareholders of the new Corporate Treasury Class of the current Institutional Government Fund.

11. Investment advisory fees would remain unchanged at .40% of average daily net assets for former shareholders of Money Fund when they become shareholders of Institutional Money Fund. Investment advisory fees would decrease from .50% to .40% of average daily net assets for former shareholders of CT Government Fund when they become shareholders of Institutional Government Fund. The Adviser has agreed to waive advisory fees and reimburse expenses with respect to the new Retail Class of Institutional Money Fund to the extent that total expenses of such class exceed .75% of average daily net assets, and to waive advisory fees and reimburse expenses with respect to the new Corporate Treasury Class of Institutional Government Fund to the extent that total expenses of such classes exceed .60% of average daily net assets, in each case through July 31, 1995. The differential among classes in the total expense cap agreed to by the Adviser is and will be equal to the differential in rule 12b–1 fees applicable to the respective classes. As a result, through such date former Acquired Fund shareholders will retain the benefit of the fee waivers currently applicable to them following the Reorganization.

Applicants' Legal Analysis

1. Section 2(a)(3) of the Act provides, in pertinent part, that any person directly or indirectly owning, controlling, or holding with power to vote 5% or more of the outstanding voting securities of any other person is an affiliated person of that person.

2. Section 17(a), in pertinent part, prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, from selling to or purchasing from such registered company, or any company controlled by such registered company, any security or other property.

[1] SEI Financial Services Company, the distributor for each series of FAF, has obtained an exemptive order permitting funds distributed by it to issue multiple classes. Investment Company Act Release Nos. 19698 (Sept. 9, 1993) (notice) and 19757 (Oct. 4, 1993) (order).

3. Section 17(b) provides that the Commission may exempt a transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

4. Rule 17a–8 under the Act exempts from the prohibitions of section 17(a) mergers, consolidations, or purchases or sales of substantially all of the assets of registered investment companies that are affiliated persons solely by reason of having a common investment adviser, common directors, and/or common officers, provided that certain conditions set forth in the rule are satisfied.

5. As noted above, the Acquiring Funds and the Acquired Funds have a common investment adviser. Thus, the Reorganizations would be exempt from the provisions of section 17(a) by virtue of rule 17a–8, but for the fact that the Acquiring Funds and the Acquired Funds may be affiliated for reasons other than those set forth in the rule. First Trust, which is under common ownership and control with the Adviser, and its affiliates hold of record in their own name and in the name of their nominees more than 5% of the outstanding voting securities of each of the Acquiring Funds and one of the Acquired Funds and hold or share voting and/or investment discretion with respect to a portion of such shares. Because of this 5% ownership, each Acquiring Fund is an affiliated person of First Trust under section 2(a)(3)(B). First Trust, in turn, is an affiliated person of the Adviser under section 2(a)(3)(C) by virtue of their common ownership and control by FBS. The Adviser, in turn, is an affiliated person of each Acquired Fund under Section 2(a)(3)(E) by virtue of its investment advisory relationship with these funds. Therefore, each Acquiring Fund is an affiliated person of an affiliated person of each Acquired Fund.

6. Section 17(d) of the Act prohibits any affiliated person of, or principal underwriter for, a registered investment company, or any affiliated person of such a person, acting as principal from effecting any transaction in which such registered company is a joint, or joint and several, participant with such person in contravention of such rules and regulations as the Commission may prescribe for the purpose of limiting or preventing participation by such registered company on a basis different from, or less advantageous than, that of such other participant. Rule 17d–1 under the Act provides that no joint transaction covered by the rule may be consummated unless the Commission grants exemptive relief after considering whether the participation of the investment company is consistent with the provisions, policies and purposes of the Act and the extent to which the participation is on a basis different from or less advantageous than that of other participants.

7. The proposed sale of assets by each Acquired Fund to its respective Acquiring Fund and the related transactions involved in the Reorganizations might be deemed to be a joint enterprise or other joint arrangement in which a registered investment company and affiliated person of such company are participants.

8. Applicants submit that the Reorganizations meet the standards for relief under section 17(b) and rule 17d–1, in that the terms of the Reorganizations, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; the Reorganizations are consistent with the policy of each Acquired Fund and Acquiring Fund; the Reorganizations are consistent with the general purposes of the Act; the participation of the Acquired Funds and the Acquiring Funds in the Reorganizations on the basis proposed is consistent with the provisions, policies, and purposes of the Act; and the extent to which such participation is on a basis different from or less advantageous than that of other participants does not outweigh the advantages of such participation.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–19677 Filed 8–11–94; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–26097]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

August 5, 1994.

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 August 29, 1994 to the Secretary, Securities and Exchange Commission, Washington, D.C. 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 (70–8191)

Notice of Proposal to Amend Charter, or Alternatively, to Waive Charter Provision; Order Authorizing Solicitation of Proxies

Alabama Power Company ("Alabama Power"), 600 North 18th Street, Birmingham, Alabama 35291, a public-utility subsidiary company of The Southern Company ("Southern"), a registered holding company, has filed a declaration under Sections 6(a)(2), 7, and 12(e) of the Act and Rules 62 and 65 thereunder.

Alabama Power's charter currently provides that, without the affirmative vote of a majority of the total number of shares of preferred stock at the time outstanding, Alabama Power shall not issue or assume any securities representing unsecured debt having maturities of less than 10 years (other than for the purpose of refunding or renewing outstanding unsecured securities resulting in equal or longer maturities or redeeming or otherwise retiring all outstanding shares of preferred stock or of any senior or equally ranking stock) if immediately after such issue or assumption: (1) The total outstanding principal amount of all securities representing unsecured debt will thereby exceed 20% of the aggregate of all existing secured debt and the capital stock, premiums thereon, and surplus, as stated on the books, or (2) the total outstanding principal amount of all securities

representing unsecured debt of maturities of less than ten years will thereby exceed 10% of such aggregate.

Alabama Power proposes to submit to its preferred stock shareholders and to its sole common stock shareholder, Southern, at a special meeting of such holders to be held on or about September 21, 1994, a proposal to amend Alabama Power's charter as follows. Alabama Power, without the affirmative vote of a majority of the total number of shares of preferred stock at the time outstanding, shall not issue or assume any securities representing unsecured debt having maturities of less than 10 years (other than for the purpose of refunding or renewing outstanding unsecured securities resulting in equal or longer maturities or redeeming or otherwise retiring all outstanding shares of preferred stock or of any senior or equally ranking stock) if immediately after such issue or assumption the total outstanding principal amount of all securities representing unsecured debt will thereby exceed 20% of the aggregate of all existing secured debt and the capital stock, premiums thereon, and surplus, as stated on the books ("Proposal 1").

Should Proposal 1 fail to receive the necessary 66⅔% vote of the total number of shares of preferred stock outstanding, and 66⅔% vote from Southern as the owner of all outstanding shares of common stock, Alabama Power proposes to seek authority from its preferred shareholders to issue or assume, until October 1, 2004, additional unsecured debt. This unsecured debt will have maturities of less than ten years, and will exceed 10% of capital, surplus, and secured debt, provided that the amount of securities representing unsecured debt having maturities of less than ten years outstanding on January 1, 2005, shall not exceed such 10% limitation, and Alabama Power's total indebtedness represented by unsecured securities shall not exceed 20% of capital, surplus, and secured debt ("Proposal 2"). Proposal 2 requires the affirmative vote of a majority of the total number the shares of preferred stock outstanding.

Alabama Power intends to solicit proxies from its preferred shareholders to approve the alternative proposals. Alabama Power has filed its proxy solicitation material and requests that the its declaration with respect to the solicitation of proxies for voting by its preferred shareholders to approve the alternative proposals be permitted to become effective forthwith as provided in Rule 62(d).

It appearing to the Commission that Alabama Power's declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith, pursuant to Rule 62:

It Is Ordered, that the declaration regarding the proposed solicitation of proxies, be, and it hereby is, permitted to become effective forthwith, under Rule 62, and subject to the terms and conditions as prescribed in Rule 24 under the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–19680 Filed 8–11–94; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2728; Amdt. #2]

Georgia; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended, in accordance with notices from the Federal Emergency Management Agency dated July 21, 25, and 27, 1994, to include Carroll, Marion, Montgomery, Rockdale, Schley, Toombs, and Wheeler Counties in the State of Georgia as a disaster area as a result of damages caused by severe storms and flooding resulting from Tropical Storm Alberto. This Declaration is further amended to establish the incidence period for this disaster as beginning on July 3, 1994 and continuing through July 25, 1994.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Appling, Candler, Emanuel, Haralson, Jeff Davis, Paulding, Tattnall, and Treutlen in the State of Georgia may be filed until the specified date at the previously designated location.

Any counties contiguous to the above-named primary counties and not listed have been previously declared.

All other information remains the same, i.e., the termination date for filing applications for physical damage is September 4, 1994 and for economic injury the deadline is April 7, 1995.

The economic injury number for Georgia is 829300.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: August 3, 1994.

[FR Doc. 94–19744 Filed 8–11–94; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2733]

Pennsylvania; (And Contiguous Counties in New Jersey); Declaration of Disaster Loan Area

Philadelphia County and the contiguous counties of Bucks, Delaware and Montgomery, in Pennsylvania, and Burlington, Camden and Gloucester Counties in New Jersey constitute a disaster area as a result of damages caused by thunderstorms, torrential rains and flooding which occurred on July 14, 1994. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on October 7, 1994 and for economic injury until the close of business on May 8, 1995 at the address listed below:

U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd. South, 3rd Floor, Niagara Falls, NY 14303, or other locally announced locations.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	7.125
Homeowners without credit available elsewhere	3.625
Businesses with credit available elsewhere	7.125
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.125
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The numbers assigned to this disaster for physical damage are 273306 for Pennsylvania and 273406 for New Jersey. For economic injury the numbers are 830700 for Pennsylvania and 830800 for New Jersey.

Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.

Dated: August 8, 1994.

Erskine B. Bowles,

Administrator.

[FR Doc. 94–19748 Filed 8–11–94; 8:45 am]

BILLING CODE 8025–01–M

Notice of Action Subject to Intergovernmental Review

AGENCY: Small Business Administration.

ACTION: Notice of action subject to Intergovernmental Review Under Executive Order 12372.

SUMMARY: This notice provides for public awareness of SBA's intention to refund thirty-three presently existent Small Business Development Centers (SBDC) on January 1, 1995. Currently there are 56 SBDC program. The following SBDCs are intended to be refunded, subject to the availability of funds: Arizona, Arkansas, California, Colorado, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Maine, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington and Wisconsin. This notice also provides a description of the SBDC program by setting forth a condensed version of the program announcement which has been furnished to each of the SBDCs to be refunded. This publication is being made to provide the State single points of contact, designated pursuant to Executive Order 12372, and other interested State and local entities, the opportunity to comment on the proposed refunding in accordance with the Executive Order and SBA's regulations found at 13 CFR Part 135.

EFFECTIVE DATE: November 10, 1994.

ADDRESSES: Comments should be addressed to Ms. Johnnie L. Albertson, Associate Administrator for SBDC Program, U.S. Small Business Administration, 409 Third Street, S.W., Fifth Floor, Washington, DC 20416. (202) 205–6766.

FOR FURTHER INFORMATION CONTACT: Same as above.

Notice of Action Subject to Intergovernmental Review

SBA is bound by the provisions of Executive Order 12372, "Intergovernmental Review of Federal Programs." SBA has promulgated regulations spelling out its obligations under that Executive Order. See 13 CFR Part 135, effective September 30, 1983.

In accordance with these regulations, specifically 135.4, SBA is publishing this notice to provide public awareness of the pending application of thirty-three presently existent Small Business Development Centers (SBDCs) for refunding. Also, published herewith is an annotated program announcement describing the SBDC program in detail.

This notice is being published four months in advance of the expected date of refunding these SBDCs. Relevant information identifying these SBDCs and providing their mailing address is provided below. In addition to this publication, a copy of this notice is being simultaneously furnished to the affected State single point of contact which has been established under the Executive Order.

The State single points of contact and other interested State and local entities are expected to advise the relevant SBDC of their comments regarding the proposed refunding in writing as soon as possible. The SBDC proposal cannot be inconsistent with any area-wide plan providing assistance to small business, if there is one, which has been adopted by an agency recognized by the State government as authorized to do so. Copies of such written comments should also be furnished to Ms. Johnnie L. Albertson, Associate Administrator for SBDC Program, U.S. Small Business Administration, 409 Third Street, S.W., Fifth Floor, Washington, DC 20416. Comments will be accepted by the relevant SBDC and SBA for a period of 120 days from the date of publication of this notice. The relevant SBDC will make every effort to accommodate these comments during the 120-day period. If the comments cannot be accommodated by the relevant SBDC, SBA will prior to refunding the SBDC, either attain accommodation of any comments or furnish an explanation of why accommodation cannot be attained to the commentor prior to refunding the SBDC.

Description of the SBDC Program

The SBDC operates under the general management and oversight of SBA, but with recognition that a partnership exists between the Agency and the SBDC for the delivery of assistance to the small business community. SBDC services shall be provided pursuant to a negotiated Cooperative Agreement with full participation of both parties.

SBDCs operate on the basis of a state plan to provide assistance within a state or designated geographical area. The initial plan must have the written approval of the Governor. As a condition to any financial award made to an applicant, non-Federal funds must be provided from sources other than the Federal Government. SBDCs operate under the provisions of P.L. 96–302, as amended by P.L. 98–395, a Notice of Award (Cooperative Agreement) issued by SBA, and the provisions of this Program Announcement.

Purpose and Scope

The SBDC Program is designed to provide quality assistance to small businesses in order to promote growth, expansion, innovation, increased productivity and management improvement. To accomplish these objectives, SBDCs link resources of the Federal, State, and local governments with the resources of the educational system and the private sector to meet the specialized and complex needs of the small business community. SBDCs also coordinate with other SBA programs of business development and utilize the expertise of these affiliated resources to expand services and avoid duplication of effort.

Program Objectives

The overall objective of the SBDC Program is to leverage Federal dollars and resources with those of the state, academic community and private sector to:

(a) strengthen the small business community;

(b) contribute to the economic growth of the communities served;

(c) make assistance available to more small businesses than is now possible with present Federal resources;

(d) create a broader based delivery system to the small business community.

SBDC Program Organization

SBDCs are organized to provide maximum services to the local small business community. The lead SBDC receives financial assistance from the SBA to operate a statewide SBDC Program. In states where more than one organization receives SBA financial assistance to operate an SBDC, each lead SBDC is responsible for Program operations throughout a specific regional area to be served by the SBDC. The lead SBDC is responsible for establishing a network of SBDC subcenters to offer service coverage to the small business community. The SBDC network is managed and directed by a full-time Director. SBDCs must ensure that at least 80 percent of Federal funds provided are used to provide services to small businesses. To the extent possible, SBDCs provide services by enlisting volunteer and other low cost resources on a statewide basis.

SBDC Services

The specific types of services to be offered are developed in coordination with the SBA district office which has jurisdiction over a given SBDC. SBDCs emphasize the provision of indepth, high-quality assistance to small business owners or prospective small business owners in complex areas that require specialized expertise. These areas may include, but are not limited to: management, marketing, financing, accounting, strategic planning, regulation and taxation, capital formation, procurement assistance, human resource management,

production, operations, economic and business data analysis, engineering, technology transfer, innovation and research, new product development, product analysis, plant layout and design, agri-business, computer application, business law information, and referral (any legal services beyond basic legal information, and referral require the endorsement of the State Bar Association,) exporting, office automation, site selection, or any other areas of assistance required to promote small business growth, expansion, and productivity within the State. The SBDC shall also ensure that a full range of business development and technical assistance services are made available to small businesses located in rural areas.

The degree to which SBDC resources are directed towards specific areas of assistance is determined by local community needs, SBA priorities and SBDC Program objectives, and agreed upon by the SBA district office and the SBDC.

The SBDC must offer quality training to improve the skills and knowledge of existing and prospective small business owners. As a general guideline, SBDCs should emphasize the provision of training in specialized areas other than basic small business management subjects. SBDCs should also emphasize training designed to reach particular audiences such as members of SBA priority and special emphasis groups.

SBDC Program Requirements

The SBDC is responsible to the SBA for ensuring that all programmatic and financial requirements imposed upon them by statute or agreement are met. The SBDC must assure that quality assistance and training in management and technical areas are provided to the State small business community through the State SBDC network. As a condition of this agreement, the SBDC must perform, but not be limited to, the following activities:

(a) the SBDC ensures that services are provided as close as possible to small business population centers. This is accomplished through the establishment of SBDC subcenters.

(b) the SBDC ensures that lists of local and regional private consultants are maintained at the lead SBDC and each SBDC subcenter. The SBDC utilizes and provides compensation to qualified small business vendors such as private management consultants, private consulting engineers, and private testing laboratories.

(c) the SBDC is responsible for the development and expansion of resources within the State, particularly the development of new resources to assist small business that are not presently associated with the SBA district office.

(d) the SBDC ensures that working relationships and open communications exist within the financial and investment communities, and with legal associations, private consultants, as well as small business groups and associations to help address the needs of the small business community.

(e) the SBDC ensures that assistance is provided to SBA special emphasis groups throughout the SBDC network. This assistance shall be provided to veterans, women, exporters, the handicapped, and minorities as well as any other groups designated a priority by SBA. Services provided to special emphasis groups shall be performed as part of the Cooperative Agreement.

Advance Understandings

The Lead SBDC and all SBDC subcenters shall operate on a forty (40) hour week basis, or during the normal business hours of the State or Host Organization, throughout the calendar year. The amount of time allowed the Lead SBDC and subcenters for staff vacations and holidays shall conform to the policy of the Host Organization.

Dated: August 4, 1994.

Erskine B. Bowles,

Administrator.

Addresses of Relevant SBDC State Directors

Mr. Michael York, State Director, Maricopa Community College, 2411 West 14th Street, Tempe, AZ 85281–6941, (602) 731–8202

Ms. Maria Morris, State Director, California Trade and Comm. Agency, 801 K Street, Suite 1700, Sacramento, CA 95814, (916) 324–5068

Mr. Levi Lipscomb, Acting Director, Howard University, 6th and Fairmount Street, NW., Washington, DC 20059, (202) 806–1550

Mr. Hank Logan, State Director, University of Georgia, Chicopee Complex, Athens, GA 30602, (706) 542–5760

Mr. Sam Males, State Director, University of Nevada/Reno, College of Business Admin., Room 411, Reno, NV 89557–0100, (702) 784–1717

Mr. Steve Thrash, State Director, Economic Development Council, One North Capitol, Suite 420, Indianapolis, IN 46204, (317) 264–6871

Mr. Charles Davis, State Director, University of Southern Maine, 96 Falmouth Street, Portland, ME 04103, (207) 780–4420

Mr. David Nimkin, State Director, University of Utah, 102 West 500 South, Salt Lake City, UT 84101, (801) 581–7905

Mr. Rick Garcia, State Director, Office of Business Development, 1625 Broadway, Suite 1710, Denver, CO 80202, (303) 892–3809

Mr. Jerry Cartwright, State Director, University of West Florida, 19 West Garden Street, Pensacola, FL 32501, (904) 444–2060

Mr. Darryl Mleynek, Acting State Director, University of Hawaii/Hilo, 523 West Lanikaula Street, Hilo, HI 96720, (808) 933–3515

Mr. Jeffrey Mitchell, State Director, Department of Commerce and Community Affairs, 620 East Adams Street, Springfield, IL 62701, (217) 524–5856

Ms. Helen Goodman, State Director, University of New Hampshire, 108 McConnell Hall, Durham, NH 03824, (603) 862–2200

Ms. Brenda Hopper, State Director, Rutgers University, 180 University Street, Newark, NJ 07102, (201) 648–5950

Mr. Scott Daugherty, State Director, University of North Carolina, 4509 Creedmoor Road, Suite 201, Raleigh, NC 27612, (919) 571–4154

Dr. Grady Pennington, State Director, SE Oklahoma State University, 517 West University, Durant, OK 74701, (405) 924–0277

Mr. Greg Higgins, State Director, University of Pennsylvania, The Wharton School, 444 Vance Hall, Philadelphia, PA 19104, (215) 898–1219

Mr. John Lenti, State Director, University of South Carolina, College of Business Admin., 1710 College Street, Columbia, SC 29208, (803) 777–4907

Dr. Kenneth J. Burns, State Director, Memphis State University, South Campus, Building #1, Memphis, TN 38152, (901) 678–2500

Mr. Wally Kearns, State Director, University of North Dakota, Gamble Hall, University Station, Grand Forks, ND 58202–7308, (701) 777–3700

Mr. William Pinkovitz, State Director, University of Wisconsin, 432 North Lake Street, Room 423, Madison, WI 53706, (608) 262–3878

Mr. Douglas Jobling, State Director, Bryant College, 1150 Douglas Pike, Smithfield, RI 02917, (401) 232–6111

Mr. Robert Ashley, State Director, University of South Dakota, School of Business, 414 East Clark, Vermillion, SD 57069, (605) 677–5498

Mr. Lyle Anderson, State Director, Washington State University, College of Business and Economics, Pullman, WA 99164–4727, (509) 335–1576

[FR Doc. 94–19745 Filed 8–11–94; 8:45 am]

BILLING CODE 8025–01–M

National Small Business Development Center Advisory Board; Public Meeting

The National Small Business Development Center Advisory Board will hold a public meeting on September 18, 1994, through noon September 20, 1994, at the University of Hawaii Small Business Development Center, 523 West Lanikaula Street, Hilo, Hawaii.

The purpose of the meeting is to discuss such matters as may be presented by Advisory Board members, staff of the SBA, or others present.

For further information, write or call Judith Dunn, SBA, 5th Flr., 409 3rd

Street, S.W., Washington, D.C. 20416, telephone 202/205–7301.

Johnnie L. Albertson,

Associate Administrator for Small Business Development Centers.

[FR Doc. 94–19746 Filed 8–11–94; 8:45 am]

BILLING CODE 8025–01–M

[Application No. 99000131]

DFW Capital Partners, L.P.; Notice of Filing of an Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1994)) by DFW Capital Partners, L.P., One Exchange Plaza, 55 Broadway, New York, New York 10006, for a license to operate as a small business investment company (SBIC) under the Small Business Investment Act of 1958, as amended, (15 U.S.C. et. seq.), and the Rules and Regulations promulgated thereunder. DFW Capital Partners, L.P. is a Delaware limited partnership.

DFW Capital Partners, L.P. will be managed by DFW Management Corp., a Delaware corporation located at the same address as the applicant. Donald F. DeMuth, Thomas W. Folger and David C. Wetherill are the sole beneficial owners of DFW Management Corp. The following limited partners own 10 percent or more of the proposed SBIC:

Name	Percentage of Ownership
DeMuth, Folger & Wetherill II, L.P., One Exchange Plaza, 55 Broadway, New York, New York 10006	99.0

The following investor owns 10 percent or more of the applicant through its investment in the entity listed above: AMP Incorporated, 470 Friendship Rd., P.O. Box 3608, M/S 176–44, Harrisburg, Pennsylvania 17105–3608.

The applicant will begin operations with capitalization of approximately $20.2 million and will be a source of debt and equity financings for qualified small business concerns. The applicant will invest in small concerns throughout the United States.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Associate Administrator for Investment, Small Business Administration, 409 3rd Street, SW, Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies).

Dated: August 3, 1994.

Robert D. Stillman,

Associate Administrator for Investment.

[FR Doc. 94–19751 Filed 8–11–94; 8:45 am]

BILLING CODE 8025–01–M

[Application No. 99000136]

KCEP I, L.P.; Notice of Filing of an Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1994)) by KCEP I, L.P., 4200 Somerset, Prairie Village, Kansas 66208, for a license to operate as a small business investment company (SBIC) under the Small Business Investment Act of 1958, as amended, (15 U.S.C. et seq.), and the Rules and Regulations promulgated thereunder. KCEP I, L.P. is a Kansas limited partnership.

The applicant's general partner, KCEP I, L.C., and manager, Kansas City Equity Partners, L.C., are located at the same address as the applicant. The officers, directors, and owners of both KCEP I, L.C. and Kansas City Equity Partners, L.C. are:

Name	Title	Percentage ownership
Paul H. Henson	President	33.3 percent
Jack B. Le Claire	Vice President/Treasurer	33.3 percent
William M. Reisler	Vice President/Secretary	33.3 percent

These individuals maintain offices at the applicant's address.

The following investors own 10 percent or more of the applicant's Regulatory Capital:

Name	Percentage of Ownership
UtiliCorp United, Inc., 911 Main Street, Kansas City, Missouri 64105	19.7 percent

The applicant has total committed capital of $10.6 million and Regulatory Capital of $10.2 million. It will be a source of debt and equity financings for qualified small business concerns, and will invest primarily in the Kansas City region.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Associate Administrator for Investment, Small Business Administration, 409 3rd Street, SW, Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in Kansas City, Missouri.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies).

Dated: August 8, 1994.

Robert D. Stillman,

Associate Administrator for Investment.

[FR Doc. 94–19747 Filed 8–11–94; 8:45 am]

BILLING CODE 8025–01–M

River Cities Capital Fund Limited Partnership; Filing of an Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1994)) by River Cities Capital Fund Limited Partnership, 221 East Fourth Street, Suite 2250, Cincinnati, Ohio 45202, for a license to operate as a small business investment company (SBIC) under the Small Business Investment Act of 1958, as amended, (15 U.S.C. *et. seq.*), and the Rules and Regulations promulgated thereunder.

River Cities Capital Fund will be managed by its General Partner, River Cities Management Company Limited Partnership, whose general partner is Mayson, Inc. River Cities Management Company Limited Partnership and Mayson, Inc. are located at the same address as the applicant.

The officers and directors of Mayson, Inc. are:

Name	Title
Edwin T. Robinson	President and Treasurer
R. Glen Mayfield	Vice President and Secretary

Mr. Robinson and Mr. Mayfield also serve as the sole directors.

The following limited partners own 10 percent or more of the proposed SBIC:

Name	Percentage of ownership
Cincinnati Financial Corporation, P.O. Box 145496, Cincinnati, Ohio 45250–4596	12.5
Arthur S. DeMoss Foundation, P.O. Box 1566, Chattanooga, TN 37401	10.0
The Fifth-Third Bank, 38 Fountain Square Plaza, Cincinnati, Ohio 45263	12.5

The applicant, an Ohio limited partnership, will begin operations with regulatory capital of no less than $12 million and will be a source of debt and equity financings for qualified small business concerns. The applicant will invest primarily in Ohio, Kentucky, and Indiana but will consider investments in businesses in other areas of the United States.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Associate Administrator for Investment, Small Business Administration, 409 3rd Street, SW, Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in Cincinnati, Ohio.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies.)

Dated: August 3, 1994.

Robert D. Stillman,

Associate Administrator for Investment.

[FR Doc. 94–19750 Filed 8–11–94; 8:45 am]

BILLING CODE 8025–01–M

[Application No. 990001333]

Walden-SBIC, L.P.; Notice of Filing of an Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1994)) by Walden-SBIC, L.P., 750 Battery Street, San Francisco, California 94111, for a license to operate as a small business investment company (SBIC) under the Small Business Investment Act of 1958, as amended, (15 U.S.C. et. seq.), and the Rules and Regulations promulgated thereunder. Walden-SBIC, L.P. is a California limited partnership.

Walden-SBIC, L.P., will be managed by Walden GP Corporation, a California corporation located at the same address as the applicant. Arthur S. Berliner, George S. Sarlo, Lip-Bu Tan, William P. Tai are the sole beneficial owners of Walden GP Corporation. The following limited partners own 10 percent or more of the proposed SBIC:

Name	Percentage of Ownership
Walden Capital Partners, II L.P., 750 Battery Street, San Francisco, California 94111	99.0%

The applicant will begin operations with capitalization of approximately $10.0 million and will be a source of debt and equity financings for qualified small business concerns. The applicant will primarily invest in small concerns located in the western United States, but will consider business activities in other geographical areas of the United States.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Associate Administrator for Investment, Small Business Administration, 409 3rd Street, SW, Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in San Francisco, California.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies.)

Dated: August 3, 1994.

Robert D. Stillman,

Associate Administrator for Investment.

[FR Doc. 94–19749 Filed 8–11–94; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

Office of Protocol

[Public Notice 2044]

Gifts to Federal Employees From Foreign Government Sources Reported To Employing Agencies in Calendar Year 1993

The Department of State submits the following comprehensive listing of the statements which, as required by law, Federal employees filed with their employing agencies during calendar year 1993 concerning gifts received from foreign government sources. The compilation includes reports of both tangible gifts and gifts of travel or travel expenses of more than minimal value, as defined by statute.

Publication of this listing in the **Federal Register** is required by Section 7342(f) of Title 5, United States Code, as amended by Section 515(a)(1) of the Foreign Relations Authorization Act, Fiscal year 1978 (Public Law 95–105, August 17, 1977, 91 Stat. 865).

Dated: July 21, 1994.
Richard Moose,
Under Secretary for Management.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT
Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
President	Three contemporary pieces of militaria in a fitted brown wood case under glass. The pieces are designed in original Cossack style. (1) Circa 1880 Shasqua, with a carved pommel. Approx. 37½". (2) Kindjal. Approx. 23½". (3) Knife. Approx. 16". All are highly polished and ornately decorated. Recd—July 12, 1993. Est. Value—$6500. Archive Foreign.	The Honorable Vyacheslav V. Kozyritsky, Head of Administration of Zelengorsk. And The Honorable Anatoly Sobchak, Mayor of St. Petersburg, Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Sterling silver box with German eagle etched on top, lined with wood. Box has an engraved plate with signature of donor and German text. Approx. 7½"x4"x1½". (2) Hardcover leather-bound books of collected writings by Thomas Mann, in English. Books published by the Franklin Library with watermarked silk end papers and gilt pages. Recd—May 24, 1993. Est. Value—$1545. Archive Foreign.	His Excellency Richard Von Weizsaecker, President of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Silver handled riding crop with a gold medal near top, baroque floral design, etched "1967". Handle is approx. 13" of silver, and crop is approx. 17" of leather. Recd—June 29, 1993. Est. Value—$465. Archive Foreign.	His Excellency Carlos Menem, President of the Argentine Nation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	24 unframed limited edition prints from various Slovakian artists. Approx. 18"x12½" each. Recd—June 6, 1993. Est. Value—$1200. Archive Foreign.	His Excellency Michal Kovac, President of the Slovak Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Three volume set of books by Peter Artiomov, published in 1990, in Cyrillic characters. (2) Three pieces of heavy glass. The pieces measure 7", 9½", and 6¼". Presented in a red velvet box. Recd—July 23, 1993. Est. Value—$560. Archive Foreign.	His Excellency Stanislav Shushkevich, Chairman of the Supreme Soviet Republic of Belarus.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Sony D–211 discman. Two compact discs by Sadao Watanabe, "My Dear Life" and "Sadao Watanabe." Recd—April 16, 1993. Est. Value—$255. Archive Foreign.	His Excellency Kiichi Miyazawa, Prime Minister of Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Woven wicker and reed horse, with extensive detail. Mane and tail are round reed; the rest is flat, plaited or crossed wicker. Approx. 41"x41"x7". Recd—May 1, 1993. Est. Value—$1800. Archive Foreign.	His Excellency Petr Kravchanka, Minister of Foreign Affairs of the Republic of Belarus.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
President	Cut crystal vase, with amber etching of a building. Highly decorated clear glass surrounds the amber. Approx. 12". Recd—May 12, 1993. Est. Value—$400. Archive Foreign.	His Excellency Lech Walesa, President of the Republic of Poland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Oval porcelain plate with blue and white floral design, made in Russia by Gzhel. Approx. 7"x10"x10". Recd—March 16, 1993. Est. Value—$250. Archive Foreign.	The Honorable Valery D. Zorkin, Chairman of the Constitutional Court of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Mahogany humidor, engraved with the Presidential seal; contains a hydrometer, clippers and cutter. (2) Wooden humidor, also engraved with Presidential Seal; contains a hydrometer and cutter. (Both humidors were filled with cigars, which were destroyed.) Recd—January 21, 1993. Est. Value—$1330. Archive Foreign.	His Excellency Fidel Ramos, President of the Republic of the Philippines.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Acid-washed bronze sculpture of a dove, by Daniel Kahri. (2) Certificate stating that 180 trees were planted in the Jerusalem hills, in the President's honor. Recd—March 17, 1993. Est. Value—$501. Archive Foreign.	His Excellency Yitzhak Rabin, Prime Minister of Israel.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Crystal bowl which features the American Eagle and American flag. Approx. 10½" x 10½". Recd—March 17, 1993. Est. Value—$1000. Archive Foreign.	His Excellency Albert Reynolds, Prime Minister of Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Cloisonne and hand-hammered sterling silver pomade jar with floral design and base inscribed in honor of the President's Inauguration. Recd—March 1, 1993. Est. Value—$600. Archive Foreign.	The Honorable Kim Sang Ho, Mayor of Hanam City, Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Multi-colored rock formation, with jade border. Approx. 14". Piece is mounted on a green jade stand. Approx. 7½". Recd—September 30, 1993. Est. Value—$650. Archive Foreign.	His Excellency Boris Yeltsin, President of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Bown wooden vase with jagged edges and carved design, signed by artists. Approx. 9" Recd—May 14, 1993. Est. Value—$400. Archive Foreign.	Her Excellency Mary B. Robinson, President of Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Large beige and white Japanese scroll. Approx. 38" x 70". (2) Two matted and framed photographs of "Saxhorn In The Park" (a 35' high saxophone in Nagasaki). Approx. 9½" x 11". Recd—July 12, 1993. Est. Value—$350. Archive Foreign.	The Honorable Hitoshi Motoshima, Mayor of the City of Nagasaki, Japan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
President	Reproduction of the gold crown of Chunma-Chong, circa 5th–6th century A.D., decorated with jade beads, and gold. Reproduction is Republic of Korea National Treasure #188. Presented in wood and glass case. Recd—July 10, 1993. Est. Value—$1200. Archive Foreign.	The Honorable Lee Man Sup, Speaker of the National Assembly of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Large amber stone with carvings. Recd—October 4, 1993. Est. Value—$1000. Archive Foreign.	His Excellency Lennart Meri, Chairman of the Supreme Council of the Republic of Estonia. His Excellency Guntis Ulmanis, President of the Republic of Latvia. His Excellency Algirdas Brazauskas, President of the Supreme Council of the Republic of Lithuania	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Sterling silver serving bowl with flat rim and scalloped sides; scallops are decorated with garnets. Approx. 12"x17"x3". Recd—March 9, 1993. Est. Value—$9000. Archive Foreign.	His Excellency Francois Mitterrand, President of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Two woven bedouin pillowcases in red and black wool with tassels on the corners. Approx. 2'x1½'. Woven wool bedouin bed cover in the same colors. Approx. 6'x4'. Recd—June 18, 1993. Est. Value—$2500. Archive Foreign.	His Majesty Hussein I, King of the Hashemite Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Autographed photograph of President and Mrs. Herzog in sterling silver frame. (2) Hardcover book, "Beit Hanassi, the Home of Israel's Presidents;" and dedicated to the President and First Lady. Cover is blue velvet with silver gilt stamped title. (3) Wooden box, lined with velvet, which contains a sterling silver desk set (letter opener, bookmark and paperweight). Recd—April 26, 1993. Est. Value—$995. Archive Foreign.	His Excellency Chaim Herzog, President of Israel.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Matted and framed lithograph, "Qatuwas-Home Coming", depicts an elderly native father and mother in an outdoor scene. Lithograph is signed by artist, proof 1/25. Approx. 15½x21½". Recd—April 3, 1993. Est. Value—$500. Archive Foreign.	The Honorable Mike Harcourt, Premier of the Province of British Columbia, Canada.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Bronze statue of bearded man playing a saxophone, by Susan Stromberg, mounted on black base. Approx. 2'. Recd—April 3, 1993. Est. Value—$900. Archive Foreign.	The Right Honorable Brian Mulroney, Prime Minister of Canada.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
President	(1) Large goldfish bowl vase with oriental-style floral design and turquoise background. Approx. 3'. (2) Silver-plated platter. Approx. 22". Recd—August 17, 1993. Est. Value—$590. Archive Foreign. Flowers were removed from the vase. Consumables were removed from the tray. All were accepted by the White House Mess for Official Use. Recd—August 17, 1993. Est. Value—$360. Accepted by Another Government Agency.	His Majesty Hassan II, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Three Vatican coins: bronze, sterling silver, and 22k gold. Each is decorated with an image of the Pope and Latin text. Approx. 3". Recd—August 12, 1993. Est. Value—$1000. Archive Foreign.	His Holiness John Paul II, Vatican City.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Wooden inlaid box, which contains 13 compact discs by various Canadian artists. (2) Green soapstone polar bear, made by Inuits. Recd—February 5, 1993. Est. Value—$1200. Archive Foreign.	The Right Honorable Brian Mulroney, Prime Minister of Canada (and Mrs. Mulroney).	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Matted and framed oil on canvas painting of Bahamiam scenery, by Chan Pratt. Approx. 29"x34". Recd—August 30, 1993. Est. Value—$800. Archive Foreign.	The Right Honorable Sir Hubert A. Ingraham, Prime Minister of the Commonwealth of The Bahamas.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Framed oil on linen painting, "Revival Spirit" by Stafford Lerrig Schliefer. An abstract image of a religious ritual. Recd—August 30, 1993. Est. Value—$800. Archive Foreign.	The Honorable P.J. Patterson, M.P., Prime Minister of Jamaica.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Two Mont Blanc pens in a black case: (1) Gold barley pattern ballpoint with 925 gold tip and seal; (2) Gold barley pattern fountain pen in 925 gold, with an 18k gold tip and seal. Recd—March 26, 1993. Est. Value—$1100. Archive Foreign.	His Excellency Dr. Helmut Kohl, Chancellor of the Federal Republic of Germany.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Framed calligraphy in Korean text by the President of the Republic of Korea. Per State Department translation, message reads "To President Bill Clinton, the great road has no gates, July 10, 1993, Kim Young Sam." Approx. 22"x35". Recd—July 11, 1993. Est. Value—$300. Archive Foreign.	His Excellency Kim Young Sam, President of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
President	(1) Cast-iron sculpture, which depicts a scene of four peasants in a cart and three horses. Approx. 18″×10″. (2) Matted and framed photograph of the Russian space station in orbit around the Earth. Approx. 26″×20″. Recd—September 2, 1993. Est. Value—$675. Archive Foreign.	His Excellency Viktor Chernomyrdin, Chairman of the Council of Ministers of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Ivory walrus tusk, with carving, which depicts seven three dimensional walruses. Approx. 22″. Recd—April 3, 1993. Est. Value—$700. Archive Foreign.	His Excellency Boris Yeltsin, President of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Large gold-plated vase, with Eygptian hieroglyphics in gold and black. Approx. 15″×42″. Recd—April 6, 1993. Est. Value—$650. Archive Foreign.	His Excellency Mohammad Hosni Mubarak, President of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Two scrolls. Approx. 6′. (2) Woven silk brocade material. (3) Woven red silk tapestry. Approx. 6′×8′. (4) Two door hangings featuring peacocks. Recd—October 19, 1993. Est. Value—$1000. Archive Foreign.	The Honorable Liu Fu Guo, Member of the Peoples Government of Huaibei, City Anhui Province, People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Wool dhurrie carpet, which depicts a desert scene with camels and sheep. Approx. 48″×69″. Recd—October 26, 1993. Est. Value—$800. Archive Foreign.	His Excellency Mohammad Hosni Mubarak, President of the Arab Republic of Egypt.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Ancient earthenware bowl from Israel, with a wide band of silver overlay, decorated with calligraphy and animals. Bowl dates from 930 to 580 B.C. Approx. 9½″. Recd—November 12, 1993. Est. Value—$3000. Archive Foreign.	His Excellency Yitzhak Rabin, Prime Minister of Israel.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Mahogany humidor, engraved with the Presidential seal; contains a hydrometer, clippers and cutter. (The humidor contained cigars, which were destroyed.) (2) Yellow and white embroidered bedspreads (3) Two Timex watches. (4) Two framed autographed photos of President Ramos. (5) Woven coconut chest. (6) Embroidered fabric made of pineapple leaves. (7) Hardcover books, by President Ramos, about the Philippines. Recd—November 23, 1993. Est. Value—$1775. Archive Foreign.	His Excellency Fidel Ramos, President of the Republic of the Philippines.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Celadon vase with floral pattern by Shin Sang-Ho. Approx. 13″ Recd—November 29, 1993. Est. Value—$1500. Archive Foreign.	His Excellency Kim Young Sam, President of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Six gold Kucinta cat figures. Each cat is in a different pose. Approx. 2½″×1″. Recd—December 1, 1993. Est. Value—$250. Archive Foreign.	His Excellency Goh Chok Tong, Prime Minister of the Republic of Singapore.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
President	White brocade paper scroll with Chinese watercolor painting. Recd—December 1, 1993. Est. Value—$1200. Archive Foreign.	His Excellency Jiang Zemin, President of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Hardcover, large folio books; "The Crafts of Indonesia," and "Indonesia: A Voyage Through the Archipelago." (2) Paperback, "Indonesia: An Official Handbook 1993." (3) Large framed oil on panel painting of flora and exotic birds. Approx. 35″×51″. Recd—December 1, 1993. Est. Value—$3140. Archive Foreign.	His Excellency Soeharto, President of the Republic of Indonesia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Large vase with multi-colored glaze and feathered design, with black lacquered stand. Recd—December 1, 1993. Est. Value—$1500. Archive Foreign.	The Honorable Vincent C. Liew, Chinese Taipei Representative of President Lee Teng-hui, Taiwan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Blue and white procelain bowl, with design which depicts men dancing. Recd—December 1, 1993. Est. Value—$450. Archive Foreign.	The Honorable Chen-Kuo Lin, Minister of Finance, Taiwan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Men's wrist watch with black crocodile band, from Asprey of London. (2) Hardcover book, "Abode of Peace: 25 of Asia's Top Photographers in Brunei Darussalam." Recd—December 1, 1993. Est. Value—$3075. Archive Foreign.	His Majesty Sultan Haji Hassanal Bolkiah Mu'Izzaddin Waddaulah, Sultan and Yang Di-Pertuan of Brunei Darussalam.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Carved duck decoy, created and signed by Stephen Robinson. Recd—December 1, 1993. Est. Value—$325. Archive Foreign.	The Right Honorable Jean Chretien, P.C., M.P., Prime Minister of Canada.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Saxophone made by the Beijing Wind Instrument Factory. Presented in black leather instrument case. Recd—December 1, 1993. Est. Value—$1800. Archive Foreign.	His Excellency Jiang Zemin, President of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	Two volumes of "Mapas de America" by Francisco Vindel, in Spanish text. Presented in a brown leather box. Recd—December 7, 1993. Est. Value—$300. Archive Foreign.	His Excellency Felipe Gonzalez Marquez, President of the Government of Spain (and Ms. Carmen Romero).	Non-acceptance would cause embarrassment to donor and U.S. Government.
President	(1) Various paperbacks. (2) Hardcover book, "Soeharto: My Thoughts, Words, and Deeds, An Autobiography." (3) Sterling silver box. Recd—June 21, 1993. Est. Value—$1500. Archive Foreign.	His Excellency Dr. Bacharuddin J. Habibie, Minister of State For Research and Technology of The Republic of Indonesia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Brown ceramic water jug, which depicts three goats. Recd—May 1, 1993. Est. Value—$350. Archive Foreign.	Her Majesty Noor Al Hussein, Queen of the Hashemite, Kingdom of Jordan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Frosted glass decanter with sterling silver and 24K gold-plated accents, by Domar. Recd—March 16, 1993. Est. Value—$450. Archive Foreign.	Mrs. Lea Rabin (Wife of the Prime Minister of Israel).	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
First Lady	Silver decorative mirror with ornate filigree designs on the front and back. Recd—October 15, 1993. Est. Value—$1500. Archive Foreign.	Her Excellency Tansu Ciller, Prime Minister of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Round sterling silver engraved box with pearl edging. Approx. 6½″. Recd—May 13, 1993. Est. Value—$1550. Archive Foreign.	Mrs. Francois Mitterrand (Wife of the President of the French Republic).	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Sterling silver bonbon dish with floral accents. Recd—March 16, 1993. Est. Value—$600. Archive Foreign.	Mrs. Susana Higuchi Fujimori (Wife of the President of the Republic of Peru).	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Jade bowl with floral design. Approx. 5″. Recd—September 30, 1993. Est. Value—$500. Archive Foreign.	His Excellency Boris Yeltsin, President of the Russian Federation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Crocodile leather handbag with soft brushed leather interior. Approx. 4 ½″ x 10″. Recd—June 28, 1993. Est. Value—$1200. Archive Foreign.	His Excellency Carlos Menem, President of the Argentine Nation.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Round sterling silver mirror, with floral design. Approx. 9½″. Recd—April 12, 1993. Est. Value—$2500. Archive Foreign.	Mrs. Mohammad Hosni Mubarak (Wife of the President of the Arab Republic of Egypt).	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Black lacquer jewelry box, decorated with mother of pearl. Recd—July 11, 1993. Est. Value—$500. Archive Foreign.	Mrs. Son Myong Sun (Wife of the President of the Republic of Korea).	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Two wooden handpainted Mandarin ducks with markings in Korean. Ducks are wrapped in a red satin cloth, and presented in a maroon velvet jewelry box. Recd—July 10, 1993. Est. Value—$300. Archive Foreign.	Mrs. Lee Man Sup (Wife of the Speaker of the National Assembly of the Republic of Korea).	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Floral arrangement. Accepted by the White House Mess for Official Use. Recd—October 25, 1993. Est. Value—$460. Accepted by Another Government Agency.	His Majesty Hassan II, King of Morocco..	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	(1) White Indonesian shawl with gold and black design. (2) Sterling silver 12-piece tea service. Recd—December 1, 1993. Est. Value—$5200. Archive Foreign.	Mrs. Tien Soeharto (Wife of the President of the Republic of Indonesia).	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Three-strand coral necklace and matching earrings. Recd—December 1, 1993. Est. Value—$600. Archive Foreign.	Mrs. Vincent C. Liew (Wife of the Chinese Taipei Representative of President Lee Teng-hui), Taiwan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Three-strand necklace of freshwater pearls, coral and onyx, with gold clasp. Recd—December 1, 1993. Est. Value—$450. Archive Foreign.	The Honorable Chen-Kuo Lin, Minister of Finance, Taiwan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Lady	Brown leather valet case. Recd—December 16, 1993. Est. Value—$250. Archive Foreign.	His Excellency Felipe Gonzalez Marquez, President of the Government of Spain (and Ms. Carmen Romero).	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
President and First Lady	Sterling silver jewelry box with five etched scenes of Jordan on the lid, personalized for the President and First Lady. Bottom and sides are lined with teak. Approx. 11″ x 2½″ x 6″. Recd—June 23, 1993. Est. Value—$650. Archive Foreign.	His Majesty Hussein I, King of the Hashemite Kingdom of Jordan. Her Majesty Noor Al Hussein, Queen of the Hashemite, Kingdom of Jordan	Non-acceptance would cause embarrassment to donor and U.S. Government
President and First Lady	Six silk ties by Turkish designer "Vakko". Two turquoise and purple silk scarves. Recd—October 15, 1993. Est. Value—$750. Archive Foreign.	Her Excellency Tansu Ciller, Prime Minister of the Republic of Turkey.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	(1) Two rugs in red and maroon; one is a portrait of the President, the other is a portrait of the First Lady. Approx. 31″ x 52″. (2) Woven handbag with red interior and string handle. Approx. 11″ x 6″. (3) Hardcover book, "Turkmenian Folk Art". Recd—April 9, 1993. Est. Value—$2620. Archive Foreign.	His Excellency Saparmurad Niyazov, President of Turkmenistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	Five matted and framed limited edition reproductions of pages from the "Book of Kells." Prints are inscribed to the President and First Lady, and dated March 17, 1993. Approx. 29½″ x 37″ each. Recd—August 24, 1993. Est. Value—$500. Archive Foreign.	His Excellency Albert Reynolds, Prime Minister of Ireland.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	Contemporary wooden statue of an Indian from Paraguay. Recd—December 3, 1993. Est. Value—$450. Archive Foreign.	His Excellency Juan Carlos Wasmosy, President of the Republic of Paraguay.	Non-acceptance would cause embarrassment to donor and U.S. Government.
President and First Lady	(1) Two mauve and green silk robes. (2) Video cassette about Thailand. (3) Hardcover book, "Thailand, Seven Days in the Kingdom." Recd—December 9, 1993. Est. Value—$250. Archive Foreign.	His Excellency Chuan Leekpai, Prime Minister of the Kingdom of Thailand.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Chelsea	(1) Wooden box, which depicts an image of a grey squirrel in an oak tree. (2) Ten compact discs by various Canadian artists. Recd—June 2, 1993. Est. Value—$570. Archive Foreign.	The Right Honorable Brian Mulroney, Prime Minister of Canada (and Mrs. Mulroney).	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	Baluchi handiwork: suits, shawls, and handbags for the First Lady and Chelsea. Recd—August 30, 1993. Est. Value—$600. Archive Foreign.	The Honorable Mir Nabi Bakhsh Zehri, Senator, Zehri House, Pakistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
First Family	Native jewelry, 22k gold, a gift from the Prince's mother (for Chelsea). Coffee service, 22k gold and sterling silver with turquoise and emeralds, also from the Prince's mother (for the First Lady). Sterling silver letter opener that resembles a dagger (for the President). Presented in a leather suitcase. Recd—November 5, 1993. Est. Value—$32,000. Archive Foreign.	His Royal Highness Abdulaziz bin Fahd Al-Saud, (Prince of the Kingdom of Saudi Arabia).	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
First Family	(1) Large goldfish bowl vase with an oriental floral design and white background. (2) Crystal scallop bowl, by Tiffany. Approx. 14". Recd—October 25, 1993. Est. Value—$780. Archive Foreign.	His Majesty Hassan II, King of Morocco.	Non-acceptance would cause embarrassment to donor and U.S Government.
Dr. John H. Gibbons, Assistant to the President for Science and Technology Policy.	(1) Korean watch. (2) Set of gold cuff links and a tie bar. (3) Belt buckle. Recd—November 10, 1993. Est. Value—$325. General Services Administration.	Dr. Shanghi Rhee, Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Robert D. Kyle, Special Assistant to the President and Senior Director for International Trade, National Economic Council, National Security Council.	Framed print, signed and dated by Miche Stappers. Approx. 26" x 20". Recd—September 24, 1993. Est. Value—$250. General Services Administration.	His Excellency Juan Cassiers, Ambassador, Embassy of Belgium.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Anthony Lake, Assistant to the President for National Security Affairs.	(1) Leather case for addresses and telephone numbers. (2) Leather portfolio. Recd—March 10, 1993. Est. Value—$400. General Services Administration.	His Excellency Francois Mitterand, President of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Anthony Lake, Assistant to the President for National Security Affairs.	Four leather-bound volumes of "The New Encyclopedia Of Archaeological Excavations in the Holy Land." Recd—September 3, 1993. Est. Value—$295. General Services Administration.	The Honorable Teddy Kollek, Mayor of the City of Jerusalem, Israel.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Anthony Lake, Assistant to the President for National Security Affairs.	Ancient miniature clay urn, from Israel, dated to Roman period of 1st–2nd century A.D. Recd—March 17, 1993. Est. Value—$250. General Services Administration.	His Excellency Yitzhak Rabin, Prime Minister of Israel.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Thomas F. McLarty, Chief Of Staff To The President.	Leather briefcase from Longchamp, Paris. Recd—March 9, 1993. Est. Value—$425. General Services Administration.	His Excellency Francois Mitterand, President of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: OFFICE OF THE VICE PRESIDENT

