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Friday
October 13, 1995

Briefings on How To Use the Federal Register
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3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

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WASHINGTON, DC

[Two Sessions]

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Title 3—

The President

Proclamation 6838 of October 7, 1995

Fire Prevention Week, 1995

By the President of the United States of America

A Proclamation

Since 1925, Americans have paused every October to consider the importance of learning how to prevent fires. By observing Fire Prevention Week, our Nation comes together to remember those lost tragically in fire-related incidents, to recognize the terrible damage that fire has caused over the years, and to renew our efforts to learn more about the ways in which we can protect ourselves from fire's devastation.

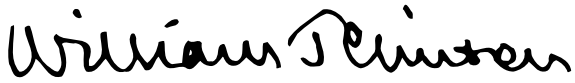
Some 4,000 people in the United States die from fire each year—a number that can be reduced dramatically through prevention measures. Fires in the home take the biggest toll, with 80 percent of fatalities occurring just where we often feel the safest. Recognizing that cooking and heating equipment cause the majority of home fires, the National Fire Protection Association has selected ''Watch What You Heat: Prevent Home Fires'' as the Fire Prevention Week theme for 1995, joining with the Federal Emergency Management Agency's U.S. Fire Administration to communicate this lifesaving message.

This year's safety campaign teaches essential prevention techniques—the necessity of staying in the kitchen while cooking and never leaving a lighted stove unattended; of closely supervising all heating equipment, such as portable and space heaters; and of monitoring all appliances and smoking materials. Most important, no matter how careful we are, we must always be prepared by maintaining working smoke detectors throughout our homes.

As we strive to make fire prevention a priority in every American community, we also celebrate the dedication of our Nation's fire and emergency workers—champions of fire safety at the local level. Too often, these brave men and women pay the ultimate price for their faithful service. Last year alone, 100 firefighters died in the line of duty, and more than 95,400 were injured. On Sunday, October 15, 1995, we will pay our respects to these heroic individuals at the 14th annual National Fallen Firefighters Memorial Service at the National Emergency Training Center in Emmitsburg, Maryland. To honor their courageous work, let us rededicate ourselves to building a better, safer world for the generations to come.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 8 through October 14, 1995, as Fire Prevention Week. I encourage the people of the United States to plan and actively participate in fire prevention activities this week and throughout the year. I also call upon every citizen to pay tribute to firefighters who have lost their lives in the line of duty and to those men and women who carry on the noble tradition of service in our communities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of October, in the year of our Lord nineteen hundred and ninety-five, and of the Independence of the United States of America the two hundred and twentieth.



[FR Doc. 95–25608
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Billing code 3195–01–P

Presidential Documents

Proclamation 6839 of October 10, 1995

General Pulaski Memorial Day, 1995

By the President of the United States of America

A Proclamation

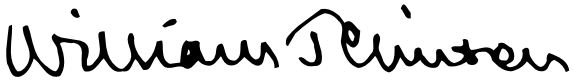
October 11 marks the anniversary of the death of General Casimir Pulaski, an American and Polish hero whose devotion to the cause of freedom led him to our shores to fight in the War for Independence and, finally, to give his life during the siege of Savannah. Each year, people around the Nation honor this great man, remembering that his courage and unwavering principles helped to make our country free.

It was General Pulaski's love of liberty that inspired his battle against oppression—first in his native Poland and then in America. With exceptional valor and military skill, he commanded soldiers of the Continental Army in several important contests of the Revolutionary War. And on this day in 1779, General Pulaski made the ultimate sacrifice so that democracy and self-government might triumph.

The annals of Poland and America contain many accounts of bravery, nobility, and service, and Casimir Pulaski occupies a prominent place in the hearts and histories of both countries. Thanks to the struggles and sacrifices of the men and women who have followed his proud example, Poland today is peaceful, free, and increasingly prosperous.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 11, 1995, as General Pulaski Memorial Day. I encourage all Americans to commemorate this occasion with appropriate ceremonies and activities paying tribute to the legacy of General Casimir Pulaski and honoring all those who carry on his mission.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of October, in the year of our Lord nineteen hundred and ninety-five, and of the Independence of the United States of America the two hundred and twentieth.



[FR Doc. 95–25643
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Presidential Documents

Memorandum of October 10, 1995

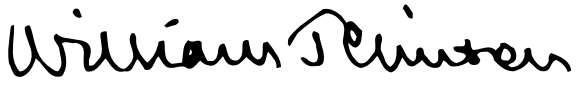
Delegation of Authority To Enter Into Mutual Waivers of Liability for Certain Agreements Under the National Aeronautics and Space Act of 1958

Memorandum for the Administrator of the National and Aeronautics and Space Administration

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to facilitate the efficient operations of the aeronautical and space programs of the National Aeronautics and Space Administration (NASA), it is hereby ordered as follows:

The authority conferred upon the President by the Constitution and the laws of the United States of America to executive mutual waivers of claims of liability on behalf of the United States for damages arising out of cooperative activities is hereby delegated to the Administrator of NASA for agreements with foreign governments and their agents regarding aeronautical, science, and space activities that are executed pursuant to the authority granted NASA by the National Aeronautics and Space Act of 1958, Public Law 85–568, as amended. All such agreements shall be subject to coordination with and the concurrence of the Department of State to the extent provided by applicable law, regulations, and procedures. All such waivers of liability entered into prior to the date of this memorandum are hereby ratified.

You are authorized and directed to publish this memorandum in the Federal Register.



THE WHITE HOUSE,
Washington, October 10, 1995.

[FR Doc. 95–25607
Filed 10–11–95; 3:02 pm]
Billing code 7510–01–P

Rules and Regulations

Federal Register
Vol. 60, No. 198
Friday, October 13, 1995

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 1150

[DA–95–15]

Dairy Promotion Program; Amendments to the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the Dairy Promotion and Research Order to modify the term expiration date of National Dairy Board members, effective December 1, 1995. The National Dairy Promotion and Research Board feels this action is necessary to enable it to operate more effectively.

EFFECTIVE DATE: December 1, 1995.

FOR FURTHER INFORMATION CONTACT: Silvio Capponi, Jr., Deputy Director, USDA/AMS/Dairy Division, Room 2953, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–4664.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Invitation to Submit Comments on Proposed Amendment to the Order: Issued June 1, 1995; published June 7, 1995 (60 FR 30013).

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 rule will not have a significant economic impact on a substantial number of small entities. The amendment modifies the term expiration date of National Dairy Board members and will not have an economic effect on any entity engaged in the dairy industry.

The Department is issuing this final rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have a retroactive effect. The Dairy and Tobacco Adjustment Act of 1983 provides in section 121(a) that nothing in the Act may be construed to preempt or supersede any other program relating to dairy product promotion organized and operated under the laws of the United States or any State.

The Dairy and Tobacco Adjustment Act of 1983 provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 118(a) of the Act, any person subject to an order issued under the Act may file with the Secretary a petition stating that any such order or any provisions of the order or obligation imposed in connection with the order is not in accordance with law and requesting a modification of an order or to be exempted from the order. A petitioner 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 person is an inhabitant or carries on business has jurisdiction to review the Secretary's ruling on the petition, provided a complaint is filed not later than 20 days after the date of the entry of the ruling.

Notice of the proposed amendment to the order was published in the Federal Register on June 7, 1995 (60 FR 30013), concerning the change in the term expiration date for National Dairy Board members. Interested persons were afforded an opportunity to file written data, views and arguments by July 7, 1995. One comment was received.

Statement of Consideration

Section 1150.132(b) of the Dairy Promotion and Research Order currently provides that each member of the National Dairy Board shall serve until April 30 of the year in which his/her term expires, except that a retiring member may serve until a successor is appointed. The amendment modifies the term expiration date of Board members from April 30 to October 31.

The National Dairy Promotion and Research Board, which administers the order, originally proposed that the term expiration date of Board members be changed from April 30 to November 30. However, the Board modified its proposed term expiration date to October 31 in a comment letter submitted in response to the proposed amendment.

The Board anticipates that its annual meeting will be held at the end of November. It contends that the modification will enable Board members whose terms are expiring to conclude the program year and allow the terms of new Board members to begin prior to the election of officers at its annual meeting.

The modified amendment request should be granted. The amendment will take effect December 1, 1995, to allow current Board members whose terms would expire on April 30, 1996, to serve until October 31, 1996. Thus, the amendment will allow the Board to operate more effectively to conclude yearly business in a timely manner.

List of Subjects in 7 CFR Part 1150

Dairy products, Reporting and recordkeeping requirements, Research.

For the reasons set forth in the preamble, the following provision in Title 7, Part 1150, is amended as follows:

PART 1150—DAIRY PROMOTION PROGRAM

1. The authority citation for 7 CFR part 1150 continues to read as follows:

Authority: Pub. Law 98–180, 97 Stat 1128.

2. Section 1150.132(b) is revised to read as follows:

§ 1150.132 Term of Office.

* * * * *

(b) Each member of the Board shall serve until October 31 of the year in which his/her term expires, except that a retiring member may serve until a successor is appointed.

* * * * *

Dated: October 4, 1995.

Shirley R. Watkins,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 95–25334 Filed 10–12–95; 8:45 am]

BILLING CODE 3410–02–P

Rural Housing and Community Development Service

Rural Business and Cooperative Development Service

Rural Utilities Service

Consolidated Farm Service Agency

7 CFR Part 1980

RIN 0575–AB70

Removal of the Prohibition Against Capitalizing Accrued Interest When Restructuring CFSA Guaranteed Loans

AGENCIES: Rural Housing and Community Development Service, Rural Business and Cooperative Development Service, Rural Utilities Service, and Consolidated Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: The issuing agencies amend their guaranteed farm credit programs loan making and servicing regulations to remove the restriction against lenders capitalizing accrued interest when restructuring loans. The intended effect is to reduce barriers which inhibit lenders from restructuring loans of delinquent guaranteed borrowers.

EFFECTIVE DATE: October 13, 1995.

FOR FURTHER INFORMATION CONTACT: Phillip Elder, Senior Loan Officer, Farm Credit Programs Loan Servicing and Property Management Division, Guaranteed Loans Branch, Consolidated Farm Service Agency (CFSA), USDA, South Agriculture Building, Room 5446, 14th and Independence Avenue SW., Washington, DC 20250–0774, Telephone (202) 690–4012.

SUPPLEMENTARY INFORMATION:

Classification

This rule has been determined to be not significant for the purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget (OMB).

Intergovernmental Consultation

1. For the reasons set forth in the final rule related to Notice 7 CFR Part 3015, Subpart V (48 FR 29115, June 24, 1983) and FmHA Instruction 1940–J, Farm Ownership Loans, Farm Operating Loans, and Emergency Loans are excluded from the scope of Executive Order 12372, which requires intergovernmental consultation with state and local officials.

2. The Soil and Water Loan Program is subject to and has met the provisions of Executive Order 12372 and FmHA Instruction 1940–J.

Programs Affected

These changes affect the following CFSA programs as listed in the Catalog of Federal Domestic Assistance:

10.406—Farm Operating Loans
10.407—Farm Ownership Loans
10.416—Soil and Water Loans

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, ''Environmental Program.'' It is the determination of the issuing agencies 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.

Civil Justice Reform

This final rule has been reviewed in accordance with Executive Order (E.O.) 12778, Civil Justice Reform. In accordance with this rule: (1) All state and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings in accordance with the regulations of the agency at 7 CFR, part 1900, subpart B, or those regulations published by the Department of Agriculture to implement the provisions of the National Appeals Division as mandated by the Department of Agriculture Reorganization Act of 1994, must be exhausted before bringing suit in court challenging action taken under this rule unless those regulations specifically allow bringing suit at an earlier time.

Paperwork Reduction Act

The information collection 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 number 0575–0024 and 0575–0079 in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). This final rule does not revise or impose any new information collection requirement from those approved by OMB.

Discussion of Final Rule

This final rule relieves the restriction prohibiting lenders from charging interest on interest when restructuring guaranteed Farm Credit Programs loans (formerly Farmer Program loans). It also eliminates the requirement that principal payments be made which are at least equal to the amount of the depreciation of the security. This policy was proposed in 59 FR 14769–79 published on March 30, 1994. This proposed rule provided a 15 day comment period ending April 14, 1994. These policy changes affect the Farmers Home Administration (FmHA) Farmer Programs loans now administered as Farm Credit Programs by the Consolidated Farm Service Agency (CFSA). This reorganization was authorized by Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (Public Law 103–354, 108 stat. 3178, October 13, 1994). Other guaranteed loan programs formerly administered by FmHA will only be affected by conforming administrative revisions made to subpart A of part 1980. These programs include: Water and Waste disposal facility loans administered by the Rural Utilities Service (RUS), Community Programs loans administered by the Rural Housing and Community Development Service (RHCDS), and Business and Industrial loans and Nonprofit National Corporations loans now administered by the Rural Business and Cooperative Development Service (RBCDS). CFSA, RUS, RHCDS, and RBCDS are jointly issuing this final rule since substantial administrative revisions have been made to regulations affecting their programs in an effort to reduce agency regulations. The agency received eight comment letters prior to the deadline for public comment to the proposed rule. Comments were received from lenders that participate in the program, a Rural Economic and Community Development (RECD) (formerly FmHA) State Director, the USDA Office of the Inspector General and others.

The majority of the comments were in support of the proposed changes. The commenters agreed that removal of the prohibition of charging interest on interest would result in more farmers being allowed the opportunity to continue farming after their loans become delinquent.

One commenter agreed that the proposed changes would result in lenders being less reluctant to restructure debts. The same commenter, however, raised concerns about the increased costs of the changes to the government and the farmer. This effect was noted by the Agency in the proposed rule. It was determined that the increased costs would be offset by the benefit of enhancing the likelihood of the farmer's success. This goes directly to the goals of CFSA's guaranteed loan program. The same commenter raised a concern about the proposal increasing profits to the lender.

The Agency determined a regulation change that increases private industry profit should not be avoided for that reason. The increase in profits possible from the change would be negligible and not cause for concern.

Another commenter suggested that late payment charges and interest accrued on these charges be covered by the guarantee. The commenter indicates that allowing these charges to be capitalized into a restructured loan, but not allowing them to be covered by the guarantee will result in a continued administrative burden to the lender. If allowed to be capitalized, these charges, and the interest that accrues on them, will have to be maintained separately from the rest of the restructured loan. The Agency has not adopted this commenter's recommendations. If the guaranteed percentage of late payment fees were paid by the Government, it would reduce the lender's motivation to act expediently in resolving a delinquent account and result in significantly higher losses to the Government.

Another commenter similarly indicated that loss claim preparation will be more difficult as the late payment charges will have to be separated from the other debt. This commenter recommended that only debt covered by the guarantee be allowed to be restructured. In response to the above comments, § 1980.11 and the applicable forms have been revised to prohibit the capitalization of late payment fees. A provision has also been added to § 1980.124 to allow only interest that has accrued at the note rate to be capitalized. This will reduce confusion and administrative costs.

This commenter also pointed out that current agency regulations require loss payments as a result of a guaranteed loan writedown be applied to principal first then interest, to avoid charging interest on interest after the writedown. Removal of the prohibition against charging interest on interest would cause this reference to be unnecessary. The final rule has revised subpart B of part 1980 by removing § 1980.125 (a)(10).

The same commenter also pointed out that the proposed rule indicated the County Supervisor would approve restructuring actions, as long as the amount did not exceed statutory loan limitations. The commenter suggested that the determination of the CFSA approval official should be based on the authorities outlined in exhibit C of subpart A of part 1901 (available in any CFSA office) and the combined unpaid principal and interest to be restructured. To avoid the possibility of County Supervisors exceeding their approval authority, the Agency has adopted the commenter's recommendations.

As part of this final rule, the agencies are also removing some administrative provisions from the Federal Register and are changing references from ''FmHA'' to ''the agency,'' ''the Agency,'' ''The Agency,'' ''the government,'' ''Government,'' or ''The Government.'' Also references to ''Farmer Programs'' are revised to ''Farm Credit Programs'' to reflect agency reorganization. Other minor wording changes are being made.

List of Subjects in 7 CFR Part 1980

Administrative practice and procedure, Agriculture, Business and industry, Community facilities, Credit, Loan programs—Agriculture, Loan programs—Business and industry, Loan programs—Housing and community development, Low and moderate income housing, Reporting and recordkeeping requirements, Rural areas.

Therefore, chapter XVIII, title 7, Code of Federal Regulations is amended as follows:

PART 1980—GENERAL

1. The authority citation for part 1980 is revised to read as follows:

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

Subpart A—General

2. Section 1980.11 is revised to read as follows:

§ 1980.11 Full faith and credit.

The Loan Note Guarantee and Contract of Guarantee constitute obligations supported by the full faith and credit of the United States and are incontestable except for fraud or misrepresentation of which the lender or holder has actual knowledge at the time it becomes such lender or holder or which lender or holder participates in or condones. Generally, any Loan Note Guarantee, Contract of Guarantee or Assignment Guarantee Agreement attached to or relating to a note which provides for payment of interest on interest is void. In the case of Farm Credit Programs loans, however, a Loan Note Guarantee, Contract of Guarantee or Assignment Guarantee Agreement attached to a note that provides for the capitalization of interest is not void. The guarantee and right to require purchase will be directly enforceable by holder notwithstanding any fraud or misrepresentation by the lender or any unenforceability of the Loan Note Guarantee by the lender. The Loan Note Guarantee or Contract of Guarantee will be unenforceable by the lender to the extent any loss is occasioned by violation of usury laws, negligent servicing or failure to obtain the required security regardless of the time at which the Agency acquires knowledge of the foregoing. Any losses occasioned will be unenforceable by the lender to the extent that loan funds are used for purposes other than those specifically approved by the Agency in its Form FmHA 1980–15 (available in any Agency office). Negligent servicing is defined as the failure to perform those services which a reasonably prudent lender would perform in servicing its own portfolio of loans that are not guaranteed. The term includes not only the concept of a failure to act but also not acting in a timely manner or acting in a manner contrary to the manner in which a reasonably prudent lender would act up to the time of loan maturity or until a final loss is paid. The Loan Note Guarantee or Assignment Guarantee Agreement in the hands of a holder shall not cover interest accruing 90 days after the holder has demanded repurchase by the lender, nor shall the Loan Note Guarantee or Assignment Guarantee Agreement in the hands of a holder cover interest accruing 90 days after the lender or the Agency has requested the holder to surrender the evidence of debt for repurchase.

§ 1980.12 [Removed and Reserved]

3. Section 1980.12 is removed and reserved.

4. Section 1980.13 is amended by removing the phrase ''on Form FmHA or its successor agency under Public Law 103–354 1980–25, 'Farmer Programs Application,' '' from paragraph (b)(2); by removing the second sentence of paragraph (b)(4); by revising the words ''and/or'' to read ''and'' in the fifth sentence of the introductory text of paragraph (b); by revising ''FmHA'' to read ''the Agency'' in the second sentence of the introductory text of paragraph (a), paragraphs (a)(2), (b)(2), the second sentence of paragraph (b)(4), and paragraph (c); by revising ''FmHA'' to read ''The Agency'' in the sixth and seventh sentences of the introductory text of paragraph (a) and the first sentence of paragraph (b)(4); by revising ''FmHA'' to read ''Agency'' in paragraph (b)(5); and by revising the words ''Farmer Programs loans'' to read ''Farm Credit Programs loans'' in the fourth sentence of the introductory text of paragraph (b) and in paragraph (b)(4)(ii).

5. Section 1980.20 is amended by revising the word ''FmHA'' to read ''the Agency's'' in paragraph (a)(1); by revising ''FmHA'' to read ''The Agency''

in the introductory text of paragraph (b); and by revising the introductory text of paragraph (a) to read as follows:

§ 1980.20 Loan guarantee limits.

(a) Lenders and applicants will propose the percentage of guarantee. The Agency will set the percentage of guarantee. The maximum percentage of guarantee (as opposed to the maximum loss covered by the guarantee) on a Business and Industrial loan is defined in § 1980.420. The maximum percentage of guarantee for DARBE guaranteed loans in excess of $2,000,000 will be calculated so that the guaranteed portion of the principal amount of the loan cannot exceed $2,000,000. The maximum percentage of guarantee for all other loans covered by this section will be ninety percent. Also, except in regards to D&D and DARBE guaranteed loans (see subpart E of this part) or as modified for Farm Credit Programs guaranteed loans (see subpart B of this part), the maximum loss covered by Form FmHA 449–34 or Form FmHA 1980–27 (both available in any Agency office) can never exceed the lesser of:

* * * * *

§ 1980.83 [Removed and Reserved]

6. Section 1980.83 (b) is removed and reserved.

7. Section 1980.84 is amended by removing and reserving paragraph (a) and by revising the section heading and introductory text of paragraph (b) to read as follows:

§ 1980.84 Replacement of guaranteed loan or line of credit documents.

(a) [Reserved]

(b) *Requirements.* When a Loan Note Guarantee, Contract of Guarantee, or Assignment Guarantee Agreement is lost, stolen, destroyed, mutilated, or defaced while in the custody of the lender or holder, the lender will coordinate the activities of the party who seeks the replacement documents and will submit the required documents to the Agency for processing. The requirements for replacement are as follows:

* * * * *

8. Section 1980.100 is revised to read as follows:

§ 1980.100 OMB control number.

The reporting requirements contained in this subpart have been approved by the Office of Management and Budget (OMB) and have been assigned OMB control number 0575–0024. Public reporting burden for this collection of information is estimated to vary from 15 minutes to 28 hours per response, with an average of 2.08 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 the 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 #0575–0024), Washington, D.C. 20503.

9. Appendix A to subpart A is revised to read as follows:

Appendix A—Loan Note Guarantee

USDA
Form FmHA 449–34
(Rev. 10–95)
Type of Loan _____
Applicable 7 C.F.R. part 1980 subpart _____
State _____
County _____
Date of Note _____
Borrower _____
Government Loan Identification Number ____
Lender _____
Lender's IRS ID Tax Number _____
Lender's Address _____
Principal Amount of Loan _____
The guaranteed portion of the loan is $_____ which is _____ (_____ %)

percent of loan principal. The principal amount of loan is evidenced by _____ note(s) (includes bonds as appropriate) described below. The guaranteed portion of each note is indicated below. This instrument is attached to note

_____ in the face amount of $_____ and is number _____ of _____.

Lender's identifying No.	Face amount	Percent of total face amount	Amount guaranteed
	$_____	_____	$_____
Total	$_____	100	$_____

In consideration of the making of the subject loan by the above named Lender, the United States of America, acting through the Consolidated Farm Service Agency, Rural Business and Cooperative Development Service, Rural Utilities Service, or Rural Housing and Community Development Service (herein called ''Government''), pursuant to the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 *et seq.*), the Emergency Livestock Credit Act of 1974 (7 U.S.C. note preceding 1961 Pub. L. 93–357 as amended), the Emergency Agricultural Credit Adjustment Act of 1978 (7 U.S.C. note preceding 1921, Pub. L. 95–334), or Title V of the Housing Act of 1949 (42 U.S.C. 1471 *et seq.*) does hereby agree that in accordance with and subject to the conditions and requirements herein, it will pay to:

A. Any Holder 100 percent of any loss sustained by such Holder on the guaranteed portion and on interest due (including any loan subsidy) on such portion and any capitalized interest on such portion resulting from the restructuring of a Guaranteed Farm Credit Program loans but not exceeding statutory loan limits.

B. The Lender the lesser of 1. or 2. below:

1. Any loss sustained by such Lender on the guaranteed portion including:

a. principal and interest indebtedness as evidenced by said note(s) or by assumption agreement(s), and

b. Any loan subsidy due and owing, and

c. Principal and interest indebtedness on secured protective advances for protection and preservation of collateral made with Government's authorization, including but not limited to, advances for taxes, annual assessments, any ground rents, and hazard or flood insurance premiums affecting the collateral, or

d. and, Capitalized interest on such portion resulting from the restructuring of a Guaranteed Farm Credit Programs Loans and not exceeding statutory loan limits, or

2. The guaranteed principal advanced to or assumed by the Borrower under said note(s) or assumption agreement(s) and any interest due (including any loan subsidy) thereon and any capitalized interest resulting from the restructuring of a Guaranteed Farm Credit Programs loans and not exceeding statutory loan limits.

If Government conducts the liquidation of the loan, loss occasioned to a Lender by accruing interest (including any loan subsidy) after the date Government accepts responsibility for liquidation will not be covered by this Loan Note Guarantee. If Lender conducts the liquidation of the loan accruing interest (including any loan subsidy) shall be covered by this Loan Note Guarantee to date of final settlement when the lender conducts the liquidation expeditiously in accordance with the liquidation plan approved by Government.

Definition of Holder

The Holder is the person or organization other than the Lender who holds all or part of the guaranteed portion of the loan with no servicing responsibilities. Holders are prohibited from obtaining any part(s) of the Guaranteed portion of the loan with proceeds from any obligation, the interest on which is excludable from income, under Section 103 of the Internal Revenue Code of 1954, as amended (IRC). When the Lender assigns a part(s) of the guaranteed loan to an assignee, the assignee becomes a Holder only when Form FmHA 449–36, ''Assignment Guarantee Agreement,'' is used.

Definition of Lender

The Lender is the person or organization making and servicing the loan which is guaranteed under the provisions of the applicable subpart of 7 C.F.R. part 1980. The Lender is also the party requesting a loan guarantee.

Conditions of Guarantee

1. Loan Servicing

Lender will be responsible for servicing the entire loan, and Lender will remain mortgagee and/or secured party of record not

withstanding the fact that another party may hold a portion of the loan. When multiple notes are used to evidence a loan, Lender will structure repayments as provided in the loan agreement. In the case of Farm Ownership, Soil and Water, or Operating Loans, the Lender agrees that if liquidation of the account becomes imminent, the Lender will consider the Borrower for an Interest Rate Buydown under Exhibit C of subpart B of 7 C.F.R., part 1980, and request a determination of the Borrower's eligibility by Government. The Lender may not initiate foreclosure action on the loan until 60 days after a determination has been made with respect to the eligibility of the Borrower to participate in the Interest Rate Buydown Program.