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Vice President	Four round silver lidded boxes, each decorated with different colored enamel (Korea—contemporary). Approx. 4". Presented in silk covered box. Recd—February 1, 1993. Est. Value—$350. Archive Foreign.	General Tae-Joon Park Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Vice President	Carved slate figure depicting an eskimo ice fisherman holding an ivory spear (by Thomassie Tookalak, 1991). Approx. 11½". Recd—June 2, 1993. Est. Value—$500. Vice President's Office: For Official Use.	The Right Honorable Brian Mulroney Prime Minister of Canada (and Mrs. Mulroney).	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: OFFICE OF THE VICE PRESIDENT—Continued

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Vice President	(1) Leather covered box with marquetry panel surrounded by a thin silver border, signed Olivier Desombre (French—contemporary). Approx. 6" x 4" x 1" (2) Leather portfolio for legal pad, with marquetry panel having thin silver border, by Olivier Desombre (French—contemporary). Approx. 12½" x 9". Recd—March 9, 1993. Est. Value—$345. Vice President's Office: For Official Use.	His Excellency Francois Mitterrand President of the French Republic.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Vice President	Celadon vase with incised design depicting slip crane figures (Korea—late 20th century). Approx. 13". Recd—November 23, 1993. Est. Value—$350. Residence: For Official Use.	Kim Young Sam President of the Republic of Korea.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Vice President	(1) Red Bukhara rug. (2) Book: "Turkmenian Folk Art". (3) Carpet Bag that matches rug. Recd—April 9, 1993. Est. Value—$1,500. Archive Foreign.	His Excellency Saparmurad Niyazov President of Turkmenistan.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Gore	18 karat gold brooch in the shape of a leaf with engraved veining, mounted with a beetle having two tiny ruby eyes and enamelled wings set with 31 round diamonds (Thailand). Recd—May 18, 1993. Est. Value—$1,600. Archive Foreign.	Her Royal Highness Queen Sirikit Kitiyakara, Thailand.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Mrs. Gore	(1) Teapot. (2) Covered sugar bowl. (3) Tray. (4) Spoon. All of chased silver (Indonesia—20th century). Mrs. Gore's Office: For Official Use. (5) Length of silk batik cloth (Indonesia—20th century). Residence: For Official Use. Recd: November 20, 1993. Est. Value: $400.	Madame Soeharto Wife of President of Indonesia.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Vice President and Mrs. Gore	Seven multi-colored silk pillow covers in various shapes, some with tasseled corners (Jordan—20th century). Recd—June 17, 1993. Est. Value—$225. Archive Foreign.	His Majesty Hussein I King of Jordan (and Her Majesty Noor al Hussein.	Non-acceptance would cause embarrassment to donor and U.S. Government.
Vice President and Mrs. Gore	(1) Black leather saddle with silver mounts and bridle. (2) Two whips. (3) Four saddle blankets. (4) Woman's Russian Riding Costume: pink petticoat dress, red velvet robe with belt, and red hat with fur. (5) Man's Russian Riding Costume: black leather belt with silver mounts, black hat with fur, and black velvet robe. (Russian—late 20th century). Recd—December 13, 1993. Est. Value—$825. Archive Foreign.	His Excellency Askar Akayev President of the Republic of Kyrgyzstan.	Non-acceptance would cause embarrassment to donor and U.S. Government.

UNITED STATES SENATE

Report of Tangible Gifts—Calendar Year 1993

Name and title of persons accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Bill Bradley, U.S. Senator	Silk scarf. Rec'd on May 14, 1993. Est. value: $100. Deposited with Secretary of the Senate.	Yoshiro Hayashi, Minister of Finance, Government of Japan.	Refusal would likely cause offense or embarrassment.
Robert Dole, U.S. Senator	Porcelain pot. Rec'd on August 4, 1993. Est. Value: $220. Deposited with Secretary of the Senate.	Stephen Martin, Speaker of the Australian House of Representatives, Government of Australia.	Refusal would likely cause offense or embarrassment.
Robert Dole, U.S. Senator	Mother-of-pearl box. Rec'd on September 14, 1993. Est. value: $250. Deposited with Secretary of the Senate.	Yasser Arafat, Chairman of the Palestine Liberation Organization.	Refusal would likely cause offense or embarrassment.
George J. Mitchell, U.S. Senator	Mother-of-pearl box. Rec'd on September 14, 1993. Est. value: $250. Deposited with Secretary of the Senate.	Yasser Arafat, Chairman of the Palestine Liberation Organization.	Refusal would likely cause offense or embarrassment

UNITED STATES SENATE

Report of Travel or Expenses of Travel—Calendar Year 1993

Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government	Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States	Identity of foreign donor and government	Circumstances justifying acceptance
Rich Arenberg, Professional Staff Member, Select Committee on Intelligence.	Transportation within host country	22 U.S.C. 1754(b)	22 U.S.C. 1754(b).
Charles Battaglia, Professional Staff Member, Select Committee on Intelligence.	Transportation within host country	22 U.S.C. 1754(b)	22 U.S.C. 1754(b).
Charles Battaglia, Professional Staff Member, Select Committee on Intelligence.	Transportation within host country	22 U.S.C. 1754(b)	22 U.S.C. 1754(b).
Daniel Bob, Special Assistant to Senator Roth.	Meals within country, January 13–15, 1993.	Government of Japan	Nonacceptance would cause donor embarrassment.
David L. Boren, U.S. Senator	Travel, meals and lodging within country, November 13-14, 1993.	Governments of Jordan and Iraq	Nonacceptance would cause donor embarrassment.
Hank Brown, U.S. Senator	Transportation within country, December 14, 1993.	Government of Pakistan	Nonacceptance would cause donor embarrassment.
Hank Brown	Transportation within country, December 16–17, 1993.	Government of Kuwait	Nonacceptance would cause donor embarrassment.
Non Brown, Spouse of Senator Brown.	Transportation within country, December 16–17, 1993.	Government of Kuwait	Nonacceptance would cause donor embarrassment.
Nan Brown	Transportation within country, December 14, 1993.	Government of Pakistan	Nonacceptance would cause donor embarassment.
Tim Carlsgaard, Deputy Staff Director, Select Committee on Intelligence.	Transportation within host country	22 U.S.C. 1754(b)	22 U.S.C. 1754(b)
Nancy Carkci, Executive Assistant to Senator DeConcini.	Transportation within host country	22 U.S.C. 1754(b)	22 U.S.C. 1754(b).
Thad Cochran, U.S. Senator	Transportation within country, December 14, 1993.	Government of Pakistan	22 U.S.C. 1754(b)
Thad Cochran, U.S. Senator	Transportation within Country, December 16–17, 1993.	Government of Kuwait	22 U.S.C. 1754(b)
Rose Cochran, Spouse of Senator Chran.	Transportation within Country, December 16–17, 1993.	Government of Kuwait	22 U.S.C. 1754(b).
Rose Cochran, Spouse of Senator Cochran.	Transportation within country, December 14, 1993.	Government of Pakistan	22 U.S.C. 1754(b).
Al Cumming, Professional Staff Member, Select Committee on Intelligence.	Transportation within host country	22 U.S.C. 1754(b)	22 U.S.C. 1754(b).
Dennis DeConcini, U.S. Senator	Transportation within host country	22 U.S.C. 1754(b)	22 U.S.C. 1754(b).
Bob Graham, U.S. Senator	Transportation within host country	22 U.S.C. 1754(b)	22 U.S.C. 1754(b).
Adele Graham, Spouse of Senator Graham.	Transportation within host country	22 U.S.C. 1754(b)	22 U.S.C. 1754(b).

UNITED STATES SENATE—Continued

Report of Travel or Expenses of Travel—Calendar Year 1993

Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government	Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States	Identity of foreign donor and government	Circumstances justifying acceptance
Charles E. Grassley, U.S. Senator	Transportation within host country	22 U.S.C. 1754(b)	22 U.S.C. 1754(b).
Barbara Grassley, Spouse of Senator Grassley.	Transportation within host country	22 U.S.C. 1754(b)	22 U.S.C. 1754(b).
Mary Hawkins, Legislative Director for Senator DeConcini.	Transportation within host country	22 U.S.C. 1754(b)	22 U.S.C. 1754(b).
Laurie Schultz Heim, Senior Legislative Assistant to Senator Jeffords.	Travel, meals and lodging within country, May 22–June 8, 1993.	Government of Russia	Nonacceptance would cause donor embarassment.
Suzanne C. Hildick, Legislative Director to Senator Hatfield.	Meals and lodging within country, October 3–9, 1993.	Government of Germany	Nonacceptance would cause donor embarrassment.
Robert McArthur, Legislative Assistant to Senator Cochran.	Transportation within country, December 14, 1993.	Government of Pakistan	Nonacceptance would cause donor embarrassment.
Robert McArthur	Transportation within country, December 16–17, 1993.	Government of Kuwait	Nonacceptance would cause donor embarrassment.
Larry Pressler, U.S. Senator	Transportation within country December 14, 1993.	Government of Pakistan	Nonacceptance would cause donor embarrassment.
Larry Pressler, U.S. Senator	Transportation within country December 16–17, 1993.	Government of Kuwait	Nonacceptance would cause donor embarrassment.
William V. Roth, Jr., U.S. Senator	Meals within country, Janaury 14–15, 1993.	Government of Japan	Nonacceptance would cause donor embarrassment.
Anne Smith, Professional Staff Member to Committee on Foreign Relations.	Travel, meals and lodging within country, May 21–June 6, 1993.	Government of Russia	Nonacceptance would cause donor embarrassment.
Brit Snider, Professional Staff Member Select Committee on Intelligence.	Transportation within host country	22 U.S.C. 1754(b)	22 U.S.C. 1754(b).
Arlen Specter, U.S. Senator	Transportation within host country	22 U.S.C. 1754(b)	22 U.S.C. 1754(b).
Joahn Specter, Spouse of Senator Specter.	Transportation within host country	22 U.S.C. 1754(b)	22 U.S.C. 1754(b).
Chris Straub, professional Staff Member, Select Committee on Intelligence.	Transportation within host country	22 U.S.C. 1754(b)	22 U.S.C. 1754(b).
William Triplett, Legislative Counsel to Senator Pressler.	Transportation within country, December 14, 1993.	Government of Pakistan	Nonacceptance would cause donor embarrassement
William Triplett	Transportation within country, December 16–17, 1993.	Government of Kuwait	Nonacceptance would cause donor embarrassment.
Sally Walsh, Deputy Director, Office of Interparliamentary Services.	Transportation within country, December 16–17, 1993.	Government of Kuwait	Nonacceptance would cause donor embarrassment.
Sally Walsh	Transportation within country, December 14, 1993.	Government of Pakistan	Nonacceptance would cause donor embarrassment.
Dan Webber, Press Secretary to Senator Boren.	Travel, meals and lodging within country, November 13–14, 1993.	Governments of Jordan and Iraq	Nonacceptance would cause donor embarrassment.

AGENCY: U.S. HOUSE OF REPRESENTATIVES

Report of Travel or Expenses of Travel

Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government	Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States	Identity of foreign donor and government	Circumstances justifying acceptance
Thomas J. Bliley, Member of Congress.	Round trip ground transportation between Paris and St. Pierre des Corps and between St. Pierre des Corps and Vouvray, and food for Member and Spouse, April 10, 1993.	Societe Nationale de Chemin De Fers (Government of France).	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).

AGENCY: U.S. HOUSE OF REPRESENTATIVES—Continued

Report of Travel or Expenses of Travel

Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government	Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States	Identity of foreign donor and government	Circumstances justifying acceptance
John D. Dingell, Member of Congress.	Round trip ground transportation between Paris and St. Pierre des Corps and between St. Pierre des Corps and Vouvray, and food for Member and Spouse, April 10, 1993.	Societe National De Chemin de Fers (Government of France).	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
Barney Frank, Member of Congress.	One night lodging in Praia, Cape Verde, Sept. 2, 1993; one night's lodging in Sal, Cape Verde, Sept. 3, 1993.	Republic of Cape Verde	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
Barney Frank, Member of Congress.	3 nights lodging in Azores, Portugal, August 18–20, 1993.	Regional Government of Azores ..	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
Paul E. Gillmor, Member of Congress.	Round trip ground transportation between Paris and St. Pierre des Corps and between St. Pierre des Corps and Vouvray, and food for Member and Spouse, April 10, 1993.	Societe Nationale de Chemin De Fers (Government of France).	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
Thomas J. Manton, Member of Congress.	Round trip ground transportation between Paris and St. Pierre des Corps and between St. Pierre des Corps and Vouvray, and food for Member and Spouse, April 10, 1993.	Societe Nationale de Chemin De Fers (Government of France).	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
Edward J. Markey, Member of Congress.	Round trip ground transportation between Paris and St. Pierre des Corps and between St. Pierre des Corps and Vouvray, and food for Member and Spouse, April 10, 1993.	Societe Nationale de Chemin De Fers (Government of France).	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
Carlos J. Moorhead, Member of Congress.	Round trip ground transportation between Paris and St. Pierre des Corps and between St. Pierre des Corps and Vouvray, and food for Member and Spouse, April 10, 1993.	Societe Nationale de Chemin De Fers (Government of France).	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
Michael G. Oxley, Member of Congress.	Round trip ground transportation between Paris and St. Pierre des Corps and between St. Pierre des Corps and Vouvray, and food for Member and Spouse, April 10, 1993.	Societe Nationale de Chemin De Fers (Government of France).	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
Al Swift, Member of Congress	Round trip ground transportation between Paris and St. Pierre des Corps and between St. Pierre des Corps and Vouvray, and food for Member and Spouse, April 10, 1993.	Societe Nationale de Chemin de Fers (Government of France).	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
Edolphus Towns, Member of Congress.	Round trip ground transportation between Paris and St. Pierre des Corps and between St. Pierre des Corps and Vouvray, and food for Member and Spouse, April 10, 1993.	Societe Nationale de Chemin De Fers (Government of France).	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
Craig A. Washington, Member of Congress.	Round trip ground transportation between Paris and St. Pierre des Corps and between St. Pierre des Corps and Vouvray, and food for Member and Spouse, April 10, 1993.	Societe Nationale de Chemin De Fers (Government of France).	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).

AGENCY: U.S. HOUSE OF REPRESENTATIVES—Continued

Report of Travel or Expenses of Travel

Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government	Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States	Identity of foreign donor and government	Circumstances justifying acceptance
Sharon E. Davis, Committee on Energy and Commerce.	Round trip ground transportation between Paris and St. Pierre des Corps and between St. Pierre des Corps and Vouvray, and food for Member and Spouse, April 10, 1993.	Societe Nationale de Chemin De Fers (Government of France).	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
Margaret A. Dubin, Committee on Energy and Commerce.	Round trip ground transportation between Paris and St. Pierre des Corps and between St. Pierre des Corps and Vouvray, and food for Member and Spouse, April 10, 1993.	Societe Nationale de Chemin De Fers (Government of France).	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
Arthur Endres, Subcommittee on Transportation and hazardous Materials.	Ground transportation from Denmark to Germany, Germany to France and round trip from Madrid to /from Cordoba, Spain, May 28—June 4, 1993.	Danish State Railways, German Federal Railways, French National Railways and Spanish National Railway.	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
Dennis B. Fitzgibbons, Committee on Energy and Commerce.	Round trip ground transportation between Paris and St. Pierre des Corps and between St. Pierre des Corps and Vouvray, and food for Member and Spouse, April 10, 1993.	Societe Nationale de Chemin De Fers (Government of France).	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
Enere H. Levi, Committee on Foreign Affairs.	Food, lodging and transportation from Beijing to Chengdu; Chengdu to Guangzhou; boat travel from Zuhai to Hong Kong, April 3–18, 1993.	People's Republic of China	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
Thomas C. Montgomery, Committee on Energy and Commerce.	Food, lodging, air and bus transportation within Germany, April 25—May 7, 1993.	Bundestag/Bundesrat of the FRG	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
Eric Niles, Subcommittee on Transportation and Hazardous Materials.	Ground transportation from Denmark to Germany, from Germany to France and round trip from Mardrid to/from Cordoba, Spain, May 28—June 4, 1993.	Danish State Railways, German Federal Railways, French National Railways and Spanish National Railway.	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
Karl Rhoads, Rep. Eliot L. Engel .	Food, lodging and transportation within Moscow; transportation to and from Sergeev Posad, May 21—June 1993.	Russian Parliament	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
Alan J. Roth, Committee on Energy and Commerce.	Round trip ground transportation between Paris and St. Pierre des Corps and between St. Pierre des Corps and Vouvray, and food for Member and Spouse, April 10, 1993.	Societe Nationale de Chemin De Fers (Government of France).	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
Donald Shriber, Committee on Energy and Commerce.	Round trip ground transportation between Paris and St. Pierre des Corps and between St. Pierre des Corps and Vouvray, and food for Member and Spouse, April 10, 1993.	Societe Nationale de Chemin De Fers (Government of France).	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
David g. Tittsworth, Committee on Energy and Commerce.	Round trip ground transportation between Paris and St. Pierre des Corps and between St. Pierre des Corps and Vouvray, and food for Member and Spouse, April 10, 1993.	Societe Nationale de Chemin De Fers (Government of France).	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
Lucien E. Blackwell, Member of Congress.	Food, lodging to guinea, 12/12–17/92.	Guinea	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
Corlis Clemonts-James, Rep. Lucien E. Blackwell.	Food, lodging to Guinea, 12/12–17/92.	Guinea	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).

AGENCY: U.S. HOUSE OF REPRESENTATIVES—Continued

Report of Travel or Expenses of Travel

Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government	Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States	Identity of foreign donor and government	Circumstances justifying acceptance
Karl Rhoads, Rep. Eliot Engel	Helicopter tour, car between airport, hotel and meetings, 4/40–22/92.	Hong Kong Economic and Trade Affairs.	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).
Tomie St. Hill, Rep. Lucien Blackwell.	food, lodging to Guinea, 12/1217/92.	Guinea	Authorized by 5 U.S.C. §7342(c)(1)(B)(ii).

AGENCY: UNITED STATES DEPARTMENT OF AGRICULTURE

Report of Travel or Expenses of Travel

Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government	Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States	Identity of foreign donor and government	Circumstances justifying acceptance
Gene Namkoong, Research Geneticist, Forest Service, British Columbia, Canada.	Trip to Chiang Mai Thailand, June 6, 1993, $2,900 (Travel, Hotel & Meals).	Asian–Canadian International Development Agency.	Attend meeting at request of donor agency.
Gene Namkoong, Research Geneticist, Forest Service, British Columbia, Canada.	Trip to Toronto, Canada, November 18, 1993, $1,200 (Travel, Hotel & Meals).	Ministry of Equipment, Canada	Attend meeting at request of donor agency.

AGENCY: UNITED STATES DEPARTMENT OF AGRICULTURE

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Carol House, Microbiologist, Veterinary Service, National Veterinary Service Laboratory, Foreign Animal Disease Diagnostic Laboratory, Animal and Plant Health Inspection Service.	Mupid-2 Mini Gel electrophoresis system (2 sets); Recd—September 3, 1993. Est. Value—$500. Current disposition: Equipment has been added to the inventory of the Foreign Animal Disease Diagnostic Laboratory, Plum Island, NY.	Dr. Y.L. Lin, Taiwan, Republic of China, Staff member of the Provincial Research Institute for Animal Health, Republic of China.	Gift delivered following departure of donor from the United States. Non-acceptance would have caused embarrassment to the donor.

AGENCY: DEPARTMENT OF THE AIR FORCE

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimateed value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Captain Louis Foehrkolb, Chief, Fuels Management Flight, 374th Supply Squadron, Yokota Air Base, Japan.	Dragon-crested Samurai warrior helmet in glass case. Recd—September 12, 1993. Est. Value—$400.00. On official display in the Fuels Conference Room, Building 4137, Yokota Air Base, Japan.	Major Kiyama, Chief of Supply, Japan Air Self Defense Forces, Iruma Air Base, Japan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE AIR FORCE—Continued

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimateed value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Major General George B. Harrison, Commander, Air Warfare Center, Eglin Air Force Base, Florida.	Gold ceremonial sword. Recd—July 11, 1993. Est. Value—$300.00. Being held at HQ Air Force Military Personnel Center, Recognition and Special Programs Division, Randolph Air Force Base, Texas, pending disposition instructions for turn-in to GSA.	Colonel Saber Al-Sawedan, Chief of Staff, Kuwait Air Force.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Merrill A. McPeak, Chief of Staff, United States Air Force.	Pakistani rug with Pakistan Air Force Seal. Recd—November 13, 1994. Est. Value—$450.00. On official display at Air House, the official residence of General and Mrs. McPeak.	Air Chief Marshall Farooq Khan, Chief of Staff, Pakistan Air Force.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Merrill A. McPeak, Chief of Staff, United States Air Force.	Pakistani rug with white border (green/copper tint). Recd—November 15, 1993. Est. Value—$350.00. On official display at Air House, the official residence of General and Mrs. McPeak.	General Waheed, Chief of the Army Staff of Pakistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General and Mrs. Merrill A. McPeak, Chief of Staff, United States Air Force.	Gold bracelet. Recd—November 10, 1993. Est. Value—$550.00. Being held in the office of the Chief of Staff, Room 4E925, the Pentagon, Washington, D.C., pending transfer to GSA for disposition. General and Mrs. McPeak do not desire to participate in sale.	Air Chief Marshall Farooq Khan, Chief of Staff, Pakistan Air Force.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Henry Viccellio, Jr., Commander, Air Education and Training Command, Randolph Air Force Base, Texas.	Oriental Rug. Recd—October 26, 1993. Est. Value—$450.00. On official display in the Air Education and Training Commander's residence, Randolph Air Force Base, Texas.	Lt. General Ahmed Behery, Commander, Royal Saudi Air Force.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Report of Travel or Expenses of Travel

Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government	Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States	Identity of foreign donor and government	Circumstances justifying acceptance
Amb. Stephen J. Ledogar, U.S. Representative to the Conference on Disarmament, Geneva, Switzerland.	Recd.—June 15, 1993. Est. Value—$1700. Expended for airfare and hotel.	Gov't of Norway	To attend the 25th Anniversary of NORSAR along with other CD Ambassadors from Geneva in Oslo.

AGENCY: DEPARTMENT OF THE ARMY

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
LTG Johnnie H. Corns, Commander, U.S. Army, Pacific, Fort Shafter, HI 96858.	Strand of Pearls. Recd—September 1991. Est. Value—$375.00. Reported to GSA March 24, 1993. Pending transfer to GSA.	GEN Atsushi Shima, Chief of Staff, Japanese Ground Self-Defense Forces.	Non-acceptance would have caused embarrassment to donor.

AGENCY: DEPARTMENT OF THE ARMY—Continued

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
LTG James R. Ellis, Commander, U.S. Army Forces Command, Fort McPherson, GA 30330.	One Pakistani Rug (3'×5'7"). Recd—October 21, 1992. Est. Value—$381.66. Reported to GSA March 24, 1993. Sold to donee August 23, 1993.	GEN Asif Nawaz, Pakistan Chief of Staff.	Non-acceptance would have caused embarrassment to donor.
GEN David M. Maddox, Commander in Chief, U.S. Army, Europe, and Seventh Army, APO AE 09014.	One Impressionistic Print (Serial number 82/850). Recd—October 4, 1993. Est. Value—$500.00. Will be reported to GSA. Approved for official display.	Mr. Joseph Zorn, President of the German-American Friendship Council.	Non-acceptance would have caused embarrassment to U.S. Government.
COL Robert E. Pilnacek, Public Affairs Officer, U.S. Forces, Korea, APO AP 96205.	Two "Dragon" Paintings. Recd—February 2, 1993. Est. Value—$6,000.00. Will be reported to GSA. Approved for official display.	Mr. Jeung Park, Korean Artist	Non-acceptance would have caused embarrassment to donor.
GEN J. M. Shalikasvilli, Chairman, Joint Chiefs of Staff, Washington, DC 20318.	Ceramic Vase (circa 300 B.C.). Recd—July 19, 1993. Est. Value—Unknown. Will be reported to GSA. Approved for official display.	GEN Dimitrios Skarvelis, Chief, Hellenic National Defense General Staff.	Non-acceptance would have caused embarrassment to donor.
MG J. B. Taylor, Deputy Commander, U.S. Army Forces Central Command, Fort McPherson, GA 30330.	18K Gold Women's Wrist Watch with Diamond and an "Elie Bleu." Burl Wood, Cigar Humidor. Est. Value—$4,440.00. Will be reported to GSA. Approved for official use.	Prince Mitib bin Abdullah, Deputy Chief of Military Organization of the Saudi Arabian National Guard.	Non-acceptance would have caused embarrassment to donor.

AGENCY: CENTRAL INTELLIGENCE AGENCY

Report of Tangible Gifts—1993

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
R. James Woolsey, Director, Central Intelligence.	Middle Eastern pottery ewer, circa 1st Century B.C.—2nd Century A.D. The bulbous body with tapered base and strap handle continuing to cylindrical neck with flared rim. H: 4 inches. Rec'd.—15 Mar 93. Est. value—$500.00 (Subject to Authentication). To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
R. James Woolsey, Director, Central Intelligence.	Lladro figure of Don Quixote. Seated and holding a sword. Blue printed factory mark impressed number 53/57. H: 8½ inches. Rec'd.—28 Apr 93. Est. value—$450.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
R. James Woolsey, Director, Central Intelligence.	Semi-precious stone and enameled silver metal dagger. With horn handle and braided white silk cord. In fitted case. L: overall 17¼ inches. Rec'd.—19 Apr 93. Est. value—$300.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued

Report of Tangible Gifts—1993

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
R. James Woolsey, Director, Central Intelligence.	Pewter equestrian sculpture of Cavalryman Jumping a Fallen Horse. On mottled brownish-gray base. H: of figure 5½ inches. Rec'd.—4 May 93. Est. value—$500.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
R. James Woolsey Director, Central Intelligence.	Gray reptile pocketbook with magnetic clasp; together with shoulder strap. L: 10½ inches. Rec'd.—11 Apr 93. Est. value—$250.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
R. James Woolsey, Director, Central Intelligence.	Middle Eastern terra-cotta tile shard. Mounted on aqua-blue velvet and olive wood slanting stand. L: of shard 4¾ inches. Rec'd.—9 Apr 93. Est. value—$250.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
R. James Woolsey, Director, Central Intelligence.	Framed color print. Offset color print, framed. 29 x 13½ inches. Rec'd.—8 Apr 93. Est. value—$350.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
R. James Woolsey, Director, Central Intelligence.	Partial gilt sterling relief sculpture mounted on mottled cream-rouge marble base. L: of sculpture 6¼ inches. Rec'd.—8 Apr 93. Est. value—$350.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
R. James Woolsey, Director, Central Intelligence.	Middle Eastern Terra-cotta ewer, circa 1st Century B.C.—2nd Century A.D. The slightly bulbous body with tapered base and strap handle continuing to cylindrical neck with flared rim. H: 6 inches. Rec'd.—7 Apr 93. Est. value—$750.00 (Subject to authentication). To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
R. James Woolsey, Director, Central Intelligence.	Middle Eastern woven rug. 86 × 67 inches. Three panels sewn together and woven with horizontal geometric designs worked in blues, yellows, and reds, with tasseled edges. Rec'd.—6 Apr 93. Est. value—$750.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
R. James Woolsey, Director, Central Intelligence.	Parquetry mother-of-pearl coffee set. Consisting of ewer and six mother-of-pearl mounted porcelain handleless cups, in fitted case. H: of coffee pot 13¼ inches including twist-off finial. Rec'd.—18 Jun 93. Est. value—$500.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued

Report of Tangible Gifts—1993

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
R. James Woolsey, Director, Central Intelligence.	Parcel gilt silver and malachite incense burner. The square tapered body with raised and chased leafage decoration on gilt ground centering a round malachite roundel enclosing a removable pierced lid, and raised on a malachite round stepped standard with parcel gilt bulbous collar. 800 standard mark. H: 12¼ inches. Rec'd.—12 Apr 93. Est. value—$2,500.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
R. James Woolsey, Director, Central Intelligence.	Silver footed bowl, chrysanthemum-form with round flared lobed shallow body, and raised on three cast leafage scroll feet. D: 9⅝ inches. Wt. 12 oz. Rec'd.—11 Apr 93. Est. value—$700.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
R. James Woolsey, Director, Central Intelligence.	Engraved silver charger. Round with scalloped border; the central ground engraved with scenes within an engraved lotus border. D: 11⅞ inches. Wt. 18 oz. Rec'd.—11 Apr 93. Est. value—$1,000.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
R. James Woolsey, Director, Central Intelligence.	Pair of repoussé silver covered urns. Each bulbous body with repoussé and chased leafage banding continuing to a flared rim with removable domed lid and urn finial. H: 8½ inches. Total weight approximately 20 oz. Rec'd.—11 Apr 93. Est. value—$1,500.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
R. James Woolsey, Director, Central Intelligence.	Middle Eastern rug. 8 feet × 5.8 feet. Beige ground with geometric floral medallions worked in shaded brown and beiges, and leafage guard border. Note: some staining to middle. Rec'd.—12 Jul 93. Est. value—$1,000.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
R. James Woolsey, Director, Central Intelligence.	Blue enameled cultured pearl and turquoise mounted gilt silver presentation dagger. The tapered sheath with blue leafage enameled panel within a chased leafage gilt silver border; the openwork scrolling vine hilt, set with four cultured pearls (each measuring approximately 4mm), an octagonal handle with pommel set with round cabochon turquoise measuring approximately 9m. In blue velvet lined fitted case. Rec'd.—3 Jun 93. Est. value—$1,500.00. To be retained for official display..	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued

Report of Tangible Gifts—1993

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
R. James Woolsey, Director, Central Intelligence.	Pistol, .58 caliber flintlock replica. The barrel having engraved presentation with steel flintlock mechanism and brass finger guard; the walnut stock inlaid with brass scrolling vines; together with removable ram-rod. In fitted case. L: overall 16 inches. Rec'd.—2 Jun 93. Est. value—$500.00. To be retained for official display..	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
R. James Woolsey, Director, Central Intelligence.	Pistol, .50 caliber replica cap n'ball cased. The chrome plated barrel with chrome plated cap and ball mechanism and finger guard, on carved fruitwood stock. In fitted walnut case with accessories. L: of pistol 15½ inches Rec'd.–31 May 93. Est. value-$750.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
R. James Woolsey, Director, Central Intelligence.	Repoussé silver footed oval shallow bowl, contemporary. Within a floral leafage repoussé border and scalloped rim, and raised on four cast leafage feet. L: 14 inches. Wt. 22 oz. Rec'd.—16 Aug 93. Est. value—$1,200.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
R. James Woolsey, Director, Central Intelligence.	Gold and polychromed brocaded silk panel. Rectangular with circular vignettes worked in polychrome and gilt with flowers and leaves against a lattice ground with tasseled fringe. 21 × 12½ inches. Rec'd.—6 Aug. 93. Est. value—$250.00. To be retained for official display..	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embrassment to donor and U.S. Government.
R. James Woolsey, Director, Central Intelligence.	Relief pewter plaque; verso with cast calligraqphy panel in hardwood trestle stand. H: overall 13¼ inches. W: of plaque 7⅛ inches. Rec'd.–22 Sep 93. Est. value—$250.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance woul dhave caused embarrassment to donor and U.S. Government.
R. James Woolsey, Director, Central Intelligence.	Photographic applied silver mounted burlwood box, Rectangular with hinged lid fitted with silver plaque with photo-engraved scene. L: 9; W: 7 inches. Rec'd.—25 Oct 93. Est. value—$500.00. To be retained for official display..	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
R. James Woolsey, Director, Central Intelligence.	Cut crystal urn. Maker, Atlantis. H: 8 inches. Rec'd.—9 Dec 93. Est. value—$500.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
R. James Woolsey, Director, Central Intelligence.	Silver box. The bulbous body and hinged lid with engine turned ground, and raised on three cast C-scroll feet. D: 5½ inches. Weight approximately 13½ oz. Rec'd.—22 Dec 93. Est. value—$600.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued

Report of Tangible Gifts—1993

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Admiral W.O. Studeman, USN, Deputy Director, Central Intelligence.	Lithograph printed in colors. Signed in pencil and titled in pencil indistinctly. Edition IV/XXXV. Framed 9 × 13¼ inches. Rec'd.—9 Feb 93. Est. value—$250.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Admiral W.O. Studeman, USN, Deputy Director, Central Intelligence.	Silver covered bowl. The round body with chased palmette banding and removable domed lid with complementary banding and blossom finial. 900 standard mark. In red velvet fitted case. H: 5 inches. Wt. 11 oz. Rec'd.—19 Mar 93. Est. value—$500.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Admiral W.O. Studeman, USN, Deputy Director, Central Intelligence	Chrome and gilt metal dress sword with engraved blade. With repousé brass eagle head hilt and chrone sheath. In green velvet lined case. L: overall 39 inches. Rec'd.—26 Mar 93. Est. value—$500.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Admiral W.O. Studeman, USN, Deputy Director, Central Intelligence.	Brass mounted black leather presentation naval sword. With brass mounted black leather hilt and applied naval insignia; the complementary sheath with presentation plaque. L: overall 39 inches. Rec'd.—21 May 93. Est. value—$500.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Doll in glass case. Case dimensions: 20 × 12 × 15 inches. NOT APPRAISED—In the field. Rec'd.—20 Mar 93. Est. value—$250.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	RADO Wristwatch. Stainless steel & gold plate band/case. NOT APPRAISED—In the field. Rec'd.—19 Mar 93. Est. value—$1,500.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Breitling Diving Watch. NOT APPRAISED—In the field. Rec'd.—15 Jan 93. Est. value—$1,600.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY

Report of Tangible Gifts—1993 (Received Prior to '93)

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Agency Employee	Axumite Style unmarked yellow gold cross. Cruciform, enclosing interlocking geometric circles with hinged pendant. L:2–1/16th inches. Rec'd—24 Dec 91. Est. value—$350.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Laibella Style 750 (18 karat) yellow gold pendant cross. Concentric form, enclosing chased diamond reserves and central spear, with pendant for hanging. L:2–1/8 inches. Rec'd—24 Dec 91. Est. value—$350.000. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Unmarked yellow gold double interlocked chain. L: overall 20–1/2 inches. Rec'd—24 Dec 91. Est. value—$300.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Silk rug. 3.9×2.7 feet. Ivory ground with floral spray and bird field centering a pulled lobed medallion on red ground, and trellising vine and floral guard border, on navy-blue ground. Rec'd—Aug 92. Est. value—$750.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Painting, signed in calligraphy; also, with three red seal marks. Ink and color on paper mounted on beige brocade silk. 27×26 inches. Rec'd—'83–'88. Est. value—$1,000.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Cartier vermeil silver Les Must' de ladies' wristwtch with Swiss quartz movement. With borwn reptile band. Rec'd—Jul 91. Est. value—$700.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Cartier vermeil silver Les Must' de ladies' wristwatch with Swiss quartz movement. With brown reptile band. Rec'd—Jul 91. Est. value—$600.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Rolex Oyster Perpetual Date-Just gentleman's Superlative Chronometer. With sweep hand and gold Cyclops date window and stainless steel jubilee bracelet band. Rec'd—21 Jul 92. Est. value—$3,300.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Rolex Oyster Perpetual Date-Just ladies wristwatch. Having a sweep hand with Cyclops date window and gold and stainless steel jubilee swimproof band. Rec'd—21 Jul 92. Est. value—$2,800.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued

Report of Tangible Gifts—1993 (Received Prior to '93)

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Agency Employee	Single graduated strand cultured pearl necklace (comprising 151 cultured pearls, measuring approximately 2–1/2 to 8–1/2 mm), and unmarked yellow gold clasp. L:20 inches. Rec'd—21 Jul 92. Est. value—$750.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Eterna gentleman's calendar wristwatch. Stainless steel case with 18 karat yellow gold finish within a gilt metal bezel, and diamond hour marks, sweep hand, and date calendar, with stainless steel band. Rec'd—21 Jul 92. Est. value—$300.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Omega Seamaster gentleman's wristwatch with quartz movement. Having gilt metal and stainless steel case with sweep hand, gilt metal bezel and gilt metal stainless steel hand. Rec'd—Nov 92. Est. value—$1,500.00. To be reported to GSA for disposition.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Baume & Mercier gentleman's wristwatch with personalized cartouche on face. The stainless steel case with gilt metal bezel and gilt metal with Roman numeral hour marks with date calendar and sweep hand, with gilt metal and stainless steel band. Rec'd—Jul '92. Est. value—$1,200.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Baume & Mercier ladies' date calendar wristwatch. Having a stainless steel case with gilt metal square bezel, gilt face with applied hour marks, sweep hand, date calendar, and gold metal and stainless steel band. Rec'd—Jul '92. Est. value—$1,000.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	18 karat (750) yellow gold oval locket, and chain. Having 10 karat yellow gold filled clasp, and flat box-type chain. L: of chain 23; L: of locket with loop pendant 1–7/8 inches. Rec'd—Jul '92. Est. value—$850.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	24 karat yellow gold double bracelet. Marked 9999. Worked with two joined oval panels enclosing figure 8 and joined by ringlets, and hung with 'heart' pendant with S-hook; also with calligraphy touch marks. L: 6–3/4 inches. Rec'd—Dec '92. Est. value—$700.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued

Report of Tangible Gifts—1993 (Received Prior to '93)

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Agency Employee	24 karat yellow gold gentleman's ring. With central square panel chased with spade, flanked by checkerboard pattern. Marked 9999 and KD, with calligraphy touch marks. Rec'd—Dec '92. Est. value—$750.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	24 karat yellow gold filigree 'butterfly' ring. Marked 9999 with calligraphy touch mark. Rec'd—Dec '92. Est. value—$500.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Robert M. Gates, Former Director Central Intelligence.	Sterling silver tray, D: 12 inches. Inscribed. NOT APPRAISED. Rec'd—3 Nov 92. Est. value—$500.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Wristwatch, Leather band. NOT APPRAISED. Rec'd—30 May 92. Est. value—$250.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Wristwatch, Metal band. NOT APPRAISED. Rec'd—30 May 92. Est. value—$250.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Agency Employee	Omega wristwatch. NOT APPRAISED. Rec'd—14 Apr 92. Est. value—$500.00. To be retained for official display.	5 U.S.C. 7342(f)(4)	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: UNITED STATES COAST GUARD

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
RADM Peter A. Bunch, Chief, Office of Engineering and Development Division, HQ.	Rec: 4/15/93. Est. Value: $700,000. Item: Turbine Engine. USCG YARD, Curtis Bay, MD.	Canadian National Defense Force (Canadian Navy).	To use parts and components from the turbine engine to support the two CG Polar Icebreakers and 12 CG 378-foot vessels. This turbine is no longer in production and is becoming difficult to support.