2. Priorities

The entire loan will be secured by the same security with equal lien priority for the guaranteed and unguaranteed portions of the loan. The unguaranteed portion of the loan will not be paid first nor given any preference or priority over the guaranteed portion.

3. Full Faith and Credit

The Loan Note Guarantee constitutes an obligation supported by the full faith and credit of the United States and is incontestable except for fraud or misrepresentation of which Lender or any Holder has actual knowledge at the time it became such Lender or Holder or which Lender or any Holder participates in or condones. If the note to which this is attached or relates provides for the payment of interest on interest, then this Loan Note Guarantee is void. However, in the case of the Farm Credit Programs loans, the capitalization of interest when restructuring loans will not void this Loan Note Guarantee. In addition, the Loan Note Guarantee will be unenforceable by Lender to the extent any loss is occasioned by the violation of usury laws, negligent servicing, or failure to obtain the required security regardless of the time at which Government acquires knowledge of the foregoing. Any losses occasioned will be unenforceable to the extent that loan funds are used for purposes other than those specifically approved by Government in its Conditional Commitment for Guarantee. Negligent servicing is defined as the failure to perform those services which a reasonably prudent lender would perform in servicing its own portfolio of loans that are not guaranteed. The term includes not only the concept of a failure to act but also not acting in a timely manner or acting in a manner contrary to the manner in which a reasonably prudent lender would act up to the time of loan maturity or until a final loss is paid.

4. Rights and Liabilities

The guarantee and right to require purchase will be directly enforceable by Holder notwithstanding any fraud or misrepresentation by Lender or any unenforceability of this Loan Note Guarantee by Lender. Nothing contained herein will constitute any waiver by Government of any rights it possesses against the Lender. Lender will be liable for and will promptly pay to Government any payment made by Government to Holder which if such Lender had held the guaranteed portion of the loan, Government would not be required to make.

5. Payments

Lender will receive all payments of principal, or interest, and any loan subsidy on account of the entire loan and will promptly remit to Holder(s) its pro rata share thereof determined according to its respective interest in the loan, less only Lender's servicing fee.

6. Protective Advances

Protective advances made by Lender pursuant to the regulations will be guaranteed against a percentage of loss to the same extent as provided in this Loan Note Guarantee notwithstanding the guaranteed portion of the loan that is held by another.

7. Repurchase by Lender

The Lender has the option to repurchase the unpaid guaranteed portion of the loan from the Holder(s) within 30 days of written demand by the Holder(s) when: (a) the borrower is in default not less than 60 days on principal or interest due on the loan or (b) the Lender has failed to remit to the Holder(s) its pro rata share of any payment made by the borrower or any loan subsidy within 30 days of its receipt thereof. The repurchase by the Lender will be for an amount equal to the unpaid guaranteed portion of principal and accrued interest (including any loan subsidy) less the Lender's servicing fee. The Loan Note Guarantee will not cover the note interest to the Holder on the guaranteed loan(s) accruing after 90 days from the date of the demand letter to the Lender requesting the repurchase. Holder(s) will concurrently send a copy of demand to Government. The Lender will accept an assignment without recourse from the Holder(s) upon repurchase. The Lender is encouraged to repurchase the loan to facilitate the accounting for funds, resolve the problem, and to permit the borrower to cure the default, where reasonable. The Lender will notify the Holder(s) and Government of its decision.

8. Government Purchase

If Lender does not repurchase as provided by paragraph 7 hereof, Government will purchase from Holder the unpaid principal balance of the guaranteed portion together with accrued interest (including any loan subsidy) to date of repurchase less Lender's servicing fee, within thirty (30) days after written demand to Government from Holder. The Loan Note Guarantee will not cover the note interest to the Holder on the guaranteed loan(s) accruing after 90 days from the date of the original demand letter of the Holder to the Lender requesting the repurchase. Such demand will include a copy of the written demand made upon the Lender. The Holder(s) or its duly authorized agent will also include evidence of its right to require payment from Government. Such evidence will consist of either the original of the Loan Note Guarantee properly endorsed to Government or the original of the Assignment Guarantee Agreement properly assigned to Government without recourse including all rights, title, and interest in the loan. Government will be subrogated to all rights of Holder(s). The Holder(s) will include in its demand the amount due including unpaid principal, unpaid interest (including any loan subsidy) to date of demand and interest (including any loan subsidy) subsequently accruing from date of demand to proposed payment date. Unless otherwise agreed to by Government, such proposed payment will not be later than 30 days from the date of demand.

The Government will promptly notify the Lender of its receipt of the Holder(s)'s demand for payment. The Lender will promptly provide the Government with the information necessary for Government determination of the appropriate amount due the Holder(s). Any discrepancy between the amount claimed by the Holder(s) and the information submitted by the Lender must be resolved before payment will be approved. Government will notify both parties who must resolve the conflict before payment by Government will be approved. Such conflict will suspend the running of the 30 day payment requirement. Upon receipt of the appropriate information. Government will review the demand and submit it to the State Director for verification. After reviewing the demand the State Director will transmit the request to the Government Finance Office for issuance of the appropriate check. Upon issuance, the Finance Office will notify the office servicing the borrower and State Director and remit the check(s) to the Holder(s).

9. Lender's Obligations

Lender consents to the purchase by Government and agrees to furnish on request by Government a current statement certified by an appropriate authorized officer of the Lender of the unpaid principal and interest then owed by Borrowers on the loan and the amount including any loan subsidy then owed to any Holder(s). Lender agrees that any purchase by Government does not change, alter or modify any of the Lender's obligations to Government arising from said loan or guarantee nor does it waive any of Government's rights against Lender, and that Government will have the right to set-off against Lender all rights inuring to Government as the Holder of this instrument against Government's obligation to Lender under the Loan Note Guarantee.

10. Repurchase by Lender for Servicing

If, in the opinion of the Lender, repurchase of the guaranteed portion of the loan is necessary to adequately service the loan, the Holder will sell the portion of the loan to the Lender for an amount equal to the unpaid principal and interest (including any loan subsidy) on such portion less Lender's servicing fee. The Loan Note Guarantee will not cover the note interest to the Holder on the guaranteed loans accruing after 90 days from the date of the demand letter of the Lender or Government to the Holder(s) requesting the Holder(s) to tender their guaranteed portion(s).

a. The Lender will not repurchase from the Holder(s) for arbitrage purposes or other purposes to further its own financial gain.

b. Any repurchase will only be made after the Lender obtains Government written approval.

c. If the Lender does not repurchase the portion from the Holder(s), Government at its option may purchase such guaranteed portions for servicing purposes.

11. Custody of Unguaranteed Portion

The Lender may retain, or sell the unguaranteed portion of the loan only through participation. Participation, as used in this instrument, means the sale of an interest in the loan wherein the Lender retains the note, collateral securing the note, and all responsibility for loan servicing and liquidation.

12. When Guarantee Terminates

This Loan Note Guarantee will terminate automatically (a) upon full payment of the guaranteed loan; or (b) upon full payment of any loss obligation hereunder; or (c) upon written notice from the Lender to Government that the guarantee will terminate 30 days after the date of notice, provided the Lender holds all of the guaranteed portion and the Loan Note Guarantee(s) are returned to be cancelled by Government.

13. Settlement

The amount due under this instrument will be determined and paid as provided in the applicable subpart of 7 CFR part 1980 in effect on the date of this instrument.

14. Loan Subsidy

* In addition to the interest rate of the note attached hereto, Government will pay a loan subsidy of _____ percent per year. Payments will be made annually.

15. Interest Capitalization

In the case of Farm Credit Programs loans, the Lender/Holder(s) may capitalize interest only when the note is restructured. When delinquent interest is so treated as principal, the new principal amount may exceed the principal amount of the loan listed herein, but may not exceed statutory loan limits. The new principal amount and new guaranteed portion will be identified at restructuring in an addendum to this Loan Note Guarantee. Such capitalized interest will be covered by this loan Note Guarantee. References to ''principal and interest'' and ''principal advanced'' herein, therefore, shall include any capitalized interest on the guaranteed portion of the loan resulting from the restructuring of a Guaranteed Farm Credit Programs loans and not exceeding statutory loan limits.

Position 5

16. Notices

All notices will be initiated through the Government _____ for _____ (State) with mailing address at the day of this instrument:

_____

_____

* If not applicable delete paragraph prior to execution of this instrument.

UNITED STATES OF AMERICA

_____

(insert applicable agency)

By _____

Title _____

(Date) _____

Assumption Agreement by _____ dated _____, 19____

Assumption Agreement by _____ dated _____, 19____

10. Appendix C to subpart A is revised to read as follows:

Appendix C—Assignment Guarantee Agreement

Position 5

USDA
Form FmHA 449–36
(Rev. 10–95)

Type of Loan _____

Government Loan Identification Number _____

Applicable 7 CFR part 1980 subpart _____ _____ of _____

(Lender) has made a loan to _____ in the principal amount of $_____as evidenced by a note(s) dated_____. The United States of America, acting through the Consolidated Farm Service Agency, Rural Business and Cooperative Development Service, Rural Utilities Service, or Rural Housing and Community Development Service (herein called ''Government'') entered into a Loan Note Guarantee (Form FmHA 449–34) with the Lender applicable to such loan to guarantee the loan not to exceed _____% of the amount of the principal advanced and any interest (including any loan subsidy) due thereon and any capitalized interest, resulting from the restructuring of a Guaranteed Farm Credit Programs loan and not exceeding statutory loan limits, as provided therein.

_____ of _____

(Holder) desires to purchase from Lender _____% of the guaranteed portion of such loan. Copies of Borrower's note(s) and the Loan Note Guarantee are attached hereto as a part hereof.

NOW, THEREFORE, THE PARTIES AGREE:

1. The principal amount of the loan now outstanding is $_____. Lender hereby assigns to Holder _____% of the guaranteed portion of the loan representing $_____ of such loan now outstanding in accordance with all of the terms and conditions hereinafter set forth. The Lender and Government certify to the Holder that the Lender has paid and Government has received the Guarantee Fee in exchange for the issuance of the Loan Note Guarantee.

2. Loan Servicing. The Lender will be responsible for servicing the entire loan and will remain mortgagee and/or secured party of record. The entire loan will be secured by the same security with equal lien priority for the guaranteed and unguaranteed portions of the loan. The Lender will receive all payments on account of principal of, or interest (including any loan subsidy and any capitalized interest, resulting from the restructuring of a Guaranteed Farm Credit Programs loans and not exceeding statutory loan limits) on, the entire loan and shall promptly remit to the Holder its pro rata share thereof determined according to their respective interests in the loan, less only the Lender's servicing fee.

3. Servicing Fee. Holder agrees that Lender will retain a servicing fee of _____ percent per annum of the unpaid balance of the guaranteed portion of the loan assigned hereunder.

4. Purchase by Holder. The guaranteed portion purchased by the Holder will always be a portion of the loan which is guaranteed. The Holder will hereby succeed to all rights of the Lender under the Loan Note Guarantee to the extent of the assigned portion of the loan. The Lender, however, will remain bound by all obligations under the Loan Note Guarantee and the program regulations found in the applicable subpart of 7 CFR part 1980 now in effect and future regulations not inconsistent with the provisions hereof.

5. Full Faith and Credit. The Loan Note Guarantee constitutes an obligation supported by the full faith and credit of the United States and is incontestable except for fraud or misrepresentation of which the Holder has actual knowledge at the time of this assignment, or which it participates in or condones. Any Assignment Guarantee Agreement attached to or relating to a note which provides for capitalization of interest is void. Except in the case of Farm Credit Program loans, a note which provides for the payment of interest on interest as a result of restructuring the loan and not exceeding statutory loan limits, and any Assignment Guarantee Agreement attached to or related to such note is not void.

6. Rights and Liabilities. The guarantee and right to require purchase will be directly enforceable by Holder not withstanding any fraud or misrepresentations by Lender or any unenforceability of the Loan Note Guarantee by Lender. Nothing contained herein shall constitute any waiver by Government of any rights its possesses against the Lender, and the Lender agrees that Lender will be liable and will promptly reimburse Government for any payment made by Government to Holder which, if such Lender had held the guaranteed portion of the loan, Government would not be required to make. The Holder(s) upon written notice to the Lender may resell the unpaid balance of the guaranteed portion of the loan assigned hereunder. An endorsement may be added to the Form FmHA 449–36 to effectuate the transfer.

7. Repurchase by the Lender (Defaults). The Lender has the option to repurchase the unpaid guaranteed portion of the loan from the Holder(s) within 30 days of written demand by the Holder(s) when: (a) the borrower is in default not less than 60 days on principal or interest due on the loan or (b) the Lender has failed to remit to the Holder(s) its pro rata share of any payment made by the borrower or any loan subsidy within 30 days of its receipt thereof. The repurchase by the Lender will be for an amount equal to the unpaid guaranteed portion of principal and accrued interest (including any loan subsidy), less the Lender's servicing fee. The loan note guarantee will not cover the note interest to the Holder on the guaranteed loan(s) accruing after 90 days from the date of the demand letter to the lender requesting the repurchase. Holder(s) will concurrently send a copy of demand to Government. The Lender will accept an assignment without recourse from the Holder(s) upon repurchase. The Lender in encouraged to repurchase the loan to

facilitate the accounting for funds, resolve the problem, and to permit the borrower to cure the default, where reasonable. The Lender will notify the Holder(s) and Government of its decision.

8. Purchase by Government. If Lender does not repurchase as provided by paragraph 7, Government will purchase from Holder the unpaid principal balance of the guaranteed portion together with accrued interest (including any loan subsidy) to date of repurchase, less Lender's servicing fee, within 30 days after written demand to Government from the Holder. The Loan Note Guarantee will not cover the note interest to the Holder on the guaranteed loans accruing after 90 days from the date of the original demand letter of the holder to the lender requesting the repurchase. Such demand will include a copy of the written demand made upon the Lender. The Holder(s) or its duly authorized agent will also include evidence of its right to require payment from Government. Such evidence will consist of each the original of the Loan Note Guarantee properly endorsed to Government or the original of the Assignment Guarantee Agreement properly assigned to Government without recourse including all rights, title, and interest in the loan. Government will be subrogated to all rights of Holder(s). The Holder will include in its demand the amount due including unpaid principal, unpaid interest (including any loan subsidy) to date of demand and interest (including any loan subsidy) subsequently accruing from date of demand to proposed payment date. Unless otherwise agreed to by Government, such proposed payment will not be later than 30 days from the date of demand.

The Government will promptly notify the Lender of its receipt of the Holder(s)'s demand for payment. The Lender will promptly provide the Government with the information necessary for Government's determination of the appropriate amount due the Holder(s). Any discrepancy between the amount claimed by the Holder(s) and the information submitted by the Lender must be resolved before payment will be approved. Government will notify both parties who must resolve the conflict before payment will be approved. Such a conflict will suspend the running of the 30 day payment requirement. Upon receipt of the appropriate information. Government will review the demand and submit it to the State Director for verification. After reviewing the demand the State Director will transmit the request to the Government Finance Office of issuance of the appropriate check. Upon issuance, the Finance Office will notify the office servicing the borrower and the State Director and remit the check(s) to the Holder(s).

9. Lender's Obligations. Lender consents to the purchase by Government and agrees to furnish on request by Government a current statement certified by an appropriate authorized officer of the Lender of the unpaid principal and interest then owned by Borrowers on the loan and the amount then owed to any Holder(s). Lender agrees that any purchase by Government does not change, alter or modify any of the Lender's obligations to Government arising from said loan or guarantee nor does it waive any of Government's right against Lender, and that Government shall have the right to set-off against Lender all rights inuring to Government as the Holder of this instrument against Government's obligation to Lender under the Loan Note Guarantee.

10. Repurchase by Lender for Servicing. If, in the opinion of the Lender, repurchase of the assigned portion of the loan is necessary to adequately service the loan, the Holder will sell the assigned portion of the loan to the Lender for an amount equal to the unpaid principal and interest (including any loan subsidy) on such portion less Lender's servicing fee. The loan note guarantee will not cover the note interest to the Holder on the guaranteed loans accruing after 90 days from the date of the demand letter of the lender or Government to the Holder(s) requesting the Holder(s) to tender their, guaranteed portion(s).

a. The Lender will not repurchase from the Holder(s) for arbitrage purpose or other purposes to further its own financial gain.

b. Any repurchase will only be made after the Lender obtains Government written approval.

c. If the Lender does not repurchase the portion from the Holder(s), Government at its option may purchase such guaranteed portions for servicing purposes.

11. Foreclosure. The parties owning the guaranteed portions and unguaranteed portion of the loan will join to institute foreclosure action, or in lieu of foreclosure, take a deed of conveyance to such parties.

12. Reassignment. Holder upon written notice to Lender and Government may reassign the unpaid guaranteed portion of the loan sold hereunder. Upon such notification, the assignee will succeed to all rights and obligations of the Holder hereunder.

13. Interest Capitalization. In the case of Farm Credit Programs loans, the Lender may capitalize interest only when the note is restructured. When delinquent interest is so treated as principal, the new principal amount may exceed the line of credit listed herein, buy may not exceed statutory loan limits. The new principal amount and new guaranteed portion will be identified at restructuring in an addendum to this agreement. Such capitalized interest will be covered by this Assignment Guarantee Agreement. References to principal and interest herein, therefore, shall include any capitalized interest on the guaranteed portion of the loan resulting from the restructuring of a Farm Credit Programs loans and not exceeding statutory loan limits.

14. Notices. All notices and actions will be initiated through the Government _____ for _____ (state) with mailing address at the date of this assignment: _____

_____

Dated this _____ day _____, 19____.

LENDER:
ADDRESS:
ATTEST:
_____*(SEAL)*
By _____
Title _____
HOLDER:
ADDRESS:
ATTEST:
_____*(SEAL)*
By _____
Title _____
UNITED STATES OF AMERICA
_____
(insert applicable agency)
ADDRESS _____
By _____
Title _____

11. Appendix D to subpart A is revised to read as follows:

Appendix D—Contract of Guarantee (Line of Credit)

USDA–CFSA
Form FmHA 1980–27
(Rev. 10–95)
Type of Loan _____
☐ OL
Case No. _____
State _____
County _____
Lender _____
Lender's Address _____
Borrower's Name and Address _____
Lender's IRS Tax No. _____
Date of Line of Credit Agreement/Note _____
Line of Credit Ceiling
$ _____

The guaranteed portion of this line of credit is _____% of the principal balance owed at any one time on advances made within an approved line of credit by the above-named Lender to the above-named Borrower.

In consideration of making advance(s) by the Lender within the line of credit ceiling pursuant to the Line of Credit Agreement, the United States of America acting through the Consolidated Farm Service Agency (herein called ''Government''), pursuant to the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 *et seq.*), agrees that in accordance with and subject to the conditions and requirements in this agreement, it will pay to the Lender who holds the line of agreement(s) (and note(s), if any exist) for said advance(s) (or assumption agreement) covered by this contract the lesser of 1, or 2, below:

1. Any loss sustained by such Lender on the guaranteed portion including:

a. Principal and interest indebtedness as evidenced by said line of credit agreement(s) (and note(s), if any exist) or by assumption agreement(s), and any capitalized interest on such portion resulting from the restructuring of an Operating loan and not exceeding statutory loan limits, and

b. Principal and interest indebtedness on secured protective advances for protection and preservation of collateral made with Government's authorization, including but not limited to, advances for delinquent taxes, annual assessments, any ground rents, and hazard or flood insurance premiums affecting the collateral; or

2. The guaranteed principal advances to or assumed by the Borrower under said line of credit agreement(s) (and note(s), if any exist) or assumption agreement(s), and any interest due thereon, including any capitalized interest on such portion resulting from the restructuring of an Operating loan and not exceeding statutory loan limits. If an

Operating Loan Line of Credit is involved, advances under the line of credit must be made within three years (five for Certified Lenders) from the date of this Contract. Advances made after that date will be covered by this Contract. If Government conducts the liquidation of the line of credit, loss occasioned to a Lender by accruing interest after the date Government accepts responsibility for liquidation will not be covered by this Contract of Guarantee. If Lender conducts the liquidation of the line of credit, accruing interest shall be covered by this Contract of Guarantee to date of final settlement when the Lender conducts the liquidation expeditiously in accordance with the liquidation plan approved by Government.

Conditions of Guarantee

1. Line of Credit Servicing

Lender will be responsible for serving the entire line of credit, and Lender will remain mortgagee and/or secured party of record. The Lender agrees that, if liquidation of the account becomes imminent, the Lender, will consider the Borrower of an Operating Loan Line of Credit for an Interest Rate Buydown under Exhibit C of subpart B of 7 C.F.R., part 1980, and request a determination of the Borrower's eligibility by Government. The Lender may not initiate foreclosure action on the line of credit until 60 days after a determination has been made with respect to the eligibility of the Borrower to participate in the Interest Rate Buydown Program.

2. Priorities

The entire line of credit will be secured by the same security with equal lien priority for the guaranteed and unguaranteed portions of the line of credit. The unguaranteed portion of the line of credit will not be paid first nor given any preference or priority over the guaranteed portion.

3. Full Faith and Credit

The Contract of Guarantee constitutes an obligation supported by the full faith and credit of the United States and is incontestable except for fraud or misrepresentation of which Lender has actual knowledge at the time it became such Lender or which Lender participates in or condones. If the line of credit agreement or note to which this Contract of Guarantee is attached provides for the payment of interest on interest, this Contract of Guarantee is void. However, in the case of Farm Credit Programs loans, the capitalization of interest when restructuring loans will not void this Contract of Guarantee.

Position 2

In addition, the Contract of Guarantee will be unenforceable by the Lender to the extent any loss is occasioned by the violation of usury laws, negligent servicing, or failure to obtain the required security regardless of the time at which Government acquires knowledge of the foregoing. Any losses occasioned will be unenforceable to the extent that loan funds are used for purposes other than those specifically approved by Government in its Conditional Commitment for Guarantee. Negligent servicing is defined as the failure to perform those services which a reasonably prudent lender would perform in servicing its own portfolio of loans that are not guaranteed. The term includes not only the concept of a failure to act but also not acting in a timely manner or acting in a manner contrary to the manner in which a reasonably prudent lender would act up to the time of loan maturity or until a final loss is paid.

4. Protective Advances

Protective advances made by Lender pursuant to the regulations will be guaranteed against a percentage of loss to the extent as provided in this Contract of Guarantee.

5. Custody of Unguaranteed Portion

The Lender may retain or sell the unguaranteed portion of the line of credit only through participation. Participation, as used in this instrument, means the sale of an interest in the line of credit in which the Lender retains the line of credit agreement (and note if one exists) collateral securing the line of credit and all responsibility for servicing and liquidation of the line of credit.

6. When Guarantee Terminates

This Contract of Guarantee will terminate automatically (a) upon full payment of the guaranteed line of credit occurring after the advance period has expired; or (b) upon full payment of any loss obligation under this Contract, or (c) upon written notice from the Lender to Government that the guarantee will terminate 30 days after the date of notice, provided the Contract is returned to Government to be cancelled.

7. Settlement

The amount due under this instrument will be determined and paid as provided in the applicable subpart of 7 C.F.R. part 1980 in effect on the date of this instrument.

8. Interest Capitalization

In the case of Operating loans, the Lender may capitalize interest only when the note is restructured. When delinquent interest is so treated as principal, the new principal amount may exceed the line of credit listed herein, but may not exceed statutory loan limits. The new principal amount and new guaranteed portion will be identified at restructuring in an addendum to this Contract of Guarantee. Such capitalized interest will be covered by this Contract of Guarantee. References to principal and interest herein, therefore, shall include any capitalized interest on the guaranteed portion of the loan resulting from the restructuring of an Operating loan and not exceeding statutory loan limits.

9. Notices

All notices and actions will be initiated through the County Supervisor for _____ (County) _____ (State) with mailing address at the date of this instrument:

_____

_____

UNITED STATES OF AMERICA
CONSOLIDATED FARM SERVICE AGENCY
By _____

_____

Title _____
(Date) _____

Assumption Agreement by _____ dated _____, 19____
Assumption Agreement by _____ dated _____, 19____

12. Appendix E to subpart A is revised to read as follows:

Appendix E—Agreement for Participation in Farm Credit Programs Guaranteed Loan Programs of the United States Government

USDA–CFSA
Form FmHA 1980–38
(Rev. 6–95)

The purpose of this Agreement is to establish the Lender as an approved participant in the Farm Credit Programs Guaranteed Loan Programs of the Consolidated Farm Service Agency (CFSA), U.S. Department of Agriculture (herein called ''Government''). This Agreement provides the terms and conditions for originating and servicing such loans, including lines of credit.

Participating Lender (''Lender''):

_____

_____

Tax Identification Number:

_____

Business Address:

_____

_____

Telephone Number:

_____

Complete the appropriate section indicating participation/non-participation in the Certified Lender Program.

Participating in the Certified Lender Program (''CLP'')
Offices Affected by Agreement
All ☐ As listed below ☐_____

_____

States Affected by Agreement

_____

_____

Not participating in the Certified Lender Program
Offices Affected by Agreement
All ☐ As listed below ☐_____

_____

States Affected by Agreement

_____

_____

Read this Agreement in its entirety and sign in the space on the last page. Your signature indicates consent with this Agreement.

Position 2

Part I—General Requirements

A. Duties and Responsibilities of the Government

1. *Payment on Claims.* Government agrees to make payment on its claims in accordance

with the terms of the guarantee and Agency regulations in 7 C.F.R. 1980, subparts A and B. The maximum loss payment may not exceed the amount determined in the guarantee, including the percentage of principal and any accrued interest. The guarantee is supported by the full faith and credit of the United States and is incontestable except under the circumstances of fraud or misrepresentation of which the Lender has actual knowledge at the execution of the guarantee or which the Lender participates in or condones. (See 7 C.F.R. 1980.107.)

2. *Personnel Available for Consultation.* The Government shall make personnel available for consultation on interpretations of Agency regulations and guidelines. The Lender may consult with Agency personnel regarding unusual underwriting, loan closing, and loan liquidation questions.

B. General Requirements for the Lender

1. *Eligibility to Participate.* The Lender must meet the requirements set forth in 7 C.F.R. 1980.13 and be approved by Government to be a participant in the Farm Credit Programs Guaranteed Loan Programs.

2. *Knowledge of Program Requirements.* The Lender is required to obtain and keep itself informed of all program regulations and guidelines, including all amendments and revisions. The Lender must establish and maintain adequate and written internal policies for loan origination and servicing to meet these requirements. These policies will be subject to review upon the request by Government.

3. *Notification.* The Lender shall immediately notify Government in writing if the Lender:

- Becomes insolvent;
- Has filed for any type of bankruptcy protection, has been forced into involuntary bankruptcy, or has requested an assignment for the benefit of creditors;
- Has taken any action to cease operations, or to discontinue servicing or liquidating any or all of its portfolio guaranteed by Government;
- Has changed its name, location, address, tax identification number, or corporate structure;
- Has been debarred, suspended, or sanctioned in connection with its participation in any Federal guaranteed program; or
- Has been debarred, suspended, or sanctioned by any Federal or State licensing or certification authority.

4. *Employee Qualifications.* The Lender shall maintain a staff that is well trained and experienced in origination and loan servicing functions, as necessary, to ensure the capability of performing all the acts within its authority.

5. *Conflict of Interest.* The Lender certifies that its officers or directors, principal stockholders (except stockholders in a Farm Credit Bank or other Farm Credit System (FCS) institutions with direct lending authority that have normal stock/share requirements for participating), or other principal owners do not have, or will not have, a substantial financial interest in, or business dealings with, any guaranteed loan borrower. The Lender also certifies that neither any borrower nor its officers or directors, stockholders, or other owners have a substantial financial interest in the Lender. If the borrower is a member of the Board of Directors of a Farm Credit Bank or other FCS institution with direct lending authority, the Lender certifies that an FCS institution on the next highest level with independently process the loan request and will act as the Lender's agent with servicing the account.

6. *Facilities.* The Lender shall operate its facilities and branch offices in a prudent and businesslike manner.

7. *Reporting Requirements.* The Lender recognizes that Government, as guarantor, has a vital interest in ensuring that all acts performed by the Lender regarding the subject loans are performed in compliance with this Agreement and Agency regulations. Information on the status of guaranteed loans is necessary for this purpose, as well as to satisfy budget and accounting reporting required by the Department of the Treasury and the Office of Management and Budget. The Lender agrees to provide Government with all the data required under Agency regulations and any additional information necessary for Government to monitor the health of its guaranteed loan portfolio, and to satisfy external reporting requirements.

The Lender also agrees to provide to Government, as requested by the Government or as required by regulation, copies of audited financial statements, reports on internal controls, copies of compliance audits, and such other information that may be required for Government to properly monitor the Lender's performance.

C. Underwriting Requirements

1. *Responsibility.* The Lender is responsible for originating, servicing, and collecting all guaranteed Farm Credit Programs loans in accordance with Government regulations.

2. *Origination Process.*

a. *General Eligibility.* The Lender shall make a preliminary determination whether loan applicants meet the general eligibility requirements of the Farm Credit Programs Guaranteed Loan Programs. The Government will make the final determination.

b. *Delinquency on Federal Debt.* The Lender shall determine whether the loan applicant is delinquent on any Federal debt. The Lender shall use credit reports and any other credit history to make this determination. If the loan applicant is delinquent on a federal debt, processing of the application may only continue in accordance with Government regulations.

c. *Appraisals of Collateral.* The Lender shall ensure that the value of any collateral property or property to be purchased is determined by a qualified appraiser, including a State licensed or certified appraiser when required by law or regulation.

d. *Change in Borrower's Condition.* Before the Government issues a loan guarantee, the Lender will certify that there has been no adverse change(s) in the borrower's condition, financial or otherwise, during the time period from issuance of a Conditional Commitment to issuance of the guarantee of the loan. This certification by the Lender must address all adverse changes and be supported by financial statements of the borrower and its guarantors which are not more than 90 days old at the time of certification. For use in this provision alone, the term ''Borrower'' includes any member, joint operator, partner or stockholder. (See 7 C.F.R. 1980.117.)

e. *Limitation on Guarantee.* Any note requiring the payment of interest on interest will not be guaranteed. Default charges, late charges of any kind, and/or interest accrued on interest charges will not be covered by the guarantee.

3. *Loan Closing.*

a. *Lender's Fee.* The Lender will submit the required guarantee fee with the Guaranteed Loan Closing Report.

b. *Lender's Use of Funds.* The Lender agrees funds for the particular loan or line of credit will be used only for the purposes authorized in 7 C.F.R. 1980, subparts A and B as set forth in Form FmHA 1980–15.

c. *Loan Closing.* All loans guaranteed by the Government shall be closed by attorneys, escrow companies, escrow departments of lending institutions, or other person(s) or entities skilled and experienced in conducting loan closings. The Lender shall:

- Ensure that documents, including the mortgage and any security agreements, chattel mortgages or equivalent documents relating to it have been properly signed, are valid and contain terms enforceable by the Lender;
- Ensure that all security with appropriate lien priorities is obtained in accordance with Form FmHA 1980–15, and Government regulations;
- Ensure that all closing documents required to be recorded are recorded accurately, in the appropriate offices, and in a timely and accurate manner;
- Ensure that security interests are perfected in collateral according to applicable regulatory requirements and procedures;
- Ensure that all required hazard insurance is obtained in accordance with Government regulations;
- Collect all fees and costs due and payable by the borrower in the course of the loan transaction and disburse payment directly to the parties for services rendered; and
- Ensure that all loan proceeds are used as authorized.

The entire loan will be secured equally with the same security and the same lien priority for both the guaranteed and unguaranteed portions of the loan, under the assurance that the unguaranteed portion of the loan will not be paid first nor given any preference or priority over the guaranteed portion of the loan.

4. *Lender's Sale or Assignment of Guaranteed Loan.*

The Lender may retain all of any guaranteed loan. The Lender is not permitted to sell or participate any amount of the guaranteed or unguaranteed portion(s) of loan(s) to the applicant or borrower or members of their immediate families, their officers, directors, stockholders, other owners, or any parent, subsidiary, or affiliate. The Lender may market all or part of the guaranteed portion of the loan at or after loan

closing only if the loan is not in default as set forth in the terms of the note. A line of credit may only be marketed by participation. Refer to 7 C.F.R. 1980.119 for further guidelines.

D. Servicing Requirements

1. *Responsibilities.* The Lender will service the entire loan as mortgagee and/or secured party of record in a reasonable and prudent manner, notwithstanding the fact that another (Holder) may hold a portion of the loan. The Lender will obtain compliance with the covenants and provisions in the note, security instruments, and any other agreements, and notify Government and the borrower of any violations. Specific responsibilities are described in 7 C.F.R. 1980.130.

2. *Negligent Servicing.* The guarantee cannot be enforced by the Lender to the extent a loss results from a violation of usury laws or negligent servicing regardless of when Government discovers such violation or negligence. Negligent servicing is defined as the failure to perform services which a reasonably prudent lender would perform in servicing its own portfolio of loans that are not guaranteed. The term includes both a failure to act and also not acting in a timely manner to include actions taken up to the time of loan maturity or until a final loss is paid. (See 7 C.F.R. 1980.11.)

3. *Payments.* Payments from the borrower shall be processed upon receipt according to 7 C.F.R. 1980.119, and may include escrow premiums for hazard insurance and real estate taxes. The Lender shall promptly disburse to any Holder(s) their pro rata share thereof which has been determined according to their respective interests in the loan, less only the Lender's servicing fee.

4. *Collateral.*

a. *Insurance.* The Lender shall ensure that adequate insurance is maintained in accordance with Agency regulations, including the maintenance of hazard insurance containing a loss payable clause in favor of the Lender as the mortgagee or secured party.

b. *Escrow Accounts.* The Lender may establish separate escrow accounts. All escrow accounts must meet applicable Federal and State laws and regulations, and must be fully insured by the FDIC.

c. *Inspection.* The Lender shall inspect the collateral as often as necessary to properly service the loan and ensure the collateral is being properly maintained.

d. *Taxes.* The Lender shall ensure that taxes, assessments, or ground rents against or affecting collateral are paid.

5. *Delinquent Accounts.*

a. The Lender will notify Government using Form FmHA 1980–44, ''Guaranteed Loan Borrower Default Status,'' when a borrower is 30 days past due on a payment or if the borrower has not provided the required financial statements to the Lender or is otherwise in default. The Lender will continue to submit Form FmHA 1980–44 every 60 days until the default is resolved, and will notify the Agency when the default is resolved. A meeting will be arranged by the Lender with the borrower and Government to resolve the problem. Actions taken by the Lender, with written concurrence of Government, may include but are not limited to, any curative actions contained in subpart B or 7 C.F.R. part 1980 or liquidation.

b. The loan may be reamortized, rescheduled, or written down only with the agreement of any Holder(s) of the guaranteed portion of the loan, and only with Government's written agreement.

c. The Lender will negotiate in good faith to resolve any problem in order to allow the borrower to cure default, where reasonable. The Lender agrees that if liquidation of the account becomes imminent, the Lender will consider the borrower for Interest Assistance under Exhibit D of subpart B of 7 C.F.R. part 1980, and request a determination of the borrower's eligibility by Government. The Lender may not initiate foreclosure action on the loan until 60 days after eligibility of the borrower to participate in the Interest Assistance Program has been established.

d. Debt Writedown. (Refer to 7 C.F.R. Part 1980 subpart B, 1980.125.) The maximum amount of loss payment associated with a loan/line of credit agreement which has been written down will not exceed the percent of the guarantee multiplied by the difference between the outstanding principal and interest balance of the loan before the writedown and the outstanding balance of the loan after the writedown. The Lender will use Form FmHA 449–30, ''Loan Note Guarantee Report of Loss,'' to request an estimated loss payment to receive its pro rate share of any loss sustained. Interest will be paid to the date of the check on all debt writedown claims.

e. The Lender must participate in any mediation program of any State in accordance with the rules of that system and 7 C.F.R. Part 1980 subpart B, 1980.126.

f. When the borrower has not made payment of principal or interest due on the loan for 60 days or more or the Lender has failed to give the Holder(s) its pro rata share of any payment made by the borrower within 30 days of receipt of the payment, the Holder may request the lender to repurchase the unpaid guaranteed portion of the guaranteed loan. If the Lender chooses not to repurchase, Government will purchase the unpaid principal balance. Upon Government's repurchase, the lender will liquidate the account or reimburse Government the amount of the repurchase within 180 days of Government's repurchase. See 7 C.F.R. 1980.119 for further guidance on repurchasing loans from Holder(s).

6. *Default/Liquidation.*

a. *Protective Advances.* Protective advances must constitute a debt of the borrower to the Lender and be secured by the security instrument(s). Government written authorization is required on all protective advances in excess of $3,000 made by a CLP Lender. For non-CLP Lenders, the amount is $500. Refer to 7 C.F.R. 1980.136.

b. *Additional Loan or Advances.* Except as provided for in each Borrower's loan agreement, the Lender will not make additional expenditures or new loans without first obtaining the written approval of Government even though such expenditures or loans will not be guaranteed.

c. *Future Recovery.* After a loan has been liquidated and a final loss has been paid by Government, any future funds which may be recovered by the Lender will be pro-rated between Government and the Lender. Government will be paid the amount recovered in proportion to the percentage it guaranteed for the loan.

d. *Transfer and Assumption Cases.* Refer to 7 C.F.R. 1980.123. If a loss occurs upon the completion of a transfer and assumption for less than the full amount of the debt and transferor debtor (including Guarantors) is released from personal liability, the Lender, if it holds the guaranteed portion, may file an estimated Report of Loss on Form FmHA 449–30, ''Loan Note Guarantee Report of Loss,'' to recover its pro rata share of the actual loss at that time. In completing Form FmHA 449–30, the amount of the debt assumed will be entered as Net Collateral (Recovery). Approved protective advances and accrued interest thereon made during the arrangement of transfer and assumption, if not assumed by the transferee, will be entered in the appropriate space on Form FmHA 449–30.

e. *Bankruptcy.* The Lender is responsible for protecting the guaranteed loan debt and all collateral securing the loan in bankruptcy proceedings. Loss payments on bankruptcy cases will be processed according to the terms described in 7 C.F.R. 1980.144.

f. *Liquidation.* If the Lender concludes that liquidation of a guaranteed loan account is necessary due to default or third party actions which the borrower cannot or will not cure or eliminate within a reasonable period of time, a meeting will be arranged by the Lender with Government. All liquidations must receive prior concurrence by the appropriate Government official. Refer to 7 C.F.R. 1980.146 for specific guidance on the procedures for liquidation.

7. *Servicer.*

If the Lender contracts for servicing of guaranteed Farm Credit Programs loans, the Lender is not relieved of responsibility for proper servicing of the loans.

E. Agency Reviews of Lender's Operations

The Government shall have the right to conduct reviews, including on-site reviews, of the Lender's operations and the operations of any agent of the Lender, for the purpose of verifying compliance with this Agreement and Government regulations and guidelines. These reviews may include, but are not limited to: audits of case files; interviews with owners, managers, and staff; audits of collateral; and inspections of the Lender's and/or its agents underwriting, servicing, and liquidation guidelines. The Lender and/or its agents shall provide access to all pertinent information to allow the Government, or any party authorized by the Government, to conduct such reviews.

F. Conformance to Standards

1. *Standards.* The Lender shall conform to the standards outlined in this Agreement and Government regulations for participation in Farm Credit Programs Guaranteed Loan Programs. CLP Lenders must maintain compliance with the criteria set forth in 7 C.F.R. 1980.190. The Government shall determine Lender adherence to the standards based on:

- Adequacy in meeting requirements for origination, servicing, and liquidation of

loans and lines of credit, including protection of collateral;

- Satisfaction of the reporting requirements of the Government;
- Success in operating in a sound and prudent businesslike manner;
- Portfolio performance compared to overall performance of the Farm Credit Program Guaranteed Loan Programs; and
- Results of on-site reviews of the underwriting and/or servicing performed by the Lender.

2. *Determination of Non-Conformance.* The Government shall carefully consider the circumstances and available facts in determining whether there is a pattern of Lender non-conformance with applicable standards. The Government shall determine the propriety of any decision made by the Lender based on the facts available at the time the specific action was taken. It is understood by the Government and intended by this Agreement that the Lender has the authority to exercise reasonable judgment in performing acts within its authority. However, the Government reserves the right to question any act performed or conclusion drawn that is inconsistent with this Agreement or Government regulations.

3. *Government Action.* If the Lender is determined to be in non-conformance with any Federal law, State law, Agency regulation or guideline, or the terms of this Agreement, the Government reserves the right to take action in accordance with its laws and regulations.

4. *Lender Right of Appeal.* The Government shall provide the Lender an opportunity to appeal, in accordance with Agency regulations at 7 C.F.R. Part 1980, subpart A, adverse actions taken by the Government.

Part II—List of Agency Regulations and Guidelines and Designation of Lender Authority To Perform Certain Acts

A. List of Agency Regulations

The following is a list of Government regulations which, along with any future amendments consistent with this Agreement, contain the information necessary for the Lender to be in compliance with Government requirements.

1. 7 C.F.R. 1980 subpart A—General
2. 7 C.F.R. 1980 subpart B—Farm Credit Program Loans

B. Authority To Perform Certain Acts

Lenders participating in the CLP may be granted special authority to certify compliance with certain statutory or regulatory requirements. 7 C.F.R. 1980.190 describes authorities and responsibilities for CLP Lenders.

Part III—Duration and Modification

A. Duration and Termination

1. *Duration of Agreement.* For CLP Lenders, this Agreement is valid for five years unless terminated by the Lender or Government as described below or revoked according to 7 C.F.R. 1980.190. For non-CLP Lenders, this Agreement will be valid indefinitely unless terminated by the Lender or the Government as described below.

2. *Modification of Agreement.* This Agreement may be modified or extended only in writing and by consent of all parties.

3. *Termination by the Government.* This Agreement may be terminated by the Government in accordance with Government regulations.

4. *Termination by the Lender.* This Agreement may be terminated by the Lender by providing 30 days written notice to the Government.

5. *Effect of Termination on Responsibilities and Liabilities.* Responsibilities or liabilities that existed before the termination of the Agreement with regard to outstanding guarantees will continue to exist after termination unless the Government expressly releases the Lender from such responsibilities or liabilities in writing. The Lender shall remain obligated to service and liquidate the guaranteed loans remaining in the portfolio unless and until the Government or the Lender transfers the loans. These requirements concerning loan management by the Lender and rights of the Government under this Agreement shall remain in effect whether the Agreement is terminated by the Lender or the Government.

B. Entire Agreement

This Agreement, Parts I through IV inclusive, and any regulations or guidelines incorporated by reference, shall constitute the entire Agreement. There are no other agreements, written or oral, regarding the terms in this Agreement which are or shall be binding on the parties.

Part IV—Endorsement

The undersigned certifies that they have read and understand the requirements in this Agreement, and in 7 C.F.R. part 1980, subparts A and B, and agree to the participation requirements and other provisions of this Agreement.

Notice. Requests for Guarantee and any notices or actions are expected to be initiated through the following County Offices:

_____
_____
_____
_____
_____
_____

Lender: Complete this block of Section IV.

XXI. LENDER _____
(Name)
_____
(IRS I.D. Tax No.)
By _____
(Signature)
_____
(Name Typed or Printed)
Title _____
Date _____
ATTEST _____

This block of Section IV will be completed by the Government.

The effective date of this Agreement is _____
The expiration date of this Agreement is _____
UNITED STATES OF AMERICA
Consolidated Farm Service Agency
By _____
(Signature)
Title _____
_____
(Name Typed or Printed)
Date _____

13. Appendix K to subpart A is added to read as follows:

Appendix K—Modification of New Contract Relating to Farm Credit Programs Guaranteed Loan/Line of Credit

United States Department of Agriculture

Modification of New Contract Relating to Farm Credit Programs Guaranteed Loan/ Line of Credit

The Lender's Agreement or Agreement For Participation in Farmer Programs Guaranteed Loan Programs of the United States Government executed with the Lender dated _____ and the attached Loan Note Guarantee or Contract of Guarantee (Line of Credit) executed with the Lender dated _____ relating to the loan to _____ in the amount of _____ is hereby modified to reflect a new principal amount of _____ as a result of the capitalization of interest at the restructuring of the Farm Credit Programs Loan. This amount does not exceed statutory limits. The new guaranteed portion of the loan is _____.

UNITED STATES OF AMERICA
CONSOLIDATED FARM SERVICE AGENCY
Date _____
By _____
Title _____

14. Appendix L to subpart A is added to read as follows:

Appendix L—Modification of Existing Contract Relating to Farm Credit Programs Guaranteed Loan/Line of Credit

United States Department of Agriculture

Modification of Existing Contract Relating to Farm Credit Programs Guaranteed Loan/ Line of Credit

The Lender's Agreement or Agreement For Participation in Farmer Programs Guaranteed Loan Programs of the United States Government executed with the Lender dated _____ and the attached Loan Note Guarantee or Contract of Guarantee (Line of Credit) executed with the Lender dated _____ relating to the loan to _____ in the amount of _____ is hereby modified to permit the capitalization of interest when restructuring the Farm Credit Programs loan PROVIDED that the new principal amount of _____ does not exceed statutory limits. Such capitalized interest on the guaranteed portion of the loan will be covered by the CFSA guarantee and will not void the contract when the capitalized interest result from restructuring. The new guaranteed portion of the loan is _____.

UNITED STATES OF AMERICA
CONSOLIDATED FARM SERVICE AGENCY
Date _____
By _____
Title _____

Subpart B—Farmer Program Loans

15. Section 1980.124 is amended by revising the word ''plan(s)'' to read ''plan'' in the third sentence of paragraph (b)(10); by removing paragraph (d)(1); by redesignating paragraph (a)(8) as paragraph (a)(9) and paragraphs (d)(2) and (d)(3) as paragraphs (d)(1) and (d)(2), respectively; by revising the word ''FmHA'' to read ''the Agency'' in newly redesignated paragraph (d)(2); by revising the word ''FmHa'' to read ''Agency'' each place it appears in paragraphs (b)(8) and (c)(3); by revising the word ''FmHa'' to read ''the Agency'' in paragraph (f); by revising paragraphs (a)(4), (a)(6), (a)(7), (b)(6), (b)(12), and (e); and by adding new paragraph (a)(8) to read as follows:

§ 1980.124 Consolidation, rescheduling, reamortizing and deferral.

(a) * * *

(4) The borrower has acted in good faith demonstrating sincerity and honesty in meeting agreements with, and promises made to the lender and the Agency. This means cooperating in servicing the account and maintaining the security, and satisfactorily completing the Borrower Training program if required.

* * * * *

(6) Any holder agrees in writing to the rescheduling, reamortization or deferral. The holder must understand that it will not receive any payments from the lender or from the Agency during any deferral period.

(7) The lender may capitalize the outstanding interest when restructuring the loan. The restructuring proposal will be reviewed by the appropriate agency loan approval official in accordance with loan approval authorities based on the total outstanding principal and interest at the time of the proposal. Approval of servicing actions on guaranteed loans will be based on the new principal and guaranteed amounts and the authorities set forth in exhibit C of FmHA Instruction 1901–A (available in any Agency office). Approved capitalized interest will be treated as part of the principal and interest indebtedness in calculating the maximum loss amount under § 1980.20.

(8) Only interest that has accrued at the rate indicated on the borrower's original promissory notes may be capitalized. Late payment fees or default interest penalties that have accrued due to the borrower's failure to make payments as agreed may not be capitalized.

* * * * *

(b) * * *

(6) There is no limit on the number of times a consolidation or rescheduling action may take place.

* * * * *

(12) When a consolidation occurs, the new note or line of credit agreement will describe the notes or line of credit agreements being consolidated and will state that the indebtedness evidenced by such notes or line of credit agreements is not satisfied. The original notes or line of credit agreements will be retained for identification purposes.

* * * * *

(e) *Principal limit.* As a result of the capitalization of interest, a rescheduled/reamortized note or line of credit agreement may increase the amount of principal which the borrower is required to pay above what would have been payable had the rescheduling, reamortization, or consolidation not occurred. However, in no case will such principal amount exceed the statutory loan limits set out in this subpart.

* * * * *

§ 1980.125 [Amended]

16. Section 1980.125 is amended by removing paragraph (a)(10); by revising the words ''and/or'' in the first sentence of the introductory text of paragraph (a) to read ''and''; by revising ''FmHA'' to read ''the Agency'' in the introductory text of paragraph (a) and paragraph (b)(1)(i) each place it appears; by revising ''FmHA'' to read ''Agency'' in the introductory text of paragraph (a)(8); and by revising ''FmHA'' to read ''the Agency's'' in paragraph (a)(4).

17. Section 1980.191 is amended by revising paragraph (e) to read as follows:

§ 1980.191 Borrower training program.

* * * * *

(e) *Vendor monitoring.* Borrowers will complete course and instructor evaluations provided by the instructor when the borrowers complete the course.

18. Section 1980.200 is revised to read as follows:

§ 1980.200 OMB control number.

The reporting requirements contained in this subpart have been approved by the Office of Management and Budget (OMB) and have been assigned OMB control number 0575–0079. Public reporting burden for this collection of information is estimated to vary from 15 minutes to 4 hours per response, with an average of 1.32 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 the 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 #0575–0079), Washington, D.C. 20503.

19. Exhibit D of subpart B is amended by revising the word ''holder(s)'' to read ''holder'' in the first sentence of paragraph XVI; by removing the second sentence of paragraph XVI, and by revising paragraphs XIII.D., F. and G. to read as follows:

Exhibit D—Interest Assistance Program

* * * * *

XIII. Servicing of Loans/Lines of Credit Covered by an Interest Assistance Agreement

* * * * *

D. In the event of reamortization, rescheduling or deferral of loans with Interest Assistance, Interest Assistance will remain available for that loan under the terms of the existing Interest Assistance Agreement. If additional Interest Assistance is needed to produce a positive cash flow throughout the life of the rescheduled/reamortized loan and funds are not available for the additional Interest Assistance, then the rescheduling/reamortization will not be approved by the agency. In no case, will the subsidy be extended more than ten years from the initial effective date of the original Interest Assistance Agreement.

E. * * *

F. For Loan Note Guarantees held by holders, Agency purchase of the guaranteed portion of the loan will stop Interest Assistance payments on that portion. Interest Assistance payments will cease upon termination of the Loan Note Guarantee or Contract of Guarantee by expiration of the document or cancellation by the Government.

G. A lender will notify the Agency when a borrower who is not receiving maximum Interest Assistance is 30 days past due on a payment and is unable to bring the account current within 30 days. The lender will request that the Agency make a determination as to the borrower's eligibility for Interest Assistance. The lender will submit a plan of operation for the farm projecting the repayment ability of the borrower with and without Interest Assistance. Upon receipt of the agency's determination, the lender may request Interest Assistance. If the lender declines Interest Assistance, the lender will notify the Agency in writing within 30 days.

* * * * *

Dated: September 14, 1995.

Eugene Moos,

Under Secretary of Agriculture, Farm and Foreign Agricultural Services.

Dated: September 15, 1995.

Jill Long Thompson,

Under Secretary of Agriculture, Rural Economic and Community Development.