AGENCY: DEPARTMENT OF DEFENSE

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Les Aspin, Secretary of Defense ..	Antique vase. Vase is displayed in small case which has a wooden base and is lined in burgundy velvet. Recd—January 3, 1993. Est. Value—Indeterminable. Reported to GSA on January 28, 1994; pending transfer to GSA.	Yitzhak Rabin, Prime Minister of Israel.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Les Aspin, Secretary of Defense ..	Ladies' Omega watch, Gold colored casing with black leather band, Serial Number 53850421. Recd—June 29, 1993. Est. Value—$450. Reported to GSA December 7, 1993; pending transfer to GSA.	King Hussein I and Noor Al Hussein of Jordan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Les Aspin, Secretary of Defense ..	Bronze colored statue of an eagle warrior with shield and sword. Recd—July 10, 1993. Est. Value—$300. Reported to GSA November 16, 1993; pending transfer to GSA.	General Antonia Riviello Bazan, Mexico City, Mexico.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Les Aspin, Secretary of Defense ..	Gold cufflinks, tie bar, and key chain (all with Egyptian Pharaoh head). Recd—September 24, 1993. Est. Value—$835. Reported to GSA on December 29, 1993; pending transfer to GSA.	Lt Gen Salah Halaby, Chief of Staff, Egyptian Armed Forces.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Les Aspin, Secretary of Defense ..	Revolver, Six-shot 38 Caliber, double action, B 1925 in clear case with presentation plaque, approx. 3″ x 6″ x 9¾″ (Serial Number 60316). Recd—October 28, 1993. Est. Value—$279.95. Reported to GSA January 18, 1994; pending transfer to GSA.	Col. Gen. Pavel Kozlovskiy, Minister of Defense, Belarus.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Les Aspin, Secretary of Defense ..	Replica of the King Seongdeuk Bell. Recd—November 3, 1993. Est. Value—$400. Reported to GSA December 29, 1993; pending transfer to GSA.	Kwon Young Hae, Minister of National Defense of Korea.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Dick Cheney, Former Secretary of Defense.	Pottery pot on stand in display case, found in Jerusalem, used for oil, about 330 years old, approx. 8″ tall. Case is approx. 10″ tall. Recd—January 19, 1993. Est. Value—$250. Reported to GSA April 29, 1993; pending transfer to GSA.	Lt. General Ehud Barak, Chief of the General Staff, Israel Defense Forces.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Lt Col Steven L. Neely, Army, Country Director for Kuwait (Regional Security Affairs).	Ladies' Gucci watch, serial Number 0161289 in a green box. Recd—December 29, 1993. Est. Value—$350. Reported to GSA January 13, 1994; pending transfer to GSA.	Colonel Ibrahim Al-Kandari, Defense Attache, Kuwait.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
William J. Perry, Deputy Secretary of Defense.	Silver War Ship in Glass/Wood case; matching set of gold filled cuff links and tie bar. Recd—May 10, 1993. Est. Value—$295. War Ship was approved for official display; cuff links and tie bar reported to GSA December 10, 1993; pending transfer to GSA.	Kwon Young Hae, Minister of National Defense, Korea.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Mrs. William J. Perry, spouse of Deputy Secretary of Defense.	Crystal Orrefors bowl (1000 Fonster), approx. 5¼″ tall, 8⅜″ diameter. Recd—November 30, 1993. Est. Value—$595. Approved for official display.	Mrs. Sahlin, spouse of the Under Secretary of State, Ministry of Defence, Sweden.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
General Colin L. Powell, USA, Former Chairman of the Joint Chiefs of Staff, and Mrs. Powell.	Double-strand of pearls with gold clasp in red velour case; Men's Chopard Geneve Gold Watch (#31/2232-11) and matching gold cuff links. Recd—July 13, 1993. Est. Value—$10,200. Reported to GSA August 26, 1993; pending transfer to GSA.	His Highness Shaykh Hamad bin Isa al-Khalifa, Crown Prince, State of Bahrain.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General John M. Shalikashvili, USA, Chairman of the Joint Chiefs of Staff.	Oriental rug, brown, blue, deep red, tan, green and white, approx. 4′ by 6′. Recd—October 25, 1993. Est. Value)—$1400. Approved for official display.	Lt Gen Saleh Mohammed Attiya Halabi, Chief of Staff, Egyptian Armed Forces.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Frederick C. Smith, Director, Near Eastern and South Asian Affairs, International Security Affairs.	Men's wristwatch, Breitling, titanium case. Serial number 30397. Recd—June 23, 1993. Est. Value—$1,000. Reported to GSA August 20, 1993; pending transfer to GSA.	King Hussein I and Noor Al Hussein of Jordan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
John E. Thompson, Lt Col, USAF, Country Director for Jordan, Near Eastern and South Asian Affairs, International Security Affairs.	Men's wristwatch, Breitling, titanium case, Serial number 30003. Recd—June 23, 1993. Est. Value—$1,000. Reported to GSA August 20, 1993; pending transfer to GSA.	King Hussein I and Noor Al Hussein of Jordan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Molly K. Williamson, Deputy Assistant Secretary of Defense for Near Eastern and South Asian Affairs, Regional Security Affairs.	Brown lizard skin handbag, approx. 6½″ by 7½″, in a green box. Recd—November 8, 1993. Est. Value—$700. Reported to GSA December 16, 1993; pending transfer to GSA.	Major General Mohamed Fouad Galal Halaby, Defense, Military, Naval and Air Attache, Embassy of Egypt.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Frank G. Wisner, Under Secretary of Defense for Policy.	Circular Floor Rug from animal skins with leather fringe; Two large (6 ft. by 8 ft.) pieces of material in multi colors with numerous slits; Leather Sandals (Green & Red with yellow fringe); 12-in. knife with leather & brass casing—handle is brass with copper triangle, grip part has black stripes and the blade is silver. Recd—September 23, 1993. Est. Value—$430. Reported to GSA December 23, 1993, pending transfer to GSA.	President Mahamane Ousmane of Niger.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Frank G. Wisner, Under Secretary of Defense for Policy.	Pair of gold cuff links with Egyptian scroll writing on them and gold key chain with Egyptian scroll writing in green box with silver chord trim. Recd—October 19, 1993. Est. Value—$925. Reported to GSA December 15, 1993; pending transfer to GSA.	Lt Gen Salah Halaby, Chief of Staff, Egyptian Armed Forces.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Frank G. Wisner, Under Secretary of Defense for Policy.	Gold key chain; Gold cartouche bracelet, in green velour boxes. Recd—December 4, 1993. Est. Value—$1,150. Reported to GSA January 19, 1994; pending transfer to GSA.	Field Marshal Mohamed Husien Tantawy, Minister of Defense and Military Production of Egypt.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF DEFENSE—Continued

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Frank G. Wisner, Under Secretary of Defense for Policy.	Ejerna gold and steel watch (style #3100.47.24). Recd—December 6, 1993. Est. Value—$750. Reported to GSA January 19, 1994; pending transfer to GSA.	His Highness Isa Bin Salman Al Khalifa, Amir of the State of Bahrain.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Frank G. Wisner, Under Secretary of Defense for Policy.	Gold-colored sword in burgundy velvet-covered wooden box, approx. 7" × 41½". Recd—December 6, 1993. Est. Value—$400. Reported to GSA January 24, 1994; pending transfer to GSA.	Hamad Bin Abdulla Al-Thani, State Minister for Defense Affairs, State of Qatar.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: LIBRARY OF CONGRESS

Report of Travel or Expenses of Travel

Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government	Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States	Identify of foreign donor and government	Circumstances justifying acceptance
Robert Sutter, Senior Specialist in Asian Affairs, Congressional Research Svc..	Recd.—April 3–5, 1993. Est. Value—$450. Expended for airfare, lodging, and meals.	Chinese Academy of Social Sciences, People's Rep. of China, Beijing.	Consultations and interviews; trip arranged over a weekend while on official (CRS) business in Hong Kong, East Asia.

AGENCY: NATIONAL SCIENCE FOUNDATION

Report of Tangible Gift

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Neal F. Lane, Director	Oriental rug. Recd: December 8, 1993. Est. Value=$500. NSF–O/D for official use/display.	Zhang Cunhao, President of the National Natural Science Foundation of the People's Republic of China.	Non-acceptance would cause embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE NAVY

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Rear Admiral Robert P. Hickey, USN, Commander Carrier Group SEVEN.	Arabian sword. Recd-May 19, 1993. Est. Value—$13,600. Being retained at COMUSNAVCENT in Bahrain.	His Royal Highness Prince Abdul Aziz Bin Fahd Al Saul.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
General Joseph P. Hoar, USMC, U.S. Naval Forces Central Command.	Ceremonial Sword and scabbard. Recd—February 17, 1993. Est. Value–$600. Being retained at COMUSNAVCENT in Bahrain.	Royal Highness Prince Abdullah Bin Hussein, Deputy Commander of Operations, Jordanian Special Forces and son of King Hussein.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Admiral Frank B. Kelso, II, USN, Chief of Naval Operations.	Silk rug (6 × 4 feet). Recd—January 12, 1993. Est. Value–$700. Being retained in CNO Quarters, Tingey House, Washington Navy Yard.	Admiral Vural Bayazit, Commander Turkish Naval Forces.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE NAVY—Continued

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Admiral Frank B. Kelso, II, USN, Chief of Naval Operations.	Saber 35 inches in length. Recd—February 23, 1993. Est. Value—$1,000. Being retained in CNO Quarters, Tingey House, Washington Navy Yard.	Admiral Jorge Mora Perez, Chief of Naval Operations, Mexican Navy.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Admiral Frank B. Kelso, II, USN, Chief of Naval Operations.	Sterling Silver candelabra. Recd—March 16, 1993. Est. Value—$900. Being retained in CNO Quarters, Tingey House, Washington Navy Yard.	Admiral Vichet Karunyavanji, Commander in Chief, Royal Thai Navy.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Admiral Frank B. Kelso, II, USN, Chief of Naval Operations.	Eterna watch. Recd—December 23, 1993. Est. Value–$1,825. Being retained in CNO Quarters, Tingey House, Washington Navy Yard.	Isa Bin Salman Al Khalifa, The Amir of Bahrain.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Brigadier General Frank Libutti, USMC, Inspector General and Commander, Forward HQ Element, U.S. Naval Forces Central Command.	Statue of Kuwait Towers. Recd—October 12, 1993. Est. Value–$1,000. Being retained at COMUSNAVENT in Bahrain.	Sheikh Ali Al-Sabah Al-Salin Al Sabah, Minister of Defense, Kuwait.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Rear Admiral David N. Rogers, USN, Commander U.S. Naval Forces, Central Command.	Ceremonial sword. Recd—January 23, 1993. Est. Value–$1,000. Being retained at COMUSNAVCENT in Bahrain.	Shaykh Hamad Bin Abdullah Al-Thani, State Secretary of Military for the Government of Qatar.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Rear Admiral David N. Rogers, USN, Commander U.S. Naval Forces, Central Command.	Ceremonial dagger. Recd—November 1, 1992. Est. Value–$300. Being retained at COMUSNAVCENT in Bahrain.	His Highness Dr. Sheikh Bin Mohammed Al Qassimi, Ruler of Sharjah, United Arab Emirates.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Rear Admiral P.D. Smith, USN, U.S. Naval Forces, Central Command.	Rolex watch. Recd—October 1, 1991. Est. Value–$2,970. Being held in CNO (N09B33) pending transfer to GSA for disposition.	Sheikh Isa Bin Salman Al Khalifa, The Amir of Bahrain.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Rear Admiral Joseph C. Strasser, USN, President, Naval War College.	Man's & Women's Samsung watch. Recd—June 1992. Est. Value–$270. Being held in CNO (N09B33) pending transfer to GSA for disposition.	Omani Navy	Non-acceptance would have caused embarrassment to donor and U.S. Government.
USS WORDEN (CG 18)	Les Pierres Lac watch. Recd—July 8, 1993. Est. Value—$300. Being held in CNO (N09B33) pending transfer to GSA for disposition.	Kuwait Government	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: U.S. NUCLEAR REGULATORY COMMISSION

Report of Tangible Gift

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Dr. Ivan Selin, Chairman, U.S. Nuclear Regulatory Commission.	3'×5' rug (Wall Hanging). Received January 11, 1993. Estimated value—$500. Placed in the Chairman's Office, April 1993.	Mr. Yaogi Ming, Quinshan Nuclear Power Plant, General Manager, China.	Non-acceptance would have caused embarrassment to donor and the U.S. Government.

AGENCY: PANAMA CANAL COMMISSION

Report of Travel or Expenses of Travel

Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government	Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States	Identify of foreign donor and government	Circumstances justifying acceptance
Maria T. Arias	Rental car, round trip, first class air fare other incidentals due to spouse's participation in an international exposition and fair in Spain. Estimated Value = $5,034.00. Date: March 1993..	Government Spain	Participation in such events is normal part of spouse's employment.

AGENCY: PEACE CORPS

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Carol Bellamy, Director	Gift—Handmade Wall Hanging. Recd.—December 14, 1993. Est. Value—$5,000. Currently at Peace Corps Office in Washington, DC..	President Abdou Diouf, Government of Senegal.	Gift mailed to Washington, DC after Director's visit to Senegal in November 1993. Returning gift would have caused embarrassment to donor and U.S. Government.
John Hogan, Acting Director	Gift—Wall Hangings (3). Recd.—September 23, 1993. Est. Value—$500. Currently at Peace Corps Office in Washington, DC..	President Ousmane, Government of Niger.	Non-acceptance of gift would have caused embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Warren Christopher, Secretary of State.	Sterling silver box engraved with the Foreign Minister's facsimile signature. Recd—February 9, 1993. Est. Value—$400. In Office of Protocol pending transfer to GSA.	His excellency Klaus Kinkel, Minister of Foreign Affairs, Federal Republic of Germany.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Warren Christopher, Secretary of State.	Sterling silver box, 3.5″ x 8″. Recd—February 20, 1993. Est. Value—$300. In Office of Protocol pending transfer to GSA.	His Majesty Hussein I, King of the Hashemite Kingdom of Jordan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Warren Christopher, Secretary of State.	Sterling silver box, leather lined, 8.5″ x 5.5″. Recd—March 9, 1993. Est. Value—$900. In Office of Protocol pending transfer to GSA.	His Excellency Francois Mitterrand, President of the French Republic.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Warren Christopher, Secretary of State.	Gold maple leaf cufflinks 14k gold. Recd—April 3, 1993. Est. Value—$250. In Office of Protocol pending transfer to GSA.	The Right Honorable Brian Mulroney, Prime Minister of Canada.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Warren Christopher, Secretary of State.	(1) Silk rug, 5′ x 7′. Est. Value—$800. Approved for official use. (2) Book: Lahore. Est. Value—$50. In Office of Protocol pending transfer to GSA. Recd—April 7, 1993.	Chaudhry Nisar Ali Khan, Special Assistant to the Prime Minister, The Islamic Republic of Pakistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Warren Christopher, Secretary of State.	Pearl cufflinks. Recd—April 14, 1993. Est. Value—$300. In Office of Protocol pending transfer to GSA.	His Excellency Kabun Muto, Minister of Foreign Affairs, Japan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Warren Christopher, Secretary of State.	Silver dish, 4.5" x 4.5". Recd—April 29, 1993. Est. Value—$400. In Office of Protocol pending transfer to GSA.	His Majesty King Juan Carlos I and Her Majesty Queen Sophia of Spain.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Warren Christopher, Secretary of State.	Hand painted bowl, with lid. Recd—November 23, 1993. Est. Value—$250. In Office of Protocol pending transfer to GSA.	His Excellency Prasong Soonsiri, Minister of Foreign Affairs, The Kingdom of Thailand.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Warren Christopher, Secretary of State.	(1) Red leather chest. Est. Value—$135. In Office of Protocol pending transfer to GSA. (2) Tunisian dates. Est. Value—$90. Retained. (3) Eight bottles of olive oil. Est. Value—$80. Retained. ..... (4) Six bottles of wine. Est. Value—$90. In Office of Protocol pending transfer to GSA Recd—December 15, 1993.	His Excellency Zine El Abidine Ben Ali, President of the Republic of Tunisia.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Warren Christopher, Secretary of State.	(1) Turkmenistan Carpet Est Value—$600. (2) Book: Turkmen Folk Art. Est Value—$30. (3) Woven handbag. Est. Vaue—$50. Recd—1993. In Office of Protocol pending transfer to GSA.		
Mrs. Warren Christopher, Wife of the Secretary of State.	Eight embroidered pillow slips of various sizes. Recd—February 20, 1993. Est. Value—$300. In Office of Protocol pending transfer to GSA.	His Majesty Hussein I, King of the Hashemite Kingdom of Jordan.	Non-acceptance would have caused embarrassment to donor and U.S. Government
Mrs. Warren Christopher, Wife of the Secretary of State.	Set of three inlaid wood stacking tables. Recd—February 21, 1993. Est. Value—$300. In Office of Protocol pending transfer to GSA.	Mrs. al-Shara, Wife of the Minister of Foreign Affairs, The Syrian Arab Republic.	Non-acceptance would have caused embarrassment to donor and U.S. Government
Mrs. Warren Christopher, Wife of the Secretary of State.	Double strand of pearls, 18". Recd—February 26, 1993. Est. Value—$1,000. In Office of Protocol pending transfer to GSA.	Sulwa Al-Sabah, Daughter of the Prime Minister and Crown Prince, The State of Kuwait.	Non-acceptance would have caused embarrassment to donor and U.S. Government
Mrs. Warren Christopher, Wife of the Secretary of State.	(1) Fabric woven with gold threads. Est. Value—$900. (2) Silver picture frame. Est. Value—$150. Recd—August 13, 1993. In Office of Protocol pending transfer to GSA.	Pengiran Anak Zariah, Wife of the Minister of Foreign Affairs, Brunei Darussalam.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Mrs. Warren Christopher, Wife of the Secretary of State.	Crystal paperweight. Recd—November 23, 1993. Est. Value—$250. In Office of Protocol pending transfer to GSA.	Mrs. Sien, Wife of the Minister of International Trade, Taiwan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Mrs. Warren Christopher, Wife of the Secretary of State.	Gold embroidered pillow case with orange and blue designs. Recd—November 23, 1993. Est. Value—$300. In Office of Protocol pending transfer to GSA.	Dehin Dato Abdul Rahman Taib, Minister of Industry and Primary Resources, Brunei Darussalam.	Non-acceptance would have caused embarrassment to donor and U.S. Government
Mrs. Warren Christopher, Wife of the Secretary of State.	Two silk robes in colors of pink, gray, blue and green. Recd—December 6, 1993. Est. Value—$300. In Office of Protocol pending transfer to GSA.	His Excellency Chuan Likphai, Prime Minister, The Kingdom of Thailand.	Non-acceptance would have caused embarrassment to donor and U.S. Government
Henry L. Clark, U.S. Ambassador to Uzbekistan.	Red Afghan carpet, 10'x6'9". Recd—July 1993. Est. Value—$1,000. Approved for official use.	General Abdul Rashid Dostam, Commander, The Islamic State of Afghanistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Edward Djerejian, Assistant Secretary of State, Bureau of Near Eastern Affairs.	Brass table clock with sapphires. Recd—June 30, 1993. Est. Value—$1,000. In Office of Protocol pending transfer to GSA.	His Majesty Hussein I, King of the Hashemite Kingdom of Jordan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Robert A. Flaten, U.S. Ambassador to Rwanda.	Set of traditional Rwandan spears. Recd—November 18, 1993. Est. Value—$225+. Approved for official use.	His Excellency Augustin Bizimana, Minister of Defense, The Republic of Rwanda.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Peter Galbraith, U.S. Ambassador to Croatia.	One 2,000 year old Roman amphora. Recd—August 1993. Est. Value—$1,800. Approved for official use.	The Commune of Lastova, Croatia	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Robert Grey, U.S. Mission to the United Nations, New York.	Moroccan hand woven rug 4'×6'. Recd—March 1993. Est. Value—$400. In Office of Protocol pending transfer to GSA.	Mohammed Nacer Benjelloun-Touimi, Minister Counselor, Moroccan Mission to the UN.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Richard Gookin, Associate Chief of Protocol.	Gentleman's Omega Watch. Recd—June 29, 1993. Est. Value—$295. In Office of Protocol pending transfer to GSA.	His Majesty Hussein I, King of the Hashemite Kingdom of Jordan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Laurie A. Johnston, U.S. Consul General, Lahore, Pakistan.	Carpet, 4'×6'. Recd—January 26, 1993. Est. Value—$415. Approved for official use.	His Excellency Sardar Nasrullah Khan Dreshak, Minister of Law, The Islamic Republic of Pakistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Joseh Lebaron, Principal Officer, U.S. Consulate Dubai.	Sword with scabbard in fitted case. Recd—January 12, 1993. Est. Value—$225+. In Office of Protocol pending transfer to GSA.	Shaikha Mahra, Wife of the Rule of Ras al Khaiah, Shaikh Saqr Bin Mohammed Al Qasimi, United Arab Emirates.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
David Mack, Deputy Assistant Secretary of State, Bureau of Near Eastern Affairs.	Gold Baume & Mercier "Riveria" watch with matching gold cufflinks. Recd—May 7, 1993. Est. Value—$2,000. In Office of Protocol pending transfer to GSA.	His Highness Shaikh Isa bin Salman Al Khalifa, Amir of the State of Bahrain.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
David Mack, Deputy Assistant Secretary of State, Bureau of Near Eastern Affairs.	Gold Baume & Mercier "Riveria" watch with matching gold bracelet. Recd—May 7, 1993. Est. Value—$2,000. In Office of Protocol pending transfer to GSA.	His Highness Shaikh Isa bin Salman Al Khalifa, Amir of the State of Bahrain.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
William Milam, U.S. Ambassador to Bangladesh.	Carpet. Recd—October 1, 1993. Est. Value—$300. Approved for official use.	Unknown Official, The People's Republic of Bangladesh.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
George Moose, Assistant Secretary of State, Bureau of African Affairs.	Thies tapestry. Recd—May 1993. Est. Value—$1,000. Approved for official use.	His Excellency Abdou Diouf, President of the Republic of Senegal.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
John D. Negroponte, U.S. Ambassador to Mexico.	Set of miniature officer's swords. Recd—June 28, 1993. Est. Value—$225+. In Office of Protocol pending transfer to GSA.	Admiral Luis Carlos Ruano, Mexico.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Jeffrey R. Olesen, U.S. Consulate, Lahore, Pakistan.	(1) Carpet, 6'×9'. Est. Value—$330. (2) Carpet, 7'×7'. Est. Value $290. Recd—June 1, 1993. Approved for official use.	Mohammad Bilal Sheikh, The Islamic Republic of Pakistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Robert H. Pelletreau, U.S. Ambassador to Egypt.	Carpet, 5'×8'. Recd—November 19, 1993. Est. Value—$575. Approved for official use.	His Excellency Mohamed Husein Tantaway, Minister of Defense, The Arab Republic of Egypt.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Robert H. Pelletreau, U.S. Ambassador to Egypt.	Silver plate with matching ewer. Recd—November 19, 1993. Est. Value—$275. Approved for official use.	His Excellency Mohamed Ibrahim Soliman, Minister of State for New Urban Communities, The Arab Republic of Egypt.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Robin L. Raphel, Assistant Secretary of State, Bureau of South Asian Affairs.	Carpet, 3'11"×5'2". Recd—November 1993. Est. Value—$450. Approved for official use.	General Waheed, Army Chief of Staff, The Islamic Republic of Pakistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF STATE—Continued

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Robin L. Raphel, Assistant Secretary of State, Bureau of South Asian Affairs.	2 Carpets, 3'9"×6'1" and 4'10"×6'8". Recd—November 1993. Est. Value—$500. Approved for official use.	His Excellency Amir Arsala, Minister of State for Foreign Affairs, The Islamic Republic of Pakistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Robin L. Raphel, Assistant Secretary of State, Bureau of South Asian Affairs.	Carpet, 4'1"×6'2". Recd—November 1993. Est. Value—$800. Approved for official use.	Her Excellency Benazir Bhutto, Prime Minister, The Islamic Republic of Pakistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Robin L. Raphel, Assistant Secretary of State, Bureau of South Asian Affairs.	Carpets, 2 meters × 3 meters. Recd—November 1993. Est. Value—$4,000. Approved for official use.	General Abdul Rashid Dostam, Commander, The Islamic State of Afghanistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Robin L. Raphel, Assistant Secretary of State, Bureau of South Asian Affairs.	Carpet, 3'10"×5'7". Recd—November 1993. Est. Value—$1,800. Approved for official use.	The Honorable Burhanuddin Rabbani, President of the Islamic State of Afghanistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Robin L. Raphel, Assistant Secretary of State, Bureau of South Asian Affairs.	2 Carpets, 6'4"×4' and 6'2"×4'1". Recd—August 1993. Est. Value—$1,200. Approved for official use.	General Waheed, Army Chief of Staff, The Islamic Republic of Pakistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
David S. Robins, Charge d'Affairs, U.S. Embassy, Manama, Bahrain.	Etienne Aigner men's watch. Recd—June 9, 1993. Est. Value—$1,000. In Office of Protocol pending transfer to GSA.	Shaikh Khalifa BilSalim Bin Hamad Al-Khalifa, The State of Bahrain.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Mrs. William A. Rugh, Wife of the U.S. Ambassador to the United Arab Emirates.	Gold necklace and earrings. Recd—December 22, 1993. Est. Value—$400. In Office of Protocol pending transfer to GSA.	Sheikha Shemsa, Wife of the Ruler of Um Al-Quiwain, The United Arab Emirates.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Kathryn M. Sartori, Special Assistant to the Deputy Secretary of State.	Gold and silver bracelet. Recd—June 29, 1993. Est Value—$8,500. In Office of Protocol pending transfer to GSA.	Her Majesty The Raja Isteri of Brunei.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Richard H. Smyth, U.S. Consulate, Peshawar, Pakistan.	Wool/silk Turkoman rug, 6 square meters. Recd—July 22, 1993. Est. Value—$2,000. Approved for official use.	General Abdul Rashid Dostam, Commander, The Islamic State of Afghanitan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Clifford R. Wharton, Jr., Deputy Secretary of State.	Pakistani Rug, 5'×7'. Recd—April 7, 1993. Est. Value—$800. Approved for official use.	The Prime Minister of The Republic of Pakistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Mrs. Clifford R. Wharton, Jr., Wife of the Deputy Secretary of State.	Ruby and Diamond brooch, pen set, watch, bracelet, wallet and note pad. Recd—June 29, 1993. Est. Value—$27,500. In Office of Protocol pending transfer to GSA.	Her Majesty The Raja Isteri of Brunei.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Mrs. Clifford R. Wharton, Jr., Wife of the Deputy Secretary of State.	Porcelain covered jar. Recd—June 29, 1993. Est. Value—$300. In Office of Protocol pending transfer to GSA.	Her Majesty The Raja Isteri of Brunei.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Mrs. Clifford R. Wharton, Jr., Wife of the Deputy Secretary of State.	Porcelain Tea Set. Recd—June 29, 1993. Est. Value—$300. In Office of Protocol pending transfer to GSA.	Her Majesty The Raja Isteri of Brunei.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Paul R. Zalucky, U.S. Consulate, Lahore, Pakistan.	Two 4'×6' carpets. Recd—June 6, 1993. Est. Value $290. Approved for official use.	S.A.H. Bukhari, Export Promotion Bureau, The Republic of Pakistan.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE TREASURY

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Secretary Lloyd Bentsen	Three cases of German Wine. Recd—June 9, 1993. Est. Value—$360. Purchased.	Federal Minister of Foreign Affairs (Germany).	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Secretary Lloyd Bentsen	Pearl Tie Clasp. Recd—April 14, 1993. Est. Value—$300. Government property.	Minister of Finance (Japan)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Secretary Lloyd Bentsen	3 Japanese Porcelain Bowls. Recd—July 9, 1993. Est. Value—$350. Government property.	Prime Minister of Japan (Japan)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Secretary Lloyd Bentsen	Bone China plate and stand. Recd—July 8, 1993. Est. Value—$225. Government property.	Minister of France (Japan)	Non-acceptance would have caused embarrassment to donor and U.S. Government
Lawrence Dwight	Small Chinese Vase and Feather Fan. Recd—June 22, 1993. Est. Value—$309. Government property.	Delegation Leader (China)	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Gary L.Rasmussen	China Bowl. Recd—July 2, 1993. Est. Value—$400. Government property.	Delegation Group Leader (China)	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: DEPARTMENT OF THE TREASURY

Report of Travel or Expenses of Travel

Name of title of person accepting travel or travel expenses consistent with the interests of the U.S. Government	Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States	Identity of foreign donor and government	Circumstances justifying acceptance
Robert Anderson, Economist	Rec'd—Dec 8, 1993. Est—$3198.00. Airfare, lodging, meals.	Bi-national Industrial Research and Development Board of Governors, Jerusalem, Israel.	U.S.—Israel Bi-national meetings.
Lloyd Bentsen, Secretary of the Treasury.	Rec'd—July 10, 1993. Est—4623.00. Lodging.	Japanese Government, Tokyo, Japan.	To attend Economic Summit.
Patricia Broderick, Financial Enforcement.	Rec'd—July 3, 1993. Est—$931.00. Airfare, lodging, meals.	Organization of American States, Panama City, Panama.	Trainer at OAS seminar.
Kathleen Byrne, Economist	Rec'd—December 16, 1993. Est—$500.00. Airfare, lodging, meals.	Government of Japan, Tokyo, Japan.	Participate in seminar on Fiscal and Monetary Policy.
Pamela Johnson, Financial Enforcement.	Rec'd—July 3, 1993. Est—$774.00. Airfare, lodging, meals.	Organization of American States, Panama City, Panama.	Trainer at OAS seminar.
James B. Mackie III, Tax Analyst	Rec'd—September 21, 1993. Est—$6100.00. Airfare, lodging, meals.	Australian Government, Canberra, Australia.	Deliver paper at conference.
Keith Palzer, Counsel	Rec'd—January 31, 1993. Est—$783.00. Airfare, lodging, meals.	Association of Mexican Securities, Mexico City, Mexico.	Participate in a conference on NAFTA provisions.
Norman Richter, Tax Analyst	Rec'd—September 21, 1993. Est—$918.00. Airfare, lodging, meals.	International Tax Institute, University of Hamburg, Hamburg, Germany.	Give speech on international taxation.
Barbara Rollinson, Tax Analyst	Rec'd—July 9, 1993. Est—$915.00. Airfare, lodging, meals.	Canadian Tax Foundation and the University of Western Ontario, Chartres, France.	Participate in conference on transfer pricing.
Ray Squiteri, Economic Policy Analyst.	Rec'd—October 17, 1993. Est—$1030.00. Airfare, lodging, meals.	International Workshop on Integrative Assessment of Mitigation, Vienna, Austria.	Workshop of the International Institute for Applied Systems Analysis.
Lawrence Summers, Under Secretary for International Affairs.	Rec'd—February 1, 1993. Est—$3429.00. Airfare, lodging, meals.	World Economic Forum, Davos, Switzerland.	Participate in meeting.
Lawrence Summers, Under Secretary for International Affairs.	Rec'd—July 10, 1993. Est—$4430.00. Lodging.	Japanese Government, Tokyo, Japan.	To attend Economic Summit.
Lawrence Summers, Under Secretary for International Affairs.	Rec'd—April 18, 1993. Est—$3628.00. Lodging.	Japanese Government, Tokyo, Japan.	To attend Sherpa meeting.
Lawrence Summers, Under Secretary for International Affairs.	Rec'd—March 16, 1993. Est—$4191.00. Lodging.	Hong Kong Government, Hong Kong.	To attend Sherpa meeting.

AGENCY: U.S. TREASURY DEPARTMENT, COMPTROLLER OF THE CURRENCY

Report of Tangible Gifts

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Eugene Ludwig, Comptroller of the Currency.	Silver bowl with lid, in green velvet covered wood box. 5½"×3¾" with lid on. Lid has silver and gold leaves. Rec'd. 4/29/93—Estimated value $375.00. Currently used as office decoration.	Myung Ho Kim, Governer of the Bank of Korea.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Roger Tufts, Senior Economic Advisor.	Dish, 4⅝" wide, green. Rec'd. 5/21/93—Estimated value $20.00. Currently used as office decoration.	Mr. H. Nakaso, Bank of Japan	Unable to decline, gift was received in the mail.
Eugene Ludwig, Comptroller of the Currency.	French wine, 2 bottles, size 750 ml. 1991 Louis Jadot Montrachet Grand Cru. 1989 Chateau Margaux Grand Cru Classe. Rec'd. last week in December 1993. Estimated value (Montrachet)—$37.50. (Chateau Margaux)—$155.00. Currently used for official functions.	Myung Ho Kim, Governor of the Bank of Korea.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

AGENCY: INTERNAL REVENUE SERVICE

Office: A/C (Intl) Tax Administrative Service Foreign Gifts and Decorations Received (Report of Tangible Gifts)

Name and title of person accepting gift on behalf of the U.S. Government	Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Jeffrey C. Rozwadowski, International Visitor Information Specialist.	Jade carving of two running horses, estimated value—$400.00, in vault at headquarter building.	Haowei Zhao, Assistant Chief of the Municipal Finance Bureau of Anshan City.	Refusal would have caused embarassment and offense as this was a product of their city and a typical expression of gratitude

AGENCY: DEPARTMENT OF VETERANS AFFAIRS

Report of Travel or Expenses of Travel

Name and title of person accepting travel or travel expenses consistent with the interests of U.S. Government	Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States	Identity of foreign donor and government	Circumstances justifying acceptance
Samuel J. McKenna, D.D.S., M.D	Recd.—February 25, 1993. Est. Value—$5600. Expended for airfare, lodging and meals.	Crown Prince, Saudi Arabia	To attend and consult with the Crown Prince of Saudi Arabia on oral surgery procedures performed at the King Faisel Specialist Hospital in Saudi Arabia.
Samuel J. McKenna, D.D.S., M.D	Watch. Recd.—February 25, 1993. Est. Value—$1500.	Crown Prince, Saudi Arabia	Provided consultation to the Crown Prince of Saudi Arabia on oral surgery procedures performed at the King Faisel Specialist Hospital in Saudi Arabia. In appreciation for his time and expertise, the Crown Prince gave the watch to Dr. McKenna as a token gift.

[FR Doc. 94–19568 Filed 8–11–94; 8:45 am]
BILLING CODE 4710–20–M

OFFICE OF SCIENCE AND TECHNOLOGY

National Bioethics Advisory Commission Proposed Charter

AGENCY: Office of Science and Technology Policy (OSTP).

ACTION: Request for Comments.

SUMMARY: This notice describes a proposal to establish a National Bioethics Advisory Commission within the Executive Branch. The Commission would be charged to consider issues of bioethics arising from research on human biology and behavior, and the applications of that research.

DATES: Comments must be received on or before October 11, 1994.

ADDRESSES: Submit written comments by mail to: Bioethics Docket, Office of Science and Technology Policy, Room 436, OEOB, Washington, D.C. 20500, or by FAX to: 202–456–6027.

FOR FURTHER INFORMATION CONTACT: By mail: Rachel E. Levinson, Assistant Director for Life Sciences, Office of Science and Technology Policy, Room 436, OEOB, Washington, D.C. 20500. Office telephone number: 202–456–6137.

SUPPLEMENTARY INFORMATION: OSTP proposes that a standing advisory body be established within the Executive Branch to consider issues of bioethics arising from research on human biology and behavior, and the applications of that research. This action would fulfill a need recognized by all branches of the Federal government. For example, a report by the House of Representatives Committee on Government Operations recommended establishment of an advisory committee to examine the ethical, legal and social implications of the Human Genome Project. The proposed advisory body would expand the work of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research; the Department of Health, Education and Welfare's Ethics Advisory Board; and the President's Commission for the Study of Ethics Problems in Medicine and Biomedical and Behavioral Research.

OSTP seeks comments on a draft charter for a proposed National Bioethics Advisory Commission (NBAC). The NBAC would report to the President's National Science and Technology Council (NSTC). This arrangement will facilitate access to the deliberations and recommendations of the NBAC for the Executive Branch agencies most heavily invested in biological and behavioral research.

The Commission would be asked to identify and develop broad overarching principles to govern the ethical conduct of biological and behavioral research, and the applications of that research. The proposed NBAC would not have responsibility for the review and approval of individual projects.