[FR Doc. 95–24179 Filed 10–12–95; 8:45 am]

BILLING CODE 3410–07–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–SW–02–AD; Amendment 39–9387; AD 95–21–02]

Airworthiness Directives; Schweizer Aircraft Corporation and Hughes Helicopters, Inc. Model 269A, 269A–1, 269B, 269C, and TH–55A Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to Schweizer Aircraft Corporation and Hughes Helicopters, Inc. Model 269A, 269A–1, 269B, 269C, and TH–55A helicopters with certain main rotor (M/R) drive shafts installed, that currently requires a one-time radiographic inspection or other non-destructive inspection of certain M/R drive shafts for cracks, distortion, corrosion, or other surface damage, at specified time intervals or upon the occurrence of specified conditions. This amendment requires the same inspections as the previous AD, but expands the applicability of certain inspections to additional models of the affected helicopters, and excludes certain M/R drive shafts from certain inspections. This amendment is prompted by a reevaluation as a result of a comment to the previous AD suggesting the need to expand the applicability of certain inspections to additional models of the affected helicopters and to exclude certain M/R drive shafts from certain inspections. The actions specified by this AD are intended to prevent structural failure of the M/R drive shaft, separation of the M/R from the helicopter, and subsequent loss of control of the helicopter.

DATES: Effective November 17, 1995.

The incorporation by reference of certain publications listed in the regulations was previously approved by the Director of the Federal Register as of October 29, 1993 (58 FR 53120, October 14, 1993).

ADDRESSES: The service information referenced in this AD may be obtained from Schweizer Aircraft Corporation, P.O. Box 147, Elmira, New York 14902. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond J. O'Neill, Aerospace Engineer, FAA, New York Aircraft Certification Office, New England Region, 10 5th Street, Valley Stream, New York 11581, telephone (516) 256–7505, fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 93–14–06, Amendment 39–8630 (58 FR 53120, October 14, 1993), which is applicable to Schweizer Aircraft Corporation and Hughes Helicopters, Inc. Model 269A, 269A–1, 269B, 269C, and TH–55A helicopters, was published in the Federal Register on November 30, 1994 (59 FR 61298). That action proposed to require a one-time radiographic inspection or other non-destructive inspection of the applicable M/R drive shafts of all affected Model 269 series helicopters. That action also proposed to change paragraph (b) of AD 93–14–06 to exclude those replacement drive shafts having an ''SZ'' or ''ZS'' prefix from mandatory inspections prior to their installation.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed, except for editorial changes and adding explanatory Note 1, relating to the scope of the applicability statement when modifications, alterations, or repairs have been made in the area subject to the requirements of the AD. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 1,364 helicopters of U.S. registry will be affected by this AD, that it will take approximately 10 work hours per helicopter to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $818,400.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (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) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–8630 (58 FR 53120, October 14, 1993), and by adding a new airworthiness directive (AD), Amendment 39–9387, to read as follows:

AD 95–21–02 Schweizer Aircraft Corporation and Hughes Helicopters, Inc: Amendment 39–9387. Docket No. 94–SW–02–AD. Supersedes AD 93–14–06, Amendment 39–8630.

Applicability: Model 269A, 269A–1, 269B, 269C, and TH–55A helicopters, with main rotor (M/R) drive shaft part number (P/N) 269A5305–3 or 269A5305–11 installed, except those M/R drive shafts having a serial

number with a prefix of ''SZ'' or ''ZS'', certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (d) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent structural failure of the M/R drive shaft, separation of the M/R from the helicopter, and subsequent loss of control of the helicopter, accomplish the following:

(a) Inspect the M/R drive shaft for cracks, distortion, corrosion, or other surface damage, using either the radiographic inspection procedure or the other non-destructive inspection procedure in accordance with Part I of Schweizer Service Bulletin B–255.1 (SB), dated February 1, 1993. Conduct this inspection at the time intervals and under the conditions stated in the following:

(1) Inspect M/R drive shafts with serial numbers (S/N) S0001 through S1111, and any drive shaft without an ''S'' prefix on the S/N, having less than 1,100 hours time-in-service (TIS) on the effective date of this AD—

(i) At the next removal of the drive shaft;

(ii) Within the next 600 hours TIS;

(iii) Prior to attaining 1,200 hours total TIS; or

(iv) Within 1 year after the effective date of this AD, whichever occurs first.

(2) Inspect M/R drive shafts with S/N S0001 through S1111, and any drive shaft without an ''S'' prefix on the S/N with 1,100 hours or more TIS on the effective date of this AD—

(i) Within the next 100 hours TIS; or

(ii) At the next removal of the drive shaft; or

(iii) Within 1 year after the effective date of this AD, whichever occurs first.

(3) Inspect M/R drive shafts with S/N S1112 and higher, regardless of the number of the total hours TIS on the effective date of this AD—

(i) Within the next 25 hours TIS;

(ii) At the next removal of the drive shaft; or

(iii) Within 1 year after the effective date of this AD, whichever occurs first.

(4) Inspect the M/R drive shaft before further flight if M/R vibrations occur that cannot be corrected with track and balance procedures, or if M/R track and balance procedures are required more than once within a 25-hour TIS interval.

(b) Inspect any replacement M/R drive shaft, except those that have a serial number with a prefix of ''SZ'' or ''ZS'', prior to installation in accordance with the procedures in Part I of the SB, dated February 1, 1993.

(c) Replace any unairworthy M/R drive shaft with an airworthy M/R drive shaft before further flight.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used when approved by the Manager, New York Aircraft Certification Office, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, New York Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York Aircraft Certification Office.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) only for those helicopters that do not exhibit M/R vibrations due to uncorrected out-of-track or out-of-balance conditions specified in paragraph (a)(4) of this AD. The special flight permit allows flight of the helicopter to a location where the requirements of this AD can be accomplished.

(f) The inspections and replacement, if necessary, shall be done in accordance with Schweizer Service Bulletin B–255.1 (SB), dated February 1, 1993. This incorporation by reference was previously approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of October 29, 1993 (58FR53120, October 14, 1993). Copies may be obtained from Schweizer Aircraft Corporation, P.O. Box 147, Elmira, New York 14902. Copies may be inspected at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on November 17, 1995.

Issued in Fort Worth, Texas, on September 28, 1995.

Daniel P. Salvano,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 95–25330 Filed 10–12–95; 8:45 am]

BILLING CODE 4910–13–U

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

Statement of Policy or Interpretation; Clarification of Enforcement Policy for Art Materials

AGENCY: Consumer Product Safety Commission.

ACTION: Clarification of statement of enforcement policy.

SUMMARY: In 1988, Congress enacted the Labeling of Hazardous Art Materials Act which mandated a labeling standard and certain other requirements for art materials. On February 13, 1995, the Commission issued a statement of enforcement policy to more clearly apprise the public of its intended enforcement focus. This notice clarifies a phrase in the preamble to the Commission's policy statement concerning the conformance statement that the law requires accompany art materials.

DATES: This policy takes effect on October 13, 1995.

FOR FURTHER INFORMATION CONTACT: Mary Toro, Division of Regulatory Management, Office of Compliance and Enforcement, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0400.

SUPPLEMENTARY INFORMATION:

A. Background

In 1988, Congress enacted the Labeling of Hazardous Art Materials Act (''LHAMA''), 15 U.S.C. 1277. Through LHAMA, Congress expressed its desire that art materials should be labeled to warn consumers of potential chronic hazards. LHAMA mandated a voluntary standard, ASTM D 4236, with certain modifications, as a mandatory Commission rule under section 3(b) of the Federal Hazardous Substances Act (''FHSA''). *Id.*

On October 9, 1992, the Commission issued a notice in the Federal Register that codified the standard as mandated by Congress. 57 FR 46626. (At that time, the Commission also issued guidelines for determining when a product presents a chronic hazard, and a supplemental regulatory definition of the term ''toxic'' that explicitly includes chronic toxicity.) The standard is codified at 16 CFR 1500.14(b)(8).

After gaining experience enforcing the LHAMA requirements, the Commission decided to issue a statement of enforcement policy to more clearly apprise the public of its enforcement focus. On March 8, 1994, the Commission published a proposed enforcement policy for art materials. 59 FR 10761. After reviewing the comments submitted in response to the proposal, the Commission published a final statement of enforcement policy on February 13, 1995. 60 FR 8188.

B. Clarification

LHAMA and the standard it mandated provide certain requirements for art

materials. One such requirement is that the product bear or be displayed with a conformance statement indicating that it has been reviewed in accordance with the standard. 16 CFR 1500.14(b)(8)(i)(C)(7).

The February 13, 1995 Statement of Enforcement Policy indicated in the preamble that the conformance statement was ''other cautionary labeling'' as that term is defined under FHSA regulations and that the conformance statement must comply with the FHSA's conspicuousness requirements at 16 CFR 1500.121 (c) and (d). 60 FR at 8191. In a letter to Commission staff, the Art and Creative Materials Institute, Inc. (''ACMI'') objected to this statement. After reviewing the matter, the Commission agrees with ACMI and is issuing this clarification.

Under the LHAMA requirements, the preferred form for the conformance statement is on the product itself. 16 CFR 1500.14(b)(8)(i)(C)(7). However, other options are available, such as a display at the point of purchase or in separate explanatory literature. *Id.* As the conformance statement does not have to appear as a label, we agree that it should not be considered ''other cautionary labeling.''

Thus, it is not mandatory that conformance statements comply with the FHSA conspicuousness requirements for cautionary labeling. However, as ACMI recognizes, the conformance statement must be legible. Otherwise, the purpose of having a conformance statement is frustrated. The Commission considers the conspicuousness regulations useful guidance for manufacturers trying to determine appropriate characteristics for a legible conformance statement.

All other aspects of the February 13, 1995 Statement of Enforcement Policy remain unchanged.

List of Subjects in 16 CFR Part 1500

Arts and crafts, Consumer protection, Hazardous materials, Hazardous substances, Imports, Infants and children, Labeling, Law enforcement, Toys.

Dated: October 6, 1995.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 95–25321 Filed 10–12–95; 8:45 am]

BILLING CODE 6355–01–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

[Regulations No. 4]

RIN 0960–AA99

Revised Medical Criteria for Determination of Disability, Cardiovascular System; Correction

AGENCY: Social Security Administration.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations published in the Federal Register on Thursday, February 10, 1994 (59 FR 6468). The regulations revised the criteria in the Listing of Impairments (the listings) for evaluating cardiovascular impairments for individuals who claim benefits based on disability under title II and title XVI of the Social Security Act.

EFFECTIVE DATE: These correcting amendments are effective October 13, 1995.

FOR FURTHER INFORMATION CONTACT: Regarding this Federal Register document—Richard M. Bresnick, Legal Assistant, Division of Regulations and Rulings, 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: In the final regulations, the word ''and'' was used incorrectly twice instead of the word ''or'' and two terms were reversed from one place to another. In the preface to the Cardiovascular System listings (4.00), the first sentence of 4.00C2b(1) correctly referred to ''a 'sign-or symptom-limited' test * * *.'' However, the first sentence of 4.00C2e(1) incorrectly referred to a test ''documented by onset of signs and symptoms * * *.'' Also, listing 4.04A referred to a ''Symptom-and sign-limited exercise test * * *.'' In each of the latter two cases, the word ''and'' could be interpreted incorrectly to mean that the test must be limited by both signs and symptoms. Because the rule we use is that the test need be limited only by one or the other, we are making this correction. Listing 4.04A also should have referred to a ''Sign-or symptom-limited exercise test'' for consistency with 4.00C2b(1). Therefore, this correction is also being made.

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social security.

Accordingly, appendix 1 of subpart P of 20 CFR part 404 is corrected by making the following correcting amendments:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

Subpart P—[Amended]

1. The authority citation for subpart P of part 404 continues to read as follows:

Authority: Secs. 202, 205 (a), (b), and (d) through (h), 216(i), 221 (a) and (i), 222(c), 223, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 405 (a), (b), and (d) through (h), 416(i), 421 (a) and (i), 422(c), 423, 425, and 902(a)(5)).

Appendix 1 [Corrected]

2. In part A, 4.00 Cardiovascular System, 4.00C2e(1), in the first sentence, the phrase ''signs and symptoms'' is revised to read ''signs or symptoms''.

3. In part A, 4.00 Cardiovascular System, listing 4.04A, in the first sentence, the phrase ''Symptom-and sign-limited'' is revised to read ''Sign-or symptom-limited''.

Dated: October 5, 1995.

Martin Sussman,

Alternate Liaison Officer.

[FR Doc. 95–25415 Filed 10–12–95; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF JUSTICE

28 CFR Part 0

[EOIR No. 111F; AG Order No. 1992–95]

RIN 1125–AA12

Executive Office for Immigration Review; Board of Immigration Appeals; Board Members

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations on the organization of the Department of Justice to reflect the accurate number of persons who currently serve as Members of the Board of Immigration Appeals (Board).

EFFECTIVE DATE: This final rule is effective October 13, 1995.

FOR FURTHER INFORMATION CONTACT: Margaret M. Philbin, General Counsel, Executive Office for Immigration Review, Suite 2400, 5107 Leesburg Pike, Falls Church, Virginia 22041, telephone (703) 305–0470.

SUPPLEMENTARY INFORMATION: On June 5, 1995, the Department published a final

rule amending 8 CFR 3.1(a)(1) to increase the number of members on the Board from a total of five (a Chairman and four members) to a total of twelve (a Chairman and eleven members). 60 FR 29469 This final rule amends 28 CFR 0.116 so that it is consistent with 8 CFR 3.1(a)(1).

Compliance with 5 U.S.C. 553 as to notice of proposed rule making and delayed effective date is not necessary because this rule relates to agency procedure and practice.

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. The Attorney General has determined that this rule is not a significant regulatory action under Executive Order No. 12866, and accordingly this rule has not been reviewed by the Office of Management and Budget. This rule has no Federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order No. 12612. The rule merits the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order No. 12778.

List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies), Whistleblowing.

For the reasons set forth in the preamble, 28 CFR part 0 is amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

1. The authority citation for part 0 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519.

Subpart U—Executive Office for Immigration Review

2. Section 0.116 is amended by removing the word ''four'' in the first sentence and adding in its place the word ''eleven''.

Dated: October 4, 1995.

Janet Reno,

Attorney General.

[FR Doc. 95–25281 Filed 10–12–95; 8:45 am]

BILLING CODE 4410–01–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2610 and 2622

Late Premium Payments and Employer Liability Underpayments and Overpayments; Interest Rate for Determining Variable Rate Premium; Amendments to Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This document notifies the public of the interest rate applicable to late premium payments and employer liability underpayments and overpayments for the calendar quarter beginning October 1, 1995. This interest rate is established quarterly by the Internal Revenue Service. This document also sets forth the interest rates for valuing unfunded vested benefits for premium purposes for plan years beginning in August 1995 through October 1995. These interest rates are established pursuant to section 4006 of the Employee Retirement Income Security Act of 1974, as amended. The effect of these amendments is to advise plan sponsors and pension practitioners of these new interest rates.

EFFECTIVE DATE: October 1, 1995.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026; telephone 202–326–4024 (202–326–4179 for TTY and TTD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: As part of title IV of the Employee Retirement Income Security Act of 1974, as amended, the Pension Benefit Guaranty Corporation collects premiums from ongoing plans to support the single-employer and multiemployer insurance programs. Under the single-employer program, the PBGC also collects employer liability from those persons described in ERISA section 4062(a). Under ERISA section 4007 and 29 CFR § 2610.7, the interest rate to be charged on unpaid premiums is the rate established under section 6601 of the Internal Revenue Code (''Code''). Similarly, under 29 CFR § 2622.7, the interest rate to be credited or charged with respect to overpayments or underpayments of employer liability is the section 6601 rate. These interest rates are published by the PBGC in appendix A to the premium regulation and appendix A to the employer liability regulation.

The Internal Revenue Service has announced that for the quarter beginning October 1, 1995, the interest charged on the underpayment of taxes will be at a rate of 9 percent. Accordingly, the PBGC is amending appendix A to 29 CFR part 2610 and appendix A to 29 CFR part 2622 to set forth this rate for the October 1, 1995, through December 31, 1995, quarter.

Under ERISA section 4006(a)(3)(E)(iii)(II), in determining a single-employer plan's unfunded vested benefits for premium computation purposes, plans must use an interest rate equal to 80% of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid. Under § 2610.23(b)(1) of the premium regulation, this value is determined by reference to 30-year Treasury constant maturities as reported in Federal Reserve Statistical Releases G.13 and H.15. The PBGC publishes these rates in appendix B to the regulation.

The PBGC publishes these monthly interest rates in appendix B on a quarterly basis to coincide with the publication of the late payment interest rate set forth in appendix A. (The PBGC publishes the appendix A rates every quarter, regardless of whether the rate has changed.) Unlike the appendix A rate, which is determined prospectively, the appendix B rate is not known until a short time after the first of the month for which it applies. Accordingly, the PBGC is hereby amending appendix B to part 2610 to add the vested benefits valuation rates for plan years beginning in August of 1995 through October of 1995.

The appendices to 29 CFR parts 2610 and 2622 do not prescribe the interest rates under these regulations. Under both regulations, the appendix A rates are the rates determined under section 6601(a) of the Code. The interest rates in appendix B to part 2610 are prescribed by ERISA section 4006(a)(3)(E)(iii)(II) and § 2610.23(b)(1) of the regulation. These appendices merely collect and republish the interest rates in a convenient place. Thus, the interest rates in the appendices are informational only. Accordingly, the PBGC finds that notice of and public comment on these amendments would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making these amendments effective immediately.

The PBGC has determined that none of these actions is a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for these amendments, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 2610

Employee benefit plans, Penalties, Pension insurance, Pensions, and Reporting and recordkeeping requirements.

29 CFR Part 2622

Business and industry, Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements, and Small businesses.

In consideration of the foregoing, part 2610 and part 2622 of chapter XXVI of title 29, Code of Federal Regulations, are hereby amended as follows:

PART 2610—PAYMENT OF PREMIUMS

1. The authority citation for part 2610 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1306, 1307.

2. Appendix A to part 2610 is amended by adding a new entry for the quarter beginning October 1, 1995, to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix A to Part 2610—Late Payment Interest Rates

The following table lists the late payment interest rates under § 2610.7(a) for the specified time periods:

From	Through	Interest rate (percent)
* *	* *	*
October 1, 1995.	December 31, 1995.	9.00

3. Appendix B to part 2610 is amended by adding to the table of interest rates new entries for premium payment years beginning in August of 1995 through October of 1995, to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 2610—Interest Rates for Valuing Vested Benefits

The following table lists the required interest rates to be used in valuing a plan's vested benefits under § 2610.23(b) and in calculating a plan's adjusted vested benefits under § 2610.23(c)(1):

For premium payment years beginning in	Required interest rate [1]
* * * *	*
August 1995	5.38
September 1995	5.49
October 1995	5.24

[1] The required interest rate listed above is equal to 80% of the annual yield for 30-year Treasury constant maturities, as reported in Federal Reserve Statistical Release G.13 and H.15 for the calendar month preceding the calendar month in which the premium payment year begins.

PART 2622—EMPLOYER LIABILITY FOR WITHDRAWALS FROM AND TERMINATIONS OF SINGLE-EMPLOYER PLANS

4. The authority citation for part 2622 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1362–1364, 1367–68.

5. Appendix A to part 2622 is amended by adding a new entry for the quarter beginning October 1, 1995, to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix A to Part 2622—Late Payment and Overpayment Interest Rates

The following table lists the late payment and overpayment interest rates under § 2622.7 for the specified time periods:

From	Through	Interest rate (percent)
* *	* *	*
October 1, 1995.	December 31, 1995.	9.00

Issued in Washington, DC, this 10th day of October 1995.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 95–25422 Filed 10–12–95; 8:45 am]

BILLING CODE 7708–01–M

29 CFR Parts 2619 and 2676

Valuation of Plan Benefits in Single-Employer Plans; Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal; Amendments Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's regulations on Valuation of Plan Benefits in Single-Employer Plans and Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal. The former regulation contains the interest assumptions that the PBGC uses to value benefits under terminating single-employer plans. The latter regulation contains the interest assumptions for valuations of multiemployer plans that have undergone mass withdrawal. The amendments set out on this final rule adopt the interest assumptions applicable to single-employer plans with termination dates in November 1995, and to multiemployer plans with valuation dates in November 1995. The effect of these amendments is to advise the public of the adoption of these assumptions.

EFFECTIVE DATE: November 1, 1995.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005, 202–326–4024 (202–326–4179 for TTY and TDD).

SUPPLEMENTARY INFORMATION: This rule adopts the November 1995 interest assumptions to be used under the Pension Benefit Guaranty Corporation's regulations on Valuation of Plan Benefits in Single-Employer Plans (29 CFR part 2619, the ''single-employer regulation'') and Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR part 2676, the ''multiemployer regulation'').

Part 2619 sets forth the methods for valuing plan benefits of terminating single-employer plans covered under title IV of the Employee Retirement Income Security Act of 1974, as amended. Under ERISA section 4041(c), all single-employer plans wishing to terminate in a distress termination must value guaranteed benefits and ''benefit liabilities,'' *i.e.*, all benefits provided under the plan as of the plan termination date, using the formulas set forth in part 2619, subpart C. (Plans terminating in a standard termination may, for purposes of the Standard Termination Notice filed with PBGC, use these formulas to value benefit liabilities, although this is not required.) In addition, when the PBGC terminates an underfunded plan involuntarily pursuant to ERISA section 4042(a), it uses the subpart C formulas to determine the amount of the plan's underfunding. Part 2676 prescribes rules for valuing benefits and certain assets of multiemployer plans under

sections 4219(c)(1)(D) and 4281(b) of ERISA.

Appendix B to part 2619 sets forth the interest rates and factors under the single-employer regulation. Appendix B to part 2676 sets forth the interest rates and factors under the multiemployer regulation. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

The PBGC issues two sets of interest rates and factors, one set to be used for the valuation of benefits to be paid as annuities and one set for the valuation of benefits to be paid as lump sums. The same assumptions apply to terminating single-employer plans and to multiemployer plans that have undergone a mass withdrawal. This amendment adds to appendix B to parts 2619 and 2676 sets of interest rates and factors for valuing benefits in single-employer plans that have termination dates during November 1995 and multiemployer plans that have undergone mass withdrawal and have valuation dates during November 1995.

For annuity benefits, the interest rates will be 6.20% for the first 20 years following the valuation date and 5.75% thereafter. For benefits to be paid as lump sums, the interest assumptions to be used by the PBGC will be 4.75% for the period during which benefits are in pay status, and 4.0% during all years preceding the benefit's placement in pay status. The above annuity interest assumptions represent a decrease (from those in effect for October 1995) of .10 percent for the first 20 years following the valuation date and are otherwise unchanged. The lump sum interest assumptions are unchanged (from those in effect for October 1995).

Generally, the interest rates and factors under these regulations are in effect for at least one month. However, the PBGC publishes its interest assumptions each month regardless of whether they represent a change from the previous month's assumptions. The assumptions normally will be published in the Federal Register by the 15th of the preceding month or as close to that date as circumstances permit.

The PBGC has determined that notice and public comment on these amendments are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest rates and factors promptly so that the rates and factors can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in single-employer plans whose termination dates fall during November 1995, and in multiemployer plans that have undergone mass withdrawal and have valuation dates during November 1995, the PBGC finds that good cause exists for making the rates and factors set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 2619

Employee benefit plans, Pension insurance, and Pensions.

29 CFR Part 2676

Employee benefit plans and Pensions.

In consideration of the foregoing, parts 2619 and 2676 of chapter XXVI, title 29, Code of Federal Regulations, are hereby amended as follows:

PART 2619—[AMENDED]

1. The authority citation for part 2619 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

2. In appendix B, Rate Set 25 is added to Table I, and a new entry is added to Table II, as set forth below. The introductory text of both tables is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 2619—Interest Rates Used to Value Lump Sums and Annuities

Lump Sum Valuations

In determining the value of interest factors of the form $v^{0:n}$ (as defined in § 2619.49(b)(1)) for purposes of applying the formulas set forth in § 2619.49 (b) through (i) and in determining the value of any interest factor used in valuing benefits under this subpart to be paid as lump sums (including the return of accumulated employee contributions upon death), the PBGC shall employ the values of i^t set out in Table I hereof as follows:

(1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply.

(2) For benefits for which the deferral period is y years (y is an integer and $0 < y \leq n_1$), interest rate i_1 shall apply from the valuation date for a period of y years; thereafter the immediate annuity rate shall apply.

(3) For benefits for which the deferral period is y years (y is an integer and $n_1 < y \leq n_1 + n_2$), interest rate i_2 shall apply from the valuation date for a period of $y - n_1$ years, interest rate i_1 shall apply for the following n_1 years; thereafter the immediate annuity rate shall apply.

(4) For benefits for which the deferral period is y years (y is an integer and $y > n_1 + n_2$), interest rate i_3 shall apply from the valuation date for a period of $y - n_1 - n_2$ years, interest rate i_2 shall apply for the following n_2 years, interest rate i_1 shall apply for the following n_1 years; thereafter the immediate annuity rate shall apply.

TABLE I

[Lump sum valuations]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	*
25	11–1–95	12–1–95	4.75	4.00	4.00	4.00	7	8

Annuity Valuations

In determining the value of interest factors of the form $v^{0:n}$ (as defined in § 2619.49(b)(1)) for purposes of applying the formulas set forth in § 2619.49 (b) through (i) and in determining the value of any interest factor used in valuing annuity benefits under this subpart, the plan administrator shall use the values of i_t prescribed in Table II hereof.

The following table tabulates, for each calendar month of valuation ending after the

effective date of this part, the interest rates (denoted by i_1, i_2, * * *, and referred to generally as i_t) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.