The draft charter seeks to strike a balance between defining the NBAC's agenda so as to fulfill governmental needs, and allowing the Commission sufficient flexibility to advise the government on issues this group of experts and stakeholders believe should be addressed.

The charter specifies two prospective areas of inquiry, issues in the management and use of genetic information and protection of the rights and welfare of research subjects. Discrete issues that full under these two broad topics include: issues of genetic privacy, screening for genetic disorders, intellectual property rights, access to research data or materials developed with public funding, current views on informed consent, adequacy and implementation of Federal human subject research guidelines, and the concept of "minimal risk."

In addition, several other potential issues for consideration by the Commission have been raised in discussions to date including: adequacy and implementation of Federal human subject research guidelines, recommendations on requirements to maintain research data, and the ethical aspects of access to costly health care technology. The question is, how best might the scope of the Commission's charge be defined so as to meet public needs for deliberation of pressing issues in bioethics, without being so broad as to limit its effectiveness? An alternative option for addressing the last issue, for example, might be referral to a body more directly involved with decisions related to the provisions of health care and relevant cost/benefit analysis.

The Commission would be established in accordance with the Federal Advisory Committee Act (FACA). As such, its meetings would be open tot he public and announced in advance to facilitate public participation. In addition, reports produced by the NBAC would be made available to public either *in toto,* or in summary. The purpose of these efforts would be to involve the public in the deliberations of the NBAC to the greatest extent possible.

As a FACA committee, the NBAC will be required to have a balanced membership. Naturally, selection of Commission members is going to be a delicate process that should take into account the social and cultural mores of the times in order to establish a body that is sensitive to the potential impacts of its deliberations and recommendations. The draft charter proposes that members be appointed by the President. Suggestions for potential members or membership posts are sought through this Notice.

Draft Charter

Proposed National Bioethics Advisory Commission

Purpose

The National Bioethics Advisory Commission will provide advice and make recommendations to the National Science and Technology Council, other appropriate entities and the public, on bioethical issues arising from research on human biology and behavior, and the applications of that research.

Authority

42 U.S.C. 6617(a)(2). This Commission is governed by the provisions of the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation of advisory committees, and implementing regulations (41 CFR 101–6.10).

Functions

The National Bioethics Advisory Commission shall advise, consult with, and make recommendations to the National Science and Technology Council and other appropriate entities, and also make their advice and recommendations available to the public. The Commission's purview includes the appropriateness of departmental, agency, or other governmental programs, policies, assignments, missions, guidelines, and regulations as they relate to bioethical issues arising from research on human biology and behavior, and applications of that research. The Commission shall identify broad, overarching principles to govern the ethical conduct of research, citing individual projects only as illustrations for such principles. The Commission shall not be responsible for the review and approval of individual projects.

As a first priority, the Commission will direct its attention to consideration of:

A. Issues in the management and use of genetic information; and

B. Protection of the rights and welfare of research subjects.

In receiving and responding to requests for advice and recommendations from the National Science and Technology Council, the Commission shall consider four criteria in establishing priority for its activities:

A. The public health or public policy urgency of the bioethical issue.
B. The relation of the bioethical issue to the goals for Federal investment in science and technology.
C. The absence of another body able to fruitfully deliberate on the bioethical issue.
D. The extent of interest in the issue across the government. (The Commission ordinarily will not deliberate on a bioethical issue of interest to just one department or agency.)

The Commission also shall have the authority to identify bioethical issues, on its own behalf, for deliberation. The Commission will accept suggestions of issues for consideration from Federal agencies, Congress and the public. The Commission's decision to deliberate on a specific topic shall be made in consultation with the National Science and Technology Council. In all such instances, the four stated criteria for establishing priority shall pertain.

Structure

The National Bioethics Advisory Commission shall consist of not more than 15 members, including the Chairperson. Appointments shall be made by the President, who shall select from knowledgeable non-Government experts and community representatives with special qualifications and competence to deal effectively with bioethical issues of concern to the participating departments and agencies. At least one member shall be selected from each of the following categories of primary expertise: (i) bioethics/theology; (ii) social/behavioral science; (iii) law; (iv) medicine/allied health professions; and (v) biological research. At least three members shall be selected from the general public, bringing to the Commission expertise other than that listed. The membership shall be approximately evenly balanced between scientists and non-scientists.

Members shall be appointed for overlapping four-year terms. Initially, members will be appointed for two-, three- or four-year terms. Terms of more than two years are contingent upon renewal of the National Bioethics Advisory Commission by appropriate action prior to its termination. The Chairperson shall be appointed by the President. The term of office for the Chairperson shall be two years, renewable by appropriate action of the President.

If a vacancy occurs on the Commission, the President shall make an appointment to fulfill the term. Any member appointed to fill a vacancy occurring prior to expiration of the term for which his or her predecessor was appointed shall serve for the remainder of such term. Members may serve after the expiration of their terms until their successors have taken office.

The Commission may conduct inquiries, hold hearings and establish subcommittees, as necessary.

The Commission is authorized to conduct analyses and develop reports or other materials. In order to augment the expertise present on the Commission, the Commission is also authorized to contract for the services of non-governmental consultants who may conduct analyses, prepare reports and background papers or prepare other materials for consideration by the Commission, as appropriate.

In order to avoid duplication of effort, the Commission may, in lieu of, or as part of any of its authorized activities, incorporate the results of the deliberations of another entity as long as the Commission sets forth its reasons for doing so.

The Assistant to the President for Science and Technology shall be notified upon establishment of each subcommittee, and shall be provided information on the name, membership (including chair), function, estimated duration of the subcommittee, and estimated frequency of meetings.

Management and support services shall be provided by the Office for Protection from Research Risks, Department of Health and Human Services. Additional resources including, but not limited to personnel, office support and printing will be provided by other NSTC member agencies.

Meetings

Meetings of the Commission shall be held up to 10 times a year at the call of the Chairperson with the advance approval of a Federal Government official who shall also approve the agenda. Meetings of the subcommittee(s) shall be convened as necessary. A Federal Government official shall be present at all meetings.

Meetings shall be open to the public except as determined otherwise by the Assistant to the President for Science and Technology. Advance notice of all meetings shall be given to the public.

Meetings shall be conducted, and records of proceedings kept, as required by applicable laws and Federal regulations.

Compensation

Members may be compensated at a rate not to exceed the maximum pay authorized by 5 U.S.C. 3109, plus per diem and travel expenses as in accordance with standard government travel regulations.

Annual Cost Estimate

The estimated annual cost for operating the National Bioethics Advisory Commission, including compensation and travel expenses for members and contracting and publication services costs, but excluding that for staff support, $1,500,000. The estimated annual person years of staff support is six, at an estimated annual cost of $500,000.

Reports

Reports by the National Bioethics Advisory Commission on specific issues shall be submitted to the National Science and Technology Council, the appropriate committees of Congress, and other appropriate entities. The Commission may specifically identify the Federal department, agency or other entity to which particular recommendations are directed and request a response from the Federal department, agency or other entity within 180 days of publication of such recommendations.

Executive summaries of each report of the Commission shall be promulgated in the **Federal Register.** Such summaries shall specifically list the department, agency, or other entity to which any recommendations are directed and the date by which such responses are expected.

An annual report shall be submitted to the National Science and Technology Council and the appropriate committees of Congress. It shall contain, at a minimum, (i) the Commission's function; (ii) a list of members and their business addresses; (iii) the dates and places of meetings; (iv) a summary of the Commission's activities during the year; (v) a summary of the Commission's recommendations made during the year; and (vi) a summary of responses made by departments, agencies, or other entities to the Commission's recommendations during the year.

Termination Date

Unless renewed by appropriate action prior to its expiration, this National Bioethics Advisory Commission will

terminate two years from the date this charter is approved.

Barbara Ann Ferguson,

Administrative Officer, Office of Science and Technology Policy.

[FR Doc. 94–19688 Filed 8–11–94]

BILLING CODE 3170–01 OSTP–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Criteria and Application Process for the Secretarial Award for Excellence in Transportation Technology Research and Development

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Notice of Request for Nominations.

SUMMARY: The Department of Transportation (DOT) announces procedures for nominating individuals and organizations for the Secretarial Award for Excellence in Transportation Technology Research and Development. Awards are made annually by the Secretary of Transportation to recognize research and development contributions advancing the ability of the U.S. transportation industry to compete globally.

DATES: Nominations must be postmarked no later than October 30,1994.

ADDRESSES: An original and three copies of the nomination should be sent to: Noah Rifkin, Director of Technology Deployment, Office of the Secretary, U.S. Department of Transportation, 400 7th Street, SW, Washington, DC 20590, Room 10200.

FOR FURTHER INFORMATION CONTACT: John E. Hohl, Technology Sharing Officer, Research and Special Programs Administration, U.S. DOT 400 7th Street, SW, Washington D.C. 20590 Telephone: (202) 366–4978.

SUPPLEMENTARY INFORMATION:

Background

This notice solicits nominations for the Secretarial Award for Excellence in Transportation Technology Research and Development and provides relevant information on the nomination and selection process. The award is honorary recognition in the form of a certificate from the Secretary of Transportation. Awards will be presented annually.

Purpose

DOT is committed to providing the nation with a safe, efficient, environmentally sound and technologically advanced transportation system that promotes economic growth, enhances international economic competitiveness, and contributes to a secure and healthy environment. In fulfilling this mission, the Department intends to accelerate technological advances that promote the development and export of transportation technology and manufactured products. To further these goals, the Secretary of Transportation has established the Secretarial Award for Excellence in Transportation Technology Research and Development to recognize significant contributions to expanding the technology knowledge base and the ability of the transportation industry to compete internationally.

Organization Defined

- For purposes of this award, organizations include but are not limited to:
- Domestic or U.S. Corporations, including nonprofit corporations;
- Partnerships;
- Professional associations;
- Institutions of higher education;
- Federal, State, or local government; and
- Professional teams assembled for the specific projects.

Evaluation Criteria

Nominations will be evaluated based on the following criteria:

- Quality and innovative nature of the technology developed;
- How the technology has enhanced industry competitiveness, both domestically and internationally.
- Significance of individual or organization nominated to the success of the development effort:
- Entrepreneurial nature of research effort (nature of collaboration);
- Potential for positive economic benefits to the U.S. or specific region; and
- Applicability to more than one mode of transportation.

The qualifying work may be a singular accomplishment or a series of accomplishments that have had a substantial effect over time. Generally, technologies applicable to more than one transportation mode will be more favorably considered.

Examples of achievements that may be recognized include but are not limited to:

- Safety Improvements—Technology that reduces the likelihood of vehicle accidents or the likelihood of serious injury when a vehicle accident does occur or otherwise improves the chances of post-accident survival/recovery of accident victims. This could include research and development of instrumentation equipment, human factors, or biomechanics.
- Energy Savings.—Technology that saves energy in the production, operation, or disposition of vehicles through research in materials development, alternative fuels, engine and propulsion modifications, aerodynamic modeling and drag reduction, and combustion research.
- Environmental Quality—Technology applicable to transportation that reduces emissions; hazardous, solid or toxic waste; noise. This could include research and development of products, processes, or measurement instrumentation.
- International Industrial Competitiveness—Technology that allows the U.S. transportation industry to achieve sustainable world-class capabilities to compete in the global marketplace through the sale of transportation vehicles and equipment in overseas markets or the provision of freight and passenger transportation services to support international trade and travel.
- Job Creation—Transportation technology that creates jobs and makes a positive contribution to the U.S. economy.

Evaluation Process

The DOT Research and Technology Coordinating Council, chaired by the Director of Technology will appoint an Evaluation Committee to evaluate nominations under the prescribed criteria and to recommend awardees.

Recommendations of the Evaluation Committee will be reviewed by a Selection Committee made up of members of the Research and Technology Steering Committee. Final selections will be made by the Secretary of Transportation.

Nominating Procedures

Any person may nominate individuals or organizations from industry, academia, or government. Nomination should be in the form of a letter and must demonstrate that the nominee has provided significant contributions, through technology research and development, to advancing the ability of the U.S. transportation industry to compete globally in an area of transportation systems development, vehicle or facility design, construction, operation, or maintenance. Nominations must include the following:

- Name and address of the individual or organization being nominated;
- Name, address, and telephone number of the nominator. If the

nominator is other than an individual, a point of contact must be identified;

- A description of the accomplishments focusing on the evaluation criteria identified above;
- Recognition of accomplishments by peers (awards, patents, etc.), and
- If the nominee is an organization, documentation that the nominee is a domestic concern, as the term "domestic" is defined in 26 U.S.C. section 7710(a)(4).

The nomination should be no more than 10 numbered typewritten pages on 8.5 x 11 inch paper with one inch margins all around and font size of not less than 12 point. The nomination must be signed by at least one individual.

Nominations must be postmarked by October 30, 1994, and should be sent to: Noah Rifkin, Director of Technology Deployment, Office of the Secretary, U.S. Department of Transportation, 400 7th Street, SW, Washington, DC 20590, Room 10200.

Issued this 4th day of August, 1994, in Washington, D.C.

by: **Noah Rifkin,**

Director of Technology Deployment.

[FR Doc. 94–19790 Filed 8–11–94; 8:45 am]

BILLING CODE 4910–62–P

Coast Guard

[CGD–08–94–020]

Houston/Galveston Navigation Safety Advisory Committee Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Houston/Galveston Navigation Safety Advisory Committee (HOGANSAC) will meet to discuss various navigation safety matters affecting the Houston/Galveston area. The meeting will be open to the public.

DATES: The meeting will be held from 9 a.m. to 1 p.m. on Thursday, September 22, 1994.

ADDRESSES: The meeting will be held in the conference room of the Houston Pilots Office, 8150 South Loop East, Houston, Texas.

FOR FURTHER INFORMATION CONTACT: LTJG D.E. Rowlett, Recording Secretary, Commander, Eight Coast Guard District (oan), room 1211, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130–3396, telephone (504) 589–6235.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2 § 1 et seq. The meeting is open to the public. Members of the public may present written or oral statements at the meeting. The agenda for the meeting consists of the following items:

(1) Presentation of the minutes from the Inshore and Offshore Waterways Subcommittees and discussion of their recommendations.

(2) Discussion of previous recommendations made by the Committee.

(3) Presentation of any additional new items for consideration of the Committee.

Dated: August 3, 1994.

R.C. North,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 94–19729 Filed 8–11–94; 8:45 am]

BILLING CODE 4910–14–M

[CGD 08–94–021]

Houston/Galveston Navigation Safety Advisory Committee; Inshore Waterway Management Subcommittee Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Inshore Waterway Management Subcommittee of the Houston/Galveston Navigation Safety Advisory Committee will meet to discuss various navigation safety matters affecting the inshore waters the Houston/Galveston area.

DATES: The meeting will be held on Wednesday, September 1, 1994, from 10:30 a.m. to 12 noon.

ADDRESSES: The meeting will be held at U.S. Coast Guard Base Galveston, Ferry Road 1, Galveston, TX 77553.

FOR FURTHER INFORMATION CONTACT: LTJG D. E. Rowlett, Recording Secretary, Commander, Eighth Coast Guard District (oan), room 1211, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130–3396, telephone (504) 589–6235.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2 § 1 et seq. The meeting is open to the public. Members of the public may present written or oral statements at the meeting. The agenda for the meeting will consist of discussion of previous recommendations and presentation of new items for consideration.

Dated August 3, 1994.

R.C. North,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 94–19728 Filed 8–11–94; 8:45 am]

BILLING CODE 4910–14–M

[CGD08–44–022]

Houston/Galveston Navigation Safety Advisory Committee; Offshore Waterway Management Subcommittee Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Offshore Waterway Management Subcommittee of the Houston/Galveston Navigation Safety Advisory Committee will meet to discuss various navigation safety matters affecting the offshore waters of the Houston/Galveston area.

DATES: The meeting will be held at U.S. Coast Guard Base Galveston, Ferry Road 1, Galveston, TX 77553.

FOR FURTHER INFORMATION CONTACT: LTJG D.E. Rowlett, Recording Secretary, Commander, Eighth Coast Guard District (oan), room 1211, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130–3396, telephone (504) 589–6235.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2 § 1 et seq. The meeting is open to the public. Members of the public may present written or oral statements at the meeting. The agenda for the meeting will consist of discussion of previous recommendations and presentation of new items for consideration.

Dated: August 3, 1994.

R.C. North,

Rear Admiral, U.S. Coast Guard.

[FR Doc. 94–19727 Filed 8–11–94; 8:45 am]

BILLING CODE 4910–14–M

[CGD 94–060]

Interagency Coordinating Committee on Oil Pollution Research

AGENCY: Coast Guard, DOT.

ACTION: Notice.

SUMMARY: The Interagency Coordinating Committee is inviting interested parties to make presentations at a yet-to-be scheduled joint Federal/Industry Oil Pollution Research and Development (R&D) Coordination meeting. The purpose of the meeting is to share information on R&D related to oil pollution activities and coordinate programs between the Federal government and industry. Interested parties are requested to submit proposals for presentations to be made at the meeting. The Interagency Committee will review the proposals and invite selected parties to make

presentations. The meeting will be open to the public.

DATES: Proposals for presentations must be received by September 12, 1994.

ADDRESSES: The meeting may be held at U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC, in room 2415. Persons interested in applying should write to Commandant (G–MI/R), room 2110, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593–0001.

FOR FURTHER INFORMATION CONTACT:

CDR Lee Ellwein, Executive Director, (IACCOPR) room 2110, U.S. Coast Guard Headquarters, 2100 Second St. SW., Washington, DC 20593–001, (202) 267–6882. Fax (202) 267–4677.

SUPPLEMENTARY INFORMATION: The Interagency Committee is a thirteen member Federal agency committee to coordinate Federal oil spill research and development efforts. It was created by section 7001(a)(2) of the Oil Pollution Act of 1990 (P.L. 101–380), to coordinate oil pollution research, technology development, and demonstration among the Federal agencies, in cooperation and coordination with industry, universities, research institutions, State governments, and other nations. The areas of interest to the Interagency Committee are: Spill Prevention; Spill Response Planning and Management; Spill Response; Fate, Transport and Effects of Oil; and Restoration and Rehabilitation. The Interagency Committee is especially interested in assessing the current state of research within the private sector to avoid duplication of effort and more efficiently use scarce R&D resources. Presentations will be limited to ongoing or planned research on oil pollution related R&D. No proprietary commercial information will be presented.

Presentation proposals should include name, address, and organizational affiliation of the presenter, a brief description of the subject matter, and an estimate of the amount of time desired for the presentation. The date, time, and agenda for the meeting will be announced by a separate notice in the **Federal Register**. The Interagency Committee reserves the right to limit the number and length of presentations.

Dated: August 8, 1994.

Joseph J. Angelo,

Acting Chief, Office of Marine Safety Security and Environmental Protection.

[FR Doc. 94–19732 Filed 8–11–94; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

Approval of Noise Compatibility Program; Kissimmee Municipal Airport, Kissimmee, FL

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the City of Kissimmee under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96–193) and 14 CFR Part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96–52 (1980). On January 11, 1994, the FAA determined that the noise exposure maps submitted by the City of Kissimmee under Part 150 were in compliance with applicable requirements. On July 8, 1994, the Administrator approved the Kissimmee Municipal Airport noise compatibility program. Most of the recommendations of the program were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Kissimmee Municipal Airport noise compatibility program is July 8, 1994.

FOR FURTHER INFORMATION CONTACT: Tommy J. Pickering, P.E., Federal Aviation Administration, Orlando Airports District Office, 9677 Tradeport Drive, suite 130, Orlando, Florida 32827–3596, (407) 648–6583. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Kissimmee Municipal Airport, effective July 8, 1994.

Under section 104(a) of the Aviation Safety and Noise Abatement Act (ASNA) OF 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measure should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act, and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical users, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport nose compatibility program are delineated in FAR Part 150, Section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Orlando, Florida.

The City of Kissimmee submitted to the FAA on December 2, 1993, the noise exposure maps, descriptions, and other

documentation produced during the noise compatibility planning study conducted from July 1, 1991, through November 29, 1993. The Kissimmee Municipal Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on January 11, 1994. Notice of this determination was published in the **Federal Register** on January 28, 1994.

The Kissimmee Municipal Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 1998. It was requested that FAA evaluate and approve this material as a noise compatibility program as described in Section 104(b) of the Act. The FAA began its review of the program on January 11, 1994, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained nineteen (19) proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective July 8, 1994.

Outright approval was granted for seventeen (17) of the specific program elements. One (1) proposed action element was approved in part and one (1) proposed action element was disapproved for purposes of Part 150 pending submission of sufficient information to make an informed analysis under Part 150 criteria. The approval action was for the following program elements:

Measure	Description	NCP pages
	Operational Measures	
OC1	The airport director will work with the airship (blimp) operators to develop takeoff/landing flight track procedures to avoid adjacent noise sensitive areas during periods of heavy airship traffic at the airport. The procedures will develop flight plans for each airship operator to use a takeoff and landing direction toward the middle of the airport where Runways 15–33 and 6–24 intersect and will consider current overall demand and weather conditions at the airport. FAA Action: Disapproved for purposes of Part 150 pending the submission of sufficient information to make an informed analysis under Part 150 criteria. The NCP includes no information on the noise impacts of the blimps or on noise benefits of the proposed measure. The airport may either submit sufficient information for a Part 150 approval or may implement the proposed procedures for operational reasons provided that the procedures meet established guidelines under FAR Part 91.	Pgs. 5–10 and 6–1, and Table 6–1.
OC2	All turbojet and turboprop aircraft operators will be requested to use the NBAA arrival and close-in departure procedures. The operators of turbojet-powered aircraft which have a maximum certificated takeoff weight over 75,000 pounds will be requested to use the FAR Part 91.87 standard noise abatement departure profiles. FAA Action: Approved in part. The use of the NBAA procedures for turbojet and turboprop aircraft less than 75,000 pounds Gross Takeoff Weight is approved as a voluntary measure. Subsequent to the preparation of this NCP, FAR Part 91 was recodified and Advisory Circular 91–53A outlining Noise abatement procedures for large aircraft was issued. Since there has been a change in guidance not contemplated by the NCP, the measure suggesting use of specific departure procedures for large aircraft is disapproved pending receipt of additional information specifying the procedure to be used and describing its noise benefits.	Pgs. 5–9, 5–10, and 6–2; Table 6–1; and Appendices G and I.
OC3	Voluntary preferential flight track procedures are proposed for implementation at the airport as follows: Turbo-jet and turbo-prop aircraft departing Runway 15 will be requested to maintain runway heading as long as possible while climbing and to initiate a turn to any heading only after reaching an altitude of 1,300 feet MSL or reaching a point along the extended centerline past the intersection of Route 17–92 and just before the west shoreline of Lake Tohopekaliga (which is further defined as the intersection of the extended runway centerline and the 175° radial from the Orlando VOR). VFR traffic remaining in the airport's standard traffic patterns should maintain runway heading upon departure until reaching an altitude of 700 feet AGL. IFR traffic taking off from Runway 33 will fly the extended runway centerline until reaching an altitude of 500 feet AGL. At that time the aircraft may be turned to an on-course or a typical westerly heading depending upon local traffic conditions and the aircraft's destination. Typically aircraft departing Runway 33 will not go north or east because of conflicts with MCO. These measures will be subject to traffic at the airport, local traffic at Kissimmee, and current weather conditions. FAA Air Traffic will approve and control use of such procedures, and the City of Kissimmee will publicize the measures to pilots. FAA Action: Approved as a voluntary measure.	Pgs. 5–11, 5–12, 6–2, and 6–3; Exhibit 5–8, and Table 6–1
	Land Use Measures	
PC1	The City of Kissimmee and Osceola County both have Comprehensive Plans that address land use compatibility in the vicinity of the airport to some extent. It is recommended that the Comprehensive Plans be revised to incorporate the Noise Exposure Maps developed in this Part 150 Noise Study. This will be effective in reducing non-compatible development in vacant areas impacted by the future DNL 65 dB noise exposure contour. FAA Action: Approved. This measure will be effective in preventing the introduction of new non-compatible development.	Pgs. 5–33, 5–34, and 6–3; and Table 6–2.
PC2	The City of Kissimmee has an ordinance which establishes noise zones for Runway 15–33 based on aircraft noise levels. This ordinance establishes land use restrictions and sound level requirements for construction which are related to the noise zones. It is recommended that the noise zone descriptions in the ordinance be changed to conform with the NEM. This will ensure that the areas of applicability for airport related noise control measures are correctly defined. FAA Action: Approved.	Pgs. 5–34 to 5–36, and 6–3; Tables 4–4 and 6–2; and Appendix C.
PC3	Osceola County does not currently have an airport noise zoning ordinance. It is recommended that Osceola County develop overlay zoning to supplement the existing land zoning. This would prevent non-compatible development of vacant areas in Osceola County within the noise contours. FAA Action: Approved.	Pgs. 5–34 to 5–36, and 6–4; and Tables 4–4 and 6–2.

Measure	Description	NCP pages
PC4	The City of Kissimmee Noise Ordinance has a real estate sales disclosure provision which requires that a notification of potential noise impacts be given to prospective purchasers of residential property located in noise Zones B (DNL 70 to 75) and C (DNL 65 to 70). No residential development is allowed in noise Zone A (DNL 75 and above). A listing of property requiring notification is maintained and updated yearly. This ordinance requires that a disclosure statement be completed for the sale of all residential property located in a noise Zone which is filed with the property deed. This measure recommends that the current noise disclosure statement be revised to include an additional clause and that the disclosure statement be made available to all title companies and real estate agents in the Kissimmee area. The measure also recommends that the exact location of affected properties be coordinated with the Osceola County Property Appraiser's office and that the Osceola County regulations be modified to add a real estate sales disclosure provision to a County noise ordinance. This measure will provide notification of the possibility of aircraft flyovers and airport generated noise to prospective purchasers of residential property within the DNL 65 noise contour. FAA Action: Approved. The FAA strongly discourages additional residential development in areas with noise exposure levels greater than DNL 65dB.	Pgs. 5–36, 5–37, and 6–4; Table 6–2; and Appendices C and D.
PC5	It is recommended that the Noise Exposure Maps (NEM) and other criteria that were developed in this Part 150 Noise Study be adopted into the Kissimmee City Code. It is also recommended that Osceola County develop a County noise ordinance compatible with the City's ordinance. This will provide the City and County with the latest NEM documentation for determining compatible land uses within the noise zones and criteria for sound level reduction requirements for structures. FAA Action: Approved. The FAA strongly discourages the development of additional noise sensitive uses within the DNL 65dB contour rather than allowing such uses if sound attenuated. This is, however, a matter within the jurisdiction of the City and County and if such development is deemed necessary by those bodies, the houses should be sound attenuated during construction.	Pgs. 5–37 and 6–4; Exhibit 4–5; Tables 4–4 and 6–2; and Appendix C.
PC6	It is recommended that City and County subdivision regulations be modified to help ensure that adequate disclosure of airport generated noise is provided where needed. FAA Action: Approved.	Pgs. 5–37 and 6–4; and Table 10.
PC7	It is recommended that an interlocal agreement between the City of Kissimmee and Osceola County providing that a formal site plan review for development within the DNL 65 noise contour be established. This will provide the City and Airport with an opportunity to review and respond to the potential compatibility of proposed development in the County with the operation and future plans of the airport. FAA Action: Approved.	Pgs. 5–38 and 6–4; and Table 6–2.
PC8	It is recommended that the City of Kissimmee and Osceola County adopt acoustical treatment standards for new structures within noise Zones of DNL 65 exposure and above, and that these standards be included in their local comprehensive plans, local development codes, and noise ordinances. This will be effective in reducing interior noise levels for all new construction within the noise zones where land uses could not be re-zoned to more compatible uses. FAA Action: Approved. The FAA strongly discourages the development of additional noise sensitive uses within the DNL 65dB contour rather than allowing such uses if sound attenuated. This is, however, a matter within the jurisdiction of the City and County and if such development is deemed necessary by those bodies, the houses should be sound attenuated during construction.	Pgs. 5–38, 5–39, 6–4, and 6–5; Table 6–2; and Appendix C.
PC9	Subject to available funding, the City of Kissimmee, with the owner's consent, will purchase vacant property located within the DNL 65, 70, or 75 noise contours that is expected to be developed for non-compatible use. Purchase will be considered only if other measures such as the purchase of development rights or other less costly methods will not be effective in a particular case. Acquired noise property will either be retained for aviation use as needed or resold for a compatible use. FAA Action: Approved, subject to an evaluation at the time of implementation that the property is within the DNL 65 contour, and to a determination that the property either has been zoned incompatibly or is in imminent danger of being developed incompatibly unless it is acquired by the airport operator.	Pgs. 5–38, 5–39, 6–4, and 6–5; and Table 6–2.
PC10	Subject to available funding, the City of Kissimmee will purchase the development rights of vacant property within the DNL 65, 70, or 75 noise contours which cannot be purchased outright. This will compensate property owners for limiting proposed development to compatible uses. FAA Action: Approved.	Pgs. 5–37 and 6–9; and Table 6–2.
PC11	The City of Kissimmee will establish a noise committee with City and County residents to monitor noise complaints and provide a channel of communication between the public and the airport. FAA Action: Approved.	Pgs. 5–39 and 6–5; and Table 6–2.
PC12	It is recommended that the City of Kissimmee and Osceola County incorporate or reference Florida Statute 333, Airport Zoning Law of 1945, in their respective comprehensive plans and land development codes. The power to adopt airport zoning regulations is included in section 333.03. FAA Action: Approved.	Pgs. 5–39, 5–40, and 6–5; Table 6–2; and Appendix R.
RC1	It is recommended that the City of Kissimmee, subject to available funding and with the owner's consent, purchase existing non-compatible residential property. Acquired noise property will either be retained for aviation use as needed or resold for a compatible use. Net income from the resale of property acquired with AIP noise funds would be returned to the AIP fund or used to purchase other eligible noise impacted lands. FAA Action: Approved.	Pgs. 5–40 and 6–6; Exhibit 5–5; and Table 6–3.
RC2	It is recommended that a redevelopment program be established where the city of Kissimmee would acquire existing non-compatible properties located within the DNL 65 noise contour. Structures would be demolished or remodeled for a compatible use, and the acquired land would either remain the property of the City or be resold with avigation easements attached to ensure long-term compatibility. The cost of demolition or removal of structures would be deducted from the income derived from resale of the property. Net income from the resale of property acquired with AIP noise funds would be returned to the AIP fund or used to purchase other eligible noise impacted lands. FAA Action: Approved. This approval does not constitute any determination with respect to AIP eligibility. Parts of this redevelopment program may be ineligible for Federal funding, as the airport operator recognizes in the NCP.	Pgs. 5–41 and 6–6; Exhibit 5–5; and Table 6–3.

Measure	Description	NCP pages
RC3	It is recommended that the City of Kissimmee or Osceola County, with consent of the owners, purchase avigation easements to be held by the City for property located within the DNL 65, 70, or 75 noise contours if the land acquisition and redevelopment programs are not possible. The easement may be acquired in exchange for acoustical treatment of an existing structure. FAA Action: Approved.	Pgs. 5–42 and 6–6; Exhibit 5–5; and Table 6–3.
RC4	It is recommended that, subject to available funding, the City of Kissimmee establish an acoustical treatment program to consider all eligible existing non-compatible buildings located within the DNL 65 noise contour where acquisition and conversion to compatible use cannot be accomplished. Eligibility will be determined by interior noise monitoring to determine if the need for acoustical treatment exists under the City's Noise Ordinance. Acoustical treatment would be performed on a priority basis with schools first, single family homes second, and multi-family homes and apartment complexes third. A structure within the DNL 70 noise contour would be treated before a structure within the DNL 65 but outside the DNL 70 noise contour. It is recommended that specific consideration be given to Pleasant Hill Elementary School and Osceola High School. FAA Action: Approved. Further specific consideration of acoustical treatment for Pleasant Hill Elementary school and Osceola High School should include consideration of the location of the DNL 65 dB contour and revised noise zones. AIP funding may not be available to fund projects located in areas outside the DNL 65 dB contour.	Pgs. 5–41, 5–42 and 6–6; Exhibit 5–5; Table 6–3; and Appendix C.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on July 8, 1994. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the City of Kissimmee.

Issued in Orlando, Florida on July 25, 1994.

Charles E. Blair,

Manager, Orlando Airports District Office.

[FR Doc. 94–19789 Filed 8–11–94; 8:45 am]

BILLING CODE 4910–13–M

Research, Engineering and Development Advisory Committee; Meeting

Pursuant to Section 10(A)(2) of the Federal Advisory Committee Act (Public Law 92–362; 5 U.S.C. App. I), notice is hereby given of a meeting of the Federal Aviation Administration (FAA) Research, Engineering and Development Advisory Committee. The meeting will take place on Wednesday, August 31, 1994, at 9:30 a.m. in the MacCracken Room, 10th Floor, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC.

The agenda for this meeting will include a report from the Capacity Technology Subcommittee and updates of current activities from the Subcommittee on Aircraft Safety and the Compatible Land Use Working Group. A comprehensive program review on the FAA's Human Factors Program will be provided to the members with input from the National Aeronautics and Space Administration on their cooperative efforts in this area.

Attendance is open to the interested public but limited to space available. With the approval of the committee chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements, obtain information, or access the building to attend the meeting should contact Ms. Jan Peters, ASD–3, at (202) 287–8543 in the Office of the Associate Administrator for System Engineering and Development, 800 Independence Avenue, S.W., Washington, DC 20591. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on August 5, 1994.

Martin T. Pozesky,

Executive Director, Research, Engineering and Development Advisory Committee.

[FR Doc. 94–19786 Filed 8–11–94; 8:45am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement: Arenac and Iosco Counties, Michigan

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 will be prepared for the proposed US–23 freeway from M–13 to M–55, Arenac and Iosco Counties, Michigan.

FOR FURTHER INFORMATION CONTACT: Mr. Norman Stoner, Program Operations Engineer, FHWA, 315 W. Allegan Street, Room 207, Lansing Michigan, 48933, Telephone: (517) 377–1880; or Mr. Ronald S. Kinney, Manager, Environmental Section, Bureau of Transportation Planning, Michigan Department of Transportation, P.O. Box 30050, Lansing, Michigan, 48909, Telephone: (517) 335–2621.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Michigan Department of Transportation (MDOT), is preparing an Environmental Impact Statement (EIS) for the proposed US–23 freeway from M–13 to M–55 in Arenac and Iosco Counties, Michigan. The purpose of the new freeway is to assist northeast Michigan in its economic development program which has been intensified subsequent to the closure of Wurtsmith Air Force Base. The freeway will provide a high speed non-stop facility which will make the region's markets, resources, and employment base accessible to more clients and customers. An accelerated schedule for the completion of this 48 kilometer (30 mile) project is important to other economic development efforts. Alternatives under consideration include: (1) No Action, (2) low Capitol Improvements, and (3) Freeway on New Location..

The Low Capitol Alternate proposes the possibility of passing relief lanes, intersection and interchange improvements, and other minor traffic safety modifications.

Other alternates eliminated from further study through public and agency comments include a southern Bypass of Standish and Omer to M–65 and improvements along the existing alignment (roadways).

The freeway alternate is a four lane divided, controlled access freeway with a median on a new location. The route under study would begin at the existing US–23/M–13 interchange south of Standish and bypass Standish 1.6 kilometers (1 mile) east of US–23 to interchange with the existing US–23 northeast of Standish near Senske Road. From this point, the roadway proceeds northeast to cross the Rifle River about 1.6 kilometers (1 mile) northwest of Omer. The route then heads to parallel the railroad (along its west side) to Whittemore Road and then north to interchange with M–55 west of Tawas (between Imperial Drive and Rempert Road).

Early coordination with a number of Federal, State, and local agencies has identified the more significant issues to be addressed in the EIS. The U.S. Fish and Wildlife Service and the U.S. Environmental Protection Agency are requested to be cooperating agencies in the development of the proposed action. A scoping document will be prepared identifying the alternates being considered and the social, economic, and environmental issues involved.

The scoping document anticipated in August of 1994 and will be available to all interested agencies, organizations, and individuals on request. A pre-study meeting will be held in 1994 to provide the public an opportunity to discuss the proposed action. Comments on the scoping document and issues identified are invited from all interested parties. Requests for a copy of the scoping document or any comments submitted should be addressed to the above contact persons.

The Draft EIS is scheduled for completion in fall 1995 and will be available for public and agency review.

(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).

Issued on: July 6, 1994.

A. George Ostensen,

Division Administrator, Federal Highway Administration.

[FR Doc. 94–19705 Filed 8–11–94; 8:45 am]

BILLING CODE 4910–22–M

Federal Railroad Administration

Northeast Corridor Safety Committee; Public Meeting

Pursuant to Section 11 of the Rail Safety Improvement Act of 1988 (Pub. L. 100–342), notice is hereby given that a public meeting of the Northeast Corridor Safety Committee will be held on September 20, 1994, at 10 a.m. in room 6200 of the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

The meeting is called for the purpose of providing counsel and advice to the Department of Transportation on safety improvements on the main line of the Northeast Corridor (NEC). The major topics on the agenda include automatic train control, grade crossings, train set procurement, emergency response and vandalism. Others may be added and are specifically requested.

Issued in Washington, D.C. on August 5, 1994.

Bruce M. Fine,

Acting Associate Administrator for Safety.

[FR Doc. 94–19788 Filed 8–11–94; 8:45 am]

BILLING CODE 4910–06–M

Fiscal Year 1994 Railroad User Fee Calculations

AGENCY: Federal Railroad Administration; Department of Transportation.

ACTION: Notice.

SUMMARY: The Federal Railroad Administration is today publishing its fiscal year 1994 assessment rates supporting the collection of railroad user fees.

FOR FURTHER INFORMATION CONTACT: Vicki McCully, Railroad User Fee Officer, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590; telephone (202) 366–6569.

SUPPLEMENTARY INFORMATION: In its regulations implementing the Railroad User Fee provisions of section 20115 of Title 49, United States Code (formerly section 216 of the Federal Railroad Safety Act of 1970 (see 49 C.F.R. Part 245.301(a)), the Federal Railroad Administration (FRA) indicated that it would publish a notice each year in the **Federal Register** identifying FRA's calculations of the total railroad user fee to be collected for the fiscal year, the assessment rate per train mile, the assessment rate per employee hour, and the assessment rate per road mile (as adjusted by the sliding scale).

For fiscal year 1994, user fee assessments totalling $37,580,232 are based on 615,155,035 total industry train miles; 151,745 total industry road miles; and 519,282,243 total industry employee hours.

The base assessment rate per road mile is $86.49, with applicable adjustments for the sliding scale as follows:

TRAIN MILE/ROAD MILE RATIO	SF[1]	RM RATE[2]
1201 and above	1.00	$104.34
1001 to 1200	0.75	64.87
751 to 1,000	0.50	43.25
501 to 750	0.25	21.62
Up to 500	0.00	0.00

[1] SF refers to scaling factor.
[2] RM Rate refers to Road Mile Rate.

The assessment rate per train mile is $.033528. The assessment rate per employee hour is $.067222.

Issued in Washington, D.C. on August 5, 1994.

Jolene M. Molitoris,

Federal Railroad Administrator.

[FR Doc. 94–19781 Filed 8–11–94; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

August 5, 1994.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–1069
Regulation ID Number: EE–175–86 Final Regulations
Type of Review: Extension
Title: Certain Cash or Deferred Arrangements and Employee and Matching Contributions under Employee Plans
Description: The IRS needs this information to insure compliance with sections 401(k), 401(m), and 4979 of the Internal Revenue Code. Certain additional taxes may be imposed if sections 401(k) and 401(m) are not complied with.
Respondents: State or local governments, Farms, Businesses or other for-profit, Non-profit institutions, Small businesses or organizations
Estimated Number of Respondents/ Recordkeepers: 5,500
Estimated Burden Hours Per Respondent/Recordkeeper: 2 hours, 6 mins.
Frequency of Response: Annually
Estimated Total Reporting/ Recordkeeping Burden: 1,060,000 hours
Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf, (202) 395–7340, Office of Management and Budget, Room 10226, New Executive

Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 94–19676 Filed 8–11–94; 8:45 am]

BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

August 5, 1994.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0142
Form Number: IRS Form 2220
Type of Review: Revision

Title: Underpayment of Estimated Tax by Corporations

Description: Form 2220 is used by corporations to determine whether they are subject to the penalty for underpayment of estimated tax and, if so, the amount of the penalty. The IRS uses Form 2220 to determine if the penalty was correctly computed.

Respondents: Businesses or other for-profit, Small businesses or organizations

Estimated Number of Respondents/ Recordkeepers: 702,000

Estimated Burden Hours Per Respondent/Recordkeeper:

Form	Recordkeeping	Learning about the law or the form	Preparing and sending the the form form to the IRS
2220	30 hr., 38 min	28 hr., 56 min	1 hr., 41 min.
2220, Sch. A, Part. I	11 hr., 14 min	12 min	23 min.
2220, Sch. A., Part II	23 hr., 26 min		23 min.
2220, Sch. A., Part III	5 hr., 16 min		5 min.

Frequency of Response: On occasion

Estimated Total Reporting/ Recordkeeping Burden: 21,554,447 hours

Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 94–19675 Filed 8–11–94; 8:45 am]

BILLING CODE 4830–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Accession to the European Union by Austria, Finland, Norway and Sweden: Request for Comments; Trade Policy Staff Committee; Public Comments on Market Access Implications of Accession of Austria, Finland, Norway and Sweden to the European Union (EU)

AGENCY: Office of the United States Trade Representative.

ACTION: Request for written submissions from the public regarding the market access implications of accession of Austria, Finland, Norway and Sweden to the European Union.

SUMMARY: Austria, Finland, Norway and Sweden signed a treaty of accession on June 24, 1994 with the European Union. This treaty is expected to be ratified by the end of 1994 and implemented on January 1, 1995. The Trade Policy Staff Committee (TPSC) requests written submissions from the public concerning the market access implications of the EU accession of these four countries, for U.S. production and trade in goods and services.

These items would include any expected increases in tariff rates in the four countries due to their application of the EU's common external tariff.

DATE: Submissions must be received on or before noon, September 16, 1994.

ADDRESS: Office of the U.S. Trade Representative, 600 17th Street NW., Washington, D.C. 20506

FOR FURTHER INFORMATION CONTACT: Robert Kasper, Director for EFTA Affairs (202–395–3320), Office of the U.S. Trade Representative, 600 17th Street NW., Washington, D.C. 20506.