TABLE I

[Annuity valuations]

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * *	*		*	*		*
November 1995	.0620	1–20	.0575	>20	N/A	N/A

PART 2676—[AMENDED]

3. The authority citation for part 2676 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1399(c)(1)(D), 1441(b)(1).

4. In appendix B, Rate Set 25 is added to Table I, and a new entry is added to Table II, as set forth below. The introductory text of both tables is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 2676—Interest Rates Used to Value Lump Sums and Annuities

Lump Sum Valuations

In determining the value of interest factors of the form $v^{0:n}$ (as defined in § 2676.13(b)(1)) for purposes of applying the formulas set forth in § 2676.13 (b) through (i) and in determining the value of any interest factor used in valuing benefits under this subpart to be paid as lump sums, the PBGC shall use the values of i_t prescribed in Table I hereof. The interest rates set forth in Table I shall be used by the PBGC to calculate benefits payable as lump sum benefits as follows:

(1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply.

(2) For benefits for which the deferral period is y years (y is an integer and $0 < y \leq n_1$), interest rate i_1 shall apply from the valuation date for a period of y years; thereafter the immediate annuity rate shall apply.

(3) For benefits for which the deferral period is y years (y is an integer and $n_1 < y \leq n_1 + n_2$), interest rate i_2 shall apply from the valuation date for a period of $y - n_1$ years, interest rate i_1 shall apply for the following n_1 years; thereafter the immediate annuity rate shall apply.

(4) For benefits for which the deferral period is y years (y is an integer and $y > n_1 + n_2$), interest rate i_3 shall apply from the valuation date for a period of $y - n_1 - n_2$ years, interest rate i_2 shall apply for the following n_2 years, interest rate i_1 shall apply for the following n_1 years; thereafter the immediate annuity rate shall apply.

TABLE I

[Lump sum valuations]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	*
25	11–1–95	12–1–95	4.75	4.00	4.00	4.00	7	8

Annuity Valuations

In determining the value of interest factors of the form $v^{0:n}$ (as defined in § 2676.13(b)(1)) for purposes of applying the formulas set forth in § 2676.13 (b) through (i) and in determining the value of any interest factor used in valuing annuity benefits under this subpart, the plan administrator shall use the values of i_t prescribed in the table below.

The following table tabulates, for each calendar month of valuation ending after the effective date of this part, the interest rates (denoted by i_1, i_2, * * *, and referred to generally as i_t) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.

TABLE II

[Annuity valuations]

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * *	*		*	*		*
November 1995	.0620	1–20	.0575	>20	N/A	N/A

Issued in Washington, DC, on this 10th day of October 1995.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 95–25423 Filed 10–12–95; 8:45 am]

BILLING CODE 7708–01–M

29 CFR Part 2644

Notice and Collection of Withdrawal Liability; Adoption of New interest Rate

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Notice and Collection of Withdrawal Liability. That regulation incorporates certain interest rates published by another Federal agency. This amendment adds to the appendix of that regulation a new interest rate to be effective from October 1, 1995, to December 31, 1995. The effect of the amendment is to advise the public of the new rate.

EFFECTIVE DATE: October 1, 1995.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026; telephone 202–326–4024 (202–326–4179 for TTY and TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Under section 4219(c) of the Employee Retirement Income Security Act of 1974, as amended, the Pension Benefit Guaranty Corporation promulgated a final regulation on Notice and Collection of Withdrawal Liability. That regulation, codified at 29 CFR part 2644, deals with the rate of interest to be charged by multiemployer pension plans on withdrawal liability payments that are overdue or in default, or to be credited by plans on overpayments of withdrawal liability. The regulation allows plans to set rates, subject to certain restrictions. Where a plan does not set the interest rate, § 2644.3(b) of the regulation provides that the rate to be charged or credited for any calendar quarter is the average quoted prime rate on short-term commercial loans for the fifteenth day (or the next business day if the fifteenth day is not a business day) of the month preceding the beginning of the quarter, as reported by the Board of Governors of the Federal reserve System in Statistical Release H.15 (''Selected Interest Rates'').

Because the regulation incorporates interest rates published in Statistical Release H.15, that release is the authoritative source for the rates that are to be applied under the regulation. As a convenience to persons using the regulation, however, the PBGC collects the applicable rates and republishes them in an appendix to part 2644. This amendment adds to this appendix the interest rate of 8.75 percent, which will be effective from October 1, 1995, through December 31, 1995. This rate represents a decrease of 0.25 percent from the rate in effect for the third quarter of 1995. This rate is based on the prime rate in effect on September 15, 1995.

The appendix to 29 CFR part 2644 does not prescribe interest rates under the regulation; the rates prescribed in the regulation are those published in Statistical Release H.15. The appendix merely collects and republishes the rates in a convenient place. Thus, the interest rates in the appendix are informational only. Accordingly, the PBGC finds that notice of and public comment on this amendment would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making this amendment effective immediately.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 2644

Employee benefit plans, Pensions.

In consideration of the foregoing, part 2644 of subchapter F of chapter XXVI of title 29, Code of Federal Regulations, is amended as follows:

PART 2644—NOTICE AND COLLECTION OF WITHDRAWAL LIABILITY

1. The authority citation for part 2644 continues to read as follows:

Authority: 19 U.S.C. 1302(b)(3), 1399(c)(6).

2. Appendix A to part 2644 is amended by adding to the end of the table a new entry to read as follows:

Appendix A to Part 2644—Table of Interest Rates

* * * * *

From	To	Date of quotation	Rate (percent)
*	*	*	*
10/01/95	12/31/95	9/15/95	8.75

Issued in Washington, DC, on this 10th day of October 1995.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 95–25424 Filed 10–12–95; 8:45 am]

BILLING CODE 7708–01–M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS GREENEVILLE (SSN 772) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special functions as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: September 27, 1995.

FOR FURTHER INFORMATION CONTACT: Captain R.R. Pixa, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332–2400, Telephone number: (703) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS GREENEVILLE (SSN 772) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the following specific provisions of 72 COLREGS without interfering with its special function as a

naval ship: Rule 21(c), pertaining to the arc of visibility of the sternlight; Annex I, section 2(a)(i), pertaining to the height of the masthead light; Annex I, section 2(k), pertaining to the height and relative positions of the anchor lights; and Annex I, section 3(b), pertaining to the location of the sidelights. The Deputy Assistant Judge Advocate General (Admiralty) has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided that USS GREENEVILLE (SSN 772) is a member of the SSN 688 class of vessels for which certain exemptions, pursuant to 72 COLREGS, Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing table of § 706.3, are equally applicable to USS GREENEVILLE (SSN 772).

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR part 706 is amended as follows:

1. The authority citation for 32 CFR part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table One of § 706.2 is amended by adding the following vessel:

TABLE ONE

Vessel	No.	Distance in meters of forward masthead light below minimum required height. § 2(a)(i) Annex I
USS GREENEVILLE.	SSN–772.	3.5

3. Table 3 of § 706.2 is amended by adding the following vessel:

TABLE 3

Vessel	No.	Masthead lights arc of visibility; rule 21(a)	Side lights arc of visibility; rule 21(b)	Stern light arc of visibility; rule 21(c)	Side lights distance inboard of ship's sides in meters; 3(b) annex 1	Stern light, distance forward of stern in meters; rule 21(c)	Forward anchor light, height above hull in meters; 2(K) annex 1	Anchor lights relationship of aft light to forward light in meters; 2(K) annex 1
USS GREENEVILLE	SSN–772	.....	.....	209	4.4	6.1	3.4	1.7 below.

Dated: September 26, 1995.

C.E. Schaff,

LCDR, JAGC, U.S. Navy, Acting Deputy Assistant Judge Advocate General (Admiralty).

[FR Doc. 95–25312 Filed 10–12–95; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD02–95–018]

[RIN 2115–AE46]

Special Local Regulations; Tall Stacks 1995; Ohio River Mile 467.0–474.0

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: A special local regulation is being adopted for the Tall Stacks 1995 which will be held on the Ohio River near Cincinnati, Ohio on October 11–15, 1995. The sponsor of this event is Greater Cincinnati Tall Stacks Commission. This regulation is needed to control vessel traffic in the immediate vicinity of the event. The regulation will restrict general navigation in the regulated area for the safety of spectators, participants and through traffic.

EFFECTIVE DATES: This regulation is effective from 6 a.m. to 2:30 a.m. local time on October 11 through October 14 and from 6 a.m. to midnight on October 15, 1995.

FOR FURTHER INFORMATION CONTACT: LCDR J.O. Jaczinski, Chief, Boating Affairs Branch, Second Coast Guard District, 1222 Spruce Street, St. Louis, Missouri 63103–2832. The telephone number is (314) 539–3971, fax (314) 539–2685.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this regulation are LCDR J.O. Jaczinski, Project Officer, Second Coast Guard District, Boating Safety Division and LT S. Moody, Project Attorney, Second Coast Guard District Legal Office.

Regulatory History

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable.

Background and Purpose

The Tall Stacks 1995 consists of a national celebration of the steamboating era in America. The event will run from 6 a.m. to 2:30 a.m. local time on October 11 through October 14, 1995 and 6 a.m. to midnight on October 15, 1995. In order to provide for the safety of spectators and participants, and for the safe passage of through traffic, the Coast Guard will restrict vessel movement in the regulated area. The river will be closed during part or all of the effective period to all vessel traffic except official regatta vessels and patrol craft. These regulations are issued pursuant to 33 U.S.C. and 33 CFR 100.35.

Regulatory Evaluation

This rule 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 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary because of the event's short duration.

Federalism Assessment

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

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2.C of Commandant Instruction M16475.1B, (as revised by 59 FR 38654; July 29, 1994) this rule is excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Temporary Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary § 100.35.T02–062 is added, to read as follows:

§ 100.35–T02–062 Ohio River near Cincinnati, Ohio.

(a) *Regulated area.* Ohio River mile 467.0 to 474.0.

(b) *Special local regulations.* (1) Except for official regatta vessels and patrol craft no person or vessel may enter or remain in the regulated area without permission of the Patrol Commander.

(2) The Coast Guard Patrol Commander will be a commissioned or petty officer designated by the Commanding Officer, Marine Safety Office Louisville, Kentucky and may be contacted, during the event, on channel 16 (156.8 MHZ) by the call sign ''Coast Guard Patrol Commander.'' The Patrol Commander may:

(i) Direct the anchoring, mooring, or movement of any vessel within the regulated area,

(ii) Restrict vessel operation within the regulated area to vessels having particular operating characteristics,

(iii) Terminate the marine event or the operation of any vessel when necessary for the protection of life and property, and

(iv) Allow vessels to transit the regulated area whenever an event is not being conducted and the transit can be completed.

(3) Coast Guard commissioned or petty officers will patrol the event on board patrol vessels which display the Coast Guard Ensign. If radio or other voice communications are not available to communicate with a vessel, they will use a series of sharp, short blasts by whistle or horn to signal the operator of any vessel in the vicinity of the regulated area to stop. When signaled, the operator of any vessel in the immediate vicinity of the regulated area shall stop the vessel immediately and shall proceed as directed.

(4) Vessels desiring to transit the regulated area may do so only with the prior approval and direction of the Patrol Commander.

(5) The Patrol Commander will terminate enforcement of this section at the conclusion of the marine event if earlier than the announced termination time.

(c) *Effective Dates.* This section becomes effective from 6 a.m. to 2:30 a.m. local time on October 11–14, 1995 and from 6 a.m. to midnight on October 15, 1995.

Dated: September 6, 1995.

Paul M. Blayney,

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

[FR Doc. 95–25460 Filed 10–12–95; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 117

[CGD07–94–087]

RIN 2115–AE47

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Florida

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations governing the operation of the State Road 100 bridge, mile 810.6, at Flagler Beach by permitting the number of openings to be limited during certain periods. This action will accommodate the needs of vehicular traffic and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: October 13, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Walt Paskowsky, Project Manager, Bridge Section, (305) 536–4103.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Walt Paskowsky, Project Manager, and LTJG Julia Diaz, Project Counsel.

Regulatory History

On December 15, 1994, the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulations, Atlantic Intracoastal Waterway, FL in the Federal Register (59 FR 8428). The Coast Guard received no comments on the proposal. A public hearing was not requested and one was not held.

Background and Purpose

The bridge presently opens on signal. The City of Flagler Beach be opened only on the hour to ease vehicle congestion. The bridge owner, the Florida Department of Transportation, requested openings on the hour and half hour. A Coast Guard analysis of highway traffic completed on July 8, 1994 showed that the normally light highway traffic is affected by significant increases in bridge openings during the fall and spring vessel migrations. During these periods the drawbridge may open as many as 5 times per hour which does not allow the waiting traffic to disperse before the next opening. This action will reduce the number of back-to-back openings to reduce the impact to vehicular traffic. Holding conditions near the bridge are considered adequate for vessels to safely maneuver while awaiting the next bridge opening.

Discussion of Comments and Changes

No comments were received. The final rule is therefore unchanged from the proposed rule published on November 28, 1994. Since no comments were received, and the new bridge opening schedule applies to the fall vessel migration period, which began October 1, this rule will reduce the burden on the bridge owner if it is made effective for the remainder of this period. Therefore, under 5 U.S.C. 553(b), good cause exists to make this rule effective immediately upon publication.

Regulatory Evaluation

This rule 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 minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT (44 FR 11040; February 26, 1979) is unnecessary. We conclude this because the rule exempts tugs with tows.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this rule 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). Since the rule exempts tugs with tows, the Coast Guard certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

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

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2.B.2e.(32) of Commandant Instruction M16475.1B., promulgation of operating requirements for drawbridges is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub.L. 102–587, 106 Stat. 5039.

2. Section 117.261 is amended by redesignating paragraphs (e) and (f) as paragraphs (f) and (g) and adding a new paragraph (e) to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St. Mary's River to Key Largo.

* * * * *

(e) Flagler Beach bridge, (SR 100), mile 810.6 at Flagler Beach. The draw shall open on signal; except that, from April 1 to May 31, and October 1 to November 30, from 7 a.m. to 6 p.m. daily, the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

* * * * *

Dated: September 8, 1995.

Roger T. Rufe, Jr.,

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

[FR Doc. 95–25458 Filed 10–12–95; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

RIN 2900–AG94

Waiver of Erroneous Payments of Pay and Allowances

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) regulations concerning consideration of waiver of claims arising from erroneous payments to employees of pay and allowances, and travel, transportation, and relocation expenses and allowances. The VA's standards for such waivers under 5 U.S.C. 5584 are deleted as unnecessary because such waivers must be made in accordance with standards prescribed by the Comptroller General. This document also provides that members of VA regional office Committees on Waivers and Compromises are delegated all authority granted the Secretary under 5 U.S.C. 5584 and 4 CFR Parts 91 and 92 to grant waiver in whole or in part of a claim aggregating not more than $1,500; to recommend approval of waiver in whole or in part of a claim aggregating more than $1,500; and to deny waiver of a claim for any amount. In addition, this document deletes an unnecessary delegation of authority and makes nonsubstantive changes.

EFFECTIVE DATE: October 13, 1995.

FOR FURTHER INFORMATION CONTACT: Peter Mulhern, Debt Management Policy Division (047G7), Department of Veterans Affairs, 810 Vermont Ave., NW, Washington, DC 20420, (202) 273–5570.

SUPPLEMENTARY INFORMATION: This document amends VA regulations in 38 CFR part 1 concerning waiver under 5 U.S.C. 5584 of claims of the United States arising out of erroneous payments of pay and allowances, and erroneous payments of travel, transportation, and relocation expenses and allowances, made to or on behalf of VA employees. Such claims may be waived in whole or in part when collection would be against equity and good conscience and not in the best interests of the United States.

5 U.S.C. 5584 provides that waivers thereunder may be made only ''in accordance with standards * * * prescribed by the Comptroller General.'' Prior to the effective date of this document, VA regulations in 38 CFR 1.955–1.970 set forth VA's own standards for such waivers. Because such waivers must be made in accordance with Comptroller General standards, the VA standards covering the same subject matter are unnecessary and are deleted by this document. The Comptroller General standards are prescribed in regulations of the General Accounting Office (GAO) in 4 CFR Parts 91 and 92.

Previously, the amount of aggregate debt that an agency could waive in whole or in part was limited to $500, but an amendment to 5 U.S.C. 5584 increased the amount of aggregate debt that may be waived to $1500. Under 5 U.S.C. 5584 and 4 CFR Parts 91 and 92, waiver actions are permitted to be made by the agency head or his or her designees. Prior to the effective date of this document, VA regulations delegated waiver action authority under 5 U.S.C. 5584 to members of regional office Committees on Waivers and Compromises who were assigned under criteria set forth in 38 CFR 1.955 (e)(1) and (e)(2). This document delegates authority to assigned members to grant waiver in whole or in part of debts aggregating to the full $1500 amount. Consistent with the GAO regulations, the members are also delegated authority to recommend to GAO waiver in whole or in part of debts aggregating in excess of $1500 and to deny waiver of debts of any amount.

Prior to this document, VA regulations also authorized the Chief Benefits Director to make waiver determinations and to establish an ad hoc board to do so. This document removes this delegation of authority with respect to waiver determinations

under 5 U.S.C. 5584, because it is not needed for such waivers.

This document also makes other nonsubstantive amendments to VA regulations in §§ 1.955 through 1.970.

VA is issuing this document as a final rule because the changes made in this document constitute rules of agency organization, practice, or procedure.

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule directly affects only VA employees or former employees, or their estates or dependents, and does not affect small entities. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analyses requirements of §§ 603 and 604.

This regulatory action has been reviewed by the Office of Management and Budget under Executive Order 12866.

There is no Catalog of Federal Domestic Assistance number.

List of Subjects in 38 CFR Part 1

Claims, Administrative practice and procedure, Veterans.

Approved: August 18, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 1 is amended as follows:

PART 1—GENERAL PROVISIONS

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

Authority: 38 U.S.C. 501, except as otherwise noted.

2. The authority citation preceding § 1.955 is revised to read as follows:

Authority: Sections 1.955 to 1.970 issued under 5 U.S.C. 5584; 31 U.S.C. 3711; 38 U.S.C. 501, 3685, 3720, 5302; 4 CFR Parts 91 and 92.

3. In § 1.955, the following sentence is added at the end of paragraph (a)(1):

§ 1.955 Regional office committees on waivers and compromises.

(a) * * *

(1) * * * Delegations of authority and limitations for waiver actions under 5 U.S.C. 5584 are set forth in § 1.963a of this part.

* * * * *

4. In § 1.956, paragraph (a)(3) is revised to read as follows:

§ 1.956 Jurisdiction.

(a) * * *

(3) Claims for erroneous payments of pay and allowances, and erroneous payments of travel, transportation, and relocation expenses and allowances, made to or on behalf of employees (5 U.S.C. 5584, 4 CFR Parts 91 and 92).

* * * * *

§ 1.957 [Amended]

5. In § 1.957, paragraph (a)(1)(iv) is removed.

6. Section 1.963a is revised to read as follows:

§ 1.963a Waiver; erroneous payments of pay and allowances.

The provisions applicable to VA (including those for appeals and refunds) concerning waiver actions relating to erroneous payments to VA employees of pay and allowances and travel, transportation, and relocation expenses and allowances under 5 U.S.C. 5584 are set forth at 4 CFR Parts 91 and 92. The members of Committees on Waivers and Compromises assigned to waiver actions under § 1.955 of this part are hereby delegated all authority granted the Secretary under 5 U.S.C. 5584 and 4 CFR Parts 91 and 92 to grant waiver in whole or in part of a claim aggregating not more than $1,500, to recommend approval of waiver in whole or in part of a claim aggregating more than $1,500, and to deny waiver of a claim for any amount. The following are the only provisions of §§ 1.955 through 1.970 of this part applicable to waiver actions concerning erroneous payments of pay and allowances and travel, transportation, and relocation expenses and allowances under 5 U.S.C. 5584: §§ 1.955(a) through (e)(2), 1.956(a) (introductory text) and (a)(3), 1.959, 1.960, 1.963a, and 1.967(c).

(Authority: 5 U.S.C. 5584, 38 U.S.C. 501; 4 CFR Parts 91 and 92)

7. Section 1.967(c) is revised to read as follows:

§ 1.967 Refunds.

* * * * *

(c) The regulatory provisions concerning refunds of indebtedness collected by the Department of Veterans Affairs arising from erroneous payments of pay and allowances and travel, transportation, and relocation expenses and allowances are set forth in 4 CFR Parts 91 and 92.

* * * * *

[FR Doc. 95–25373 Filed 10–12–95; 8:45 am]

BILLING CODE 8320–01–P

38 CFR Part 3

RIN 2900–AG99

Claims Based on Exposure to Ionizing Radiation (Lymphomas Other Than Hodgkin's Disease and Cancer of the Rectum)

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs adjudication regulations concerning diseases claimed to be the result of exposure to ionizing radiation. This amendment is necessary to implement a decision by the Secretary of Veterans Affairs that lymphomas other than Hodgkin's disease and cancer of the rectum are ''radiogenic.'' The intended effect of this amendment is to add these conditions to the list of radiogenic diseases for service-connected compensation purposes.

EFFECTIVE DATE: October 13, 1995.

FOR FURTHER INFORMATION CONTACT: Lorna Weston, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, (202) 273–7210.

SUPPLEMENTARY INFORMATION: On November 25, 1994, VA published a proposal in the Federal Register to amend 38 CFR 3.311 (b)(2) to add lymphomas other than Hodgkin's disease and rectal cancer to the list of diseases VA will recognize as radiogenic for purposes of service connection based on exposure to ionizing radiation.

By adding lymphomas other than Hodgkin's disease and cancer of the rectum to the list of radiogenic diseases in paragraph (b)(2), this amendment relieves claimants suffering from those conditions from having to establish that they may be induced by ionizing radiation.

We requested that written comments to the proposed rule be submitted on or before January 24, 1995. We received one comment from the Raleigh Research Director for the Clean Water Fund of North Carolina.

The comment expressed support for the amendment to enlarge the list of radiogenic diseases and suggested that since radiation exposure may lead to development of diseases other than those VA recognizes as radiogenic, claims for any cancer as a result of radiation exposure should be regarded as highly credible.

The issue of the exclusivity of the list of diseases at 38 CFR 3.311(b)(2) has been addressed in a separate amendment to § 3.311(b) which was published in the Federal Register on

February 21, 1995. (*See* 60 FR 9627–28) That amendment provides that if a claimant files a claim based on a disease other than one of those listed in 38 CFR 3.311 (b)(2) or (b)(3), but cites or submits competent scientific or medical evidence that the claimed condition is a radiogenic disease, the claim will be considered under the provisions of § 3.311.

VA appreciates the comment submitted in response to the proposed rule which is now adopted without change.

The Secretary certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This rule will directly affect VA beneficiaries but will not affect small businesses. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

This final rule has been reviewed by the Office of Management and Budget under E.O. 12866.

The Catalog of Federal Domestic Assistance program numbers are 64.109 and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Health care, Individuals with disabilities, Pensions, Veterans.

Approved: May 17, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 3 is amended as set forth below:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A, continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

2. In § 3.311(b)(2)(xix), the word ''and'' is removed; in § 3.311(b)(2)(xx), the period is removed and, in its place, a ''semicolon'' is added.

3. In § 3.311, paragraphs (b)(2)(xxi) and (xxii) are added to read as follows:

§ 3.311 Claims based on exposure to ionizing radiation.

* * * * *

(b) * * *

(2) * * *

(xxi) Cancer of the rectum; and

(xxii) Lymphomas other than Hodgkin's disease.

* * * * *

[FR Doc. 95–25374 Filed 10–12–95; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[FCC 95–390]

Attorney Misconduct

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its rules to incorporated into its regulations the procedures concerning attorney misconduct. The reason is to codify formally the procedures announced in *Opal Chadwell.* The intended effect is to ensure that attorneys who practice before the Commission are familiar with our rules on attorney misconduct.

EFFECTIVE DATE: October 13, 1995.

FOR FURTHER INFORMATION CONTACT: Laurence Schecker, Office of General Counsel, (202) 418–1720.

SUPPLEMENTARY INFORMATION: A summary of the Order adopted September 11, 1995 and released September 18, 1995, is set forth below. The full text of this document is available for inspection and copying during normal business hours in the Administrative Law Division, Office of General Counsel (Room 616), 1919 M Street, NW., Washington, DC. The full text may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS), 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Order

This order amends Section 1.24 of the Commission's rules to follow the procedures set out in *Opal Chadwell* concerning attorney misconduct. In that decision the Commission stressed that it ''considers misconduct by attorneys who practice before it as a matter of serious concern.'' Whenever the allegation of attorney misconduct is raised in the course of a Commission proceeding, the matter is to be referred under seal to the Office of General Counsel (OGC). The OGC will determine if the allegations are substantial, and, if so, will direct the affected attorney to respond. OGC will then determine whether further measures are necessary, including (a) recommending institution of a Section 1.24 proceeding, (b) reference to the appropriate State bar, (c) consultation with the Department of Justice.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Change

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154, 303, and 309(j) unless otherwise noted.

2. Section 1.24 is amended by adding a new paragraph (d) to read as follows:

§ 1.24 Censure, suspension, or disbarment of attorneys.

* * * * *

(d) Allegations of attorney misconduct in Commission proceedings shall be referred under seal to the Office of General Counsel. Pending action by the General Counsel, the decision maker may proceed with the merits of the matter but in its decision may make findings concerning the attorney's conduct only if necessary to resolve questions concerning an applicant and may not reach any conclusions regarding the ethical ramifications of the attorney's conduct. The General Counsel will determine if the allegations are substantial, and, if so, shall immediately notify the attorney and direct him or her to respond to the allegations. No notice will be provided to other parties to the proceeding. The General Counsel will then determine what further measures are necessary to protect the integrity of the Commission's administrative process, including but not limited to one or more of the following:

(1) Recommending to the Commission the institution of a proceeding under paragraph (a) of this section;

(2) Referring the matter to the appropriate State, territorial, or District of Columbia bar; or

(3) Consulting with the Department of Justice.

[FR Doc. 95–25436 Filed 10–12–95; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 95–58; RM–8627]

Radio Broadcasting Services; LaMesa and Tahoka, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of 100.3 Radio, Inc., licensee of Station KIOL(FM), Channel 262C1, LaMesa, Texas, and West Texas Broadcasting Company, Inc., licensee of Station KMMX(FM), Channel 284C1, LaMesa, Texas, reallots Channel 262C1 from LaMesa to Tahoka, Texas, and modifies Station KIOL(FM)'s license to specify Tahoka as its community of license. *See* 60 FR 22541, May 8, 1995. Channel 262C1 can be allotted in compliance with the Commission's minimum distance separation requirements with a site restriction of 25.2 kilometers (15.6 miles) north. The coordinates for Channel 262C1 at Tahoka are 33–23–00 and 101–43–00. With this action, this proceeding is terminated.

EFFECTIVE DATE: November 24, 1995.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95–58, adopted September 29, 1995, and released October 10, 1995. 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, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

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

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 262C1 at Tahoka and removing 262C1 at LaMesa.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95–25435 Filed 10–12–95; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF THE INTERIOR

Office of the Secretary

48 CFR Parts 1415, 1426, 1428 and 1452

RIN 1090–AA52

Department of the Interior Acquisition Regulation; Internal Procedures

AGENCY: Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: In the interests of streamlining processes and improving relationships with contractors, this final rule amends the Department of the Interior Acquisition Regulation by removing nonessential portions of those regulations. Internal procedures regarding disclosure and use of information before award, unsolicited proposals, handling of preaward mistakes, proposal evaluation, price negotiation, and profit analysis are being removed. Guidance on Indian Preference contracting, formerly located in Part 1404, is being reinstated as Part 1426. Aircraft insurance clauses have been revised.

EFFECTIVE DATE: November 13, 1995.

FOR FURTHER INFORMATION CONTACT: Dee Emmerich, Office of Acquisition and Property Management, (202) 208–3348.

SUPPLEMENTARY INFORMATION: Under the auspices of the National Performance Review, a thorough review of the Department of the Interior Acquisition Regulation (DIAR) was conducted. The review revealed unnecessary and outdated regulations, and some excessively burdensome procedures.

In the interests of streamlining processes and improving relationships with contractors, nonessential portions of the DIAR are being removed from the CFR. The eight sections being removed from part 1415 deal with exclusively internal procedures so codification is not necessary. Section 1415.106 is retained without change.

When the DIAR was issued in 1984 as a supplement to the Federal Acquisition Regulation (FAR), FAR Part 26, Other Socioeconomic Programs, did not exist. There being no alternative at the time, Interior-unique guidance on contracting under Indian preference procedures was issued as a supplement to FAR Part 4, Administrative Matters. Therefore, the guidance formerly located at 1404.70 has been removed, is being replaced in new subpart 1426.70 with only editorial changes to cross-references and so forth. The clauses formerly located at 1452.204 are relocated to 1452.226.

The removal of sections 1428.101 and 1428.104, regarding central maintenance of bid bond information, will simplify DOI's internal management and eliminate unnecessary paperwork. Editorial revisions have been made to 1428.306 and 1428.311. 1452.228–70(b) was revised to relieve contractors of the requirement to use registered mail and to specify that a certificate of insurance constitutes adequate proof of insurance.

The title of 1452.228–73 was edited. There were no changes to 1452.228–7, 1452.228–71, or 1452.227–72.

Required Determinations

The Department believes that public comment is unnecessary because the material being removed is outdated or deals exclusively with internal procedures. Therefore, in accordance with 5 U.S.C. 553(b)(B), the Department finds good cause to publish this document as a final rule. This rule was not subject to Office of Management and Budget review under Executive Order 12866. This rule does not contain a collection of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Department has determined that this rule will not have a significant economic impact on a substantial number of small entities because no requirements are being added for small businesses and no protections are being withdrawn. The Department has determined that this rule does not constitute a major Federal action having a significant impact on the human environment under the National Environmental Policy Act of 1969. The Department has certified that this rule meets the applicable standards provided in Sections 2(a) and 2(b)(2) of Executive Order 12778.

List of Subjects in 48 CFR Parts 1415, 1426, 1428 and 1452

Government procurement, Reporting and recordkeeping requirements.

Dated: August 8, 1995.

Robert J. Lamb,

Acting Assistant Secretary, Policy Management and Budget.

Chapter 14 of Title 48 of the Code of Federal Regulations is amended as follows:

1. The authority citation for 48 CFR Parts 1415 and 1452 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c) and 5 U.S.C. 301.

PART 1415—[AMENDED]

2. Part 1415 is amended by removing subparts 1415.4, 1415.5, 1415.6, 1415.8 and 1415.9.

3. Part 1426 is added to subchapter D to read as follows:

PART 1426—OTHER SOCIO-ECONOMIC PROGRAMS

Subpart 1426.70—Indian Preference

1426.7000 Scope of subpart.
1426.7001 Definitions.
1426.7002 Statutory requirements.
1426.7003 Applicability and contract clause.
1426.7004 Compliance enforcement.
1426.7005 Tribal preference requirements.

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c) and 5 U.S.C. 301); Pub. L. 93–638, 88 Stat. 2205 (25 U.S.C. 450e(b)).

Subpart 1426.70—Indian Preference

1426.7000 Scope of subpart.

This subpart prescribes policies and procedures for implementation of section 7(b) of the Indian Self-Determination and Education Assistance Act (Public Law 93–638, 88 Stat. 2205, 25 U.S.C. 450e(b)).

1426.7001 Definitions.

For purposes of this subpart the following definitions shall apply:

Indian means a person who is a member of an Indian Tribe. If the contractor has reason to doubt that a person seeking employment preference is an Indian, the contractor shall grant the preference but shall require the individual within thirty (30) days to provide evidence from the Tribe concerned that the person is a member of the Tribe.

Indian organization means that governing body of any Indian Tribe or entity established or recognized by such governing body in accordance with the Indian Financing Act of 1974 (Pub. L. 93–262, 88 Stat. 77; 25 U.S.C. 1451).

Indian-owned economic enterprise means any Indian-owned commercial, industrial, or business activity established or organized for the purpose of profit provided that such Indian ownership shall constitute not less than 51 percent of the enterprise.

Indian reservation includes Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act, (Pub. L. 92–203, 85 Stat. 688; 43 U.S.C. 1601 *et seq.).*

Indian Tribe means an Indian Tribe, band, nation, or other recognized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (Pub. L. 92–203, 85 Stat. 688; 43 U.S.C. 1601), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

On or near an Indian reservation means on a reservation or the distance within that area surrounding an Indian reservation(s) that a persons seeking employment could reasonably be expected to commute to and from in the course of a work day.

1426.7002 Statutory requirements.

Section 7(b) of the Indian Self-Determination and Education Assistance Act requires that any contract or subcontract entered into pursuant to that Act, the Act of April 16, 1934 (48 Stat. 596; 25 U.S.C. 452), as amended, (the Johnson-O'Malley Act), or any other Act authorizing contracts with Indian organizations or for the benefit of Indians shall require that, to the greatest extent feasible:

(a) Preferences and opportunities for training and employment in connection with the administration of such contracts shall be given to Indians, and

(b) Preference in the award of subcontracts in connection with the administration of such contracts shall be given to Indian organizations and to Indian-owned economic enterprises as defined in section 3 of the Indian Financing Act of 1974 (Sec. 3, Pub. L. 93–262; 88 Stat. 77; 25 U.S.C. 1452).

1426.7003 Applicability and contract clause.

(a) The Contracting Officer (CO) shall insert the clause at 1452.226–70, Indian Preference—Department of the Interior, in solicitations issued and contracts awarded by

(1) The Bureau of Indian Affairs,

(2) A contracting activity other than the Bureau of Indian Affairs when the contract is entered into pursuant to an act specifically authorizing contracts with Indian organizations and

(3) A contracting activity other than the Bureau of Indian Affairs where the work to be performed is specifically for the benefit of Indians and is in addition to any incidental benefits which might otherwise accrue to the general public.

(b) The CO shall insert the clause at 1452.226–71, Indian Preference Program—Department of the Interior, in all solicitations issued and contracts awarded by a contracting activity which may exceed $50,000, which contain the clause required by paragraph (a) of this section and where it is determined by the CO, prior to solicitation, that the work under the contract will be performed in whole or in part on or near an Indian reservation(s). The Indian Preference Program clause may also be included in solicitations issued and contracts awarded by a contracting activity which may not exceed $50,000, but which contain the clause required by paragraph (a) of this section and which, in the opinion of the CO, offer substantial opportunities for Indian employment, training or subcontracting.

1426.7004 Compliance enforcement.

(a) The CO is responsible for conducting periodic reviews of the contractor to ensure compliance with the requirements of the clauses prescribed in 1426.7003. These reviews may be conducted with the assistance of the Indian Tribe(s) concerned.

(b) Complaints of noncompliance with the requirements of the clauses prescribed under 1426.7003 which are received in writing by the contracting activity shall be promptly investigated by the CO and a written disposition of the complaint shall be prepared.

1426.7005 Tribal preference requirements.

(a) Where the work under a contract is to be performed on an Indian reservation, the CO may supplement the clause at 1452.226–71, Indian Preference Program—Department of the Interior, by adding specific Indian preference requirements of the Tribe on whose reservation the work is to be performed. The supplemental requirements shall be jointly developed for the contract by the CO and the Tribe. Supplemental preference requirements must represent a further implementation of the requirements of section 7(b) of Public Law 93–638 and must be approved by the SOL for legal sufficiency before being added to a solicitation and resultant contract. Any supplemental preference requirements to be added to the clause at 1452.226–71 shall be included in the solicitation and clearly identified in order to ensure uniform understanding of the additional requirements by all prospective bidders or offerors.

(b) Nothing in this subpart shall be interpreted to preclude Tribes from independently developing and enforcing their own tribal preference requirements. Such independently developed tribal preference requirements shall not, except as

provided in paragraph (a) of this section, become a requirement in contracts covered under this subpart 1426.70 and must not hinder the Government's right to award contracts and to administer their provisions.

4. Part 1428 is revised to read as follows:

PART 1428—BONDS AND INSURANCE

Subpart 1428.3—Insurance

Sec.
1428.301 Policy.
1428.306 Insurance under fixed-price contracts.
1428.306–70 Insurance for aircraft service contracts.
1428.311 Solicitation provision and contract clause on liability insurance under cost-reimbursement contracts.
1428.311–2 Contract clause.

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c) and 5 U.S.C. 301.

Subpart 1428.3—Insurance

1428.301 Policy.

It is the policy of DOI to insure its own risks only when such action is in the best interest of the Government. Circumstances where contractors are required to carry insurance are listed under FAR 28.301 and 28.306. In these circumstances, the CO shall insert the clause at 1452.228–70, Liability Insurance—Department of the Interior, in solicitations and contracts.

1428.306 Insurance under fixed-price contracts.

1428.306–70 Insurance for aircraft services contracts.

(a) *Policy*. The CO shall insert minimum insurance requirements in aircraft services contracts in order to protect the Government and its contractors.

(b) *Applicability*. The clauses prescribed by paragraph (c) of this section are applicable to all fixed-price contracts involving use of aircraft with either a contractor-furnished or a Government-furnished pilot except for one-time charters when Government exposure is minimal and time limitations are present.

(c) *Clauses*. The following clauses shall be used as prescribed:

(1) The CO shall insert the clause at 1452.228–71, Aircraft and General Public Liability Insurance—Department of the Interior, in solicitations and contracts when a fixed-price contract for operation of aircraft where the Government is using a contractor-furnished pilot is contemplated.

(2) The CO shall insert the clause at 1452.228–72, Liability for Loss or Damage—Department of the Interior, in solicitations and contracts when a fixed-price contract for use of aircraft where the Government does not have a property interest and is using a Government-furnished pilot is contemplated.

(3) The CO shall insert the clause at 1452.228–73, Liability for Loss or Damage—Department of the Interior (Property Interest), in solicitations and contracts when a fixed-price contract for use of aircraft where the Government has a property interest in the aircraft and is using a Government-furnished pilot (e.g., a lease with purchase option) is contemplated.

1428.311 Solicitation provision and contract clause on liability insurance under cost-reimbursement contracts.

1428.311–2 Contract clause.

The CO shall modify the clause at FAR 52.228–7, Insurance—Liability to Third Persons, in accordance with 1452.228–7, and insert in solicitations and contracts as prescribed in FAR 28.311–2.

PART 1452—[AMENDED]

1452.204–7 [Redesignated as 1452.226–70]

5. 1452.204–71 is redesignated as 1452.226–70.

1452.204–72 [Redesignated as 1452.226–71]

6. 1452.204–72 is redesignated as 1452.226–71.

7. 1452.228–70 is revised to read as follows:

1452.228–70 Liability insurance.

As prescribed in 1428.301, insert the following clause in all contracts where circumstances warrant the carrying of insurance by the contractor (see FAR 28.301 and 28.306):

Liability Insurance—Department of the Interior (Jul 1995)

(a) The contractor shall procure and maintain during the term of this contract and any extension thereof liability insurance in form satisfactory to the Contracting Officer by an insurance company which is acceptable to the Contracting Officer. The named insured parties under the policy shall be the Contractor and the United States of America. The amounts of the insurance shall be not less than as follows:

$_____ each person.*
$_____ each occurrence.*
$_____ property damage.*

(b) Each policy shall have a certificate evidencing the insurance coverage. The insurance company shall provide an endorsement to notify the Contracting Officer 30 days prior to the effective date of cancellation or termination of the policy or certificate; or modification of the policy or certificate which may adversely affect the interest of the Government in such insurance. The certificate shall identify the contract number, the name and address of the Contracting Officer, as well as the insured, the policy number and a brief description of contract services to be performed. The contractor shall furnish the Contracting Officer with a copy of an acceptable insurance certificate prior to beginning the work.

* These amounts to be set by the Contracting Officer.

[End of clause]

8. 1452.228–73 is amended by revising the introductory text to read as follows:

1452.228–73 Liability for loss or damage (property interest).

As prescribed in 1428.306–70(c)(3), insert the following clause in all fixed-price contracts involving the use of aircraft with Government-furnished pilot where the Government has a property interest in the aircraft (e.g., lease with purchase option):

* * * * *

[FR Doc. 95–25206 Filed 10–12–95; 8:45 am]

BILLING CODE 4310–RF–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571 and 572

[Docket No. 92–28; Notice 5]

RIN No. 2127–AB85

Federal Motor Vehicle Safety Standards; Head Impact Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of technical workshop.

SUMMARY: This notice announces that NHTSA will hold a technical workshop to discuss issues concerning the test procedure for a recent final rule amending Standard No. 201, *Occupant Protection in Interior Impact.* Parties interested in participating in the workshop are asked to submit a list of test procedure issues they recommend for inclusion in the agenda for the workshop.

DATES: *Workshop:* A workshop on the test procedure for the new head impact protection rule will be held by early December, at the address listed below. Persons wishing to participate in the workshop should contact Karen Nuschler at the address or telephone number listed below by October 23, 1995. Due to space limitations, NHTSA may have to limit the number of participants per organization.

Agenda Issues: Written suggestions for the agenda must be received on or before October 23, 1995.

ADDRESSES: *Workshop:* The workshop will be held at the Vehicle Research and Test Center (VRTC), 10,820 State Route 347, East Liberty, Ohio 43319. Directions to VRTC and the final agenda will be sent to participants.

Agenda Issues: All suggestions for the agenda must refer to the docket and notice number set forth above and be submitted (preferably in 10 copies) to the Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Karen Nuschler, Office of Vehicle Safety Compliance, NSA–31, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, telephone (202) 366–5829, facsimile (202) 366–3081, electronic mail ''knuschler@nhtsa.dot.gov''.

SUPPLEMENTARY INFORMATION: On August, 18, 1995, NHTSA published a final rule amending Standard No. 201, *Occupant Protection in Interior Impact,* to require passenger cars and light trucks, buses and multipurpose passenger vehicles (LTVs) to incorporate measures to prevent or reduce injury during a crash, when a vehicle occupant's head strikes upper interior components, including pillars, side rails, headers, and the roof. The amendments add procedures and performance requirements for a new in-vehicle component test (60 FR 43031). The period for submittal of petitions for reconsideration closed September 19, 1995.

NHTSA received nine petitions for reconsideration of the final rule. Some of these petitions raised questions concerning the test procedure in the final rule. To enable interested parties and NHTSA personnel to discuss the questions concerning the test procedure, NHTSA believes that it would be desirable to hold a technical workshop on the test procedure. The focus will be on the location of target points. The agency requests that interested parties submit a list of suggested test procedure issues for inclusion in the agenda for this workshop, together with a brief explanation of the desirability of their inclusion. This will enable the agency to arrange to mark target points on vehicles in advance of the workshop. The agency will include as many of the suggested issues in the final agenda as appropriate.

It is requested but not required that 10 copies of agenda issues be submitted. To allow NHTSA to distribute the agenda to participants and to acquire any necessary equipment, the test procedure issues must be submitted to the agency by October 23, 1995. Because the agency will need time to arrange for all necessary equipment, including special vehicles, to be at the workshop site, NHTSA will make and announce a final decision on the exact date of the workshop after it selects the items for the final agenda. NHTSA anticipates the workshop will be held during the latter half of November, but could take place in early December.

Persons wishing to participate in the workshop are requested to notify Karen Nuschler no later than October 23, 1995. Interested persons should also indicate the company or organization which they represent. Once the agency compiles a list of interested persons, NHTSA will determine whether participation must be limited due to space constraints. If this occurs, NHTSA will equitably allocate the available space among the represented companies and organizations.

Copies of all written submissions of suggested issues and the final agenda will be placed in the docket for this notice. While NHTSA will discuss the selected issues with workshop attendees, any resolution of those issues will be announced in the notice responding to the petitions for reconsideration.

To facilitate communication, NHTSA will provide auxiliary aids to participants as necessary, during the meeting. Thus, any person desiring assistance of auxiliary aids (e.g., sign-language interpreter, telecommunications, devices for deaf persons (TDDs), readers, taped texts, braille materials, or large print materials and/or a magnifying device), should contact Karen Nuschler.

Authority: 15 U.S.C. 1392, 1401, 1403, 1407, delegation of authority at 49 CFR 1.50.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95–25416 Filed 10–12–95; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 950206038–5038; I.D. 100595C]

Summer Flounder Fishery; Closure of Commercial Fisheries for Massachusetts and Delaware

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of commercial quota harvest.

SUMMARY: NMFS issues this notification announcing that the summer flounder commercial quotas for 1995 available to the Commonwealth of Massachusetts and the State of Delaware have been harvested. Vessels that have been issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in Massachusetts or Delaware for the remainder of this year, unless additional quota becomes available through a transfer from another State not having reached its annual quota. The intent of this action is to notify vessel and dealer Federal permit holders that no commercial quota is available for landing summer flounder in Massachusetts and Delaware so that stock abundance of summer flounder is rebuilt.

EFFECTIVE DATE: October 6, 1995.

FOR FURTHER INFORMATION CONTACT: Regina Spallone, 508–281–9221.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found at 50 CFR part 625. The regulations require annual specification of a commercial quota that is apportioned among the States from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each State are described in § 625.20.

The total commercial quota for summer flounder for the 1995 calendar year is set equal to 14,690,407 lb (6,663,569 kg) (February 16, 1995, 60 FR 8958). This amount includes the 3.05 million lb (1.4 million kg) allocated to the fishery in order to comply with an Order issued by the U.S. District Court for the Eastern District of Virginia. The percent allocated to vessels landing summer flounder in Massachusetts is 6.82046 percent, or 1,001,953 lb (454,478 kg) and in Delaware is 0.01779 percent or 2,614 lb (1186 kg).

Section 625.20(d) provides that any overages of the commercial quota

landed in any state will be deducted from that State's annual quota for the following year. In calendar year 1994, a total of 1,048,901 lb (475,781 kg) were landed in Massachusetts, and 3,635 lb (1,649 kg) were landed in Delaware. The amount allocated for Massachusetts landings in 1994 was 1,031,194 lb (467,750 kg), creating an overage of 17,707 lb (8,032 kg) that was deducted from the amount allocated for landings in that State during 1995. The resulting quota for Massachusetts is 984,246 lb (446,454 kg). Delaware did not exceed its 1994 quota, and thus had no deductions in 1995.

Section 625.21(c) requires the Director, Northeast Region, NMFS (Regional Director) to monitor State commercial quotas and to determine when a State commercial quota is harvested. The Regional Director is further required to publish a notice in the Federal Register advising a State and notifying Federal vessel and dealer permit holders that, effective upon a specific date, the State's commercial quota has been harvested and no commercial quota is available for landing summer flounder in that State. Because the available information indicates that both States have exceeded their quotas for 1995, the Regional Director has determined that the 1995 summer flounder quota allocations for vessels landing in Massachusetts and Delaware have been harvested.

The regulations at § 625.4(a)(3) provide that Federal permit holders agree as a condition of the permit not to land summer flounder in any State that the Regional Director has determined no longer has commercial quota available. Therefore, effective 0001 hours October 6, 1995, further landings of summer flounder in Massachusetts or Delaware by vessels holding commercial Federal fisheries permits are prohibited for the remainder of the 1995 calendar year, unless additional quota becomes available through a transfer effected pursuant to § 625.20(f) and is announced in the Federal Register. Federally permitted dealers are also advised that they may not purchase summer flounder from Federally permitted vessels that land in Massachusetts or Delaware for the remainder of the calendar year, or until additional quota becomes available, effective the date above.

Classification

This action is required by 50 CFR part 625 and is exempt from review under E.O. 12866.

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

Dated: October 6, 1995.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95–25317 Filed 10–6–95; 5:09 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 60, No. 198
Friday, October 13, 1995

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 54

[No. LS–95–006]

Amendment to Meats, Prepared Meats, and Meat Products (Grading, Certification and Standards)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) proposes amending the Meats, Prepared Meats, and Meat Products (Grading, Certification and Standards) by adding definitions, changing certificate forms, removing two outdated official stamp imprints, and adding three new official stamp imprints. Program changes made to better serve our customers and improve efficiency resulted in development of the above new items, and caused the disuse of the old stamps and certificates.

DATES: Written comments must be received by November 13, 1995.

ADDRESSES: Send two copies of comments to Larry R. Meadows, Chief; Meat Grading and Certification Branch; Livestock and Seed Division, Room 2628–S; PO Box 96456; Washington, DC 20090–6456. Comments will be available for public inspection during regular business hours in Room 2628, South Building, 14th and Independence Avenue, SW., Washington DC 20250. All comments should reference the docket number, date, and page number of the issue of the Federal Register.

FOR FURTHER INFORMATION CONTACT: Larry R. Meadows, Chief, Meat Grading and Certification Branch, (202) 720–1246.

SUPPLEMENTARY INFORMATION:

Executive Orders 12866 and 12778 and the Regulatory Flexibility Act

This proposed rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This rule would 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 this proposed rule or the application of its provisions.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*), the Administrator of the AMS has considered the economic impact of this proposed action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of the businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

After implementation of the proposed rule the unit cost for providing meat grading and certification services would remain at approximately $.0009 per pound. Therefore, implementation of the proposed changes would not significantly affect the cost of providing meat grading and certification services to the meat industry. Accordingly, the Administrator of AMS has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the RFA.

Paperwork Reduction Act

The proposed action is replacing two forms with new editions. However, the new forms will be completed by AMS graders and will not be a burden on the public. Therefore, under the provisions of the Paperwork Reduction Act the forms being proposed will not be reviewed by OMB.

Background

The Secretary of Agriculture is authorized under the Agricultural Marketing Act (AMA) of 1946, as amended, 7 U.S.C. 1621 *et seq.*, to provide voluntary Federal meat grading and acceptance services to facilitate the orderly marketing of meat and meat products and to enable consumers to obtain the quality of meat they desire. As program activities or industry practices change, the regulations governing such activities require updating. Since July 1990, when title 7, subtitle B, chapter I, subchapter C, part 54, § 54.1–54.26 was last amended, the program revised official certificates and other documents. The two new certificates, which allow up to five program employees to charge an applicant on one document, significantly reduce preparation time, certificate usage, and documents sent to users of the service. As a result of the changes to the official certificates, new representations are included in the proposed.

The program also proposes to add a single stamp and a series of three new official stamps, which were developed to prevent repetitive motion injuries to our personnel. The program conducted a study of all aspects of the work, and consulted experts in ergonomics prior to developing the new stamps. The new stamps would allow meat graders to apply significantly fewer stamp imprints while ensuring complete grade identification within the slaughter facility. The new stamps would be used in conjunction with grade labeled bags ensuring full grade identification throughout the marketing chain. The new stamps will also reduce the amount of meat branding ink placed on carcasses. Meat branding ink on calf, veal, lamb, and in processed beef products can produce discolored spots, which detract from appearances. The new certificates and stamps are now in use.

The program proposes to remove the following two outdated, no longer in use, official stamps: ''U.S.D.A. PRE–IDENT FEDERAL PURCHASE,'' and ''U.S.D.A. EXAMINED AS CERTIFIED.''

The program proposes to substitute ''Certification service'' for ''Acceptance service''—in all locations—because not all work performed results in accepted products, and proposes to add the newly-developed Quality Systems Certification and Contract Verification Programs, which are not currently defined under the regulations and require explanation. The Quality Systems Certification Program (QSCP) evaluates processes to assure that vendors produce acceptable products without evaluating end products on a full-time basis. The Contract Verification Program evaluates contractually purchased products, and provides purchasers an evaluation of how accurately a contractor is adhering

to contractual requirements. Both programs will be available on a single-use consultation-fee basis or on a retainer-fee basis for long term usage. In conjunction with the new QSCP service, the program developed a new identification mark. The program provides for the new mark to be used on advertising materials but not directly on retail packaging.

List of Subjects in 7 CFR Part 54

Food grades and standards, Food labeling, Meat and meat products.