SUPPLEMENTARY INFORMATION: On June 24, 1994, Austria, Finland, Norway and Sweden signed a treaty of accession with the European Union (EU) and its member states. This treaty is expected to be ratified by the end of 1994 and implemented on January 1, 1995.

Under Article XXIV: 7(a) of the General Agreement on Tariffs and Trade (GATT), GATT contracting parties must formally notify the GATT of their intention to enter into a customs union, such as the European Union. A GATT working party will then be established to examine the proposed customs union in relation to the standards of Article XXIV, including the rule that the "duties and other regulations of commerce imposed * * * in respect of trade with contracting parties not parties to such union * * * shall not on the whole be higher or ore restrictive than the general incidence of the duties and other regulations of commerce applicable in the constituent territories prior to the formation of such union * * *" The GATT working party will examine the agreement to determine whether the duties and trade regulations of the enlarged EU will be higher or more restrictive with respect to the EU's trading partners than the duties and trade regulations of the EU and the four countries individually prior to accession.

Under the treaty of accession, Austria, Finland, Norway and Sweden will begin to apply the EU's trade regime, including the EU's common external tariff schedule, for almost all items, on January 1, 1995. While the United States has yet to receive trade information from the European Union upon which to evaluate the expected trade consequences of this accession, it is likely that U.S. production and trade in some sectors will be adversely affected.

If a country joining a customs union plans to raise a duty rate which is bound in its GATT schedule of concessions, it may renegotiate the tariff concession under GATT Article XXIV: 6 and the procedures of Article XXVIII. This renegotiation may result in the provision of tariff compensation (reduction of duties) covering an equivalent value of trade.

The Chairman of the Trade Policy Staff Committee invites written submissions from the public on the expected implications of the accession treaty on access to the markets of Austria, Finland, Norway, Sweden, or the existing EU member states for U.S. products and services. Submissions will be used in decisions regarding U.S. negotiating priorities with respect to the EU enlargement. The information obtained from these submissions will be considered during the GATT working party examination of the EU accession and the GATT Article XXIV: 6 tariff compensation negotiations.

Submissions should describe the product or service in question, and, in the case of products, should include the Harmonized System tariff heading(s). Submissions should describe the present market access for the products or services, including value and quantity of exports, any existing problems, and should identify the changes that are expected to result from the implementation of the accession treaty. Submissions may also include recommendations for appropriate compensation to be sought for instances of diminished market access. These recommendations could include such items as reductions in the EU common external tariff on goods, improvements to EU market access commitments on services, or other changes in the EU trade regime for goods and services.

Comments must be submitted in English and provided in twenty copies to Carolyn Frank, Secretary of the Trade Policy Staff Committee, Room 414, 600 17th Street NW., Washington, D.C. 20506, no later than 12:00 noon on Friday, September 16, 1994.

Public Inspection of Submissions

Except for information granted "business confidential" status pursuant to 15 CFR 2003.6, submissions will be available for public inspection by appointment at the USTR Public Reading Room, in room 101, Office of the United States Trade Representative, 600 17th Street, NW, Washington, D.C. An appointment to review the file may be made by calling Brenda Webb, (202) 395–6186. The USTR Reading Room is open to the public from 10:00 a.m. to 12:00 noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday. Any business confidential material must be clearly marked as such on the cover letter or page and each succeeding page, and must be accompanied by a nonconfidential summary of the confidential information. The nonconfidential summary will be open to public inspection.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 94–19704 Filed 8–11–94; 8:45 am]

BILLING CODE 3190–01–M

Trade Policy Staff Committee; Generalized System of Preferences (GSP); Review of GSP Benefits Lost by Thailand in 1989

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and solicitation of public comment.

SUMMARY: In 1989, Thailand lost some GSP benefits following a determination that Thailand does not provide adequate and effective intellectual property right protection. The purpose of this notice is: (1) to announce the initiation of a review process to consider whether any of the GSP benefits that were lost by Thailand should be restored; and (2) to solicit public comments on the restoration of such benefits.

FOR FURTHER INFORMATION CONTACT: GSP Subcommittee, Office of the United States Trade Representative, 600 17th Street, NW., room 517, Washington, DC 20506. The telephone number is (202) 395–6971.

SUPPLEMENTARY INFORMATION:

I. Background

On January 19, 1989, President Reagan determined, pursuant to sections 502 and 504 of the Trade Act of 1974, as amended (19 U.S.C. 2462 and 2464), that Thailand does not fully provide adequate and effective means to secure, exercise and enforce exclusive rights in intellectual property (54 **Federal Register** 3573). Accordingly, the President: (1) denied a competitive need limit waiver; (2) revoked four competitive need limit waivers; (3) imposed reduced competitive need limits to certain specified articles; and (4) established a policy that future requests for competitive need limit waivers for Thai products would not be considered until Thailand provides adequate and effective intellectual property right (IPR) protection.

As a result of the 1989 determination, Thailand became ineligible for GSP treatment on articles in the following subheadings of the Harmonized Tariff Schedule of the United States (HTS):

HTS subheading 0713.31.40	mung beans
HTS subheading 1102.30.00	rice flour
HTS subheading 1103.14.00	rice meal
HTS subheading 6702.90.65	artificial flowers
HTS subheading 6908.10.20	ceramic tile
HTS subheading 7113.11.20	jewelry
HTS subheading 7113.11.50	jewelry
HTS subheading 7113.19.50	jewelry
HTS subheading 7113.20.50	jewelry
HTS subheading 9401.40.00	seats
HTS subheading 9401.61.60	seats
HTS subheading 9401.69.80	seats
HTS subheading 9403.30.80	wooden office furniture
HTS subheading 9403.40.90	wooden kitchen furniture
HTS subheading 9403.50.90	wooden bedroom furniture
HTS subheading 9403.60.80	other wooden furniture

II. GSP Review for Thailand

On July 20, 1994, U.S. Trade Representative Kantor announced that USTR would initiate a review process to determine whether any of the GSP benefits that Thailand lost in 1989 should be restored because of progress by the Government of Thailand on IPR protection. This notice formally announces the initiation of a review process to determine whether Thailand's eligibility for GSP treatment for the products in these HTS subheadings should be restored. The decision on whether to restore any GSP benefits to Thailand will be based on the requirements of the GSP law, Title V of the Trade Act of 1974, as amended (19 U.S.C. 2461 *et seq.*), and on Thai progress on IPR protection, including the final passage of a copyright act that is consistent with international standards, the creation of an IPR court and the rapid implementation of Thai obligations under the Uruguay Round intellectual property agreements (TRIPs).

III. Public Comments

Interested parties are invited to submit comments regarding the restoration of the GSP benefits for Thailand that are described above. Comments must be submitted in 14 copies, in English, to the Chairman of the GSP Subcommittee, Trade Policy Staff Committee, 600 17th Street, NW., room 517, Washington, DC 20506. Comments must be received no later than 5 p.m. on Wednesday, September 21, 1994. Information and comments submitted regarding Thailand's lost GSP benefits will be subject to public inspection by appointment with the staff of the USTR Public Reading Room, except for information granted "business confidential" status pursuant to 15 CFR 2003.6 and 2007.7. If the document contains business confidential information, 14 copies of a nonconfidential version of the submission along with 14 copies of the confidential version must be submitted. The confidential version of the

submission should be clearly marked "Submitted in Confidence" at the top and bottom of each and every page of the document. A nonconfidential summary of the confidential information must be included with the confidential submission, along with a written explanation of why the confidential material should be protected. The version which does not contain business confidential information (the public version) should also be clearly marked at the top and bottom of each and every page (either "public version" or "non-confidential").

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 94–19713 Filed 8–11–94; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Prosthetics and Special-Disabilities Programs; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 that a meeting of the Advisory Committee on Prosthetics and Special-Disabilities Programs will be held Thursday and Friday, September 22–23, 1994, at VA Central Office, 810 Vermont Avenue, N.W., Washington, DC. The meeting will be held in Room 230. The September 22 session will convene at 8:30 a.m. and adjourn at 4 p.m. and the September 23 session will convene at 8:30 a.m. and adjourn at 12:00 noon.

The purpose of the Advisory Committee is to advise the Department on its prosthetics programs designed to provide state-of-the-art prosthetics and the associated rehabilitation research, development, and evaluation of such technology. The Advisory Committee also advises the Department on special disability programs which are defined as any program administered by the Secretary to serve veterans with spinal cord injury, blindness or vision impairment, loss of or loss of use of extremities, deafness or hearing impairment, or other serious incapacities in terms of daily life functions.

The meeting is open to the public to the capacity of the room. For those wishing to attend, contact Kathy Pessagno, Veterans Health Administration (117C), phone (202) 535–7293, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, D.C. 20420, prior to September 16, 1994.

Dated: August 3, 1994.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 94–19662 Filed 8–11–94; 8:45 am]

BILLING CODE 8320–01–M

Veterans' Advisory Committee on Rehabilitation; Notice of Meeting

The Department of Veterans Affairs gives notice that a meeting of the Veterans' Advisory Committee on Rehabilitation, authorized by 38 U.S.C., Section 3121, will be held on September 18, 19, and 20, 1994, in Albuquerque, New Mexico. The committee will meet from 10 a.m. to 3 p.m. on September 18, from 9 a.m. to 4 p.m. on September 19, and from 9 a.m. to 12 noon on September 20, 1994. The purpose of the meeting will be to review the administration of veterans' rehabilitation programs and to provide recommendations to the Secretary. The meeting will be open to the public up to the seating capacity of the meeting room. Due to changes in the location of the meeting area each day, it will be necessary for those wishing to attend to contact Theresa Boyd at 202–273–7412 prior to September 15, 1994. Interested persons may attend, appear before, or file statements with the Committee. Statements, if in written form, may be filed before or within 10 days after the meeting. Oral statements will be heard at 2 p.m. on September 18, 1994.

Dated: August 2, 1994.

By Direction of the Secretary:

Heyward Bannister,

Committee Management Officer.

[FR Doc. 94–19661 Filed 8–11–94; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 59, No. 155
Friday, August 12, 1994

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).

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given of the following meeting of the Board:

TIME AND DATE: 1:00 p.m., August 24, 1994.

PLACE: Board Conference Room, Suite 700, 625 Indiana Ave. NW, Washington, D.C. 20004.

STATUS: Closed. Exemption 3. Portions of the meeting may also be closed under Exemption 1 and Exemption 9.

MATTERS TO BE CONSIDERED: The Board will discuss a possible Recommendation to the Secretary of Energy on the subject of low-level radioactive waste.

FOR FURTHER INFORMATION CONTACT: Robert M. Andersen, General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004, (202) 208–6387.

SUPPLEMENTARY INFORMATION: The Board specifically reserves its right to further schedule and otherwise regulate the course of the hearing, to recess, reconvene, postpone or adjourn the hearing, conduct further reviews, and otherwise exercise its power under the Atomic Energy Act of 1954, as amended.

Dated: August 10, 1994.

John T. Conway,

Chairman.

[FR Doc. 94–19910 Filed 8–10–94; 12:39 am]

BILLING CODE 6820–KD–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 10:02 a.m. on Tuesday, August 9, 1994, the Corporation's Board of Directors determined, on motion of Director Eugene A. Ludwig (Comptroller of the Currency), seconded by Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), concurred in by Acting Chairman Andrew C. Hove, Jr., that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Memorandum re: Guidelines within which the Division of Supervision will exercise the authority delegated to it as set forth in section 362.6 of the Corporation's rules and regulations with respect to applications by insured state banks involving retention of various types of life insurance products.

Memorandum with respect to a revised process for handling appeals of the supervisory subgroup component of the risk-based premium calculation.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: August 9, 1994.

Federal Deposit Insurance Corporation.

Patti C. Fox,

Acting Deputy Executive Secretary.

[FR Doc. 94–19882 Filed 8–10–94; 12:18 am]

BILLING CODE 6714–0–M

DEPARTMENT OF JUSTICE

UNITED STATES PAROLE COMMISSION

PUBLIC ANNOUNCEMENT

Pursuant to the Government in the Sunshine Act
(Public Law 94–409) [5 U.S.C. Section 552b]

DATE AND TIME: Thursday, August 18, 1994, 9:00 a.m.

PLACE: 5550 Friendship Boulevard, Chevy Chase, Maryland, 20815.

STATUS: Closed—Meeting.

MATTERS CONSIDERED: The following matters will be considered during the closed portion of the Commission's Business Meeting:

Appeals to the Commission involving approximately nine cases decided by the National Commissioners pursuant to a reference under 28 C.F.R. 2.27. These cases were originally heard by an examiner panel wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

AGENCY CONTACT: Tom Kowalski, Case Operations, United States Parole Commission, (301) 492–5962.

Dated: August 18, 1994.

Michael A. Stover,

General Counsel, U.S. Parole Commission.

[FR Doc. 94–19938 Filed 8–10–94; 8:45 am]

BILLING CODE 4410–1–M

DEPARTMENT OF JUSTICE

UNITED STATES PAROLE COMMISSION

Public Announcement

Pursuant To The Government In the Sunshine Act

(Public Law 94–409) [5 U.S.C. Section 552b]

TIME AND DATE: 1:30 p.m., Thursday, August 18, 1994.

PLACE: 5550 Friendship Boulevard, Chevy Chase, Maryland, 20815.

STATUS: Open.

MATTERS TO BE CONSIDERED: The following matters have been placed on the agenda for the open Parole Commission meeting:

1. Approval of minutes of previous Commission meeting.
2. Reports from the Chairman, Commissioners, Legal, Chief of Staff, Case Operations, and Administrative Sections.
3. Update on the Activities of the Committee on Community Corrections.
4. Discussion on the policy of Military Prisoners who are Mandatorily Released.
5. Proposal to Issue a Final Rule Change on Single Examiner Hearings.
6. Proposal to Issue a Final Rule on Salient Factor Scoring.

AGENCY CONTACT: Tom Kowalski, Case Operations, United States Parole Commission, (301) 492–5962.

Dated: August 9, 1994.

Michael A. Stover,

General Counsel, U.S. Parole Commission.

[FR Doc. 94–19939 Filed 8–10–94; 2:56 pm]

BILLING CODE 4410–1–M

federal register

Friday
August 12, 1994

Part II

Corporation for National and Community Service

45 CFR Parts 2541 and 2542
Corporation Grant and Cooperative Agreement Requirements; Final Rule

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Parts 2541 and 2542

Corporation Grant and Cooperative Agreement Requirements

AGENCY: Corporation for National and Community Service.

ACTION: Final Rule.

SUMMARY: The Corporation for National and Community Service (Corporation) is adopting in its final rules the following two Federal agency common rules: Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments; and Governmentwide Debarment and Suspension (Nonprocurement) and Drug-Free Workplace (Grants). These regulations have been adopted by the Corporation because they are applicable to State and Local Governments that receive grants from the Corporation. In addition, all Corporation grantees must comply with the Governmentwide Debarment and Suspension and Drug-Free Workplace rules. By implementing these regulations, the Corporation grantees will know some of the terms and conditions of their respective grants.

EFFECTIVE DATE: This final rule is effective on August 12, 1994.

FOR FURTHER INFORMATION CONTACT: Terry Russell, General Counsel, (202) 606–4949, (Voice) (202) 606–5256, (TDD), between the hours of 9:00 a.m. and 6:00 p.m. Eastern Standard Time. For individuals with disabilities, information will be made available in alternative formats, upon request.

SUPPLEMENTARY INFORMATION:

Background Information

Part 2541 contains the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments which is a common rule developed by OMB and adopted by the Federal agencies to ensure consistency and uniformity among Federal agencies in the administration of grants and cooperative agreements to State, local, and federally recognized Indian tribal governments. A full discussion of the issues pertaining to this rule is contained in the preamble to the final common rule that was adopted by 23 Federal agencies and published in the **Federal Register** on March 11, 1988 (53 FR 8034).

Part 2542 contains the Governmentwide Debarment and Suspension Requirements which were implemented pursuant to Executive Order 12549 to prevent waste, fraud and abuse in Federal nonprocurement transactions. A discussion of the issues pertaining to this rule is contained in the preamble of the final common rule that was adopted by 27 Federal agencies and published in the **Federal Register** on May 26, 1988 (53 FR 19161). Part 2542 also contains the Governmentwide Drug-Free Workplace rules which were established to implement the Drug-Free Workplace Act of 1988, 41 U.S.C. 701–722. The Drug Free Workplace Act requires that all grantees receiving grants from any Federal agency certify to that agency that they will maintain a drug-free workplace, or in the case of a grantee who is an individual, certify to the agency that his or her conduct of grant activity will be drug-free. A full discussion of the issues pertaining to this rule is contained in the preamble of the interim final rule that was adopted by 33 Federal agencies and published in the **Federal Register** on May 25, 1990 (55 FR 21679).

The Corporation finds that publishing a notice of proposed rulemaking on these matters would be unnecessary, and contrary to the public interest, since the common rulemaking has been subjected to extensive public scrutiny when OMB proposed and finalized the rules and 27 federal agencies issued these proposed rules for notice and comments. Consequently, the Corporation for good cause pursuant to 5 U.S.C. 553(b) has decided not to publish a proposed rulemaking on these matters and has adopted and published these rules as a final rule. This regulation is fully in effect. No further regulatory action by the Corporation is essential to the legal effectiveness of the rule.

Pursuant to the Regulatory Flexibility Act, it is hereby certified that this final rule will not have a significant impact on small business entities.

List of Subjects

45 CFR Part 2541

Accounting, Grant programs, Indians, Intergovernmental relations, Reporting and recordkeeping requirements.

45 CFR Part 2542

Administrative practice and procedure, Drug abuse, Grant programs, Reporting and recordkeeping requirements.

Terry Russell,

General Counsel.

Accordingly, the Corporation amends title 45, chapter XXV of the Code of Federal Regulations by adding parts 2541 and 2542 to read as follows:

PART 2541—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Subpart A—General

Sec.

2541.10 Purpose and scope of this part.
2541.20 Scope of subpart.
2541.30 Definitions.
2541.40 Applicability.
2541.50 Effect on other issuances.
2541.60 Additions and exceptions.

Subpart B—Pre-Award Requirements

2541.100 Forms for applying for grants.
2541.110 State plans.
2541.120 Special grant or subgrant conditions for "high-risk" grantees.

Subpart C—Post Award Requirements

2541.200 Standards for financial management systems.
2541.210 Payment.
2541.220 Allowable costs.
2541.230 Period of availability of funds.
2541.240 Matching or cost sharing.
2541.250 Program income.
2541.260 Non-Federal audit.

Subpart D—Changes, Property and Subawards

2541.300 Changes.
2541.310 Real property.
2541.320 Equipment.
2541.330 Supplies.
2541.340 Copyrights.
2541.350 Subawards to debarred and suspended parties.
2541.360 Procurement.
2541.370 Subgrants.

Subpart E—Reports, Records, Retention and Enforcement

2541.400 Monitoring and reporting program performance.
2541.410 Financial reporting.
2541.420 Retention and access requirements for records.
2541.430 Enforcement.
2541.440 Termination for convenience.

Subpart F—After the Grant Requirements

2541.500 Closeout.
2541.510 Later disallowances and adjustments.
2541.520 Collection of amounts due.

Authority: 42 U.S.C. 4950 *et seq.* and 12501 *et seq.*

Subpart A—General

§ 2541.10 Purpose and scope of this part.

This part establishes uniform administrative rules for Federal grants and cooperative agreements and subawards to State, local and Indian tribal governments.

§ 2541.20 Scope of subpart.

This subpart contains general rules pertaining to this part and procedures for control of exceptions from this part.

§ 2541.30 Definitions.

The following definitions apply to terms used in this part and part 2542 of this chapter.

Accrued expenditures. The term *accrued expenditures* means the charges incurred by the grantee during a given period requiring the provision of funds for:

(1) Goods and other tangible property received;

(2) Services performed by employees, contractors, subgrantees, subcontractors, and other payees; and

(3) Other amounts becoming owed under programs for which no current services or performance is required, such as annuities, insurance claims, and other benefit payments.

Accrued income. The term *accrued income* means the sum of:

(1) Earnings during a given period from services performed by the grantee and goods and other tangible property delivered to purchasers; and

(2) Amounts becoming owed to the grantee for which no current services or performance is required by the grantee.

Acquisition cost. The term *acquisition cost* of an item of purchased equipment means the net invoice unit price of the property including the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Other charges such as the cost of installation, transportation, taxes, duty or protective in-transit insurance, shall be included or excluded from the unit acquisition cost in accordance with the grantee's regular accounting practices.

Administrative requirements. The term *administrative requirements* means those matters common to grants in general, such as financial management, kinds and frequency of reports, and retention of records. These are distinguished from "programmatic" requirements, which concern matters that can be treated only on a program-by-program or grant-by-grant basis, such as kinds of activities that can be supported by grants under a particular program.

Awarding agency. The term *awarding agency* means:

(1) With respect to a grant, the Federal agency; and

(2) With respect to a subgrant, the party that awarded the subgrant.

Cash contributions. The term *cash contributions* means the grantee's cash outlay, including the outlay of money contributed to the grantee or subgrantee by other public agencies and institutions, and private organizations and individuals. When authorized by Federal legislation, Federal funds received from other assistance agreements may be considered as grantee or subgrantee cash contributions.

Contract. The term *contract* means (except as used in the definitions for "grant" and "subgrant" in this section and except where qualified by "Federal") a procurement contract under a grant or subgrant, and means a procurement subcontract under a contract.

Cost sharing (or *matching*). The term *cost sharing* (or *matching*) means the value of the third party in-kind contributions and the portion of the costs of a federally assisted project or program not borne by the Federal Government.

Cost-type contract. The term *cost-type contract* means a contract or subcontract under a grant in which the contractor or subcontractor is paid on the basis of the costs it incurs, with or without a fee.

Equipment. The term *equipment* means tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. A grantee may use its own definition of equipment provided that such definition would at least include all equipment mentioned in this definition.

Expenditure report. The term *expenditure report* means:

(1) For nonconstruction grants, the SF–269 "Financial Status Report" (or other equivalent report);

(2) for construction grants, the SF–271 "Outlay Report and Request for Reimbursement" (or other equivalent report).

Federally recognized Indian tribal government. The term *federally recognized Indian tribal government* means the governing body or a governmental agency of any Indian tribe, band, nation, or other organized group or community (including any Native village as defined in section 3 of the Alaska Native Claims Settlement Act, 85 Stat. 688) certified by the Secretary of the Interior as eligible for the special programs and services provided by him through the Bureau of Indian Affairs.

Government. The term *government* means a State or local government or a federally recognized Indian tribal government.

Grant. The term *grant* means an award of financial assistance, including cooperative agreements, in the form of money, or property in lieu of money, by the Federal Government to an eligible grantee. The term does not include technical assistance which provides services instead of money, or other assistance in the form of revenue sharing, loans, loan guarantees, interest subsidies, insurance, or direct appropriations. Also, the term does not include assistance, such as a fellowship or other lump sum award, which the grantee is not required to account for.

Grantee. The term *grantee* means the government to which a grant is awarded and which is accountable for the use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the grant award document.

Local government. The term *local government* means a county, municipality, city, town, township, local public authority (including any public and Indian housing agency under the United States Housing Act of 1937 (42 U.S.C. 1401 et seq.) school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under state law), any other regional or interstate government entity, or any agency or instrumentality of a local government.

Obligations. The term *obligations* means the amounts of orders placed, contracts and subgrants awarded, goods and services received, and similar transactions during a given period that will require payment by the grantee during the same or a future period.

OMB. The term *OMB* means the United States Office of Management and Budget.

Outlays (expenditures). The term *outlays* (expenditures) means charges made to the project or program. They may be reported on a cash or accrual basis. For reports prepared on a cash basis, outlays are the sum of actual cash disbursement for direct charges for goods and services, the amount of indirect expense incurred, the value of in-kind contributions applied, and the amount of cash advances and payments made to contractors and subgrantees. For reports prepared on an accrued expenditure basis, outlays are the sum of actual cash disbursements, the amount of indirect expense incurred, the value of in-kind contributions applied, and the new increase (or decrease) in the amounts owed by the grantee for goods and other property received, for services performed by employees, contractors, subgrantees, subcontractors, and other payees, and other amounts becoming owed under programs for which no current services or performance are required, such as annuities, insurance claims, and other benefit payments.

Percentage of completion method. The term *percentage of completion method* refers to a system under which

payments are made for construction work according to the percentage of completion of the work, rather than to the grantee's cost incurred.

Prior approval. The term *prior approval* means documentation evidencing consent prior to incurring specific cost.

Real property. The term *real property* means land, including land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

Share. The term *share*, when referring to the awarding agency's portion of real property, equipment or supplies, means the same percentage as the awarding agency's portion of the acquiring party's total costs under the grant to which the acquisition costs under the grant to which the acquisition cost of the property was charged. Only costs are to be counted—not the value of third-party in-kind contributions.

State. The term *State* means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State exclusive of local governments. The term does not include any public and Indian housing agency under the United States Housing Act of 1937.

Subgrant. The term *subgrant* means an award of financial assistance in the form of money, or property in lieu of money, made under a grant by a grantee to an eligible subgrantee. The term includes financial assistance when provided by contractual legal agreement, but does not include procurement purchases, nor does it include any form of assistance which is excluded from the definition of "grant" in this part.

Subgrantee. The term *subgrantee* means the government or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of the funds provided.

Supplies. The term *supplies* means all tangible personal property other than "equipment" as defined in this part.

Suspension. The term *suspension* means, depending on the context, either—

(1) Temporary withdrawal of the authority to obligate grant funds pending corrective action by the grantee or subgrantee or a decision to terminate the grant; or

(2) An action taken by a suspending official in accordance with agency regulations implementing E.O. 12549 (3 CFR, 1986 Comp., p. 189) to immediately exclude a person from participating in grant transactions for a period, pending completion of an investigation and such legal or debarment proceedings as may ensue.

Termination. The term *termination* means permanent withdrawal of the authority to obligate previously-awarded grant funds before that authority would otherwise expire. It also means the voluntary relinquishment of that authority by the grantee or subgrantee. Termination does not include—

(1) Withdrawal of funds awarded on the basis of the grantee's underestimate of the unobligated balance in a prior period;

(2) Withdrawal of the unobligated balance as of the expiration of a grant;

(3) Refusal to extend a grant or award additional funds, to make a competing or noncompeting continuation, renewal, extension, or supplemental award; or

(4) Voiding of a grant upon determination that the award was obtained fraudulently, or was otherwise illegal or invalid from inception.

Terms of a grant or subgrant mean all requirements of the grant or subgrant, whether in statute, regulations, or the award document.

Third party in-kind contributions. The term *third party in-kind contributions* means property or services which benefit a federally assisted project or program and which are contributed by non-Federal third parties without charge to the grantee, or a cost-type contractor under the grant agreement.

Unliquidated obligations for reports prepared on a cash basis. The term *unliquidated obligations for reports prepared on a cash basis* means the amount of obligations incurred by the grantee that has not been paid. For reports prepared on an accrued expenditure basis, they represent the amount of obligations incurred by the grantee for which an outlay has not been recorded.

Unobligated balance. The term *unobligated balance* means the portion of the funds authorized by the Federal agency that has not been obligated by the grantee and is determined by deducting the cumulative obligations from the cumulative funds authorized.

§ 2541.40 Applicability.

(a) *General.* Subparts A through D of this part apply to all grants and subgrants to governments, except where inconsistent with Federal statutes or with regulations authorized in accordance with the exception provision of § 2541.60, or:

(1) Grants and subgrants to State and local institutions of higher education or State and local hospitals.

(2) The block grants authorized by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, 95 Stat. 357) (Community Services; Preventive Health and Health Services; Alcohol, Drug Abuse, and Mental Health Services; Maternal and Child Health Services; Social Services; Low-Income Home Energy Assistance; States' Program of Community Development Block Grants for Small Cities; and Elementary and Secondary Education other than programs administered by the Secretary of Education under title V, subtitle D, chapter 2, section 583—the Secretary's discretionary grant program) and titles I–III of the Job Training Partnership Act of 1982 (29 U.S.C. 1501 et seq.) and under the Public Health Services Act (42 U.S.C. 201 et seq.), Alcohol and Drug Abuse Treatment and Rehabilitation Block Grant and part C of title V, Mental Health Service for the Homeless Block Grant).

(3) Entitlement grants to carry out the following programs of the Social Security Act (42 U.S.C. 301 et seq.):

(i) Aid to Needy Families with Dependent Children (title IV–A of the Act, not including the Work Incentive Program (WIN) authorized by section 402(a)19(G); HHS grants for WIN are subject to this part);

(ii) Child Support Enforcement and Establishment of Paternity (title IV–D of the Act);

(iii) Foster Care and Adoption Assistance (title IV–E of the Act);

(iv) Aid to the Aged, Blind, and Disabled (titles I, X, XIV, and XVI–AABD of the Act); and

(v) Medical Assistance (Medicaid) (title XIX of the Act) not including the State Medicaid Fraud Control program authorized by section 1903(a)(6)(B).

(4) Entitlement grants under the following programs of The National School Lunch Act (42 U.S.C. 1751 et seq.):

(i) School Lunch (section 4 of the Act);

(ii) Commodity Assistance (section 6 of the Act);

(iii) Special Meal Assistance (section 11 of the Act);

(iv) Summer Food Service for Children (section 13 of the Act); and

(v) Child Care Food Program (section 17 of the Act).

(5) Entitlement grants under the following programs of The Child Nutrition Act of 1966:

(i) Special Milk (section 3 of the Act); and

(ii) School Breakfast (section 4 of the Act).

(6) Entitlement grants for State Administrative expenses under The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(7) A grant for an experimental, pilot, or demonstration project that is also supported by a grant listed in paragraph (a)(3) of this section.

(8) Grant funds awarded under subsection 412(e) of the Immigration and Nationality Act (8 U.S.C. 1522(e)) and subsection 501(a) of the Refugee Education Assistance Act of 1980 (Pub. L. 96–422, 94 Stat. 1809), for cash assistance, medical assistance, and supplemental security income benefits to refugees and entrants and the administrative costs of providing the assistance and benefits.

(9) Grants to local education agencies under 20 U.S.C. 236 through 241–1(a), and 242 through 244 (portions of the Impact Aid program), except for 20 U.S.C. 238(d)(2)(c) and 240(f) (Entitlement Increase for Handicapped Children).

(10) Payments under the Veterans Administration's State Home Per Diem Program (38 U.S.C. 641(a)).

(b) *Entitlement programs.* Entitlement programs enumerated in § 2541.40(a) (3) through (8) are subject to subpart E of this part.

§ 2541.50 Effect on other issuances.

All other grants administration provisions of codified program regulations, program manuals, handbooks and other nonregulatory materials which are inconsistent with this part are superseded, except to the extent they are required by statute, or authorized in accordance with the exception provision in § 2541.60.

§ 2541.60 Additions and exceptions.

(a) For classes of grants and grantees subject to this part, Federal agencies may not impose additional administrative requirements except in codified regulations published in the Federal Register.

(b) Exceptions for classes of grants or grantees may be authorized only by OMB.

(c) Exceptions on a case-by-case basis and for subgrantees may be authorized by the affected Federal agencies.

Subpart B—Pre-Award Requirements

§ 2541.100 Forms for applying for grants.

(a) *Scope.* (1) This section prescribes forms and instructions to be used by governmental organizations (except hospitals and institutions of higher education operated by a government) in applying for grants. This section is not applicable, however, to formula grant programs which do not require applicants to apply for funds on a project basis.

(2) This section applies only to applications to Federal agencies for grants, and is not required to be applied by grantees in dealing with applicants for subgrants. However, grantees are encouraged to avoid more detailed or burdensome application requirements for subgrants.

(b) *Authorized forms and instructions for governmental organizations.* (1) In applying for grants, applicants shall only use standard application forms or those prescribed by the granting agency with the approval of OMB under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

(2) Applicants are not required to submit more than the original and two copies of preapplications or applications.

(3) Applicants must follow all applicable instructions that bear OMB clearance numbers. Federal agencies may specify and describe the programs, functions, or activities that will be used to plan, budget, and evaluate the work under a grant. Other supplementary instructions may be issued only with the approval of OMB to the extent required under the Paperwork Reduction Act of 1980. For any standard form, except the SF–424 facesheet, Federal agencies may shade out or instruct the applicant to disregard any line item that is not needed.

(4) When a grantee applies for additional funding (such as a continuation or supplemental award) or amends a previously submitted application, only the affected pages need be submitted. Previously submitted pages with information that is still current need not be resubmitted.

§ 2541.110 State plans.

(a) *Scope.* The statutes for some programs require States to submit plans before receiving grants. Under regulations implementing Executive Order 12372 (3 CFR, 1982 Comp., p. 197), "Intergovernmental Review of Federal Programs," States are allowed to simplify, consolidate and substitute plans. This section contains additional provisions for plans that are subject to regulations implementing the Executive order.

(b) *Requirements.* A State need meet only Federal administrative or programmatic requirements for a plan that are in statutes or codified regulations.

(c) *Assurances.* In each plan the State will include an assurance that the State shall comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding. For this assurance and other assurances required in the plan, the State may:

(1) Cite by number the statutory or regulatory provisions requiring the assurances and affirm that it gives the assurances required by those provisions;

(2) Repeat the assurance language in the statutes or regulations; or

(3) Develop its own language to the extent permitted by law.

(d) *Amendments.* A State will amend a plan whenever necessary to reflect: New or revised Federal statutes or regulations; or a material change in any State law, organization, policy, or State agency operation. The State will obtain approval for the amendment and its effective date but need submit for approval only the amended portions of the plan.

§ 2541.120 Special grant or subgrant conditions for "high-risk" grantees.

(a) A grantee or subgrantee may be considered "high risk" if an awarding agency determines that a grantee or subgrantee:

(1) Has a history of unsatisfactory performance; or

(2) Is not financially stable; or

(3) Has a management system which does not meet the management standards set forth in this part; or

(4) Has not conformed to terms and conditions of previous awards; or

(5) Is otherwise not responsible; and if the awarding agency determines that an award will be made, special conditions and/or restrictions shall correspond to the high risk condition and shall be included in the award.

(b) Special conditions or restrictions may include:

(1) Payment on a reimbursement basis;

(2) Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given funding period;

(3) Requiring additional, more detailed financial reports;

(4) Additional project monitoring;

(5) Requiring the grantee or subgrantee to obtain technical or management assistance; or

(6) Establishing additional prior approvals.

(c) If an awarding agency decides to impose such conditions, the awarding official will notify the grantee or subgrantee as early as possible, in writing, of:

(1) The nature of the special conditions/restrictions;

(2) The reason(s) for imposing them;

(3) The corrective actions which must be taken before they will be removed and the time allowed for completing the corrective actions; and

(4) The method of requesting reconsideration of the conditions/restrictions imposed.

Subpart C—Post-Award Requirements

§ 2541.200 Standards for financial management systems.

(a) A State must expand and account for grant funds in accordance with State laws and procedures for expending and accounting for its own funds. Fiscal control and accounting procedures of the State, as well as its subgrantees and cost-type contractors, must be sufficient to—

(1) Permit preparation of reports required by this part and the statutes authorizing the grant; and

(2) Permit the tracing of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of applicable statutes.

(b) The financial management systems of other grantees and subgrantees must meet the following standards:

(1) *Financial reporting.* Accurate, current, and complete disclosure of the financial results of financially assisted activities must be made in accordance with the financial reporting requirements of the grant or subgrant.

(2) *Accounting records.* Grantees and subgrantees must maintain records which adequately identify the source and application of funds provided for financially-assisted activities. These records must contain information pertaining to grant or subgrant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income.

(3) *Internal control.* Effective control and accountability must be maintained for all grant and subgrant cash, real and personal property, and other assets. Grantees and subgrantees must adequately safeguard all such property and must assure that it is used solely for authorized purposes.

(4) *Budget control.* Actual expenditures or outlays must be compared with budgeted amounts for each grant or subgrant. Financial information must be related to performance or productivity data, including the development of unit cost information whenever appropriate or specifically required in the grant or subgrant agreement. If unit cost data are required, estimates based on available documentation will be accepted whenever possible.

(5) *Allowable cost.* Applicable OMB cost principles, agency program regulations, and the terms of grant and subgrant agreements will be followed in determining the reasonableness, allowability, and allocability of costs.

(6) *Source documentation.* Accounting records must be supported by such source documentation as canceled checks, paid bills, payrolls, time and attendance records, contract and subgrant award documents, etc.

(7) *Cash management.* Procedures for minimizing the time elapsing between the transfer of funds from the U.S. Treasury and disbursement by grantees and subgrantees must be followed whenever advance payment procedures are used. Grantees must establish reasonable procedures to ensure the receipt of reports on subgrantees' cash balances and cash disbursements in sufficient time to enable them to prepare complete and accurate cash transactions reports to the awarding agency. When advances are made by letter-of-credit or electronic transfer of funds methods, the grantee must make drawdowns as close as possible to the time of making disbursements. Grantees must monitor cash drawdowns by their subgrantees to assure that they conform substantially to the same standards of timing and amount as apply to advances to the grantees.

(c) An awarding agency may review the adequacy of the financial management system of any applicant for financial assistance as part of a preaward review or at any time subsequent to award.

§ 2541.210 Payment.

(a) *Scope.* This section prescribes the basic standard and the methods under which a Federal agency will make payments to grantees, and grantees will make payments to subgrantees and contractors.

(b) *Basic standard.* Methods and procedures for payment shall minimize the time elapsing between the transfer of funds and disbursement by the grantee or subgrantee, in accordance with Treasury regulations at 31 CFR part 205.

(c) *Advances.* Grantees and subgrantees shall be paid in advance, provided they maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of the funds and their disbursement by the grantee or subgrantee.

(d) *Reimbursement.* Reimbursement shall be the preferred method when the requirements in paragraph (c) of this section are not met. Grantees and subgrantees may also be paid by reimbursement for any construction grant. Except as otherwise specified in regulation, Federal agencies shall not use the percentage of completion method to pay construction grants. The grantee or subgrantee may use that method to pay its construction contractor, and if it does, the awarding agency's payments to the grantee or subgrantee will be based on the grantee's or subgrantee's actual rate of disbursement.

(e) *Working capital advances.* If a grantee cannot meet the criteria for advance payments described in paragraph (c) of this section, and the Federal agency has determined that reimbursement is not feasible because the grantee lacks sufficient working capital, the awarding agency may provide cash on a working capital advance basis. Under this procedure the awarding agency shall advance cash to the grantee to cover its estimated disbursement needs for an initial period generally geared to the grantee's disbursing cycle. Thereafter, the awarding agency shall reimburse the grantee for its actual cash disbursements. The working capital advance method of payment shall not be used by grantees or subgrantees if the reason for using such method is the unwillingness or inability of the grantee to provide timely advances to the subgrantee to meet the subgrantee's actual cash disbursements.

(f) *Effect of program income, refunds, and audit recoveries on payment.* (1) Grantees and subgrantees shall disburse repayments to and interest earned on a revolving fund before requesting additional cash payments for the same activity.

(2) Except as provided in paragraph (f)(1) of this section, grantees and subgrantees shall disburse program income, rebates, refunds, contract settlements, audit recoveries and interest earned on such funds before requesting additional cash payments.

(g) *Withholding payments.* (1) Unless otherwise required by Federal statute, awarding agencies shall not withhold payments for proper charges incurred by grantees or subgrantees unless—

(i) The grantee or subgrantee has failed to comply with grant award conditions; or

(ii) The grantee or subgrantee is indebted to the United States.

(2) Cash withheld for failure to comply with grant award condition, but without suspension of the grant, shall be released to the grantee upon subsequent compliance. When a grant is suspended, payment adjustments will be made in accordance with § 2541.410(c).

(3) A Federal agency shall not make payment to grantees for amounts that are withheld by grantees or subgrantees from payment to contractors to assure satisfactory completion of work. Payments shall be made by the Federal agency when the grantees or subgrantees actually disburse the withheld funds to the contractors or to escrow accounts established to assure satisfactory completion of work.

(h) *Cash depositories.* (1) Consistent with the national goal of expanding the opportunities for minority business enterprises, grantees and subgrantees are encouraged to use minority banks (a bank which is owned at least 50 percent by minority group members). A list of minority owned banks can be obtained from the Minority Business Development Agency, Department of Commerce, Washington, DC 20230.

(2) A grantee or subgrantee shall maintain a separate bank account only when required by Federal-State agreement.

(i) *Interest earned on advances.* Except for interest earned on advances of funds exempt under the Intergovernmental Cooperation Act (31 U.S.C. 6501 et seq.) and the Indian Self-Determination Act (23 U.S.C. 450), grantees and subgrantees shall promptly, but at least quarterly, remit interest earned on advances to the Federal agency. The grantee or subgrantee may keep interest amounts up to $100 per year for administrative expenses.

§ 2541.220 Allowable costs.

(a) *Limitation on use of funds.* Grant funds may be used only for—

(1) The allowable costs of the grantees, subgrantees and cost-type contractors, including allowable costs in the form of payments to fixed-price contractors; and

(2) Reasonable fees or profit to cost-type contractors but not any fee or profit (or other increment above allowable costs) to the grantee or subgrantee.

(b) *Applicable cost principles.* For each kind of organization, there is a set of Federal principles for determining allowable costs. Allowable costs will be determined in accordance with the cost principles applicable to the organization incurring the costs. The following chart lists the kinds of organizations and the applicable cost principles:

For the costs of a	Use the principles in—
State, local or Indian tribal government	OMB Circular A–87.
Private nonprofit organization other than an (1) institution of higher education, (2) hospital, or (3) organization named in OMB Circular A–122 as not subject to that circular	OMB Circular A–122.
Educational institutions	OMB Circular A–21.
For-profit organization other than a hospital and an organization named in OMB Circular A–122 as not subject to that circular	48 CFR Part 31. Contract Cost Principles and Procedures, or uniform cost accounting standards that comply with cost principles acceptable to the Federal agency.

§ 2541.230 Period of availability of funds.

(a) *General.* Where a funding period is specified, a grantee may charge to the award only costs resulting from obligations of the funding period unless carryover of unobligated balances is permitted, in which case the carryover balances may be charged for costs resulting from obligations of the subsequent funding period.

(b) *Liquidation of obligations.* A grantee must liquidate all obligations incurred under the award not later than 90 days after the end of the funding period (or as specified in a program regulation) to coincide with the submission of the annual Financial Status Report (SF–269). The Federal agency may extend this deadline at the request of the grantee.

§ 2541.240 Matching or cost sharing.

(a) *Basic rule; costs and contributions acceptable.* With the qualifications and exceptions listed in paragraph (b) of this section, a matching or cost sharing requirement may be satisfied by either or both of the following:

(1) Allowable costs incurred by the grantee, subgrantee or a cost-type contractor under the assistance agreement. This includes allowable costs borne by non-Federal grants or by other cash donations from non-Federal third parties.

(2) The value of third party in-kind contributions applicable to the period to which the cost sharing or matching requirements applies.

(b) *Qualifications and exceptions*—(1) *Costs borne by other Federal grant agreements.* Except as provided by Federal statute, a cost sharing or matching requirement may not be met by costs borne by another Federal grant. This prohibition does not apply to income earned by a grantee or subgrantee from a contract awarded under another Federal grant.

(2) *General revenue sharing.* For the purpose of this section, general revenue sharing funds distributed under 31 U.S.C. 6702 are not considered Federal grant funds.

(3) *Cost or contributions counted towards other Federal costs-sharing requirements.* Neither costs nor the values of third party in-kind contributions may count towards satisfying a cost sharing or matching requirement of a grant agreement if they have been or will be counted towards satisfying a cost sharing or matching requirement of another Federal grant agreement, a Federal procurement contract, or any other award of Federal funds.

(4) *Costs financed by program income.* Costs financed by program income, as defined in § 2541.250, shall not count towards satisfying a cost sharing or matching requirement unless they are expressly permitted in the terms of the assistance agreement. (This use of general program income is described in § 2541.250(g).)

(5) *Services or property financed by income earned by contractors.* Contractors under a grant may earn income from the activities carried out under the contract in addition to the amounts earned from the party awarding the contract. No costs of services or property supported by this income may count toward satisfying a cost sharing or matching requirement unless other provisions of the grant agreement expressly permit this kind of income to be used to meet the requirement.

(6) *Records.* Costs and third party in-kind contributions counting towards satisfying a cost sharing or matching requirement must be verifiable from the records of grantees and subgrantee or cost-type contractors. These records must show how the value placed on third party in-kind contributions was derived. To the extent feasible, volunteer services will be supported by the same methods that the organization uses to support the allocability of regular personnel costs.

(7) *Special standards for third party in-kind contributions.* (i) Third party in-kind contributions count towards satisfying a cost sharing or matching requirement only where, if the party receiving the contributions were to pay for them, the payments would be allowable costs.

(ii) Some third party in-kind contributions are goods and services that, if the grantee, subgrantee, or contractor receiving the contribution had to pay for them, the payments would have been an indirect costs. Costs sharing or matching credit for such contributions shall be given only if the grantee, subgrantee, or contractor has established, along with its regular indirect cost rate, a special rate for

allocating to individual projects or programs the value of the contributions.

(iii) A third party in-kind contribution to a fixed-price contract may count towards satisfying a cost sharing or matching requirement only if it results in:

(A) An increase in the services or property provided under the contract (without additional cost to the grantee or subgrantee); or

(B) A cost savings to the grantee or subgrantee.

(iv) The values placed on third party in-kind contributions for cost sharing or matching purposes will conform to the rules in the succeeding sections of this part. If a third party in-kind contribution is a type not treated in those sections, the value placed upon it shall be fair and reasonable.

(c) *Valuation of donated services*—(1) *Volunteer services.* Unpaid services provided to a grantee or subgrantee by individuals will be valued at rates consistent with those ordinarily paid for similar work in the grantee's or subgrantee's organization. If the grantee or subgrantee does not have employees performing similar work, the rates will be consistent with those ordinarily paid by other employers for similar work in the same labor market. In either case, a reasonable amount for fringe benefits may be included in the valuation.

(2) *Employees of other organizations.* When an employer other than a grantee, subgrantee, or cost-type contractor furnishes free of charge the services of an employee in the employee's normal line of work, the services will be valued at the employee's regular rate of pay exclusive of the employee's fringe benefits and overhead costs. If the services are in a different line of work, paragraph (c)(1) of this section applies.

(d) *Valuation of third party donated supplies and loaned equipment or space.* (1) If a third party donates supplies, the contribution will be valued at the market value of the supplies at the time of donation.

(2) If a third party donates the use of equipment or space in a building but retains title, the contribution will be valued at the fair rental rate of the equipment or space.

(e) *Valuation of third party donated equipment, buildings, and land.* If a third party donates equipment, buildings, or land, and title passes to a grantee or subgrantee, the treatment of the donated property will depend upon the purpose of the grant or subgrant, as follows:

(1) *Awards for capital expenditures.* If the purpose of the grant or subgrant is to assist the grantee or subgrantee in the acquisition of property, the market value of that property at the time of donation may be counted as cost sharing or matching.

(2) *Other awards.* If assisting in the acquisition of property is not the purpose of the grant or subgrant, paragraphs (e)(2) (i) and (ii) of this section apply:

(i) If approval is obtained from the awarding agency, the market value at the time of donation of the donated equipment or buildings and the fair rental rate of the donated land may be counted as cost sharing or matching. In the case of a subgrant, the terms of the grant agreement may require that the approval be obtained from the Federal agency as well as the grantee. In all cases, the approval may be given only if a purchase of the equipment or rental of the land would be approved as an allowable direct cost. If any part of the donated property was acquired with Federal funds, only the non-federal share of the property may be counted as cost-sharing or matching.

(ii) If approval is not obtained under paragraph (e)(2)(i) of this section, no amount may be counted for donated land, and only depreciation or use allowances may be counted for donated equipment and buildings. The depreciation or use allowances for this property are not treated as third party in-kind contributions. Instead, they are treated as costs incurred by the grantee or subgrantee. They are computed and allocated (usually as indirect costs) in accordance with the cost principles specified in § 2541.220, in the same way as depreciation or use allowances for purchased equipment and buildings. The amount of depreciation or use allowances for donated equipment and buildings is based on the property's market value at the time it was donated.

(f) *Valuation of grantee or subgrantee donated real property for construction/acquisition.* If a grantee or subgrantee donates real property for a construction or facilities acquisition project, the current market value of that property may be counted as cost sharing or matching. If any part of the donated property was acquired with Federal funds, only the non-federal share of the property may be counted as cost sharing or matching.

(g) *Appraisal of real property.* In some cases under paragraphs (d), (e) and (f) of this section, it will be necessary to establish the market value of land or a building or the fair rental rate of land or of space in a building. In these cases, the Federal agency may require the market value or fair rental value be set by an independent appraiser, and that the value or rate be certified by the grantee. This requirement will also be imposed by the grantee on subgrantees.

§ 2541.250 Program income.

(a) *General.* Grantees are encouraged to earn income to defray program costs. Program income includes income from fees for services performed, from the use or rental of real or personal property acquired with grant funds, from the sale of commodities or items fabricated under a grant agreement, and from payments of principal and interest on loans made with grant funds. Except as otherwise provided in regulations of the Federal agency, program income does not include interest on grant funds, rebates, credits, discounts, refunds, etc. and interest earned on any of them.

(b) *Definition of program income.* Program income means gross income received by the grantee or subgrantee directly generated by a grant supported activity, or earned only as a result of the grant agreement during the grant period. "During the grant period" is the time between the effective date of the award and the ending date of the award reflected in the final financial report.

(c) *Cost of generating program income.* If authorized by Federal regulations or the grant agreement, costs incident to the generation of program income may be deducted from gross income to determine program income.

(d) *Governmental revenues.* Taxes, special assessments, levies, fines, and other such revenues raised by a grantee or subgrantee are not program income unless the revenues are specifically identified in the grant agreement or Federal agency regulations as program income.

(e) *Royalties.* Income from royalties and license fees for copyrighted material, patents, and inventions developed by a grantee or subgrantee is program income only if the revenues are specifically identified in the grant agreement or Federal agency regulations as program income. (See § 2541.340)

(f) *Property.* Proceeds from the sale of real property or equipment will be handled in accordance with the requirements of §§ 2541.310 and 2541.320.

(g) *Use of program income.* Program income shall be deducted from outlays which may be both Federal and non-Federal as described in paragraphs (g)(1) and (2) of this section, unless the Federal agency regulations or the grant agreement specify another alternative (or a combination of the alternatives). In specifying alternatives, the Federal agency may distinguish between income earned by the grantee and income earned by subgrantees and between the sources, kinds, or amounts of income.

When Federal agencies authorize the alternatives in paragraphs (g) (2) and (3) of this section, program income in excess of any limits stipulated shall also be deducted from outlays.

(1) *Deduction.* Ordinarily program income shall be deducted from total allowable costs to determine the net allowable costs. Program income shall be used for current costs unless the Federal agency authorizes otherwise. Program income which the grantee did not anticipate at the time of the award shall be used to reduce the Federal agency and grantee contributions rather than to increase the funds committed to the project.

(2) *Addition.* When authorized, program income may be added to the funds committed to the grant agreement by the Federal agency and the grantee. The program income shall be used for the purposes and under the conditions of the grant agreement.

(3) *Cost sharing or matching.* When authorized, program income may be used to meet the cost sharing or matching requirement of the grant agreement. The amount of the Federal grant award remains the same.

(h) *Income after the award period.* There are no Federal requirements governing the disposition of program income earned after the end of the award period (i.e., until the ending date of the final financial report, see paragraph (a) of this section), unless the terms of the agreement or the Federal agency regulations provide otherwise.

§ 2541.260 Non-Federal audit.

(a) *Basic rule.* Grantees and subgrantees are responsible for obtaining audits in accordance with the Single Audit Act of 1984 (31 U.S.C.7501–7) and Federal agency implementing regulations. The audits shall be made by an independent auditor in accordance with generally accepted government auditing standards covering financial and compliance audits.

(b) *Subgrantees.* State or local governments, as those terms are defined for purposes of the Single Audit Act, that receive Federal financial assistance and provide $25,000 or more of it in a fiscal year to a subgrantee shall:

(1) Determine whether State or local subgrantees have met the audit requirements of the Act and whether subgrantees covered by OMB Circular A–110, "Uniform Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations" have met the audit requirement. Commercial contractors (private for profit and private and governmental organizations) providing goods and services to State and local governments are not required to have a single audit performed. State and local governments should use their own procedures to ensure that the contractor has complied with laws and regulations affecting the expenditure of Federal funds;

(2) Determine whether the subgrantee spent Federal assistance funds provided in accordance with applicable laws and regulations. This may be accomplished by reviewing an audit of the subgrantee made in accordance with the Act, Circular A–110, or through other means (e.g., program reviews) if the subgrantee has not had such an audit;

(3) Ensure that appropriate corrective action is taken within six months after receipt of the audit report in instance of noncompliance with Federal laws and regulations;

(4) Consider whether subgrantee audits necessitate adjustment of the grantee's own records; and

(5) Require each subgrantee to permit independent auditors to have access to the records and financial statements.

(c) *Auditor selection.* In arranging for audit services, § 2541.360 shall be followed.

Subpart D—Changes, Property and Subawards

§ 2541.300 Changes.

(a) *General.* Grantees and subgrantees are permitted to re budget within the approved direct cost budget to meet unanticipated requirements and may make limited program changes to the approved project. However, unless waived by the awarding agency, certain types of post-award changes in budgets and projects shall require the prior written approval of the awarding agency.

(b) *Relation to cost principles.* The applicable cost principles (see § 2541.220) contain requirements for prior approval of certain types of costs. Except where waived, those requirements apply to all grants and subgrants even if paragraphs (c) through (f) of this section do not.

(c) *Budget changes.*—(1) *Nonconstruction projects.* Except as stated in other regulations or an award document, grantees or subgrantees shall obtain the prior approval of the awarding agency whenever any of the following changes is anticipated under a nonconstruction award:

(i) Any revision which would result in the need for additional funding.

(ii) Unless waived by the awarding agency, cumulative transfers among direct cost categories, or, if applicable, among separately budgeted programs, projects, functions, or activities which exceed or are expected to exceed ten percent of the current total approved budget, whenever the awarding agency's share exceeds $100,000.

(iii) Transfer of funds allotted for training allowances (i.e., from direct payments to trainees to other expense categories).

(2) *Construction projects.* Grantees and subgrantees shall obtain prior written approval for any budget revision which would result in the need for additional funds.

(3) *Combined construction and nonconstruction projects.* When a grant or subgrant provides funding for both construction and nonconstruction activities, the grantee or subgrantee must obtain prior written approval from the awarding agency before making any fund or budget transfer from nonconstruction to construction or vice versa.

(d) *Programmatic changes.* Grantees or subgrantees must obtain the prior approval of the awarding agency whenever any of the following actions is anticipated:

(1) Any revision of the scope or objectives of the project (regardless of whether there is an associated budget revision requiring prior approval).

(2) Need to extend the period of availability of funds.

(3) Changes in key persons in cases where specified in an application or a grant award. In research projects, a change in the project director or principal investigator shall always require approval unless waived by the awarding agency.

(4) Under nonconstruction projects, contracting out, subgranting (if authorized by law) or otherwise obtaining the services of a third party to perform activities which are central to the purposes of the award. This approval requirement is in addition to the approval requirements of § 2541.360 but does not apply to the procurement of equipment, supplies, and general support services.

(e) *Additional prior approval requirements.* The awarding agency may not require prior approval for any budget revision which is not described in paragraph (c) of this section.

(f) *Requesting prior approval.* (1) A request for prior approval of any budget revision will be in the same budget formal the grantee used in its application and shall be accompanied by a narrative justification for the proposed revision.

(2) A request for a prior approval under the applicable Federal cost

principles (see § 2541.220) may be made by letter.

(3) A request by a subgrantee for prior approval will be addressed in writing to the grantee. The grantee will promptly review such request and shall approve or disapprove the request in writing. A grantee will not approve any budget or project revision which is inconsistent with the purpose or terms and conditions of the Federal grant to the grantee. If the revision, requested by the subgrantee would result in a change to the grantee's approved project which requires Federal prior approval, the grantee will obtain the Federal agency's approval before approving the subgrantee's request.

§ 2541.310 Real property.

(a) *Title.* Subject to the obligations and conditions set forth in this section, title to real property acquired under a grant or subgrant will vest upon acquisition in the grantee or subgrantee respectively.

(b) *Use.* Except as otherwise provided by Federal statutes, real property will be used for the originally authorized purposes as long as needed for that purposes, and the grantee or subgrantee shall not dispose of or encumber its title or other interests.

(c) *Disposition.* When real property is no longer needed for the originally authorized purpose, the grantee or subgrantee will request disposition instructions from the awarding agency. The instructions will provide for one of the following alternatives:

(1) *Retention of title.* Retain title after compensating the awarding agency. The amount paid to the awarding agency will be computed by applying the awarding agency's percentage of participation in the cost of the original purchase to the fair market value of the property. However, in those situations where a grantee or subgrantee is disposing of real property acquired with grant funds and acquiring replacement real property under the same program, the net proceeds from the disposition may be used as an offset to the cost of the replacement property.

(2) *Sale of property.* Sell the property and compensate the awarding agency. The amount due to the awarding agency will be calculated by applying the awarding agency's percentage of participation in the cost of the original purchase to the proceeds of the sale after deduction of any actual and reasonable selling and fixing-up expenses. If the grant is still active, the net proceeds from sale may be offset against the original cost of the property. When a grantee or subgrantee is directed to sell property, sales procedures shall be followed that provide for competition to the extent practicable and result in the highest possible return.

(3) *Transfer of title.* Transfer title to the awarding agency or to a third-party designated/approved by the awarding agency. The grantee or subgrantee shall be paid an amount calculated by applying the grantee or subgrantee's percentage of participation in the purchase of the real property to the current fair market value of the property.

§ 2541.320 Equipment.

(a) *Title.* Subject to the obligations and conditions set forth in this section, title to equipment acquired under a grant or subgrant will vest upon acquisition in the grantee or subgrantee respectively.

(b) *States.* A State will use, manage, and dispose of equipment acquired under a grant by the State in accordance with State laws and procedures. Other grantees and subgrantees will follow paragraphs (c) through (e) of this section.

(c) *Use.* (1) Equipment shall be used by the grantee or subgrantee in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a Federal agency.

(2) The grantee or subgrantee shall also make equipment available for use on other projects or programs currently or previously supported by the Federal Government, providing such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use shall be given to other programs or projects supported by the awarding agency. User fees should be considered if appropriate.

(3) Notwithstanding the encouragement in § 2541.250(a) to earn program income, the grantee or subgrantee must not use equipment acquired with grant funds to provide services for a fee to compete unfairly with private companies that provide equivalent services, unless specifically permitted or contemplated by Federal statute.

(4) When acquiring replacement equipment, the grantee or subgrantee may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property, subject to the approval of the awarding agency.

(d) *Management requirements.* Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part with grant funds, until disposition takes place will, as a minimum, meet the following requirements:

(1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the cost of the property, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.

(2) A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.

(3) A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated.

(4) Adequate maintenance procedures must be developed to keep the property in good condition.

(5) If the grantee or subgrantee is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

(e) *Disposition.* When original or replacement equipment acquired under a grant or subgrant is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, disposition of the equipment will be made as follows:

(1) Items of equipment with a current per-unit fair market value of less than $5,000 may be retained, sold or otherwise disposed of with no further obligation to the awarding agency.

(2) Items of equipment with a current per unit fair market value in excess of $5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment.

(3) In cases where a grantee or subgrantee fails to take appropriate disposition actions, the awarding agency may direct the grantee or subgrantee to take excess and disposition actions.

(f) *Federal equipment.* In the event a grantee or subgrantee is provided federally-owned equipment:

(1) Title will remain vested in the Federal Government.

(2) Grantees or subgrantees will manage the equipment in accordance with Federal agency rules and procedures, and submit an annual inventory listing.

(3) When the equipment is no longer needed, the grantee or subgrantee will request disposition instructions from the Federal agency.

(g) *Right to transfer title.* The Federal awarding agency may reserve the right to transfer title to the Federal Government or a third part named by the awarding agency when such a third party is otherwise eligible under existing statutes. Such transfers shall be subject to the following standards:

(1) The property shall be identified in the grant or otherwise made known to the grantee in writing.

(2) The Federal awarding agency shall issue disposition instruction within 120 calendar days after the end of the Federal support of the project for which it was acquired. If the Federal awarding agency fails to issue disposition instructions within the 120 calendar-day period the grantee shall follow paragraph (e) of this section.

(3) When title to equipment is transferred, the grantee shall be paid an amount calculated by applying the percentage of participation in the purchase to the current fair market value of the property.

§ 2541.330 Supplies.

(a) *Title.* Title to supplies acquired under a grant or subgrant will vest, upon acquisition, in the grantee or subgrantee respectively.

(b) *Disposition.* If there is a residual inventory of unused supplies exceeding $5,000 in total aggregate fair market value upon termination or completion of the award, and if the supplies are not needed for any other federally sponsored programs or projects, the grantee or subgrantee shall compensate the awarding agency for its share.

§ 2541.340 Copyrights.

The Federal awarding agency reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for Federal Government purposes:

(a) The copyright in any work developed under a grant, subgrant, or contract under a grant or subgrant; and

(b) Any rights of copyright to which a grantee, subgrantee or a contractor purchases ownership with grant support.

§ 2541.350 Subawards to debarred and suspended parties.

Grantees and subgrantees must not make any award or permit any award (subgrant or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension."

§ 2541.360 Procurement.

(a) *States.* When procuring property and services under a grant, a State will follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations. Other grantees and subgrantees will follow paragraphs (b) through (i) of this section.

(b) *Procurement standards.* (1) Grantees and subgrantees will use their own procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this section.

(2) Grantees and subgrantees will maintain a contract administration system which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(3) Grantees and subgrantees will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer or agent of the grantee or subgrantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when—

(i) The employee, officer or agent;

(ii) Any member of his immediate family;

(iii) His or her partner; or

(iv) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The grantee's or subgrantee's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. Grantee and subgrantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's and subgrantee's officers, employees, or agents, or by contractors or their agents. The awarding agency may in regulation provide additional prohibitions relative to real, apparent, or potential conflicts of interest.

(4) Grantee and subgrantee procedures will provide for a review of proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(5) To foster greater economy and efficiency, grantees and subgrantees are encouraged to enter into State and local intergovernmental agreements for procurement or use of common goods and services.

(6) Grantees and subgrantees are encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(7) Grantees and subgrantees are encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(8) Grantees and subgrantees will make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

(9) Grantees and subgrantees will maintain records sufficient to detail the significant history of a procurement. These records will include, but are not necessarily limited to the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(10) Grantees and subgrantees will use time and material type contracts only—

(i) After a determination that no other contract is suitable; and

(ii) If the contract includes a ceiling price that the contractor exceeds at its own risk.

(11) Grantees and subgrantees alone will be responsible, in accordance with

good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to source evaluation, protests, disputes, and claims. These standards do not relieve the grantee or subgrantee of any contractual responsibilities under its contracts. Federal agencies will not substitute their judgment for that of the grantee or subgrantee unless the matter is primarily a Federal concern. Violations of law will be referred to the local, State, or Federal authority having proper jurisdiction.

(12) Grantees and subgrantees will have protest procedures to handle and resolve disputes relating to their procurements and shall in all instances disclose information regarding the protest to the awarding agency. A protester must exhaust all administrative remedies with the grantee and subgrantee before pursuing a protest with the Federal agency. Reviews of protests by the Federal agency will be limited to:

(i) Violations of Federal law or regulations and the standards of this section (violations of State or local law will be under the jurisdiction of State or local authorities); and

(ii) Violations of the grantee's or subgrantee's protest procedures for failure to review a complaint or protest. Protests received by the Federal agency other than those specified in this paragraph (b)(12)(ii) will be referred to the grantee or subgrantee.

(c) *Competition.* (1) All procurement transactions will be conducted in a manner providing full and open competition consistent with the standards of this section. Some of the situations considered to be restrictive of competition include but are not limited to:

(i) Placing unreasonable requirements on firms in order for them to qualify to do business;

(ii) Requiring unnecessary experience and excessive bonding;

(iii) Noncompetitive pricing practices between firms or between affiliated companies;

(iv) Noncompetitive awards to consultants that are on retainer contracts;

(v) Organizational conflicts of interest;

(vi) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance of other relevant requirements of the procurement; and

(vii) Any arbitrary action in the procurement process.

(2) Grantees and subgrantees will conduct procurements in a manner that prohibits the use of statutory or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts State licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criteria provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(3) Grantees will have written selection procedures for procurement transactions. These procedures will ensure that all solicitations:

(i) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement. The specific features of the named brand which must be met by offerors shall be clearly stated; and

(ii) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(4) Grantees and subgrantees will ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, grantees and subgrantees will not preclude potential bidders from qualifying during the solicitation period.

(d) *Methods of procurement to be followed*—(1) *Procurement by small purchase procedures.* Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than $25,000 in the aggregate. If small purchase procurements are used, price or rate quotations will be obtained from an adequate number of qualified sources.

(2) *Procurement by sealed bids (formal advertising).* Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (d)(2)(i) of this section apply.

(i) In order for sealed bidding to be feasible, the following conditions should be present:

(A) A complete, adequate, and realistic specification or purchase description is available;

(B) Two or more responsible bidders are willing and able to compete effectively for the business; and

(C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(ii) If sealed bids are used, the following requirements apply:

(A) The invitation for bids will be publicly advertised and bids shall be solicited from an adequate number of known suppliers, providing them sufficient time prior to the date set for opening the bids;

(B) The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond;

(C) All bids will be publicly opened at the time and place prescribed in the invitation for bids;

(D) A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(E) Any or all bids may be rejected if there is a sound documented reason.

(3) *Procurement by competitive proposals.* The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

(i) Requests for proposals will be publicized and identify all evaluation

factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical;

(ii) Proposals will be solicited from an adequate number of qualified sources;

(iii) Grantees and subgrantees will have a method for conducting technical evaluations of the proposals received and for selecting awardees;

(iv) Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

(v) Grantees and subgrantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

(4) *Procurement by noncompetitive proposals.* This procurement is through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate.

(i) Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies:

(A) The item is available only from a single source;

(B) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

(C) The awarding agency authorizes noncompetitive proposals; or

(D) After solicitation of a number of sources, competition is determined inadequate.

(ii) Cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profit, is required.

(iii) Grantees and subgrantees may be required to submit the proposed procurement to the awarding agency for pre-award review in accordance with paragraph (g) of this section.

(e) *Contracting with small and minority firms, women's business enterprise and labor surplus area firms.* (1) The grantee and subgrantee will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.

(2) Affirmative steps shall include:

(i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;

(iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;

(v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and

(vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e)(2) (i) through (v) of this section.

(f) *Contract cost and price.* (1) Grantees and subgrantees must perform a cost or price analysis in connection with every procurement action including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, grantees must make independent estimates before receiving bids or proposals. A cost analysis must be performed when the offeror is required to submit the elements of his estimated cost, e.g., under professional, consulting, and architectural engineering services contracts. A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.

(2) Grantees and subgrantees will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

(3) Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with Federal cost principles (see § 2541.220). Grantees may reference their own cost principles that comply with the applicable Federal cost principles.

(4) The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

(g) *Awarding agency review.* (1) Grantees and subgrantees must make available, upon request of the awarding agency, technical specifications on proposed procurements where the awarding agency believes such review is needed to ensure that the item and/or service specified is the one being proposed for purchase. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the grantee or subgrantee desires to have the review accomplished after a solicitation has been developed, the awarding agency may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

(2) Grantees and subgrantees must on request make available for awarding agency pre-award review procurement documents, such as requests for proposals or invitations for bids, independent cost estimates, etc., when—

(i) A grantee's or subgrantee's procurement procedures or operation fails to comply with the procurement standards in this section; or

(ii) The procurement is expected to exceed $25,000 and is to be awarded without competition or only one bid or offer is received in response to a solicitation; or

(iii) The procurement, which is expected to exceed $25,000, specifies a "brand name" product; or

(iv) The proposed award over $25,000 is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

(v) A proposed contract modification changes the scope of a contract or increases the contract amount by more than $25,000.

(3) A grantee or subgrantee will be exempt from the pre-award review in paragraph (g)(2) of this section if the awarding agency determines that its

procurement systems comply with the standards of this section.

(i) A grantee or subgrantee may request that its procurement system be reviewed by the awarding agency to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews shall occur where there is a continuous high-dollar funding, and third-party contracts are awarded on a regular basis.

(ii) A grantee or subgrantee may self-certify its procurement system. Such self-certification shall not limit the awarding agency's right to survey the system. Under a self-certification procedure, awarding agencies may wish to rely on written assurances from the grantee or subgrantee that it is complying with these standards. A grantee or subgrantee will cite specific procedures, regulations, standards, etc., as being in compliance with these requirements and have its system available for review.

(h) *Bonding requirements.* For construction or facility improvement contracts or subcontracts exceeding $100,000, the awarding agency may accept the bonding policy and requirements of the grantee or subgrantee provided the awarding agency has made a determination that the awarding agency's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:

(1) *A bid guarantee from each bidder equivalent to five percent of the bid price.* The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(2) *A performance bond on the part of the contractor for 100 percent of the contract price.* A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

(3) *A payment bond on the part of the contractor for 100 percent of the contract price.* A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(i) *Contract provisions.* A grantee's and subgrantee's contracts must contain provisions in this paragraph of this section. Federal agencies are permitted to require changes, remedies, changed conditions, access and records retention, suspension of work, and other clauses approved by the Office of Procurement Policy.

(1) Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate (contracts other than small purchases).

(2) Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement (all contracts in excess of $10,000).

(3) Compliance with Executive Order 11246 of September 24, 1965 (3 CFR, 1964–1965 Comp., p. 339) entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967 (3 CFR, 1966–1970 Comp., p. 684) and as supplemented in Department of Labor regulations (41 CFR chapter 60) (all construction contracts awarded in excess of $10,000 by grantees and their contractors or subgrantees).

(4) Compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR part 3) (all contracts and subgrants for construction or repair).

(5) Compliance with the Davis-Bacon Act (40 U.S.C. 276a to a–7) as supplemented by Department of Labor regulations (29 CFR part 5) (construction contracts in excess of $2,000 awarded by grantees and subgrantees when required by Federal grant program legislation).

(6) Compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330) as supplemented by Department of Labor regulations (29 CFR part 5) (construction contracts awarded by grantees and subgrantees in excess of $2,000, and in excess of $2,500 for other contracts which involve the employment of mechanics or laborers).

(7) Notice of awarding agency requirements and regulations pertaining to reporting.

(8) Notice of awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.

(9) Awarding agency requirements and regulations pertaining to copyrights and rights in data.

(10) Access by the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

(11) Retention of all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.

(12) Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clear Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738 (3 CFR, 1971–1975 Comp., p. 799), and Environmental Protection Agency regulations (40 CFR part 15) (contracts, subcontracts, and subgrants of amounts in excess of $100,000).

(13) Mandatory standards and policies relating to energy efficiency which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.).

§ 2541.370 Subgrants.

(a) *States.* States shall follow State law and procedures when awarding and administering subgrants (whether on a cost reimbursement or fixed amount basis) of financial assistance to local and Indian tribal governments. States shall:

(1) Ensure that every subgrant includes any clauses required by Federal statute and executive orders and their implementing regulations;

(2) Ensure that subgrantees are aware of requirements imposed upon them by Federal statute and regulation;

(3) Ensure that a provision for compliance with § 2541.400 is placed in every cost reimbursement subgrant; and

(4) Conform any advances of grant funds to subgrantees substantially to the same standards of timing and amount that apply to cash advances by Federal agencies.

(b) *All other grantees.* All other grantees shall follow the provisions of this part which are applicable to awarding agencies when awarding and administering subgrants (whether on a cost reimbursement or fixed amount basis) of financial assistance to local and Indian tribal governments. Grantees shall:

(1) Ensure that every subgrant includes a provision for compliance with this part;

(2) Ensure that every subgrant includes any clauses required by Federal statute and executive orders and their implementing regulations; and

(3) Ensure that subgrantees are aware of requirements imposed upon them by Federal statutes and regulations.

(c) *Exceptions.* By their own terms, certain provisions of this part do not

apply to the award and administration of subgrants:

(1) § 2541.100;

(2) § 2541.110;

(3) The letter-of-credit procedures specified in Treasury Regulations at 31 CFR part 205, cited in § 2541.210; and

(4) § 2541.500.

Subpart E—Reports, Records, Retention and Enforcment

§ 2541.400 Monitoring and reporting program performance.

(a) *Monitoring by grantees.* Grantees are responsible for managing the day-to-day operations of grant and subgrant supported activities. Grantees must monitor grant and subgrant supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved. Grantee monitoring must cover each program, function or activity.

(b) *Nonconstruction performance reports.* The Federal agency may, if it decides that performance information available from subsequent applications contains sufficient information to meet its programmatic needs, require the grantee to submit a performance report only upon expiration or termination of grant support. Unless waived by the Federal agency this report will be due on the same date as the final Financial Status Report.

(1) Grantees shall submit annual performance reports unless the awarding agency requires quarterly or semi-annual reports. However, performance reports will not be required more frequently than quarterly. Annual reports shall be due 90 days after the grant year, quarterly or semi-annual reports shall be due 30 days after the reporting period. The final performance report will be due 90 days after the expiration or termination of grant support. If a justified request is submitted by a grantee, the Federal agency may extend the due date for any performance report. Additionally, requirements for unnecessary performance reports may be waived by the Federal agency.

(2) Performance reports will contain, for each grant, brief information on the following:

(i) A comparison of actual accomplishments to the objectives established for the period. Where the output of the project can be quantified, a computation of the cost per unit of output may be required if that information will be useful.

(ii) The reasons for slippage if established objectives were not met.

(iii) Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

(3) Grantees will not be required to submit more than the original and two copies of performance reports.

(4) Grantees will adhere to the standards in this section in prescribing performance reporting requirements for subgrantees.

(c) *Construction performance reports.* For the most part, on-site technical inspections and certified percentage-of-completion data are relied on heavily by Federal agencies to monitor progress under construction grants and subgrants. The Federal agency will require additional formal performance reports only when considered necessary, and never more frequently than quarterly.

(d) *Significant developments.* Events may occur between the scheduled performance reporting dates which have significant impact upon the grant or subgrant supported activity. In such cases, the grantee must inform the Federal agency as soon as the following types of conditions become known:

(1) Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of the award. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.

(2) Favorable developments which enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more beneficial results than originally planned.

(e) *Site visits.* Federal agencies may make site visits as warranted by program needs.

(f) *Waivers, extensions.* (1) Federal agencies may waive any performance report required by this part if not needed.

(2) The grantee may waive any performance report from a subgrantee when not needed. The grantee may extend the due date for any performance report from a subgrantee if the grantee will still be able to meet its performance reporting obligations to the Federal agency.

§ 2541.410 Financial reporting.

(a) *General.*—(1) Except as provided in paragraphs (a) (2) and (5) of this section, grantees will use only the forms specified in paragraphs (a) through (e) of this section, and such supplementary or other forms as may from time to time be authorized by OMB, for:

(i) Submitting financial reports to Federal agencies; or

(ii) Requesting advances or reimbursements when letters of credit are not used.

(2) Grantees need not apply the forms prescribed in this section in dealing with their subgrantees. However, grantees shall not impose more burdensome requirements on subgrantees.

(3) Grantees shall follow all applicable standard and supplemental Federal agency instructions approved by OMB to the extent required under the Paperwork Reduction Act of 1980 for use in connection with forms specified in paragraphs (b) through (e) of this section. Federal agencies may issue substantive supplementary instructions only with the approval of OMB. Federal agencies may shade out or instruct the grantee to disregard any line item that the Federal agency finds unnecessary for its decision making purposes.

(4) Grantees will not be required to submit more than the original and two copies of forms required under this part.

(5) Federal agencies may provide computer outputs to grantees to expedite or contribute to the accuracy of reporting. Federal agencies may accept the required information from grantees in machine usable format or computer printouts instead of prescribed forms.

(6) Federal agencies may waive any report required by this section if not needed.

(7) Federal agencies may extend the due date of any financial report upon receiving a justified request from a grantee.

(b) *Financial Status Report.*—(1) *Form.* Grantees will use Standard Form 269 or 269A, Financial Status Report, to report the status of funds for all nonconstruction grants and for construction grants when required in accordance with paragraph (e)(2)(iii) of this section.

(2) *Accounting basis.* Each grantee will report program outlays and program income on a cash or accrual basis as prescribed by the awarding agency. If the Federal agency requires accrual information and the grantee's accounting records are not normally kept on the accrual basis, the grantee shall not be required to convert its accounting system but shall develop such accrual information through an analysis of the documentation on hand.

(3) *Frequency.* The Federal agency may prescribe the frequency of the report for each project or program. However, the report will not be required more frequently than quarterly. If the Federal agency does not specify the frequency of the report, it will be submitted annually. A final report will

be required upon expiration or termination of grant support.

(4) *Due date.* When reports are required on a quarterly or semiannual basis, they will be due 30 days after the reporting period. When required on an annual basis, they will be due 90 days after the grant year. Final reports will be due 90 days after the expiration or termination of grant support.

(c) *Federal Cash Transactions Report.*—(1) *Form.* (i) For grants paid by letter or credit, Treasury check advances or electronic transfer of funds, the grantee will submit the Standard Form 272, Federal Cash Transactions Report, and when necessary, its continuation sheet, Standard Form 272a, unless the terms of the award exempt the grantee from this requirement.

(ii) These reports will be used by the Federal agency to monitor cash advanced to grantees and to obtain disbursement or outlay information for each grant from grantees. The format of the report may be adapted as appropriate when reporting is to be accomplished with the assistance of automatic data processing equipment provided that the information to be submitted is not changed in substance.

(2) *Forecasts of Federal cash requirements.* Forecasts of Federal cash requirements may be required in the "Remarks" section of the report.

(3) *Cash in hands of subgrantees.* When considered necessary and feasible by the Federal agency, grantees may be required to report the amount of cash advances in excess of three days' needs in the hands of their subgrantees or contractors and to provide short narrative explanations of actions taken by the grantee to reduce the excess balances.

(4) *Frequency and due date.* Grantees must submit the report no later than 15 working days following the end of each quarter. However, where an advance either by letter of credit or electronic transfer of funds is authorized at an annualized rate of one million dollars or more, the Federal agency may require the report to be submitted within 15 working days following the end of each month.

(d) *Request for advance or reimbursement.*—(1) *Advance payments.* Requests for Treasury check advance payments will be submitted on Standard Form 270, Request for Advance or Reimbursement. (This form will not be used for drawdowns under a letter of credit, electronic funds transfer or when Treasury check advance payments are made to the grantee automatically on a predetermined basis.)

(2) *Reimbursements.* Requests for reimbursement under nonconstruction grants will also be submitted on Standard Form 270. (For reimbursement requests under construction grants, see paragraph (e)(1) of this section.)

(3) The frequency for submitting payment requests is treated in paragraph (b)(3) of this section.

(e) *Outlay report and request for reimbursement for construction programs.*—(1) *Grants that support construction activities paid by reimbursement method.* (i) Requests for reimbursement under construction grants will be submitted on Standard Form 271, Outlay Report and Request for Reimbursement for Construction Programs. Federal agencies may, however, prescribe the Request for Advance or Reimbursement form, specified in paragraph (d) of this section, instead of this form.

(ii) The frequency for submitting reimbursement requests is treated in paragraph (b)(3) of this section.

(2) *Grants that support construction activities paid by letter of credit, electronic funds transfer or Treasury check advance.* (i) When a construction grant is paid by letter of credit, electronic funds transfer or Treasury check advances, the grantee will report its outlays to the Federal agency using Standard Form 271, Outlay Report and Request for Reimbursement for Construction Programs. The Federal agency will provide any necessary special instruction. However, frequency and due date shall be governed by paragraphs (b) (3) and (4) of this section.

(ii) When a construction grant is paid by Treasury check advances based on periodic requests from the grantee, the advances will be requested on the form specified in paragraph (d) of this section.

(iii) The Federal agency may substitute the Financial Status Report specified in paragraph (b) of this section for the Outlay Report and Request for Reimbursement for Construction Programs.

(3) *Accounting basis.* The accounting basis for the Outlay Report and Request for Reimbursement for Construction Programs shall be governed by paragraph (b)(2) of this section.

§ 2541.420 Retention and access requirements for records.

(a) *Applicability.* (1) This section applies to all financial and programmatic records, supporting documents, statistical records, and other records of grantees or subgrantees which are:

(i) Required to be maintained by the terms of this part, program regulations or the grant agreement; or

(ii) Otherwise reasonably considered as pertinent to program regulations or the grant agreement.

(2) This section does not apply to records maintained by contractors or subcontractors. For a requirement to place a provision concerning records in certain kinds of contracts, see § 2541.360(i)(10).

(b) *Length of retention period.* (1) Except as otherwise provided, records must be retained for three years from the starting date specified in paragraph (c) of this section.

(2) If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the 3-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.

(3) To avoid duplicate recordkeeping, awarding agencies may make special arrangements with grantees and subgrantees to retain any records which are continuously needed for joint use. The awarding agency will request transfer of records to its custody when it determines that the records possess long-term retention value. When the records are transferred to or maintained by the Federal agency, the 3-year retention requirement is not applicable to the grantee or subgrantee.

(c) *Starting date of retention period.*—(1) *General.* When grant support is continued or renewed at annual or other intervals, the retention period for the records of each funding period starts on the day the grantee or subgrantee submits to the awarding agency its single or last expenditure report for that period. However, if grant support is continued or renewed quarterly, the retention period for each year's records starts on the day the grantee submits its expenditure report for the last quarter of the Federal fiscal year. In all other cases, the retention period starts on the day the grantee submits its final expenditure report. If an expenditure report has been waived, the retention period starts on the day the report would have been due.

(2) *Real property and equipment records.* The retention period for real property and equipment records starts from the date of the disposition or replacement or transfer at the direction of the awarding agency.

(3) *Records for income transactions after grant or subgrant support.* In some cases grantees must report income after the period of grant support. Where there is such a requirement, the retention

period for the records pertaining to the earning of the income starts from the end of the grantee's fiscal year in which the income is earned.

(4) *Indirect cost rate proposals, cost allocations plans, etc.* This paragraph applies to the following types of documents, and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage charge back rates or composite fringe benefit rates).

(i) *If submitted for negotiation.* If the proposal, plan, or other computation is required to be submitted to the Federal Government (or to the grantee) to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission.

(ii) *If not submitted for negotiation.* If the proposal, plan, or other computation is not required to be submitted to the Federal Government (or to the grantee) for negotiation purposes, then the 3-year retention period for the proposal plan, or computation and its supporting records starts from end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

(d) *Substitution of microfilm.* Copies made by microfilming, photocopying, or similar methods may be substituted for the original records.

(e) *Access to records.*—(1) *Records of grantees and subgrantees.* The awarding agency and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of grantees and subgrantees which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts.

(2) *Expiration of right of access.* The rights of access in this section must not be limited to the required retention period but shall last as long as the records are retained.

(f) *Restrictions on public access.* The Federal Freedom of Information Act (5 U.S.C. 552) does not apply to records. Unless required by Federal, State, or local law, grantees and subgrantees are not required to permit public access to their records.

§ 2541.430 Enforcement.

(a) *Remedies for noncompliance.* If a grantee or subgrantee materially fails to comply with any term of an award, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere, the awarding agency may take one or more of the following actions, as appropriate in the circumstances:

(1) Temporarily withhold cash payments pending correction of the deficiency by the grantee or subgrantee or more severe enforcement action by the awarding agency;

(2) Disallow (that is, deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance;

(3) Wholly or partly suspend or terminate the current award for the grantee's or subgrantee's program;

(4) Withhold further awards for the program; or

(5) Take other remedies that may be legally available.

(b) *Hearings, appeals.* In taking an enforcement action, the awarding agency will provide the grantee or subgrantee an opportunity for such hearing, appeal, or other administrative proceeding to which the grantee or subgrantee is entitled under any statute or regulation applicable to the action involved.

(c) *Effects of suspension and termination.* Costs of grantee or subgrantee resulting from obligations incurred by the grantee or subgrantee during a suspension or after termination of an award are not allowable unless the awarding agency expressly authorizes them in the notice of suspension or termination or subsequently. Other grantee or subgrantee costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if:

(1) The costs result from obligations which were properly incurred by the grantee or subgrantee before the effective date of suspension or termination, are not in anticipation of it, and, in the case of a termination, are noncancellable; and

(2) The costs would be allowable if the award were not suspended or expired normally at the end of the funding period in which the termination takes effect.