For the reasons set forth in the preamble, 7 CFR part 54 is proposed to be amended as follows:

PART 54—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

1. The authority citation for part 54 continues to read as follows:

Authority: 7 U.S.C. 1622 and 1624.

2. In § 54.1, the term ''Acceptance service'' is revised to read ''Certification service'' and three new definitions are added to read as follows:

§ 54.1 Meaning of words.

* * * * *

Contract verification. A program allowing institutions or other large purchasers of commodity products to have those products compared to contractual requirements.

Institutional meat purchase specifications. Specifications describing various meat cuts, meat products, and meat food products derived from all livestock species, commonly abbreviated ''IMPS'', and intended for use by any meat procuring activity. For labeling proposes, only product certified by the Meat Grading and Certification Branch may contain the letters ''IMPS'' on the product label.

Quality systems certification. A multifaceted program allowing all aspects of the livestock industry to have quality systems, or processes within quality systems, verified by AMS agent(s) to effectuate use of such quality systems to meet contractual requirements, or as a marketing tool.

* * * * *

3. In § 54.4, the words ''Acceptance Services'' are revised to read ''Certification service'' and a new sentence is added at the end of the paragraph to read as follows:

§ 54.4 Kind of service.

* * * The Contract Verification Service, under the regulations, provides wholesale buyers of noncertified commodity products a method of determining whether procurement(s) meet contractually specified requirements. The Quality Systems Certification Program, under the regulations, provides meatpackers, processors, producers, or other businesses in the livestock and meat trade the ability to have special processes or documented quality management systems verified.

* * * * *

4. In § 54.14, paragraphs (a) and (b) are revised to read as follows:

§ 54.14 Official certificates.

(a) The official grader shall prepare, sign, and issue an Agricultural Products Certificate Form LS–5–3 (Figure 1) covering products for which that grader determined final specification compliance.

(b) *Forms*. Figure 1 is the official certificate for products under the regulations. Where weight or count is verified, the grader shall initial in the block titled ''Weights and Total Count Verified''. Figure 2 is an Applicant Charges Certificate Form LS–5–5, and will be used to reduce paperwork for applicants assigned multiple graders. Assigned graders will complete one Form LS–5–5. Each grader will enter their code letters and signature in the appropriate location(s) to indicate certificate completion.

BILLING CODE 3410–02–M

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

AGRICULTURAL PRODUCTS CERTIFICATE

This certificate is receivable by all officers and all courts of the United States as prima facie evidence of the truth of the statements therein contained.

(This certificate does not excuse failure to comply with any of the regulatory laws enforced by the U.S. Department of Agricultural.

CERTIFICATE NUMBER: A-

WEEK BEGINNING DATE: CY | MONTH | DAY

EOC. CODE

APPLICANT INFORMATION: NO. 44 | COMMITMENT ☐ NONCOMMITMENT ☐ | (NAME, CITY, STATE)

DESCRIPTION OF PRODUCT (☐ ACCEPTED ☐ REJECTED ☐ OTHER)	CODE	CONTRACT NUMBER	SPECIFICATION	LOT	UNITS	WEIGHT	NOTICE TO DELIVER NUMBER	PATTY OR SLICE COUNT	PRODUCTION DATE	SHIPPING DATE	LABORATORY RESULTS: ORIGINAL	RESERVE	DATE RESERVE MAILED	DATE VENDOR NOTIFIED	RECEIVER, BUYER, OR TERMINAL

REMARKS:

CHARGES		SUNDAY GRAD	SUNDAY CERT	MONDAY GRAD	MONDAY CERT	TUESDAY GRAD	TUESDAY CERT	WEDNESDAY GRAD	WEDNESDAY CERT	THURSDAY GRAD	THURSDAY CERT	FRIDAY GRAD	FRIDAY CERT	SATURDAY GRAD	SATURDAY CERT	TOTAL GRAD	TOTAL CERT
BASE	L1																
PREMIUM	L2																
HOLIDAY	L3																
LABORATORY FEE	L6	$		$		$		$		$		$		$		$	
PER DIEM	L8	$		$		$		$		$		$		$		$	
MILES	L9																
TOTAL OTHER	Z7	$		$		$		$		$		$		$		$	

CERTIFICATION STATEMENT

I CERTIFY that in compliance with the Federal Meat Grading Regulations (7 CFR Part 54, Subpart A, as amended) under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627), I examined the product or products described above on the date and place stated, and found that as sold they and plans the class, grade, and other quality thereof were as stated above and such product or products complied with any specifications listed, with any qualifications noted above.

The conduct of all services and activities, and the licensing of grading personnel under the regulations governing such services shall be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or disability.

SIGNATURE OF GRADER

WEIGHTS AND TOTAL COUNT VERIFIED *(Initial)*

LS-5-3 (1-93) *Previous editions are to be destroyed.*

Figure 1. Agricultural products certificate.

Figure 2. Applicant charges.

U. S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

APPLICANT CHARGES

This certificate is receivable by all officers and all courts of the United States as prima facie evidence of the truth of the statements therein contained. (This certificate does not excuse failure to comply with any of the regulatory laws enforced by the U.S. Department of Agriculture.)
The conduct of all services and the licensing of grading personnel under the regulations governing such services shall be accomplished without discrimination as to race, color, religion, sex, or national origin.

WEEK BEGINNING DATE: CY | MONTH | DAY
DOCUMENT NO: C

APPLICANT INFORMATION NO. 4 4
NAME, CITY, STATE

	SUNDAY		MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		TOTAL	
1	GRAD	CERT	GRAD	CERT	GRAD	CERT	GRAD	CERT	GRAD	CERT	GRAD	CERT	GRAD	CERT	GRAD	CERT
BASE																
PREMIUM																
HOLIDAY																
LAB FEE	$		$		$		$		$		$		$		$	
PER DIEM	$		$		$		$		$		$		$		$	
MILES																
TOTAL OTHER	$		$		$		$		$		$		$		$	
GRADERS EQUIPMENT CODE					☐ COMMITMENT		☐ NONCOMMITMENT				SIGNATURE					
2																
BASE																
PREMIUM																
HOLIDAY																
LAB FEE	$		$		$		$		$		$		$		$	
PER DIEM	$		$		$		$		$		$		$		$	
MILES																
TOTAL OTHER	$		$		$		$		$		$		$		$	
GRADERS EQUIPMENT CODE					☐ COMMITMENT		☐ NONCOMMITMENT				SIGNATURE					
3																
BASE																
PREMIUM																
HOLIDAY																
LAB FEE	$		$		$		$		$		$		$		$	
PER DIEM	$		$		$		$		$		$		$		$	
MILES																
TOTAL OTHER	$		$		$		$		$		$		$		$	
GRADERS EQUIPMENT CODE					☐ COMMITMENT		☐ NONCOMMITMENT				SIGNATURE					
4																
BASE																
PREMIUM																
HOLIDAY																
LAB FEE	$		$		$		$		$		$		$		$	
PER DIEM	$		$		$		$		$		$		$		$	
MILES																
TOTAL OTHER	$		$		$		$		$		$		$		$	
GRADERS EQUIPMENT CODE					☐ COMMITMENT		☐ NONCOMMITMENT				SIGNATURE					
5																
BASE																
PREMIUM																
HOLIDAY																
LAB FEE	$		$		$		$		$		$		$		$	
PER DIEM	$		$		$		$		$		$		$		$	
MILES																
TOTAL OTHER	$		$		$		$		$		$		$		$	
GRADERS EQUIPMENT CODE					☐ COMMITMENT		☐ NONCOMMITMENT				SIGNATURE					

LS 5-5 (02-93)

BILLING CODE 3410–02–C

5. § 54.17 is amended by:

(1) revising paragraph (b) text only.

(2) revising paragraph (c) and ''Figure 1.''

(3) revising paragraph (d) and ''Figure 2.''

(4) revising paragraph (e) introductory text and ''Figure 1'' and removing ''Figures 2 through 5.''

(5) revising paragraph (f), adding a ''Figure 1'' immediately following it, and removing ''Figure 6.''

(6) revising paragraph (g) and revising ''Figure 1'' immediately following it, and

(7) adding new paragraphs (h), (i), (j), and (k) to read as follows:

§ 54.17 Official identifications.

* * * * *

(b) A shield enclosing the letters ''USDA'' as shown in Figure 1 with the appropriate quality grade designation ''Prime,'' ''Choice,'' ''Select,' ''Good,'' ''Standard,'' ''Commercial,'' ''Utility,'' ''Cutter,'' ''Canner,'' or ''Cull,'' as provided in the Official United States Standards for Grades of Beef, Veal and Calf, Lamb, Yearling Mutton, and Mutton Carcasses and accompanied by the class designation ''Bullock,'' ''Veal,'' ''Calf,'' ''Lamb,'' ''Yearling Mutton,'' or ''Mutton,'' constitutes a form of official identification under the regulations to show the quality grade, and where necessary the class, undersaid standards, of steer, heifer, and cow beef, veal, calf, lamb, yearling mutton and mutton. The code identification letters of the grader performing the service will appear intermittently outside the shield.

* * * * *

(c) A shield enclosing the letters ''USDA'' and the words ''Yield Grade,'' as in Figure 1, with the appropriate yield grade designation ''1,'' ''2,'' ''3,'' ''4,'' or ''5'' as provided in the Official United States Standards for Grades of Fresh Beef Carcasses and the Official United States Standards for Grades of Lamb, Yearling Mutton, and Mutton Carcasses constitutes a form of official identification under the regulations to show the yield grade under said standards. When yield graded, bull and bullock carcasses will be identified with the class designation ''Bull'' and ''Bullock,'' respectively. The code identification letters of the grader performing the service will appear outside the shield.

BILLING CODE 3410–02–M

Figure 1.

BILLING CODE 3410–02–C

(d) Under the regulations, for carcass grade identification purposes only, a shield enclosing the letters ''USDA'' with the appropriate yield grade designation number of ''1,'' ''2,'' ''3,'' ''4,'' or ''5'' between the ''US'' and ''DA'', with the appropriate quality grade designation of ''Prime,'' ''Choice,'' or ''Select,'' below both as shown in Figure 1. The code identification letters for the grader performing the service will appear outside underneath the shield.

BILLING CODE 3410–02–M

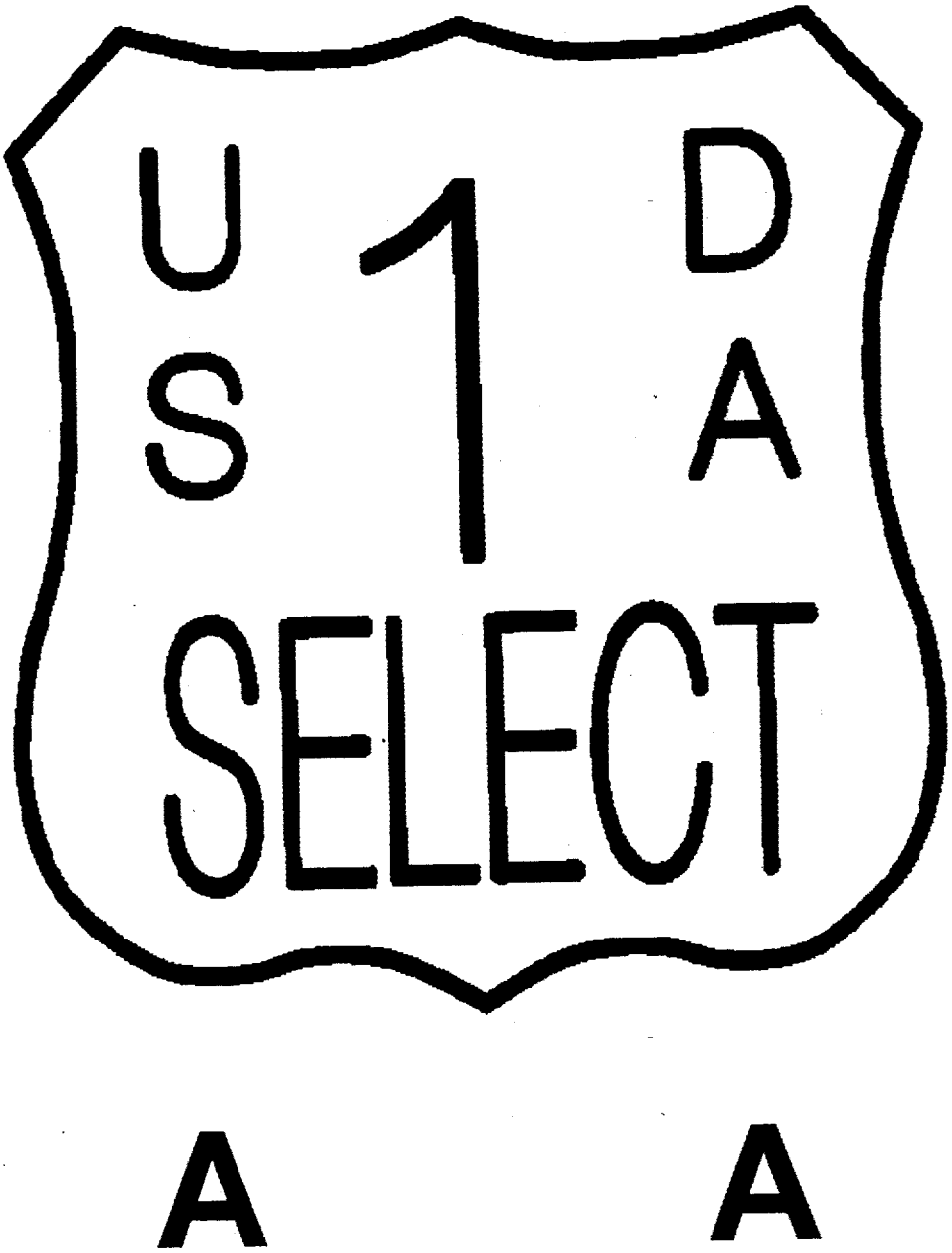


Figure 1.

BILLING CODE 3410–02–C

(e) Under the regulations, for yield grade identification purposes only, a shield enclosing the letters ''US'' on one side and ''DA'' on the other, with the appropriate Yield Grade designation number of ''1,'' ''2,'' ''3,'' ''4,'' or ''5'' as shown in Figure 1. The code identification letters for the grader performing the service will appear outside underneath the shield.

BILLING CODE 3410–02–M

Figure 1.

BILLING CODE 3410–02–C

(f) Under the regulations, for quality grade identification only, a shield enclosing the letters ''US'' on one side and ''DA'' on the other with the appropriate Quality Grade designation of ''Prime,'' ''Choice,'' or ''Select'' as shown in Figure 1. The code identification letters for the grader performing the service will appear outside underneath the shield.

BILLING CODE 3410–02–M

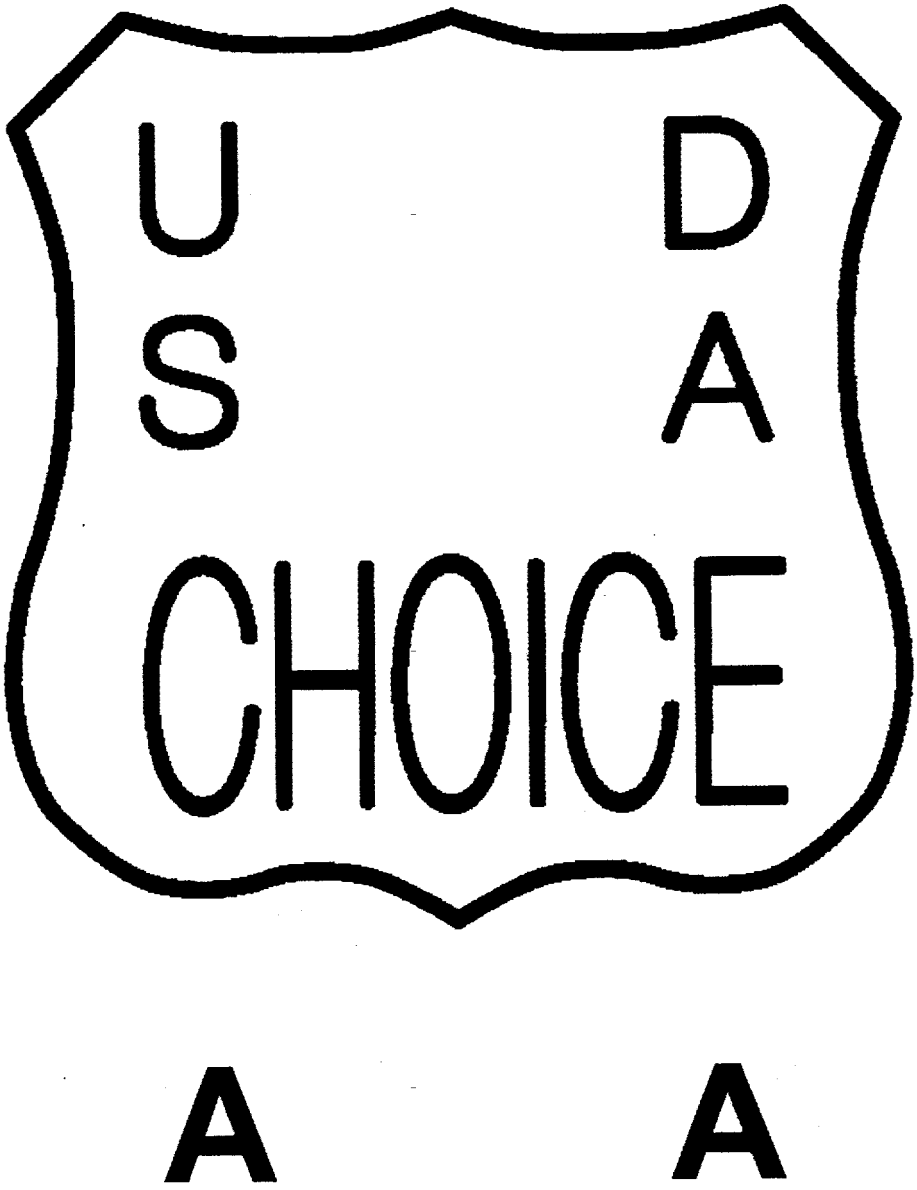


Figure 1.

BILLING CODE 3410–02–C

(g) The letters ''USDA'' with the appropriate grade designation ''1,'' ''2,'' ''3,'' ''4,'' ''Utility,'' or ''Cull'' enclosed in a shield as shown in Figure 1, as provided in the Official United States Standards for Grades of Pork Carcasses, constitutes a form of official identification under the regulations to show the grade under said standards of barrow, gilt, and sow pork carcasses.

BILLING CODE 3410–02–M

Figure 1.

BILLING CODE 3410–02–C

(h) The following constitute forms of official identification under the regulations to show compliance of products:

BILLING CODE 3410–02–M

Figure 1.

Figure 2.

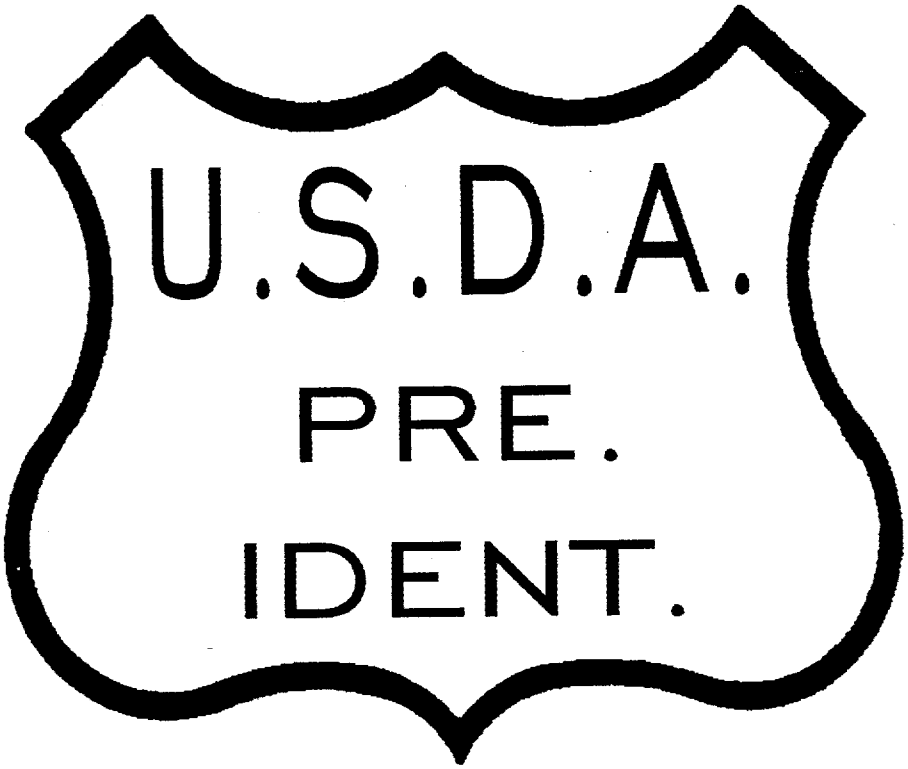


Figure 3.

BILLING CODE 3410–02–C

Note: The letters ''RWX'', and ''UF'' shown in figures 1, and 2 are examples, respectively, of the code identification letters of the official grader performing the service.

(i) The following, as shown in Figure 1, constitutes official identification to show quality system certification:

BILLING CODE 3410–02–M

Figure 1.

BILLING CODE 3410–02–C

(j) A shield-shaped ear tag enclosing the letters ''USDA'', the words ''Carcass Data Service,'' as shown below (Figure 1), and a serial number constitutes a form of official identification under the regulations for livestock and carcasses. Other information may appear on the backside of the ear tag at the option of the purchasers.

BILLING CODE 3410–02–M

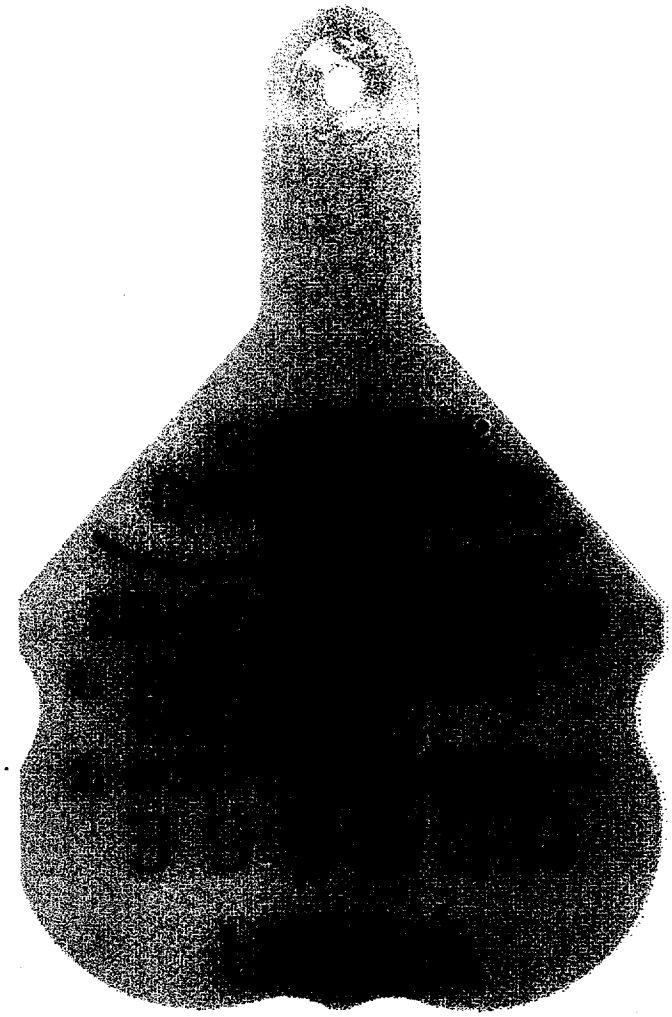


Figure 1.

BILLING CODE 3410–02–C

(k) One device used by USDA graders is a rectangular, serially numbered, orange tag on which a shield encloses the letters ''USDA'' and the words ''Product Control'' as shown in Figure 1, constitutes a form of official identification under the regulations for meat and meat products.