(d) *Relationship to debarment and suspension.* The enforcement remedies identified in this section, including suspension and termination, do not preclude grantee or subgrantee from being subject to "Debarment and Suspension" under E.O. 12549 (see § 2541.350).

§ 2541.440 Termination for convenience.

Except as provided in § 2541.430 awards may be terminated in whole or in part only as follows:

(a) By the awarding agency with the consent of the grantee or subgrantee in which case the two parties shall agree upon the termination conditions, including the effective date and in the case of partial termination, the portion to be terminated; or

(b) By the grantee or subgrantee upon written notification to the awarding agency, setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. However, if, in the case of a partial termination, the awarding agency determines that the remaining portion of the award will not accomplish the purposes for which the award was made, the awarding agency may terminate the award in its entirety under either § 2541.430 or paragraph (a) of this section.

Subpart F—After the Grant Requirement

§ 2541.500 Closeout.

(a) *General.* The Federal agency will close out the award when it determines that all applicable administrative actions and all required work of the grant has been completed.

(b) *Reports.* Within 90 days after the expiration or termination of the grant, the grantee must submit all financial, performance, and other reports required as a condition of the grant. Upon request by the grantee, Federal agencies may extend this time frame. These may include but are not limited to:

(1) Final performance or progress report;

(2) Financial Status Report (SF 269) or Outlay Report and Request for Reimbursement for Construction Programs (SF–271) (as applicable);

(3) Final request for payment (SF–270) (if applicable);

(4) Invention disclosure (if applicable);

(5) Federally-owned property report. In accordance with § 2541.320(f), a grantee must submit an inventory of all federally owned property (as distinct from property acquired with grant funds) for which it is accountable and request disposition instructions from the Federal agency of property no longer needed.

(c) *Cost adjustment.* The Federal agency will, within 90 days after receipt of reports in paragraph (b) of this section, make upward or downward adjustments to the allowable costs.

(d) *Cash adjustments.* (1) The Federal agency will make prompt payment to the grantee for allowable reimbursable costs.

(2) The grantee must immediately refund to the Federal agency any balance of unobligated (unencumbered) cash advanced that is not authorized to be retained for use on other grants.

§ 2541.510 Later disallowances and adjustments.

The closeout of a grant does not affect:

(a) The Federal agency's right to disallow costs and recover funds on the basis of a later audit or other review;

(b) The grantee's obligation to return any funds due as a result of later refunds, corrections, or other transactions;

(c) Records retention as required in § 2541.420;

(d) Property management requirements in §§ 2541.3120 and 2541.320; and

(e) Audit requirements in § 2541.410.

§ 2541.520 Collection of amounts due.

(a) Any funds paid to a grantee in excess of the amount to which the grantee is finally determined to be entitled under the terms of the award constitute a debt to the Federal Government. If not paid within a reasonable period after demand, the Federal agency may reduce the debt by:

(1) Making an administrative offset against other requests for reimbursements;

(2) Withholding advance payments otherwise due to the grantee; or

(3) Other action permitted by law.

(b) Except where otherwise provided by statutes or regulations, the Federal agency will charge interest on an overdue debt in accordance with the Federal Claims Collection Standards (4 CFR Ch. II). The date from which interest is computed is not extended by litigation or the filing of any form of appeal.

PART 2542—GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Subpart A—General

Sec.
2542.10 Purpose.
2542.20 Definitions.
2542.30 Coverage.
2542.40 Policy.

Subpart B—Effect of Action

2542.100 Debarment or suspension.
2542.110 Ineligible persons.
2542.120 Voluntary exclusion.
2542.130 Exception provision.
2542.140 Continuation of covered transactions.
2542.150 Failure to adhere to restrictions.

Subpart C—Debarment

2542.200 General.
2542.210 Causes for debarment.
2542.220 Procedures.
2542.230 Investigation and referral.
2542.240 Notice of proposed debarment.
2542.250 Opportunity to contest proposed debarment.
2542.260 Debarring officials decision.
2542.270 Settlement and voluntary exclusion.
2542.280 Period of debarment.
2542.290 Scope of debarment.

Subpart D—Suspension

2542.300 General.
2542.310 Causes for suspension.
2542.320 Procedures.
2542.330 Notice of suspension.
2542.340 Opportuntiy to contest suspension.
2542.350 Suspending official's decision.
2542.360 Period of suspension.
2542.370 Scope of suspension.

Subpart E—Responsibilities of GSA, Agency and Participants

2542.400 GSA responsibilities.
2542.410 Corporation responsibilities.
2542.420 Participants' responsibilities.

Subpart F—Drug-Free Workplace Requirements (Grants)

2542.500 Purpose.
2542.510 Definitions.
2542.520 Coverage.
2542.530 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.
2542.540 Effect of violation.
2542.550 Exception provision.
2542.560 Certification requirements and procedures.
2542.570 Reporting of and employee sanctions for convictions of criminal drug offenses.
Appendix A to Part 2542—Certification Regarding Debarment, Suspension, and other Responsibility Matters—Primary Covered Transactions
Appendix B to Part 2542—Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tiered Covered Transactions
Appendix C to Part 2542—Certification Regarding Drug-Free Workplace Requirements

Authority: 42 U.S.C. 4951 *et seq.*, 5060 and 12644; E.O. 12549, 51 FR 6370, February 21, 1986 (3 CFR, 1986 Comp., p. 189).

Cross Reference: See also Office of Management and Budget notice published at 55 FR 21679, May 25, 1990, and the governmentwide common rule published at 53 FR 19161, May 26, 1988.

Subpart A—General

§ 2542.10 Purpose.

(a) Executive Order 12549 (3 CFR, 1986 Comp., p. 189) provides that, to the extent permitted by law, Executive departments and agencies shall participate in a governmentwide system for nonprocurement debarment and suspension. A person who is debarred or suspended shall be excluded from Federal financial and nonfinancial assistance and benefits under Federal programs and activities. Debarment or suspension of a participant in a program by one agency shall have governmentwide effect.

(b) The regulations in this part implement section 3 of Executive Order 12549 and the guidelines promulgated by the Office of Management and Budget under section 6 of the Executive Order by:

(1) Prescribing the programs and activities that are covered by the governmentwide system;

(2) Prescribing the governmentwide criteria and governmentwide minimum due process procedures that each agency shall use;

(3) Providing for the listing of debarred and suspended participants, participants declared ineligible (see definition of "ineligible" in § 2542.20), and participants who have voluntarily excluded themselves from participation in covered transactions;

(4) Setting forth the consequences of a debarment, suspension, determination of ineligibility, or voluntary exclusion; and

(5) Offering such other guidance as necessary for the effective implementation and administration of the governmentwide system.

(c) Although the regulations in this part cover the listing of ineligible participants and the effect of such listing, they do not prescribe policies and procedures governing declarations of ineligibility.

§ 2542.20 Definitions.

Adequate evidence. The term *adequate evidence* means information sufficient to support the reasonable belief that a particular act or omission has occurred.

Affiliate. The term *affiliate* means persons are affiliates of each other if, directly or indirectly, either one controls or has the power to control the other, or, a third person controls or has the power to control both. Indicia of control include, but are not limited to: Interlocking management or ownership, identity of interests among family members, shared facilities and equipment, common use of employees, or a business entity organized following the suspension or debarment of a person which has the same or similar management, ownership, or principal employees as the suspended, debarred, ineligible, or voluntarily excluded person.

Agency. The term *agency* means any executive department, military department or defense agency or other agency of the executive branch, excluding the independent regulatory agencies.

Civil judgment. The term *civil judgment* means the disposition of a

civil action by any court of competent jurisdiction, whether entered by verdict, decision, settlement, stipulation, or otherwise creating a civil liability for the wrongful acts complained of; or a final determination of liability under the Program Fraud Civil Remedies Act of 1988 (31 U.S.C. 3801–12).

Conviction. The term *conviction* means a judgment of conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, including a plea of nolo contendere.

Debarment. The term *debarment* means an action taken by a debarring official in accordance with these regulations to exclude a person from participating in covered transactions. A person so excluded is "debarred."

Debarring official. The term *debarring official* means an official authorized to impose debarment. The debarring official is either:

(1) The agency head; or

(2) An official designated by the agency head.

Indictment. Indictment for a criminal offense. An information or other filing by competent authority charging a criminal offense shall be given the same effect as an indictment.

Ineligible. The term *ineligible* means excluded from participation in Federal nonprocurement programs pursuant to a determination of ineligibility under statutory, executive order, or regulatory authority, other than Executive Order 12549 and its agency implementing regulations; for example, excluded pursuant to the Davis-Bacon Act and its implementing regulations, the equal employment opportunity acts and executive orders, or the environmental protection acts and executive orders. A person is ineligible where the determination of ineligibility affects such person's eligibility to participate in more than one covered transaction.

Legal proceedings. The term *legal proceedings* means any criminal proceeding or any civil judicial proceeding to which the Federal Government or a State or local government or quasi-governmental authority is a party. The term includes appeals from such proceedings.

Nonprocurement list. The term *nonprocurement list* means a portion of the List of Parties Excluded from Federal Procurement or Nonprocurement Programs compiled, maintained and distributed by the General Services Administration (GSA) containing the names and other information about persons who have been debarred, suspended, or voluntarily excluded under Executive Order 12549 and this part, and those who have been determined to be ineligible.

Notice. The term *notice* means a written communication served in person or sent by certified mail, return receipt requested, or its equivalent, to the last known address of a party, its identified counsel, its agent for service of process, or any partner, officer, director, owner, or joint venturer of the party. Notice, if undeliverable, shall be considered to have been received by the addressee five days after being properly sent to the last address known by the agency.

Participant. The term *participant* means any person who submits a proposal for, enters into, or reasonably may be expected to enter into a covered transaction. This term also includes any person who acts on behalf of or is authorized to commit a participant in a covered transaction as an agent or representative of another participant.

Person. The term *person* means any individual, corporation, partnership, association, unit of government or legal entity, however organized, except: Foreign governments or foreign governmental entities, public international organizations, foreign government owned (in whole or in part) or controlled entities, and entities consisting wholly or partially of foreign governments or foreign governmental entities.

Preponderance of the evidence. The term *preponderance of the evidence* means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

Principal. The term *principal* means an officer, director, owner, partner, key employee, or other person within a participant with primary management or supervisory responsibilities; or a person who has a critical influence on or substantive control over a covered transaction, whether or not employed by the participant. Persons who have a critical influence on or substantive control over a covered transaction are principal investigators.

Proposal. The term *proposal* means a solicited or unsolicited bid, application, request, invitation to consider or similar communication by or on behalf of a person seeking to participate or to receive a benefit, directly or indirectly, in or under a covered transaction.

Respondent. The term *respondent* means a person against whom a debarment or suspension action has been initiated.

State. The term *state* means any of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency of a State, exclusive of institutions of higher education, hospitals, and units of local government. A State instrumentality will be considered part of the State government if it has a written determination from a State government that such State considers that instrumentality to be an agency of the State government.

Suspending official. The term *suspending official* means an official authorized to impose suspension. The suspending official is either:

(1) The agency head; or

(2) An official designated by the agency head.

Suspension. The term *suspension* means an action taken by a suspending official in accordance with these regulations that immediately excludes a person from participating in covered transactions for a temporary period, pending completion of an investigation and such legal, debarment, or Program Fraud Civil Remedies Act proceedings as may ensue. A person so excluded is "suspended."

Voluntary exclusion (or) *voluntarily excluded.* The term *voluntary exclusion* (or) *voluntarily excluded* means a status of nonparticipation or limited participation in covered transactions assumed by a person pursuant to the terms of a settlement.

§ 2542.30 Coverage.

(a) The regulations in this part apply to all persons who have participated, are currently participating or may reasonably be expected to participate in transactions under Federal nonprocurement programs. For purposes of the regulations in this part such transactions will be referred to as "covered transactions."

(1) *Covered transaction.* For purposes of the regulations in this part, a covered transaction is a primary covered transaction or a lower tier covered transaction. Covered transactions at any tier need not involve the transfer of Federal funds.

(i) *Primary covered transaction.* Except as noted in paragraph (a)(2) of this section, a primary covered transaction is any nonprocurement transaction between an agency and a person, regardless of type, including: Grants, cooperative agreements, scholarships, fellowships, contracts of assistance, loans, loan guarantees, subsidies, insurance, payments for specified use, donation agreements and any other nonprocurement transactions between a Federal agency and a person. Primary covered transactions also include those transactions specially designated by the U.S. Department of

Housing and Urban Development in such agency's regulations governing debarment and suspension.

(ii) *Lower tier covered transaction.* A lower tier covered transaction is:

(A) Any transaction between a participant and a person other than a procurement contract for goods or services, regardless of type, under a primary covered transaction.

(B) Any procurement contract for goods or services between a participant and a person, regardless of type, expected to equal or exceed the Federal procurement small purchase threshold fixed at 10 U.S.C. 2304(g) and 41 U.S.C. 253(g) (currently $25,000) under a primary covered transaction.

(C) Any procurement contract for goods or services between a participant and a person under a covered transaction, regardless of amount, under which that person will have a critical influence on or substantive control over that covered transaction. Such persons are:

(*1*) Principal investigators.

(*2*) Providers of federally-required audit services.

(*3*) *Exceptions.* The following transactions are not covered:

(*i*) Statutory entitlements or mandatory awards (but not subtier awards thereunder which are not themselves mandatory), including deposited funds insured by the Federal Government;

(*ii*) Direct awards to foreign governments or public international organizations, or transactions with foreign governments or foreign governmental entities, public international organizations, foreign government owned (in whole or in part) or controlled entities, entities consisting wholly or partially of foreign governments or foreign governmental entities;

(*iii*) Benefits to an individual as a personal entitlement without regard to the individual's present responsibility (but benefits received in an individual's business capacity are not excepted);

(*iv*) Federal employment;

(*v*) Transactions pursuant to national or agency-recognized emergencies or disasters;

(*vi*) Incidental benefits derived from ordinary governmental operations; and

(*vii*) Other transactions where the application of these regulations would be prohibited by law.

(b) *Relationship to other sections.* This section describes the types of transactions to which a debarment or suspension under this part will apply. Subpart B, "Effect of Action," § 2542.50, "Debarment or suspension," sets forth the consequences of a debarment or suspension. Those consequences would obtain only with respect to participants and principals in the covered transactions and activities described in § 2542.30(a). Sections 2542.200 "Scope of debarment," and 2542.280, "Scope of suspension," govern the extent to which a specific participant or organizational elements of a participant would be automatically included within a debarment or suspension action, and the conditions under which affiliates or persons associated with a participant may also be brought within the scope of the action.

(c) *Relationship to Federal procurement activities.* Debarment and suspension of Federal procurement contractors and subcontractors under Federal procurement contracts are covered by the Federal Acquisition Regulation (FAR), 48 CFR part 9, subpart 9.4.

§ 2542.40 Policy.

(a) In order to protect the public interest, it is the policy of the Federal Government to conduct business only with responsible persons. Debarment and suspension are discretionary actions that, taken in accordance with Executive Order 12549 and this part, are appropriate means to implement this policy.

(b) Debarment and suspension are serious actions which shall be used only in the public interest and for the Federal Government's protection and not for purposes of punishment. Agencies may impose debarment or suspension for the causes and in accordance with the procedures set forth in this part.

(c) When more than one agency has an interest in the proposed debarment or suspension of a person, consideration shall be given to designating one agency as the lead agency for making the decision. Agencies are encouraged to establish methods and procedures for coordinating their debarment or suspension actions.

Subpart B—Effect of Action

§ 2542.100 Debarment or suspension.

(a) *Primary covered transactions.* Except to the extent prohibited by law, persons who are debarred or suspended shall be excluded from primary covered transactions as either participants or principals throughout the executive branch of the Federal Government for the period of their debarment or suspension. Accordingly, no agency shall enter into primary covered transactions with such debarred or suspended persons during such period, except as permitted pursuant to § 2542.130.

(b) *Lower tier covered transactions.* Except to the extent prohibited by law, persons who have been debarred or suspended shall be excluded from participating as either participants or principals in all lower tier covered transactions (see § 2542.30(a)(1)(ii)) for the period of their debarment or suspension.

(c) *Exceptions.* Debarment or suspension does not affect a person's eligibility for:

(1) Statutory entitlements or mandatory awards (but not subtier awards thereunder which are not themselves mandatory), including deposited funds insured by the Federal Government;

(2) Direct awards to foreign governments or public international organizations, or transactions with foreign governments or foreign governmental entities, public international organizations, foreign government owned (in whole or in part) or controlled entities, and entities consisting wholly or partially of foreign governments or foreign governmental entities;

(3) Benefits to an individual as a personal entitlement without regard to the individual's present responsibility (but benefits received in an individual's business capacity are not excepted);

(4) Federal employment;

(5) Transactions pursuant to national or agency-recognized emergencies or disasters;

(6) Incidental benefits derived from ordinary governmental operations; and

(7) Other transactions where the application of this part would be prohibited by law.

§ 2542.110 Ineligible persons.

Persons who are ineligible, as defined in § 2542.20, are excluded in accordance with the applicable statutory, executive order, or regulatory authority.

§ 2542.120 Voluntary exclusion.

Persons who accept voluntary exclusions under § 2542.270 are excluded in accordance with the terms of their settlements. Corporation shall, and participants may, contact the original action agency to ascertain the extent of the exclusion.

§ 2542.130 Exception provision.

The Corporation may grant an exception permitting a debarred, suspended, or voluntarily excluded person to participate in a particular covered transaction upon a written determination by the agency head or an authorized designee stating the reason(s) for deviating from the Presidential policy established by Executive Order

12549 and § 2542.100. However, in accordance with the President's stated intention in the Executive Order, exceptions shall be granted only infrequently. Exceptions shall be reported in accordance with § 2542.410(a).

§ 2542.140 Continuation of covered transactions.

(a) Notwithstanding the debarment, suspension, determination of ineligibility, or voluntary exclusion of any person by an agency, agencies and participants may continue covered transactions in existence at the time the person was debarred, suspended, declared ineligible, or voluntarily excluded. A decision as to the type of termination action, if any, to be taken should be made only after thorough review to ensure the propriety of the proposed action.

(b) Agencies and participants shall not renew or extend covered transactions (other than no-cost time extensions) with any person who is debarred, suspended, ineligible, or voluntarily excluded, except as provided in § 2542.130.

§ 2542.150 Failure to adhere to restrictions.

Except as permitted under § 2542.130 or § 2542.140, a participant shall not knowingly do business under a covered transaction with a person who is debarred or suspended, or with a person who is ineligible for or voluntarily excluded from that covered transaction. Violation of this restriction may result in disallowance of costs, annulment or termination of award, issuance of a stop work order, debarment or suspension, or other remedies, as appropriate. A participant may rely upon the certification of a prospective participant in a lower tier covered transaction that it and its principals are not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction (see Appendix B of this part), unless it knows that the certification is erroneous. An agency has the burden of proof that such participant did knowingly do business with such a person.

Subpart C—Debarment

§ 2542.200 General.

The debarring official may debar a person for any of the causes in § 2542.210, using procedures established in §§ 2542.220 through 2542.260. The existence of a cause for debarment, however, does not necessarily require that the person be debarred; the seriousness of the person's acts or omissions and any mitigating factors shall be considered in making any debarment decision.

§ 2542.210 Causes for debarment.

Debarment may be imposed in accordance with the provisions of §§ 2542.200 through 2542.260 for:

(a) Conviction of or civil judgment for:

(1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction;

(2) Violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging;

(3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, or obstruction of justice; or

(4) Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a person.

(b) Violation of the terms of a public agreement or transaction so serious as to affect the integrity of an agency program, such as:

(1) A willful failure to perform in accordance with the terms of one or more public agreements or transactions;

(2) A history of failure to perform or of unsatisfactory performance of one or more public agreements or transactions; or

(3) A willful violation of a statutory or regulatory provision or requirement applicable to a public agreement or transaction.

(c) Any of the following causes:

(1) A nonprocurement debarment by any Federal agency taken before October 1, 1988, the effective date of the Governmentwide debarment and suspension (nonprocurement) regulations, or a procurement debarment by any Federal agency taken pursuant to 48 CFR part 9, subpart 9.4;

(2) Knowingly doing business with a debarred, suspended, ineligible, or voluntarily excluded person, in connection with a covered transaction, except as permitted in § 2542.130 or § 2542.140;

(3) Failure to pay a single substantial debt, or a number of outstanding debts (including disallowed costs and overpayments, but not including sums owed the Federal Government under the Internal Revenue Code) owed to any Federal agency or instrumentality, provided the debt is uncontested by the debtor or, if contested, provided that the debtor's legal and administrative remedies have been exhausted;

(4) Violation of a material provision of a voluntary exclusion agreement entered into under § 2542.270 or of any settlement of a debarment or suspension action; or

(5) Violation of any requirement of subpart F of this part, relating to providing a drug-free workplace, as set forth in § 2542.530 of this part.

(d) Any other cause of so serious or compelling a nature that it affects the present responsibility of a person.

§ 2542.220 Procedures.

The Corporation shall process debarment actions as informally as practicable, consistent with the principles of fundamental fairness, using the procedures in §§ 2542.230 through 2542.260.

§ 2542.230 Investigation and referral.

Information concerning the existence of a cause for debarment from any source shall be promptly reported, investigated, and referred, when appropriate, to the debarring official for consideration. After consideration, the debarring official may issue a notice of proposed debarment.

§ 2542.240 Notice of proposed debarment.

A debarment proceeding shall be initiated by notice to the respondent advising:

(a) That debarment is being considered;

(b) Of the reasons for the proposed debarment in terms sufficient to put the respondent on notice of the conduct or transaction(s) upon which it is based;

(c) Of the cause(s) relied upon under § 2452.210 for proposing debarment;

(d) Of the provisions of §§ 2542.230 through 2542.260, and any other Corporation procedures, if applicable, governing debarment decision making; and

(e) Of the potential effect of a debarment.

§ 2542.250 Opportunity to contest proposed debarment.

(a) *Submission in opposition.* Within 30 days after receipt of the notice of proposed debarment, the respondent may submit, in person, in writing, or through a representative, information and argument in opposition to the proposed debarment.

(b) *Additional proceedings as to disputed material facts.* (1) In actions not based upon a conviction or civil judgment, if the debarring official finds that the respondent's submission in opposition raises a genuine dispute over facts material to the proposed debarment, respondent(s) shall be afforded an opportunity to appear with a representative, submit documentary

evidence, present witnesses, and confront any witness the agency presents.

(2) A transcribed record of any additional proceedings shall be made available at cost to the respondent, upon request, unless the respondent and the agency, by mutual agreement, waive the requirement for a transcript.

§ 2542.260 Debarring official's decision.

(a) *No additional proceedings necessary.* In actions based upon a conviction or civil judgment, or in which there is no genuine dispute over material facts, the debarring official shall make a decision on the basis of all the information in the administrative record, including any submission made by the respondent. The decision shall be made within 45 days after receipt of any information and argument submitted by the respondent, unless the debarring official extends this period for good cause.

(b) *Additional proceedings necessary.* (1) In actions in which additional proceedings are necessary to determine disputed material facts, written findings of fact shall be prepared. The debarring official shall base the decision on the facts as found, together with any information and argument submitted by the respondent and any other information in the administrative record.

(2) The debarring official may refer disputed material facts to another official for findings of fact. The debarring official may reject any such findings, in whole or in part, only after specifically determining them to be arbitrary and capricious or clearly erroneous.

(3) The debarring official's decision shall be made after the conclusion of the proceedings with respect to disputed facts.

(c) (1) *Standard of proof.* In any debarment action, the cause for debarment must be established by a preponderance of the evidence. Where the proposed debarment is based upon a conviction or civil judgment, the standard shall be deemed to have been met.

(2) *Burden of proof.* The burden of proof is on the agency proposing debarment.

(d) *Notice of debarring official's decision.* (1) If the debarring official decides to impose debarment, the respondent shall be given prompt notice:

(i) Referring to the notice of proposed debarment;

(ii) Specifying the reasons for debarment;

(iii) Stating the period of debarment, including effective dates; and

(iv) Advising that the debarment is effective for covered transactions throughout the executive branch of the Federal Government unless an agency head or an authorized designee makes the determination referred to in § 2542.130.

(2) If the debarring official decides not to impose debarment, the respondent shall be given prompt notice of that decision. A decision not to impose debarment shall be without prejudice to a subsequent imposition of debarment by any other agency.

§ 2542.270 Settlement and voluntary exclusion.

(a) When in the best interest of the Government, the Corporation may, at any time, settle a debarment or suspension action.

(b) If a participant and the agency agree to a voluntary exclusion of the participant, such voluntary exclusion shall be entered on the Nonprocurement List (see subpart E of this part).

§ 2542.280 Period of debarment.

(a) Debarment shall be for a period commensurate with the seriousness of the cause(s). If a suspension precedes a debarment, the suspension period shall be considered in determining the debarment period.

(1) Debarment for causes other than those related to a violation of the requirements of subpart F of this part generally should not exceed three years. Where circumstances warrant, a longer period of debarment may be imposed.

(2) In the case of a debarment for a violation of the requirements of subpart F of this part (see § 2542.210(c)(5)), the period of debarment shall not exceed five years.

(b) The debarring official may extend an existing debarment for an additional period, if that official determines that an extension is necessary to protect the public interest. However, a debarment may not be extended solely on the basis of the facts and circumstances upon which the initial debarment action was based. If debarment for an additional period is determined to be necessary, the procedures of §§ 2542.230 through 2542.260 shall be followed to extend the debarment.

(c) The respondent may request the debarring official to reverse the debarment decision or to reduce the period or scope of debarment. Such a request shall be in writing and supported by documentation. The debarring official may grant such a request for reasons including, but not limited to:

(1) Newly discovered material evidence;

(2) Reversal of the conviction or civil judgment upon which the debarment was based;

(3) Bona fide change in ownership or management;

(4) Elimination of other causes for which the debarment was imposed; or

(5) Other reasons the debarring official deems appropriate.

§ 2542.290 Scope of debarment.

(a) *Scope in general.* (1) Debarment of a person under this part constitutes debarment of all its divisions and other organizational elements from all covered transactions, unless the debarment decision is limited by its terms to one or more specifically identified individuals, divisions or other organizational elements or to specific types of transactions.

(2) The debarment action may include any affiliate of the participant that is specifically named and given notice of the proposed debarment and an opportunity to respond (see §§ 2542.230 through 2542.260).

(b) *Imputing conduct.* For purposes of determining the scope of debarment, conduct may be imputed as follows:

(1) *Conduct imputed to participant.* The fraudulent, criminal or other seriously improper conduct of any officer, director, shareholder, partner, employee, or other individual associated with a participant may be imputed to the participant when the conduct occurred in connection with the individual's performance of duties for or on behalf of the participant, or with the participant's knowledge, approval, or acquiescence. The participant's acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

(2) *Conduct imputed to individuals associated with participant.* The fraudulent, criminal, or other seriously improper conduct of a participant may be imputed to any officer, director, shareholder, partner, employee, or other individual associated with the participant who participated in, knew of, or had reason to know of the participant's conduct.

(3) *Conduct of one participant imputed to other participants in a joint venture.* The fraudulent, criminal, or other seriously improper conduct of one participant in a joint venture, grant pursuant to a joint application, or similar arrangement may be imputed to other participants if the conduct occurred for or on behalf of the joint venture, grant pursuant to a joint application, or similar arrangement or

with the knowledge, approval, or acquiescence of these participants. Acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

Subpart D—Suspension

§ 2542.300 General.

(a) The suspending official may suspend a person for any of the causes in § 2542.310 using procedures established in §§ 2542.320 through 2542.350.

(b) Suspension is a serious action to be imposed only when:

(1) There exists adequate evidence of one or more of the causes set out in § 2542.320; and

(2) Immediate action is necessary to protect the public interest.

(c) In assessing the adequacy of the evidence, the agency should consider how much information is available, how credible it is given the circumstances, whether or not important allegations are corroborated, and what inferences can reasonably be drawn as a result. This assessment should include an examination of basic documents such as grants, cooperative agreements, loan authorizations, and contracts.

§ 2542.310 Causes for suspension.

(a) Suspension may be imposed in accordance with the provisions of §§ 2542.300 through 2542.350 upon adequate evidence:

(1) To suspect the commission of an offense listed in § 2542.300(a); or

(2) That a cause for debarment under § 2542.300 may exist.

(b) Indictment shall constitute adequate evidence for purposes of suspension actions.

§ 2542.320 Procedures.

(a) *Investigation and referral.* Information concerning the existence of a cause for suspension from any source shall be promptly reported, investigated, and referred, when appropriate, to the suspending official for consideration. After consideration, the suspending official may issue a notice of suspension.

(b) *Decisionmaking process.* The Corporation shall process suspension actions as informally as practicable, consistent with principles of fundamental fairness, using the procedures in §§ 2541.330 through 2542.350.

§ 2542.330 Notice of suspension.

When a respondent is suspended, notice shall immediately be given:

(a) That suspension has been imposed;

(b) That the suspension is based on an indictment, conviction, or other adequate evidence that the respondent has committed irregularities seriously reflecting on the propriety of further Federal Government dealings with the respondent;

(c) Describing any such irregularities in terms sufficient to put the respondent on notice without disclosing the Federal Government's evidence;

(d) Of the cause(s) relied upon under § 2542.310 for imposing suspension;

(e) That the suspension is for a temporary period pending the completion of an investigation or ensuing legal, debarment, or Program Fraud Civil Remedies Act proceedings;

(f) Of the provisions of §§ 2542.330 through 2542.350 and any other Corporation procedures, if applicable, governing suspension decisionmaking; and

(g) Of the effect of the suspension.

§ 2542.340 Opportunity to contest suspension.

(a) *Submission in opposition.* Within 30 days after receipt of the notice of suspension, the respondent may submit, in person, in writing, or through a representative, information and argument in opposition to the suspension.

(b) *Additional proceedings as to disputed material facts.* (1) If the suspending official finds that the respondent's submission in opposition raises a genuine dispute over facts material to the suspension, respondent(s) shall be afforded an opportunity to appear with a representative, submit documentary evidence, present witnesses, and confront any witness the agency presents, unless:

(i) The action is based on an indictment, conviction or civil judgment; or

(ii) A determination is made, on the basis of Department of Justice advice, that the substantial interests of the Federal Government in pending or contemplated legal proceedings based on the same facts as the suspension would be prejudiced.

(2) A transcribed record of any additional proceedings shall be prepared and made available at cost to the respondent, upon request, unless the respondent and the agency, by mutual agreement, waive the requirement for a transcript.

§ 2542.350 Suspending official's decision.

The suspending official may modify or terminate the suspension (for example, see § 2542.280(c) for reasons for reducing the period or scope of debatement or may leave it in force. However, a decision to modify or terminate the suspension shall be without prejudice to the subsequent imposition of suspension by any agency. The decision shall be rendered in accordance with the following provisions.

(a) *No additional proceedings necessary.* In actions: Based on an indictment, conviction, or civil judgment; in which there is no genuine dispute over material facts; or in which additional proceedings to determine disputed material facts have been denied on the basis of Department of Justice advice, the suspending official shall make a decision on the basis of all the information in the administrative record, including any submission made by the respondent. The decision shall be made within 45 days after receipt of any information and argument submitted by the respondent, unless the suspending official extends this period for good cause.

(b) *Additional proceedings necessary.* (1) In actions in which additional proceedings are necessary to determine disputed material facts, written findings of fact shall be prepared. The suspending official shall base the decision on the facts as found, together with any information and argument submitted by the respondent and any other information in the administrative record.

(2) The suspending official may refer matters involving disputed material facts to another official for findings of fact. The suspending official may reject any such findings, in whole or in part, only after specifically determining them to be arbitrary or capricious or clearly erroneous.

(c) *Notice of suspending official's decision.* Prompt written notice of the suspending official's decision shall be sent to the respondent.

§ 2542.360 Period of suspension.

(a) Suspension shall be for a temporary period pending the completion of an investigation or ensuing legal, debarment, or Program Fraud Civil Remedies Act proceedings, unless terminated sooner by the suspending official or as provided in paragraph (b) of this section.

(b) If legal or administrative proceedings are not initiated within 12 months after the date of the suspension notice, the suspension shall be terminated unless an Assistant Attorney General or United States Attorney requests its extension in writing, in which case it may be extended for an additional six months. In no event may a suspension extend beyond 18 months,

unless such proceedings have been initiated within that period.

(c) The suspending official shall notify the Department of Justice of an impending termination of a suspension, at least 30 days before the 12-month period expires, to give that Department an opportunity to request an extension.

§ 2542.370 Scope of suspension.

The scope of a suspension is the same as the scope of a debarment (see § 2542.290) except that the procedures of §§ 2542.320 through 2542.350 shall be used in imposing a suspension.

Subpart E—Responsibilities of GSA, Agency and Participants

§ 2542.400 GSA responsibilities.

(a) In accordance with the OMB guidelines, GSA shall compile, maintain, and distribute a list of all persons who have been debarred, suspended, or voluntarily excluded by agencies under Executive Order 12549 and this part, and those who have been determined to be ineligible.

(b) At a minimum, this list shall indicate:

(1) The names and addresses of all debarred, suspended, ineligible, and voluntarily excluded persons, in alphabetical order, with cross-references when more than one name is involved in a single action;

(2) The type of action;

(3) The cause for the action;

(4) The scope of the action;

(5) Any termination date for each listing; and

(6) The agency and name and telephone number of the agency point of contact for the action.

§ 2542.410 Corporation responsibilities.

(a) The agency shall provide GSA with current information concerning debarments, suspension, determinations of ineligibility, and voluntary exclusions it has taken. Until February 18, 1989, the agency shall also provide GSA and OMB with information concerning all transactions in which the Corporation has granted exceptions under § 2542.130 permitting participation by debarred, suspended, or voluntarily excluded persons.

(b) Unless an alternative schedule is agreed to by GSA, the agency shall advise GSA of the information set forth in § 2542.400(b) and of the exceptions granted under § 2542.130 within five working days after taking such actions.

(c) The agency shall direct inquiries concerning listed persons to the agency that took the action.

(d) Agency officials shall check the Nonprocurement List before entering covered transactions to determine whether a participant in a primary transaction is debarred, suspended, ineligible, or voluntarily excluded.

(e) Agency officials shall check the Nonprocurement List before approving principals or lower tier participants where agency approval of the principal or lower tier participant is required under the terms of the transaction, to determine whether such principals or participants are debarred, suspended, ineligible, or voluntarily excluded.

§ 2542.420 Participants' responsibilities.

(a) *Certification by participants in primary covered transactions.* Each participant shall submit the certification in Appendix A of this part for it and its principals at the time the participant submits its proposal in connection with a primary covered transaction, except that States need only complete such certification as to their principals. Participants may decide the method and frequency by which they determine the eligibility of their principals. In addition, each participant may, but is not required to, check the Nonprocurement List for its principals. Adverse information on the certification will not necessarily result in denial of participation. However, the certification, and any additional information pertaining to the certification submitted by the participant, shall be considered in the administration of covered transactions.

(b) *Certification by participants in lower tier covered transactions.* (1) Each participant shall require participants in lower tier covered transactions to include the certification in Appendix B of this part for it and its principals in any proposal submitted in connection with such lower tier covered transactions.

(2) A participant may rely upon the certification of a prospective participant in a lower tier covered transaction that it and its principals are not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction by any Federal agency, unless it knows that the certification is erroneous. Participants may decide the method and frequency by which they determine the eligibility of their principals. In addition, a participant may, but is not required to, check the Nonprocurement List for its principals and for participants.

(c) *Changed circumstances regarding certification.* A participant shall provide immediate written notice to Corporation if at any time the participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

Participants in lower tier covered transactions shall provide the same updated notice to the participant to which it submitted its proposals.

Subpart F—Drug-Free Workplace Requirements (Grants)

§ 2542.500 Purpose.

(a) The purpose of this subpart is to carry out the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.) by requiring that—

(1) A grantee, other than an individual, shall certify to the agency that it will provide a drug-free workplace;

(2) A grantee who is an individual shall certify to the agency that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in conducting any activity with the grant.

(b) Requirements implementing the Drug-Free Workplace Act of 1988 for contractors with the agency are found at 48 CFR part 9, subpart 9.4, part 23, subpart 23.5, and part 52, subpart 52.2.

§ 2542.510 Definitions.

(a) Except as amended in this section, the definitions of § 2542.20 apply to this subpart.

(b) For purposes of this subpart—

(1) *Controlled substance.* The term *controlled substance* means a controlled substance in schedules I through V of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation at 21 CFR 1308.11 through 1308.15;

(2) *Conviction.* The term *conviction* means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

(3) *Criminal drug statute.* The term *criminal drug statute* means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

(4) *Drug-free workplace.* The term *drug-free workplace* means a site for the performance of work done in connection with a specific grant at which employees of the grantee are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance;

(5) *Employee.* (i) The term *employee* means the employee of a grantee directly engaged in the performance of work under the grant, including:

(A) All direct charge employees;

(B) All indirect charge employees, unless their impact or involvement is insignificant to the performance of the grant; and

(C) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll.

(ii) This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the payroll; or employees of subrecipients or subcontractors in covered workplaces);

(6) *Federal agency (or agency).* The term *federal agency (or agency)* means any United States executive department, military department, government corporation, government controlled corporation, any other establishment in the executive branch (including the Executive Office of the President), or any independent regulatory agency;

(7) *Grant.* The term *grant* means an award of financial assistance, including a cooperative agreement, in the form of money, or property in lieu of money, by a Federal agency directly to a grantee. The term grant includes block grant and entitlement grant programs, whether or not exempted from coverage under the grants management government-wide common rule on uniform administrative requirements for grants and cooperative agreements. The term does not include technical assistance that provides services instead of money, or other assistance in the form of loans, loan guarantees, interest subsidies, insurance, or direct appropriations; or any veterans' benefits to individuals, i.e., any benefit to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States;

(8) *Grantee.* The term *grantee* means a person who applies for or receives a grant directly from a Federal agency (except another Federal agency);

(9) *Individual.* The term *individual* means a natural person;

(10) *State.* The term *State* means any of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency of a State, exclusive of institutions of higher education, hospitals, and units of local government. A State instrumentality will be considered part of the State government if it has a written determination from a State government that such State considers the instrumentality to be an agency of the State government.

§ 2542.520 Coverage.

(a) This subpart applies to any grantee of the agency.

(b) This subpart applies to any grant, except where application of this subpart would be inconsistent with the international obligations of the United States or the laws or regulations of a foreign government. A determination of such inconsistency may be made only by the agency head or his/her designee.

(c) The provisions of subparts A, B, C, D and E of this part apply to matters covered by this subpart, except where specifically modified by this subpart. In the event of any conflict between provisions of this subpart and other provisions of this part, the provisions of this subpart are deemed to control with respect to the implementation of drug-free workplace requirements concerning grants.

§ 2542.530 Grounds for suspension of payments, suspension or termination of grants, or suspension or debarment.

A grantee shall be deemed in violation of the requirements of this subpart if the agency head or his or her official designee determines, in writing, that—

(a) The grantee has made a false certification under § 2542.560;

(b) With respect to a grantee other than an individual—

(1) The grantee has violated the certification by failing to carry out the requirements of paragraphs (A) (a)–(g) and/or (B) of the certification (Alternate I in Appendix C of this part); or

(2) Such a number of employees of the grantee have been convicted of violations of criminal drug statutes for violations occurring in the workplace as to indicate that the grantee has failed to make a good faith effort to provide a drug-free workplace; or

(c) With respect to a grantee who is an individual—

(1) The grantee has violated the certification by failing to carry out its requirements (Alternate II of Appendix C of this part); or

(2) The grantee is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity.

§ 2542.540 Effect of violation.

(a) In the event of a violation of this subpart as provided in § 2542.520, and in accordance with applicable law, the grantee shall be subject to one or more of the following actions:

(1) Suspension of payments under the grant;

(2) Suspension or termination of the grant; and

(3) Suspension or debarment of the grantee under the provisions of this part.

(b) Upon issuance of any final decision under this part requiring debarment of a grantee, the debarred grantee shall be ineligible for award of any grant from any Federal agency for a period specified in the decision, not to exceed five years (see § 2542.280(a)(2)).

§ 2542.550 Exception provision.

The agency head may waive with respect to a particular grant, in writing, a suspension of payments under a grant, suspension or termination of a grant, or suspension or debarment of a grantee if the agency head determines that such a waiver would be in the public interest. This exception authority cannot be delegated to any other official.

§ 2542.560 Certification requirements and procedures.

(a) (1) As a prior condition of being awarded a grant, each grantee shall make the appropriate certification to the Federal agency providing the grant, as provided in Appendix C of this part.

(2) Grantees are not required to make a certification in order to continue receiving funds under a grant awarded before March 18, 1989, or under a no-cost time extension of such a grant. However, the grantee shall make a one-time drug-free workplace certification for a non-automatic continuation of such a grant made on or after March 18, 1989.

(b) Except as provided in this section, all grantees shall make the required certification for each grant. For mandatory formula grants and entitlements that have no application process, grantees shall submit a one-time certification in order to continue receiving awards.

(c) A grantee that is a State may elect to make one certification in each Federal fiscal year. States that previously submitted an annual certification are not required to make a certification for Fiscal Year 1990 until June 30, 1990. Except as provided in paragraph (d) of this section, this certification shall cover all grants to all State agencies from any Federal agency. The State shall retain the original of this statewide certification in its Governor's office and, prior to grant award, shall ensure that a copy is submitted individually with respect to each grant, unless the Federal agency has designated a central location for submission.

(d) (1) The Governor of a State may exclude certain State agencies from the statewide certification and authorize

these agencies to submit their own certifications to Federal agencies. The statewide certification shall name any State agencies so excluded.

(2) A State agency to which the statewide certification does not apply, or a State agency in a State that does not have a statewide certification, may elect to make one certification in each Federal fiscal year. State agencies that previously submitted a State agency certification are not required to make a certification for Fiscal Year 1990 until June 30, 1990. The State agency shall retain the original of this State agency-wide certification in its central office and, prior to grant award, shall ensure that a copy is submitted individually with respect to each grant, unless the Federal agency designates a central location for submission.

(3) When the work of a grant is done by more than one State agency, the certification of the State agency directly receiving the grant shall be deemed to certify compliance for all workplaces, including those located in other State agencies.

(e) (1) For a grant of less than 30 days performance duration, grantees shall have this policy statement and program in place as soon as possible, but in any case by a date prior to the date on which performance is expected to be completed.

(2) For a grant of 30 days or more performance duration, grantees shall have this policy statement and program in place within 30 days after award.

(3) Where extraordinary circumstances warrant for a specific grant, the grant officer may determine a different date on which the policy statement and program shall be in place.

§ 2542.570 Reporting of and employee sanctions for convictions of criminal drug offenses.

(a) When a grantee other than an individual is notified that an employee has been convicted for a violation of a criminal drug statute occurring in the workplace, it shall take the following actions:

(1) Within 10 calendar days of receiving notice of the conviction, the grantee shall provide written notice, including the convicted employee's position title, to every grant officer, or other designee on whose grant activity the convicted employee was working, unless a Federal agency has designated a central point for the receipt of such notifications. Notification shall include the identification number(s) for each of the Federal agency's affected grants.

(2) Within 30 calendar days of receiving notice of the conviction, the grantee shall do the following with respect to the employee who was convicted:

(i) Take appropriate personnel action against the employee, up to and including termination, consistent with requirements of the Rehabilitation Act of 1973, as amended; or

(ii) Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health law enforcement, or other appropriate agency.

(b) A grantee who is an individual who is convicted for a violation of a criminal drug statute occurring during the conduct of any grant activity shall report the conviction, in writing, within 10 calendar days, to his or her Federal agency grant officer, or other designee, unless the Federal agency has designated a central point for the receipt of such notices. Notification shall include the identification number(s) for each of the Federal agency's affected grants.

(Approved by the Office of Management and Budget under control number 0991–0002).

Appendix A To Part 2542—Certification Regarding Debarment, Suspension, And Other Responsibility Matters—Primarily Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered

transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal has one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Appendix B To Part 2542—Certification, Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department of agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Appendix C to Part 2542—Certification Regarding Drug-Free Workplace Requirements

Instructions for Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. For grantees other than individuals, Alternate I applies.

4. For grantees who are individuals, Alternate II applies.

5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).

8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. § 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of sub recipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: Place of Performance (Street address, city, county, state, zip code)

_____

_____

_____

Check [ ] if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[FR Doc. 94–17962 Filed 8–11–94; 8:45 am]

BILLING CODE 6820–BA–P

federal register

Friday
August 12, 1994

Part III

Environmental Protection Agency

40 CFR Part 58
Ambient Air Quality Surveillance Regulations; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 58

[AD–FRL–4691–5]

Ambient Air Quality Surveillance Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule revises the EPA's ambient air quality surveillance regulations to take into account recent changes and developments in the overall management of ambient air quality data and to reflect current operating practices of State and local agencies. The revisions to the Ambient Air Quality Surveillance Regulations change the data reporting requirements for State and Local Air Monitoring Stations (SLAMS) and National Air Monitoring Stations (NAMS). The changes affect the number of monitoring sites required to submit air quality data to the Aerometric Information Retrieval System (AIRS) and the timing for such data submittals. The data from both the current SLAMS and NAMS monitors will be submitted on a quarterly basis within 90 days after the end of the calendar quarter. In addition, the revisions replace technical references to the former Storage and Retrieval of Aerometric Data (SAROAD) data base with references to the AIRS. Various technical revisions update the regulations to reflect organizational changes. These revisions reflect current practices of most State and local agencies and should expedite data access with the AIRS data base for air quality planning and decision making.

EFFECTIVE DATE: These regulations take effect on October 1, 1994.

FOR FURTHER INFORMATION CONTACT: Mr. David Lutz (MD–14), Technical Support Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, phone: (919) 541–5476.

SUPPLEMENTARY INFORMATION:

I. Background

The Clean Air Act, as amended in 1990 (Act), requires that States establish an air quality monitoring system as part of their State implementation plan (SIP), and that EPA establish a supplemental monitoring system throughout the United States (sections 110(a)(2) and 319 of the Act). These State and national air quality monitoring systems provide the critical information for purposes of defining "nonattainment" with the National Ambient Air Quality Standards (NAAQS), evaluating progress towards achievement of the NAAQS pursuant to SIP's, and reporting air quality data to EPA to document the status and trends of the Nation's air quality. In the discharge of these and other responsibilities, EPA needs to have timely access to valid and complete ambient air quality data as obtained by State and local air pollution control agencies. The current regulations require that State and local agencies submit air quality data from certain designated sites (NAMS) to EPA within 120 days after the end of each calendar quarter. The data from other SLAMS (about 70 percent of the sites are SLAMS) were exempted from the quarterly reporting requirement and were required to be submitted in an annual report to the Administrator through the appropriate EPA Regional Office. Therefore, Part 58 includes two separate data processing and reporting requirements, a situation which States have found to be both inefficient and undesirable from a quality assurance standpoint. Consequently, most States have developed operational practices to process and report all ambient air quality data to EPA using one system. The EPA's revisions to part 58 are consistent with this general practice.

The EPA has now completed the development of a new comprehensive air quality data system. The Air Quality Subsystem (AQS) of the AIRS has replaced the former SAROAD data bank. The AIRS is a significant enhancement to the national monitoring program and results in improved efficiency at the State and local levels by allowing those agencies to directly input air quality data to AQS, thereby eliminating the need for additional data processing by the EPA Regional Offices. Most State and local personnel have already been trained in the use of the AIRS system and can now directly input their air quality data. This major enhancement, along with the development of electronic transfer and processing of air quality data, reduces the amount of time needed by State and local agencies to submit air quality data to the AIRS. Consequently, these revisions to part 58 change the data reporting requirements for two reasons: (1) To provide uniform quarterly reporting requirements for both NAMS and SLAMS, and (2) to shorten the data reporting time requirements from 120 days after the end of the calendar quarter to 90 days.

These regulations deal with changes to the ambient air quality monitoring, data reporting, and surveillance requirements of 40 CFR part 58. These changes are needed based on the developments outlined above and are required to reflect the implementation of AIRS. This will assure that high quality ambient air data are available to EPA on a more timely basis. The EPA's need for timely air data is due to various requirements of the Act, such as timely designations of attainment status and timely preparation and publication of annual reports, along with EPA's general need for consistent and timely access to ambient air quality data in AIRS within a reasonable timeframe after its collection. For example, under the old regulations, EPA may not have received SLAMS air quality data collected on January 1 of a given year until July 1 of the following year. Clearly the need exists to shorten this timeframe.

Shorter reporting times are now feasible using readily available data processing equipment and standard operating procedures for data processing. Most State agencies already meet the 90-day data reporting timeframe required in these revisions. Earlier access to air quality data will allow EPA to be more responsive to the requirements of the amended Act and to the Nation's overall air quality program.

Also, the EPA estimates the additional burden associated with this rule in reporting the data on a quarterly basis versus summary statistics on a yearly basis is 11,000 hours. This represents an average of 50 hours per respondent (55 States and/or Territories) per quarter. Further discussion of the estimate of this burden is included in a following section on the Paperwork Reduction Act.

These regulations also include several minor technical modifications to reflect changes in organizations, contacts, and references that have occurred since the last revisions to part 58 in 1986.

II. Revisions to Part 58—Ambient Air Quality Surveillance

A. Section 58.1 Definitions

These regulations amend the definitions section by adding a definition for the new AIRS. The Agency has completed major enhancements to the new AIRS data base, which replaces the former SAROAD data base for ambient air quality data. These regulations will reflect this important program change by defining AIRS and replacing the technical references to SAROAD with references to AIRS. The definition of the SAROAD system would be maintained within this section because several organizations will continue to use certain parts of the SAROAD system as an interim interface with the new AIRS data base. No responder objected to

adding the definition of AIRS to this section.

B. Section 58.26 Annual SLAMS Summary Report

No regulatory changes were proposed for this existing requirement. However, comments and suggestions were solicited on whether this annual report would be necessary or whether any changes would be needed to this section to eliminate any redundancy in reporting requirements. The consensus of the comments received on this issue support deletion of the requirement for the hard copy form of the report but retention of the annual certification. Therefore, the current rule continues to require the annual summary report, but future revisions to these regulations may modify the format of this certification.

C. Section 58.28 SLAMS Data Submittal

The EPA had solicited comments on the need to require submission of the SLAMS raw air quality data on a quarterly basis. Four responders concurred with the proposal and there were no negative comments to the proposal.

These regulations require that all data from the SLAMS be submitted to AIRS under the same data reporting requirements as those for the NAMS. These regulatory changes reflect the actual operational practices of the majority of State and local agencies. For data processing purposes, EPA believes it is both inefficient and technically undesirable to maintain different reporting requirements for NAMS and SLAMS monitoring data.

D. Section 58.35 NAMS Data Submittal

The previous monitoring regulations specify that all NAMS data be submitted in quarterly reports to the EPA Administrator (through the appropriate Regional Office) within 120 days of the end of each reporting period. The proposed regulations would have changed the data submittal requirement for NAMS to 60 days after the end of the calendar quarter for gaseous pollutants and 90 days for particulate and lead data. Four responders agreed with the 60/90 data submittal requirement, one responder recommended a compromise of 75 days for all pollutants, one responder recommended 75/90 days, two responders recommended 90 days, six responders recommended keeping the requirement at 120 days, and two responders recommended a 2-year transition period to phase in the 60/90-day requirement.

These regulations modify the existing data reporting requirements for sites designated as NAMS and now also include the SLAMS as discussed above. The new requirement changes the existing data submittal for NAMS from 120 days after the end of the calendar quarter to a requirement whereby data for sulfur dioxide (SO_2), carbon monoxide (CO), ozone (O_3), nitrogen oxides (NO_2), lead (Pb), and particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM–10) from both NAMS and SLAMS will be submitted 90 days after the end of the calendar quarter.

Also, the requirement that the State report the air quality data through the appropriate EPA Regional Office is changed to reflect the current practice of submitting data directly to the Administrator (i.e., into AIRS) from the State and local air pollution control agencies.

E. Part 58, Appendix A "Quality Assurance Requirements for State and Local Air Monitoring Stations (SLAMS)"

The revisions proposed to change section 4.1 of Appendix A to require that precision and accuracy data be submitted to AIRS under the same data reporting requirements as proposed for NAMS in § 58.35. One responder recommended the precision and accuracy data be submitted 75 days after the end of the calendar quarter, two responders recommended 90 days, three responders recommended 120 days, and one recommended the schedule be the same as for the SLAMS data.

The precision and accuracy data reporting requirement is changed from 120 to 90 days after the end of the calendar quarter. These revisions also would delete the forms for reporting precision and accuracy data in SAROAD format, along with the coding instructions for these forms. Procedures have been developed to input these data directly into AIRS along with the air quality data, and these forms will no longer be used.

1. Impact on Small Entities

The Regulatory Flexibility Act requires that all Federal agencies consider the impacts of final regulations on small entities, which are defined to be small businesses, small organizations, and small governmental jurisdictions (5 U.S.C. 601 et seq.). The EPA's consideration, pursuant to this Act, indicates that no small entity group would be significantly affected because no small entities are subject to the rule.

2. Paperwork Reduction Act

The information collection requirements in this rule have been approved by the Office of Management and Budget (OMB) under the "Paperwork Reduction Act," 44 U.S.C. 3501 *et seq.* They will amend the Information Collection Request for Ambient Air Quality Networks, which has been approved under OMB Control No. 2060–0084.

The EPA has estimated the additional burden associated with this rule in reporting the data on a quarterly basis versus summary statistics on a yearly basis to be 11,000 hours. This includes an average of 50 hours per respondent (55 States and/or Territories) per quarter. This burden includes the editing, resolution of anomalies, and the updating of information on site location and environment. This estimate does not include the burden for reading the instructions, planning for report preparation, creating the information, or making electronic transmittal of data because these items were included in the previous labor estimate for the NAMS. It is also assumed that the State agencies are either AIRS users or operate storage and retrieval systems which allow automated submissions of data on a quarterly basis. The burdens for editing and anomaly resolution and for maintaining site information are assumed to be proportional to comparable functions for AIRS.

3. Other Reviews

Executive Order 12866. Under Executive Order 12866, (58 FR 51735 (October 4, 1993)) the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a "signficant regulatory action"

under the terms of Executive Order 12866 and is, therefore, not subject to OMB review.

List of Subjects in 40 CFR Part 58

Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Quality assurance requirements, Ambient air quality monitoring network.

Statutory Authority

The statutory authorities for today's final rule are Secs. 110, 301(a), and 319, Clean Air Act as amended, 42 U.S.C. 7410, 7101(a), and 7619.

Dated: August 4, 1994.

Carol M. Browner,

Administrator.

For the reasons set forth in the preamble, part 58 of chapter I of title 40 of the Code of Federal Regulations is amended as follows:

PART 58—AMBIENT AIR QUALITY SURVEILLANCE

1. The authority citation for part 58 is revised to read as follows:

Authority: Sections 110, 301(a), and 319 of the Clean Air Act as amended (42 U.S.C. 7410, 7601(a), and 7619).

2. Section 58.1 is amended by redesignating paragraphs (p) through (y) as (q) through (z), and by adding a new paragraph (p) and revising the newly designated paragraph (q) to read as follows:

§ 58.1 Definitions.

* * * * *

(p) *Aerometric Information Retrieval System (AIRS)-Air Quality Subsystem (AQS)* is EPA's computerized system for storing and reporting of information relating to ambient air quality data.

(q) *Storage and Retrieval of Aerometric Data (SAROAD)* system is a computerized system which stores and reports information relating to ambient air quality. The SAROAD system has been replaced with the AIRS-AQS system; however, the SAROAD data reporting format continues to be used by some States and local air pollution agencies as an interface to AIRS on an interim basis.

* * * * *

3. Section 58.28 is revised to read as follows:

§ 58.28 SLAMS data submittal.

The State shall submit all of the SLAMS data according to the same data submittal requirements as defined for NAMS in section 58.35. The State shall also submit any portion or all of the SLAMS data to the appropriate Regional Administrator upon request.

4. Section 58.35 is revised to read as follows:

§ 58.35 NAMS data submittal.

(a) The requirements of this section apply to those stations designated as both SLAMS and NAMS by the network description required by §§ 58.20 and 58.30.

(b) The State shall report to the Administrator all ambient air quality data for SO_2, CO, O_3, NO_2, Pb, and PM-10 and information specified by the AIRS Users Guide (Volume II, Air Quality Data Coding, and Volume III, Air Quality Data Storage) to be coded into the AIRS–AQS format. Such air quality data and information must be submitted directly to the AIRS–AQS via either electronic transmission or magnetic tape, in the format of the AIRS–AQS, and in accordance with the quarterly schedule described in paragraph (c) of this section.

(c) The specific quarterly reporting periods are January 1-March 31, April 1-June 30, July 1-September 30, and October 1-December 31. The data and information reported for each reporting period must:

(1) Contain all data and information gathered during the reporting period.

(2) Be received in the AIRS–AQS within 90 days after the end of the quarterly reporting period. For example, the data for the reporting period January 1-March 31, 1994 are due on or before June 30, 1994.

(d) Air quality data submitted for each reporting period must be edited, validated, and entered into the AIRS–AQS for updating (within the time limits specified in paragraph (c) of this section) pursuant to appropriate AIRS–AQS procedures. The procedures for editing and validating data are described in the AIRS Users Guide, Volume II Air Quality Data Coding.

(e) This section does not permit a State to exempt those SLAMS which are also designated as NAMS from all or any of the reporting requirements applicable to SLAMS in Section 58.26.

5. Sections 58.20, 58.23, 58.31, 58.34, and Appendices A and D are amended by revising the acronym "SAROAD" to read "AIRS" in the following places:

a. Section 58.20(e)(1), and (e)(6)(i);

b. Section 58.23(a);

c. Section 58.31(a) and 58.31(g)(1);

d. Section 58.34(a);

e. Appendix A, Section 4; and

f. Appendix D, Section 2.5, last paragraph.

6. In Appendix A, section 4.1 is revised to read as follows:

Appendix A—Quality Assurance Requirements for State and Local Air Monitoring Stations (SLAMS)

* * * * *

4.1 Quarterly Reports. For each quarter, each reporting organization shall report to AIRS–AQS directly (or via the appropriate EPA Regional Office for organizations not direct users of AIRS) the results of all valid precision and accuracy tests it has carried out during the quarter. The quarterly reports of precision and accuracy data must be submitted consistent with the data reporting requirements specified for air quality data as set forth in § 58.35(c). Each organization shall report all collocated measurements including those falling below the levels specified in section 5.3.1. Do not report results from invalid tests, from tests carried out during a time period for which ambient data immediately prior or subsequent to the tests were invalidated for appropriate reasons, or from tests of methods or analyzers not approved for use in SLAMS monitoring networks under Appendix C of this part.

* * * * *

7. Appendix A is amended by removing section 4.3, including Figure A–1 (for reporting accuracy data), and Figure A–2 (for reporting precision data). Appendix A is also amended following Table A–1 by removing the two data quality assessment reporting forms and the table labeled "Information to be Contained on the Back of the Data Reporting Forms".

8. Appendices A, B, and C are amended by revising the words "Environmental Monitoring Systems Laboratory" to read "Atmospheric Research and Exposure Assessment Laboratory" in the following places:

a. Appendix A, Sections 2.3.1 and 2.4;

b. Appendix A, Section 4;

c. Appendix A, References 2 and 3;

d. Appendix B, Section 2.3.1;

e. Appendix B, References 2, 3, 6, and 7; and

f. Appendix C, Section 2.7.1.

9. Appendices A and B are amended by revising the acronym "EMSL" to read "AREAL" in the following places:

a. Appendix A, Section 4;

b. Appendix A, Section 4.1;

c. Appendix B, Section 2.4.

10. Appendix D, Section 3.2 is amended by revising the acronym "OANR" to read "Office of Air and Radiation (OAR)."

11. Appendix F is amended by revising the acronym "SAROAD" to read "AIRS–AQS" in the following places:

a. 2.1.1 (two places);

b. 2.2.1;

c. 2.3.1 (two places);
d. 2.4.1 (two places);
e. 2.5.1 (two places);
f. 2.6.1 (two places); and
g. 2.7.1.

12. Section 58.1, Appendix A and Appendix B are amended by revising the words "National Bureau of Standards" to read "National Institute of Standards and Technology" in the following places:

a. Newly redesignated section 58.1(s);
b. Appendix A, Section 2.3.1; and
c. Appendix B, Section 2.3.1.

13. Section 58.1, Appendix A and Appendix B are amended by revising the acronym "NBS" to read "NIST" in the following places:

a. Newly redesignated section 58.1(s) (2 places);
b. Appendix A, Section 2.3.1 (3 places);
c. Appendix A, Section 3.2;
d. Appendix B, Section 2.3 (3 places); and
e. Appendix B, Section 3.2.

[FR Doc. 94–19642 Filed 8–11–94; 8:45 am]
BILLING CODE 6560–50–P

federal register

Friday
August 12, 1994

Part IV

Department of the Interior

Bureau of Indian Affairs

Intent to Prepare an Environmental Impact Statement for a Proposed Lease to Construct and Operate a Biosolids Composting Facility; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Intent To Prepare an Environmental Impact Statement for a Proposed Lease to Construct and Operate a Biosolids Composting Facility on the Kintano Allotment of the Torres Martinez Indian Reservation, Riverside County, CA

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of intent and public scoping meeting.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs intends to prepare an Environmental Impact Statement (EIS) for a proposed lease to construct and operate a biosolids composting facility on allotted land owned by Joseph Kintano of the Torres Martinez Indian Reservation in Riverside County, California. A description of the proposed project, location, and environmental considerations to be addressed in the EIS are provided below (see supplemental information). In addition to this notice, a public meeting regarding the proposal and preparation of the EIS will be held.

This notice is published in accordance with the National Environmental Policy Act (NEPA) regulations found in 40 CFR 1501.7. The purpose of this notice is to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. Comments and participation in this scoping process are encouraged.

DATES: Comments should be received by September 15, 1994. A public scoping meeting will be held on September 1, 1994.

ADDRESSES: Comments should be addressed to Ronald Jaeger, Area Director, Sacramento Area Office, 2800 Cottage Way, Sacramento, CA 95825. A public scoping meeting will be held on September 1, 1994, at 7:00 p.m. at the Oasis Elementary School—Multi-Purpose Room located at 88–775, Avenue 76, Oasis, CA.

FOR FURTHER INFORMATION CONTACT: Donald B. Knapp, Environmental Protection Specialist, Bureau of Indian Affairs, Sacramento Area Office, 2800 Cottage Way, Sacramento, CA 95825, telephone (916) 978–4703.

SUPPLEMENTARY INFORMATION: East Valley Farms, Inc. has proposed to lease a 40-acre allotment from Joseph Kintano of the Torres Martinez Band of Cahuilla Indians for the purpose of constructing and operating a biosolids (digested sewage sludge) composting facility. The facility would be operated by Pima Gro Systems, Inc., a sister company of East Valley Farms. The facility would receive daily shipments of treated Class B sewage sludge from wastewater treatment plants at other locations in southern California. Approximately 15,000 tons per month of sludge would be delivered to the facility by truck. Pima Gro proposes to use an aerated windrow compost process to produce 8,000 tons per month of fully treated and composted material. The compost product would be sold to agricultural users and nurseries for use as a soil amendment.

The project site is located in the Coachella Valley in south-central Riverside County approximately 35 miles southeast of the city of Palm Springs. The project vicinity is generally rural with agriculture and aquaculture being the predominant land uses.

The EIS will address numerous environmental issues, including: geology and soils, water quality, air quality, (including odor and dust), health and safety, biological resources, cultural resources, traffic, land use, and noise, as well as any additional issues raised during the scoping process.

Dated: August 5, 1994.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 94–19801 Filed 8–11–94; 8:45 am]

BILLING CODE 4310–02–P

federal register

Friday
August 12, 1994

Part V

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

NOFA for Preservation Support Grants and Paperwork Submission: Amendment, Announcement of Paperwork Control Number, and Extension of Application Deadline; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

[Docket No. N–94–3762; FR–3613–N–02]

NOFA for Preservation Support Grants and Notice of Paperwork Submission: Amendment, Announcement of Paperwork Control Number, and Extension of Application Deadline

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Amendment of NOFA, announcement of paperwork control number, and extension of deadline.

SUMMARY: The Department is amending its NOFA for Preservation Support Grants, published on June 14, 1994 (59 FR 30640), and, therefore, is extending the deadline for applications. In addition, because at the time of publication the Office of Management and Budget (OMB) had not issued a control number for the information collection requirements contained in that NOFA, the Department advised potential applicants that the paperwork requirements were subject to OMB approval. Those requirements have now been approved by OMB and the Department is publishing the control number assigned to that paperwork collection.

DATES: The new deadline for submission of applications is September 12, 1994. Applications must be physically received in the Preservation Division, Department of Housing and Urban Development, Room 6286, 451 Seventh Street, SW., Washington, DC 20410, by 4:30 p.m., EST, on or before the due date.

FOR FURTHER INFORMATION CONTACT: Frank Malone, Director, Office of Preservation and Property Disposition, Department of Housing and Urban Development, Room 6284, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708–3555. To provide service for persons who are hearing- or speech-impaired, this number may be reached via TDD by dialing the Federal Information Relay Service on 1–800–877–TDDY (1–800–877–8339) or 202–708–9300. (Except for the TDD number, telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: On June 14, 1994, the Department published its NOFA for Preservation Support Grants and Notice of Paperwork Submission (59 FR 30640). As a result of questions that have been raised by potential applicants, in this notice the Department is amending certain parts of the NOFA. For further clarification, the Department also is advising potential applicants of changes that have been made in the application kit. Under section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545) and the requirements of 24 CFR 12.12, the Department therefore is extending the deadline for submitting applications for funds made available under the NOFA until 30 days from today's publication. In addition, the Department announces that the information collection requirements contained in the NOFA have been approved by the Office of Management and Budget (OMB) and have been assigned control number 2502–0504.

Potential applicants have raised several questions about some of the certifications contained in the NOFA and application kit. As a result, one of the certifications (see item 8 in Section V.C, "Submission Requirements," 59 FR at 30648 of the NOFA) has been revised to clarify that, although an applicant should not apply for these funds with the intention of purchasing properties that are to be assisted with these funds, the Department recognizes that future circumstances may warrant the applicant or its affiliate to seek an ownership interest as purchaser of last resort in such properties. In these cases and in recognition of the Department's overriding goal to maintain the greatest possible number of affordable housing units available for moderate-, low- and very low-income families, special dispensation of this rule, on a case by case basis, may be granted by the Department.

Another certification, included in the application kit as Exhibit 8 (pursuant to item 9 in Section V.C of the NOFA), has been revised to clarify that recipients of Preservation Technical Assistance or Resident Capacity Grants are eligible applicants for Preservation Support Grant funds. The applicant must certify that it will perform activities described in its application, and the proscription against the applicant serving as a pass-through intermediary applies to administering allocations of both components of the Preservation Support Grant.

These revised certifications are available from the Multifamily Housing Clearinghouse, P.O. Box 6424, Rockville, MD 20850, telephone number: 1–800–955–2232. Please refer to FR–3613 and specify that you are seeking the revised certifications. However, applicants may also prepare, execute, and submit their own certifications for these two items, based on the following examples (these certifications may be combined):

Exhibit 8—Certification

As Chief Executive Officer of the organization identified below, I hereby certify that as an applicant for Preservation Support Grant funds, the organization will perform activities described in its application and will not serve as a pass-through intermediary to administer an allocation of the Preservation Support Grant.

[Name of Organization]

[Address of Organization]

[Signature of Chief Executive Officer]

[Date]

[Print or Type Name and Title of CEO]

Certification Regarding Ownership Interest

As Chief Executive Officer of the organization identified below, I hereby certify that as an applicant for Preservation Support Grant funds, the organization and its affiliates do not have, and do not intend to seek, an ownership interest in developments that the organization would be assisting with these funds.

[Name of Organization]

[Address of Organization]

[Signature of Chief Executive Officer]

[Date]

[Print or Type Name and Title of CEO]

The Department also advises applicants that on the first page of Exhibit 1 in the application kit, item 4 should be corrected: (1) In the first box, to ask a resident-controlled group to indicate whether it is a local group; and (2) to delete from the second box the phrase "with a majority of board participation by tenants in HUD-assisted projects." This change is needed to correct the discrepancy between the NOFA and the application kit definition of a CBO. The correct definition is in 24 CFR 248.101, which requires that the CBO maintain at least one-third of its governing board's membership for low-income neighborhood residents, other low-income community residents, or elected representatives of low-income neighborhood organizations. In addition, page 2 of Exhibit 1 in the application kit is to be deleted; that page was inadvertently included in the

application kit and does not apply to this competition.

Accordingly, the Department announces that the information collection requirements contained in FR Doc. 94–14344, the NOFA for Preservation Support Grants, published on June 14, 1994 (59 FR 30640), have been approved by the Office of Management and Budget (OMB) and have been assigned control number 2502–0504. Further, FR Doc. 94–14344 is amended as follows:

1. On page 30640, column 2, the first sentence in the second paragraph under the heading **DATES:** is revised to read as follows:

DATES: * * *

The deadline for submission of applications is September 12, 1994.

* * *

2. On page 30648, column 3, paragraphs 8 and 9 of Section V.C, "Submission Requirements," are revised to read as follows:

V. Grant Application Process

* * * * *

C. Submission Requirements

* * * * *

(8) Certification that the applicant and any of its affiliates do not have, and do not intend to seek an ownership interest in developments that the organization would be assisting with these funds; and

(9) Other information and materials as may be described in the application kit, including a certification that the applicant will perform activities described in its application and will not serve as a pass-through intermediary to administer an allocation of the Preservation Support Grant.

Authority: 42 U.S.C. 4101 *et seq.*; 42 U.S.C. 3535(d).

Dated: August 10, 1994.

Jeanne K. Engel,

General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 94–19971 Filed 8–11–94; 8:54 am]

BILLING CODE 4210–27–P

Reader Aids

Federal Register

Vol. 59, No. 155

Friday, August 12, 1994

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202–523–5227
Public inspection announcement line	523–5215
Corrections to published documents	523–5237
Document drafting information	523–3187
Machine readable documents	523–3447

Code of Federal Regulations

Index, finding aids & general information	523–5227
Printing schedules	523–3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523–6641
Additional information	523–5230

Presidential Documents

Executive orders and proclamations	523–5230
Public Papers of the Presidents	523–5230
Weekly Compilation of Presidential Documents	523–5230

The United States Government Manual

General information	523–5230

Other Services

Data base and machine readable specifications	523–3447
Guide to Record Retention Requirements	523–3187
Legal staff	523–4534
Privacy Act Compilation	523–3187
Public Laws Update Service (PLUS)	523–6641
TDD for the hearing impaired	523–5229

ELECTRONIC BULLETIN BOARD

Free **Electronic Bulletin Board** service for Public Law numbers, Federal Register finding aids, and list of documents on public inspection. 202–275–0920

FAX-ON-DEMAND

The daily Federal Register Table of Contents and the list of documents on public inspection are available on the National Archives fax-on-demand system. You must call from a fax machine. There is no charge for the service except for long distance telephone charges. 301–713–6905

FEDERAL REGISTER PAGES AND DATES, AUGUST

38875–39246.....1
39247–39412.....2
39413–39672.....3
39673–39936.....4
39937–40204.....5
40205–40462.....8
40463–40790.....9
40791–41218.....10
41219–41376.....11
41377–41636.....12

CFR PARTS AFFECTED DURING AUGUST

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Administrative Orders:
Memorandums:
July 26, 1994.....40205
August 2, 1994.....40463
Proclamations:
6709.....39671
6710.....39673
6711.....39675
6712.....39935
6713.....41375
Executive Orders:
July 9, 1910 (Revoked in part by PLO 7076).....39702

5 CFR

293.....40791
351.....40791
430.....40791
432.....40791
451.....40791
511.....40791
530.....40791
531.....40791
536.....40791
540.....40791
575.....40791
591.....40791
595.....40791
771.....40791
12000.....39937

7 CFR

52.....41377
300.....40794
301.....39937, 40207, 41219
319.....40794
406.....39413
905.....41378
906.....39414
920.....41379
922.....39415
923.....39415
924.....39415
945.....41381
959.....41382
981.....39417
985.....41219, 41221
987.....41383
993.....41385
997.....39419
998.....39421
1250.....38875
1413.....39247
1421.....39247
1427.....39251
1435.....41222
1901.....41386
1940.....41386
1951.....41386
2003.....41386
4284.....41386
Proposed Rules:
55.....38944
56.....38944
59.....38944
70.....38944
945.....40477
947.....39479
1001.....40418
1002.....40418
1004.....40418, 41413
1005.....40418
1006.....40418
1007.....40418
1011.....40418
1012.....40418
1013.....40418
1030.....40418
1032.....40418
1033.....40418
1036.....40418
1040.....40418
1044.....40418
1046.....40418
1049.....40418
1050.....40418
1064.....40418
1065.....40418
1068.....40418
1075.....40418
1076.....40418
1079.....40418
1093.....40418
1094.....40418
1096.....40418
1099.....40418
1106.....40418
1108.....40418
1124.....40418
1126.....40418
1131.....40418
1134.....40418
1135.....40418
1137.....40418
1138.....40418
1139.....40418
1205.....39480
1413.....39707
1710.....39975
1714.....39975
1726.....40315
1785.....39975
1942.....40478
4284.....40478

8 CFR

103.....39394
204.....38876
211.....39394
216.....39394
235.....39394
242.....39394

9 CFR

160.....40797
317.....39941, 40209
318.....39254
319.....39254
381.....39254, 40209

10 CFR

73.....38889

Proposed Rules:

61.....39485

11 CFR

8.....40639
107.....39635
114.....39635
9008.....39635

12 CFR

34.....40202
225.....39677, 40202
226.....40203
230.....40217
323.....40202
564.....40202
701.....39423
707.....39425
722.....40202

Proposed Rules:

225.....39709
707.....39486

13 CFR

121.....39426

Proposed Rules:

107.....40315

14 CFR

23.....39941
25.....39427
36.....39679
39.....39429, 39431, 39432, 40084, 40798, 40799, 41225, 41227, 41229, 41233, 41235, 41237, 41238
71.....39434, 39435, 40084, 40228, 40229, 40230, 40231, 40232, 40233, 40234, 40465, 40800, 40801, 40802, 41398
91.....39679
95.....39436
97.....39943, 39944, 39947
1260.....38900

Proposed Rules:

Ch. I.....39983
1.....39192
13.....40192, 41192
16.....41192
36.....39711
39.....39983, 40488, 40490, 41261
257.....40836
71.....39394
91.....39711
189.....39395
399.....40836

15 CFR

771.....40235
785.....40235
799.....40235

16 CFR

305.....39951

Proposed Rules:

800.....40492
243.....41261
1500.....39306

17 CFR

200.....39680

Proposed Rules:

270.....39311

18 CFR

35.....40238
154.....40238, 40240
157.....40240
210.....39020
211.....39020
270.....40240
271.....40240
272.....40240
273.....40240
274.....40240
275.....40240
284.....38901
292.....40468
341.....40243
342.....40243
343.....40243

Proposed Rules:

284.....40493
342.....40493
346.....40493
347.....40493
357.....40493
385.....40493

19 CFR

4.....39682

Proposed Rules:

348.....39985
420.....39991

20 CFR

416.....41399, 41400

21 CFR

74.....40802
210.....39255
211.....39255
430.....40805
436.....40805
455.....40805
520.....39438
556.....38901, 41240
558.....38901, 41240

Proposed Rules:

Ch. I.....39888
102.....39635
330.....39499

22 CFR

42.....39952
518.....39440

23 CFR

1212.....39256
1313.....40470

24 CFR

103.....39955
200.....39394
204.....39956
905.....39402
960.....39402

Proposed Rules:

91.....40148
92.....40148
100.....40502
261.....40764
570.....40148, 41196
574.....40148
576.....40148
968.....40148
905.....39072
950.....39072

25 CFR

Proposed Rules:

10.....40086
20.....40182
63.....40184

26 CFR

1.....39958
301.....38902

Proposed Rules:

1.....41414

28 CFR

0.....41241, 41242
2.....40257
37.....39898
68.....41242
77.....39910

29 CFR

1640.....39898
1910.....40671, 40964
1915.....40964
1926.....40671, 40964
1952.....39257

Proposed Rules:

570.....40318

30 CFR

216.....38904
218.....38904

Proposed Rules:

Ch. II.....38946
206.....39712
250.....39991
903.....41208
917.....40503
926.....41262
935.....39993
936.....40505

32 CFR

77.....40809
384.....41405

33 CFR

26.....39962
100.....39456, 40819
110.....39963, 40820
126.....39963
157.....40186
160.....39458, 39963, 40186
162.....39962
165.....39456, 39460, 39461, 40821, 40822, 41405, 41406

34 CFR

200.....41168
201.....41168
388.....40176

Proposed Rules:

350.....41176
351.....41176
352.....41176
353.....41176
682.....41184

36 CFR

Proposed Rules:

14.....39228

38 CFR

21.....39966

Proposed Rules:

17.....38947
21.....40507

39 CFR

11.....39257
111.....39967

40 CFR

50.....38906
52.....39683, 39684, 39686, 39688, 39690, 39691, 39692, 39699, 39832, 40823, 40826, 41408
58.....41626
60.....40258
80.....39258
81.....39394, 39692, 39699, 40084
82.....41368
86.....39638
125.....40642
180.....39462, 39464, 39466, 39467
186.....39467
228.....41243
271.....39967, 39971
600.....39638
721.....39292, 39293, 39295, 40259
799.....38917

Proposed Rules:

51.....39501
52.....39311, 39715, 39716, 39994, 40840, 41263, 41265, 41416
63.....38949
81.....40319
142.....40458
180.....39502, 39504, 39505
185.....39505
186.....39505
281.....40507
721.....39311, 40001

41 CFR

101–38.....41410
101–41.....41411

42 CFR

400.....39296
405.....39828
414.....39828

Proposed Rules:

52.....39312

43 CFR

Public Land Orders:

725 (Revoked in part by PLO 7072).....39468
829 (Revoked in part by PLO 7071).....39468
7067.....39635
7070.....39701
7071.....39468
7072.....39468
7073.....39469
7074.....39702
7075.....39702
7076.....39702

Proposed Rules:
11 40319
39 39216
432 39316
2820 39228

44 CFR
64 38921
65 ..... 39972, 40828
67 40830
Proposed Rules:
67 ..... 40002, 40841

45 CFR
2541 41598
2542 41598
Proposed Rules:
400 41417

46 CFR
4 39469
38 39963
68 39635
78 39963
97 39963
194 39963
381 40260
Proposed Rules:
97 40004
148 40004
171 40855

47 CFR
0 39703
2 ..... 40474, 40835
14 40835
18 39471
22 39299
24 ..... 39704, 40835
63 40264
64 ..... 38922, 39300
69 38922
73 ..... 38930, 39301, 41259
Proposed Rules:
24 41426
73 ..... 38949, 38950, 39317, 40508, 41428

48 CFR
Ch. 12 40268
Ch. 19 40313
225 ..... 38931, 39974
252 38931
519 38931
552 38931
1845 38937
1852 38937
Proposed Rules:
9 39317
10 39317
13 39317
15 39317
23 39317
25 39317
31 39317
45 39317
52 39317
207 40005
237 40005
251 39318
252 ..... 39318, 40005
552 38950
Ch. 9 38951

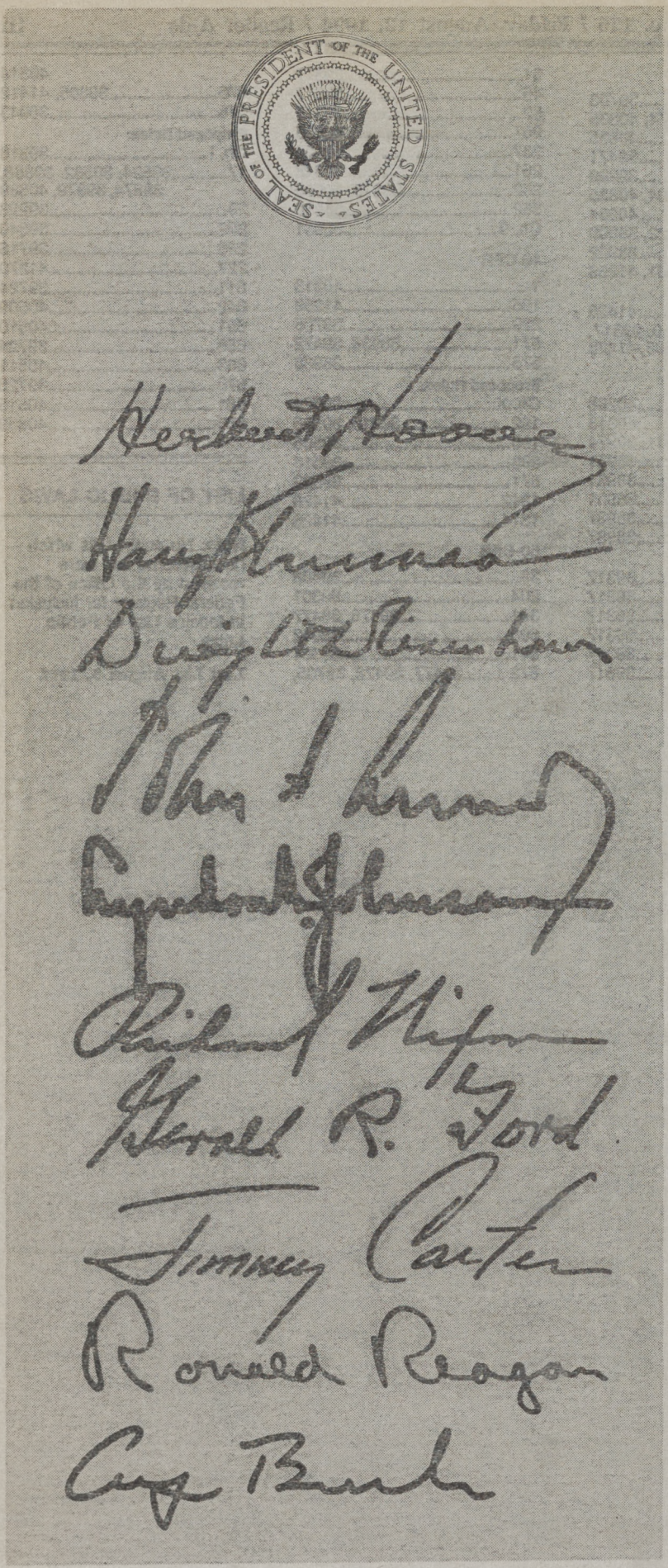
49 CFR
1 40313
195 41259
229 39705
571 ..... 38938, 39472
575 38938
Proposed Rules:
Ch. X 39524
192 ..... 39319, 39506
195 39506
393 39518
571 39522
1312 41428
1314 41428

50 CFR
36 39408
204 39301
301 ..... 39476, 39477
605 38942
641 39301
672 ..... 39477, 39478, 39705, 40314
675 ..... 39305, 41412
678 38943
Proposed Rules:
Ch. I 39316
17 ..... 39524, 39532, 39868, 39874, 39879, 40639
29 39228
222 39540
226 39716
227 41270
611 39724
642 40509
651 40510
658 39724
663 40511
675 39725
681 40515
685 40859

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List August 5, 1994



Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are available; other volumes not listed are out of print

Ronald Reagan

1984 (Book II)	$36.00
1985 (Book I)	$34.00
1985 (Book II)	$30.00
1986 (Book I)	$37.00
1986 (Book II)	$35.00
1987 (Book I)	$33.00
1987 (Book II)	$35.00
1988 (Book I)	$39.00
1988–89 (Book II)	$38.00

George Bush

1989 (Book I)	$38.00
1989 (Book II)	$40.00
1990 (Book I)	$41.00
1990 (Book II)	$41.00
1991 (Book I)	$41.00
1991 (Book II)	$44.00
1992 (Book I)	$47.00
1992–93 (Book II)	$49.00

Published by the Office of the Federal Register, National Archives and Records Administration

Mail order to:
New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250–7954



Printed on recycled paper