BILLING CODE 3410–02–M

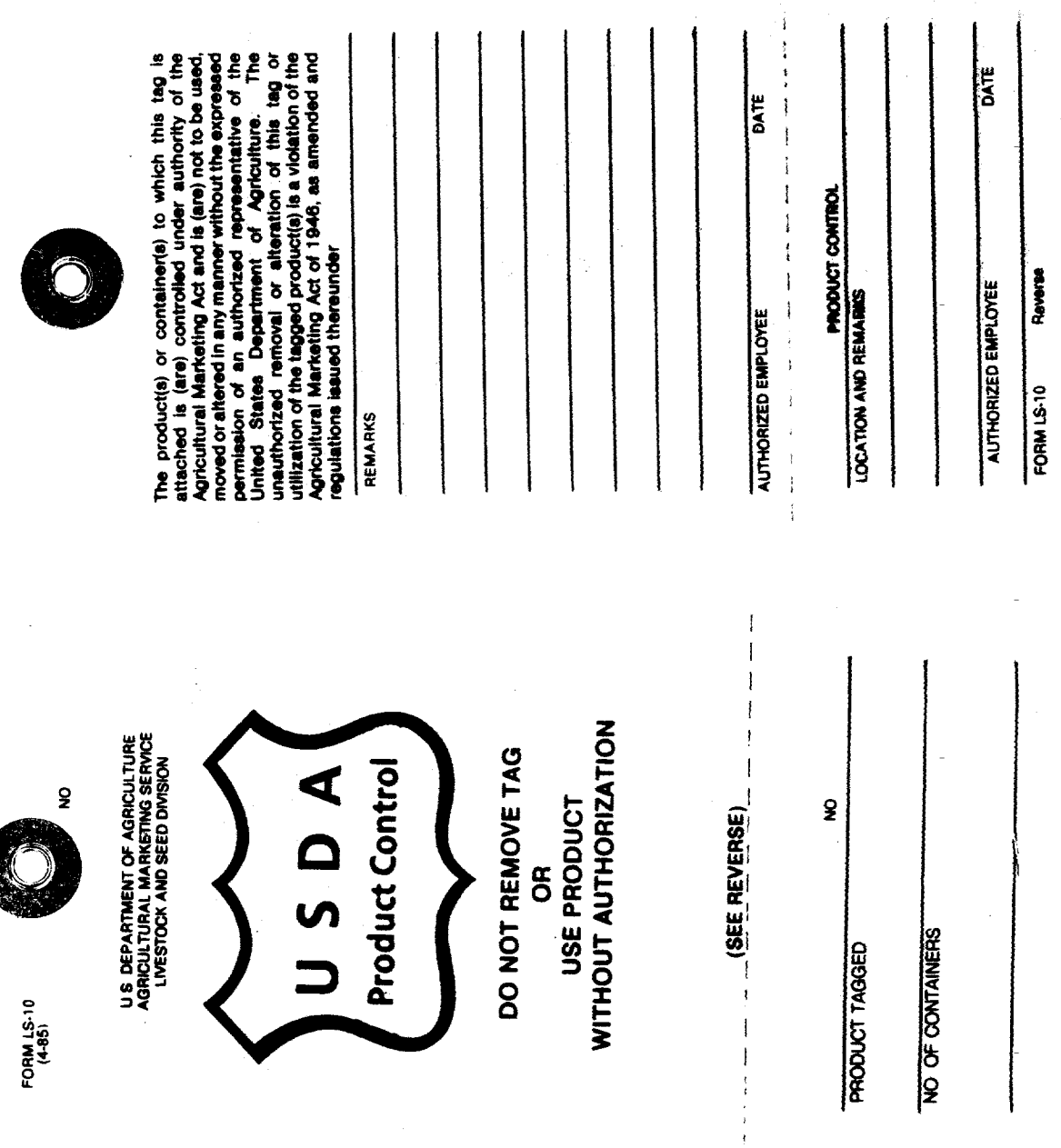


Figure 1. Form LS-10. USDA Product Control.

BILLING CODE 3410–02–C

Official graders and supervisors of grading may use ''Product Control'' tags or other methods and devices as approved by the Administrator for the identification and control of meat and meat products which are not in compliance with the regulations or are held pending the results of an examination. Any such meat or meat product so identified shall not be used, moved, or altered in any manner; nor shall official control identification be removed, without the express permission of an authorized representative of the USDA.

* * * * *

Dated: September 27, 1995.

Lon Hatamiya,

Administrator.

[FR Doc. 95–25122 Filed 10–12–95; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–117–AD]

Airworthiness Directives; Boeing Model 737–300, –400, and –500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 737–300, –400, and –500 series airplanes. This proposal would require inspection for damage of a wire bundle and clamp that are located in the electronic/electrical (E/E) equipment bay, and repair of any damaged wire bundle or clamp. This proposal also would require replacement of the existing steel clamp with a nylon clamp, and rearrangement of the clamp installation. This proposal is prompted by a report of fire in the E/E equipment bay due to electrical arcing caused by chafing of a wire bundle. The actions specified by the proposed AD are intended to prevent chafing of a wire bundle that could cause short circuiting of the wire bundle, and could result in smoke and fire in the E/E equipment bay.

DATES: Comments must be received by December 11, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–117–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207.

This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Stephen Oshiro, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227–2793; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–117–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–117–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report indicating that six circuit breakers tripped during a flight of a Boeing Model 737–300 series airplanes, and that shortly after landing, maintenance personnel discovered smoke and flames coming from the insulation blanket at the left side of the electronic/electrical (E/E) equipment bay. Investigation revealed the source of ignition to be electrical arcing caused by chafing of a wire bundle by a wire bundle clamp at body station (BS) 360, water line (WL) 200, left buttock line (LBL) 55. Tension in the wire bundle caused deformation of the rubber cushioning material surrounding the metal portion of the clamp. Short circuiting and the resultant electrical arcing occurred when the metal portion of the clamp chafed through the insulation on the wires. Further investigation revealed that the wire bundle had been incorrectly routed and improperly clamped at the time of original manufacture. Improper clamping of the wire bundle resulted from the use of a rubber cushioned metal clamp instead of the nylon clamp specified by the design data. These conditions, if not corrected, could cause a fire and smoke in the E/E equipment bay, as a result of short circuiting of the wire bundle.

The FAA has reviewed Boeing Service Letter 737–SL–24–106, dated March 10, 1995, which describes procedures for performing a visual inspection for damage of the wire bundle and the clamp that contains the wire bundle in the E/E equipment bay, and repair, if necessary. Additionally, the service letter describes procedures to reclamp wire bundle W2132 (or W0132) by removing the rubber cushioned steel clamp and installing a nylon clamp on the aft side of the existing nut and bolt hole at BS 360, WL 203, LBL 57. The service letter also describes procedures for installing the clamps in a new arrangement as a precaution to prevent contact at the crossover point between wire bundle W2132 (or W0132) and W0142, the power feed wire bundle.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require a visual inspection for damage of the wire bundle and clamp in the E/E equipment bay, and repair, if necessary. Additionally, the proposed AD would require replacement of the rubber cushioned steel clamp with a nylon clamp, and the installation of additional clamps to prevent contact

between W2132 (or W0132) and power feeder wire bundle W0142. These actions would be required to be accomplished in accordance with the service letter described previously.

Operators should note that replacement of the steel clamp with the nylon clamp and the installation of additional clamps to prevent contact between W2132 (or W0132) and power feeder wire bundle W0142 are specified as ''recommended actions'' in the referenced Boeing service letter. However, this proposed rule would mandate accomplishment of those actions. The FAA finds that those actions must be accomplished in order to provide an adequate level of safety for the affected fleet. The FAA has determined that, in cases where certain known unsafe conditions exist, and where actions to detect and correct that unsafe condition can be readily accomplished, those actions must be required.

The proposed AD also would require that operators submit a report of any damage found during the inspection that would be required by this proposed AD. The information obtained from these reports will enable the FAA to determine how widespread any damage is in the fleet.

There are approximately 620 Model 737–300, –400, and –500 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 195 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $25 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $16,575, or $85 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 95–NM–117–AD.

Applicability: Model 737–300, –400, and –500 series airplanes, as listed in Boeing Service Letter 737–SL–24–106, dated March 10, 1995; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent short circuiting of a wire bundle located in the electrical/electronics (E/E) equipment bay, which could result in smoke and fire, accomplish the following:

(a) Within 12 months after the effective date of this AD, accomplish the requirements of paragraphs (a)(1), (a)(2), and (a)(3), of this AD in accordance with Boeing Service Letter 737–SL–24–106, dated March 10, 1995.

(1) Perform a visual inspection for damage of the wire bundle and clamps in the E/E compartment. If any damage is detected, prior to further flight, repair in accordance with the service letter.

(2) Reclamp wire bundle W2132 (or W0132) by removing the steel cushioned clamp and installing nylon clamp on the aft side of the existing nut and bolt hole at body station (BS) 360, water line (WL) 203, left buttock line (LBL) 57, in accordance with the service letter.

(3) Install additional clamps to wire bundles W2132 (or W0132) and power feeder wire bundle WO142, in accordance with the service letter.

(b) Within 10 days after detecting any damage to the wire bundle or clamp as a result of the inspection required by paragraph (a) of this AD, submit a report of the damage findings to the FAA, Transport Airplane Directorate, Seattle Manufacturing Inspection District Office (MIDO), Attention: George Carter, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 237–6229; fax (206) 965–0264. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on October 6, 1995.

Gary L. Killion,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–25451 Filed 10–12–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 95–CE–13–AD]

Airworthiness Directives; Fairchild Aircraft SA226 and SA227 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to revise Airworthiness Directive (AD) 95–17–09, which requires relocating the left-hand (LH) and right-hand (RH) essential bus current limiters (225 amp) to the battery bus (main bus tie) on certain Fairchild Aircraft SA226 and SA227 series airplanes. The FAA has determined that the applicability of the current AD should be changed to reflect a different serial number range and model designation of certain SA227 series airplanes. The proposed action would retain the essential bus current limiter relocations required by AD 95–17–09, and would revise the Applicability section of that AD. The actions specified by the proposed AD are intended to prevent failure of the LH and RH essential bus when engine failure results in a blown generator current limiter, which could result in loss of airplane electrical power.

DATES: Comments must be received on or before December 11, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–13–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Field Support Engineering, Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279–0490; telephone (210) 824–9421; facsimile (210) 820–8609. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. George R. Hash, Aerospace Engineer, FAA, Airplane Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150; telephone (817) 222–5134; facsimile (817) 222–5959.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 95–CE–13–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–13–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

On August 10, 1995, the FAA issued AD 95–17–09, Amendment 39–9339 (60 FR 43361, August 21, 1995), to require relocating the left-hand (LH) and right-hand (RH) essential bus current limiters (225 amp) to the battery bus (main bus tie) on certain Fairchild Aircraft SA226 and SA227 series airplanes. AD 95–17–09 specifies accomplishment of the relocations in accordance with Fairchild Aircraft Engineering Kit Drawing 27K82376, ''Current Limiter Rebusing Kit,'' as referenced in Fairchild Service Bulletin (SB) 226–24–034, SB 227–24–015, and SB CC7–24–002, all Issued: September 29, 1994.

A safety recommendation detailing potential electrical failure problems on Fairchild SA226 and SA227 series airplanes prompted AD 95–17–09. Flight simulation revealed that electrical power loss could occur on the affected airplanes because of failure of the LH essential bus. Switching delays between the left and right side electrical systems result in left generator motor action, which could then cause the left side current limiter to open. This would result in failure of the left essential bus, which will result in loss of alternating current (AC) power to the primary attitude indicator and the lighting for the standby attitude indicator.

The FAA has determined that AD 95–17–09 contains the following errors:

—Incorrect serial numbers for the Fairchild Aircraft Models SA227–AC, SA227–AT, SA227–BC, and SA227–TT airplanes in the Applicability section; and

—Incorrect designation for Model SA227–AC as SA227–AD in paragraph (a) of AD 95–17–09.

After examining all available information related to the subject discussed above, the FAA has determined that further AD action should be taken to prevent failure of the LH and RH essential bus when engine failure results in a blown generator current limiter, which could result in loss of airplane electrical power.

Since an unsafe condition has been identified that is likely to exist or develop in other Fairchild Aircraft SA226 and SA227 series airplanes of the same type design, this AD requires the same relocation of the left-hand and right hand essential bus current limiters as is contained in AD 95–17–09, and revises the Applicability section to reflect the serial number correction and model designation correction in paragraph (a) of that AD as previously described.

The FAA estimates that 876 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 4 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $98 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $296,088 ($338 per airplane). This figure is based on the assumption that no affected airplane owner/operator has incorporated the proposed modification. Fairchild Aircraft has informed the FAA that parts have not been distributed to any owner/operator of the affected airplanes.

The proposed action would only correct a model designation and certain serial numbers of certain SA227 series airplanes that are affected by AD 95–17–09. The cost impact upon the public specified in the proposed AD is exactly the same as that currently required by AD 95–17–09.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship

between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (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) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 U.S.C. 106(g); 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–9339 (60 FR 43361, August 21, 1995), and by adding a new airworthiness directive (AD) to read as follows:

Fairchild Aircraft: Docket No. 95–CE–13–AD. Revises AD 95–17–09; Amendment 39–9339.

Applicability: The following model and serial number airplanes that utilize a direct current (DC) generator, certificated in any category.

Models	Serial Nos.
SA226–T, SA226–AT, SA226–TC, and SA226–T(B).	All.
SA227–AC, SA227–AT, SA227–BC, and SA227–TT.	420 through 783, and 785 through 789.
SA227–CC and SA227–DC.	784, and 790 through 883.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 2,000 hours time-in-service after the effective date of this AD, unless already accomplished (compliance with AD 95–17–09).

To prevent failure of the left hand (LH) and right hand (RH) essential bus when engine failure results in a blown generator current limiter, which could result in loss of airplane electrical power, accomplish the following:

(a) Relocate the LH and RH essential bus current limiters (225 amp) to the battery bus (main bus tie) in accordance with Fairchild Aircraft Engineering Kit Drawing 27K82376, ''Current Limiter Rebusing Kit,'' as referenced in the following service bulletins (SB):

SB	Date	Models affected
226–24–034	Sept. 29, 1994	All affected SA226 models.
227–24–015	Sept. 29, 1994	SA227–AC, SA227–AT, SA227–BC, and SA227–TT.
CC7–24–002	Sept. 29, 1994	SA227–CC and SA227–DC.

(b) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Fort Worth Airplane Certification Office (ACO), FAA, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Fort Worth ACO.

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request to Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279–0490; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(e) This amendment revises AD 95–17–09, Amendment 39–9339.

Issued in Kansas City, Missouri, on October 6, 1995.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–25440 Filed 10–12–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 95–CE–30–AD]

Airworthiness Directives; HB Flugtechnik GmbH Model HB–23/2400 Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to HB Flugtechnik GmbH (Flugtechnik) Model HB–23/2400 sailplanes. The proposed action would require inspecting (one time) the elevator control system for incorrect rigging and repetitively inspecting the threaded adjustable extension joints in the push rod to control lever connection for cracks, and, if cracked, replacing the threaded adjustable joints at both ends of the push rod. Cracking of the threaded adjustable extension joints and incorrect rigging of the elevator control system prompted the proposed action. The actions specified by the proposed AD are intended to prevent failure of the elevator control system, which, if not detected and corrected, could result in possible loss of elevator control and loss of the sailplane.

DATES: Comments must be received on or before December 14, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region,

Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–30–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from HB Flugtechnik GmbH, Dr. Adolf Scharfstr, 42, PF 74, A–4053 Haid, Austria, telephone 43.7229.80904. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Herman Belderok, Sailplane Program Officer, Small Airplane Directorate, Airplane Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64105; telephone (816) 426–6932; facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 95–CE–30–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–30–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Austro Control GmbH (ACG), which is the airworthiness authority for Austria, recently notified the FAA that an unsafe condition may exist on certain Flugtechnik Model HB–23/2400 sailplanes. The ACG advises that failure of the elevator control system has resulted in several incidents and two fatal accidents. Specifically, a fatal accident investigation revealed fatigue cracks in the threaded adjustable extension joint of the elevator control push rod, thereby causing loss of elevator control while in flight.

In addition, the ACG has received several reports of deformation marks on the push rod tubes, bent adjustable extension joints, and jamming between the elevator control lever and the elevator push rod when the pilot pushes the control lever completely forward. Damage of this nature is possibly caused by incorrect rigging or having less than specified clearances between the elevator control lever and the elevator push rod. HB Flugtechnik GmbH has issued service bulletins (SB) HB–23/17/91 and HB–23/18/91, both dated October 28, 1991, specifying the following:

—Inspecting (one time) for bending, and dents on the elevator control push rod tube and replacing the elevator control push rod tube, if damaged,

—Inspecting the clearance between the elevator control lever and the elevator control push rod, ensuring the clearance remains at least 3 mm,

—Inspecting the threaded portion of the adjustable push rod joints (located at each end of the push rod), for fatigue cracks and deformation, and if cracked or damaged, (based on the fatigue evaluation), replace the joints on both ends of the push rod.

—Repetitively inspecting, at intervals not to exceed 500 hours, the threaded portion of the adjustable push rod joints for cracks or deformation, and if cracked or damaged replacing the joints as necessary.

The ACG classified these service bulletins as mandatory and issued ACG AD numbers 66 and 67 in order to assure the continued airworthiness of these sailplanes in Austria.

This sailplane model is manufactured in Austria and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement between Austria and the United States. Pursuant to this bilateral airworthiness agreement, the ACG has kept the FAA informed of the situation described above. The FAA has examined the findings of the ACG, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop in other Flugtechnik HB–23/2400 sailplanes of the same type design, the proposed AD would require inspecting (one time) the elevator control system for incorrect rigging, inspecting the threaded extension joints for cracks, if cracks are found, replacing the joints, and repetitively inspecting the extension joints at intervals not to exceed 500 hours time-in-service (TIS) thereafter for cracks or deformation, and if cracked or damaged replacing the joints as necessary.

The FAA estimates that one sailplane in the U.S. registry would be affected by the proposed AD, that it would take approximately 3 hours to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $70 per sailplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $250. This figure is based on the assumption that the affected owner/operator of the affected sailplane has not incorporated the proposed modification or accomplished the proposed inspections. The FAA has no way of determining the number of repetitive inspections completed.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (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) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by

contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

HB Flugtechnik GMBH: Docket No. 95–CE–30–AD.

Applicability: Model HB–23/2400 Sailplanes (serial numbers 23001 through 23048), certificated in any category.

Note 1: This AD applies to each sailplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For sailplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required initially within the next 50 hours time-in-service (TIS) after the effective date of this AD and as indicated in the body of this AD thereafter, unless already accomplished.

To prevent failure of the elevator control system, which, if not detected and corrected, could result in possible loss of elevator control and loss of the sailplane, accomplish the following:

(a) Inspect (one time) for bending, and dents on the elevator control push rod tube. Prior to further flight, replace the elevator control push rod tube in accordance with Flugtechnick Service Bulletin (SB) HB–23/18/91, dated October 28, 1991.

(b) Inspect the clearance between the elevator control lever and the elevator control push rod, ensuring the clearance remains at least 3 mm. If clearance is not 3 mm, prior to further flight, adjust in accordance with the maintenance manual.

(c) Inspect the threaded portion of the adjustable push rod joints (located at each end of the push rod) for fatigue cracks and deformation, and if cracked or damaged, (based on the fatigue evaluation), prior to further flight, replace the joints on both ends of the push rod, in accordance with Flugtechnick SB HB–23/17/91, dated October 28, 1991.

(d) Repetitively inspect the threaded portion of the adjustable push rod joints, at intervals not to exceed 500 hours time-in-service (TIS) thereafter for cracks or deformation, and if cracked or damaged, prior to further flight, replace the joints as necessary, in accordance with Flugtechnick SB HB–23/17/91, dated October 28, 1991.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the sailplane to a location where the requirements of this AD can be accomplished.

(f) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, FAA, 1201 Walnut, Kansas City, Missouri, 64106. The request for the alternative method shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(g) All persons affected by this directive may obtain copies of the documents referred to herein upon request to HB Flugtechnik GmbH, Dr. Adolf Scharfstr. 42, PF 74, A–4053 Haid, Austria, telephone 43.7229.80904, or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on October 6, 1995.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–25439 Filed 10–12–95; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 94–NM–238–AD]

Airworthiness Directives; Jetstream ATP Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Jetstream ATP airplanes. This proposal would require inspections to detect fatigue cracking and corrosion in the gussets of the rear passenger door and rear baggage door apertures, and replacement of the gussets, if necessary. This proposal is prompted by fatigue tests which indicated that fatigue cracking and corrosion can occur in these gussets. The actions specified by the proposed AD are intended to prevent degradation of the structural integrity of the fuselage pressure vessel due to the problems associated with cracking and corrosion in the gussets of the rear passenger door and rear baggage door apertures.

DATES: Comments must be received by November 14, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–238–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041–6029. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2747; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact

concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 94–NM–238–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–238–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain Jetstream Model ATP airplanes. The CAA advises that results of fatigue testing of Model ATP airplanes, which was conducted by the manufacturer, indicate that fatigue cracking and corrosion is likely to occur in the gussets of the rear passenger door and rear baggage door apertures. Such fatigue cracking and corrosion, if not detected and corrected in a timely manner, could degrade the structural integrity of the fuselage pressure vessel.

Jetstream Aircraft, Ltd., has issued Service Bulletin ATP–53–29, dated October 31, 1994, which describes procedures for performing detailed visual inspections to detect fatigue cracking and corrosion in the gussets of the rear baggage door and rear passenger door apertures. It also describes procedures for replacing cracked and corroded gussets. The CAA classified this service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require a one-time detailed visual inspection for fatigue cracking and corrosion in the gussets of the rear passenger door and the rear baggage door apertures. It also would require replacement of cracked gussets, and either replacement or repair of corroded gussets. The inspection and replacement actions would be required to be accomplished in accordance with the service bulletin described previously. The repair of corroded gussets would be required to be accomplished in accordance with the Structural Repair Manual (SRM).

The Limitations section of the Instructions for Continued Airworthiness in the Aircraft Maintenance Manual for these airplanes has recently been revised to include a repetitive inspection (at regular intervals) for the subject gussets. The FAA has determined that the one-time inspection of the gussets that would be required by this AD, coupled with the mandatory repetitive inspections that are now a part of the maintenance program, is adequate to provide a level of safety equivalent to that required by the Federal Aviation Regulations (FAR). This combination of inspections will ensure that any cracked or corroded gusset is detected and replaced/repaired before it could fail and consequently affect the operational safety of the airplane.

The FAA estimates that 10 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours per airplane to accomplish the proposed inspection actions, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $4,800, or $480 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Jetstream Aircraft Limited (Formerly British Aerospace Commercial Aircraft, Ltd.): Docket 94–NM–238–AD.

Applicability: Model ATP airplanes; having serial numbers 2002 through 2012 inclusive, and 2019 through 2022 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification,

alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously. To prevent degradation of the structural integrity of the fuselage pressure vessel due to the problems associated with cracking and corrosion in the gussets of the rear passenger door and rear baggage door apertures, accomplish the following:

(a) Prior to the accumulation of 12,000 total landings or within 1,500 landings after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect cracks and corrosion of the gussets of the rear passenger door aperture, in accordance with Jetstream Service Bulletin ATP–53–29, dated October 31, 1994.

(1) If any crack is found, prior to further flight, replace the gusset in accordance with the service bulletin.

(2) If any corrosion is found, prior to further flight, either replace the gusset in accordance with the service bulletin, or repair the gusset in accordance with the Structural Repair Manual, chapter 53–10–12.

(b) Prior to the accumulation of 15,000 total landings or within 1,500 landings after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect cracks and corrosion of the gussets of the rear baggage door aperture, in accordance with Jetstream Service Bulletin ATP–53–29, dated October 31, 1994.

(1) If any crack is found, prior to further flight, replace the gusset in accordance with the service bulletin.

(2) If any corrosion is found, prior to further flight, either replace the gusset in accordance with the service bulletin, or repair the gusset in accordance with the Structural Repair Manual, chapter 53–10–12.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on October 6, 1995.

Gary L. Killion,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–25449 Filed 10–12–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 95–CE–37–AD]

Airworthiness Directives; The New Piper Aircraft, Inc. (Formerly Piper Aircraft Corporation) PA28, PA32, PA34, and PA44 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain New Piper Aircraft, Inc. (Piper) PA28, PA32, PA34, and PA44 series airplanes. The proposed action would require inspecting and modifying the flap lever assembly. Reports of worn flap handle attach bolts and elongated holes in the flap lever to cable mounting attach point prompted this proposed AD action. The actions specified by the proposed AD are intended to prevent failure of the flap handle attach bolt and sudden retraction of the flaps, which, if not detected and corrected, could result in possible loss of control of the airplane.

DATES: Comments must be received on or before December 14, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–37–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Piper Service Bulletin (SB) No. 965, dated September 1, 1993, may be obtained from The New Piper Aircraft, Inc., Attn: Customer Service, 2629 Piper Dr., Vero Beach, Florida 32960. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Christina Marsh, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, suite 2–160, College Park, Georgia 30337–2748; telephone (404) 305–7362; facsimile (404) 305–7348.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 95–CE–37–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–37–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has received reports of worn flap handle attach bolts and elongated holes in the flap lever to cable mounting attach points on certain Piper PA28, PA32, PA34, and PA44 series airplanes. This condition, if left uncorrected, could result in the inability to lower the flaps or, if the retaining bolt breaks or comes free while the flaps are in a down position, a sudden retraction of the flaps creating a reduction in lift and possible loss of control of the airplane.

Piper has issued SB No. 965, dated September 1, 1993, which specifies procedures for: (1) Measuring and enlarging the cable mounting attach hole diameter, (2) installing a new bushing (Piper Part Number (P/N) 63900–174), (3) replacing the flap lever handle attach bolt with a new clevis bolt (Piper P/N 400 673), and (4) inspecting the washer (P/N 407–584), nut (P/N 404–392), and cotter pin (P/N 424–051) for damage, and replacing as applicable.

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action should be taken to prevent failure of the flap handle attach bolt and sudden

retraction of the flaps, which, if not detected and corrected, could result in loss of control of the airplane.

Since an unsafe condition has been identified that is likely to exist or develop in other Piper PA28, PA32, PA34, and PA44 series airplanes of the same type design, the proposed AD would require (1) measuring and enlarging the cable mounting attach point hole diameter to .316 of an inch and if the measurement is larger than .316 of an inch, replacing the flap lever; (2) installing a new bushing (Piper P/N 63900–174) for increased durability of the joint; (3) replacing the flap lever handle attach bolt with a new clevis bolt (Piper P/N 400 673), and (4) inspecting the washer (P/N 407–584), nut (P/N 404–392), and cotter pin (P/N 424–051) for damage, and replacing as applicable.

The FAA estimates that 30,000 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 2 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $16 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $4,080,000. This figure is based on the assumption that all of the affected airplanes have worn bolts and elongated holes and that none of the owners/operators of the affected airplanes have replaced the worn parts.

Piper has informed the FAA that parts have been distributed to equip approximately 8,000 airplanes. Assuming that these distributed parts are incorporated on the affected airplanes, the cost of the proposed AD would be reduced by $1,088,000 from $4,080,000 to $2,992,000.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (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) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

Authority: 49 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

The New Piper Aircraft, Inc. (formerly Piper Aircraft Corporation); Docket No. 95–CE–37–AD.

Applicability: The following airplane models and serial numbers, certificated in any category:

Models	Serial No.
PA–28–140 ..	28–20000 through 28–26946 and 28–7125001 through 28–7725290.
PA–28–150, PA–28–160, and PA–28–180.	28–1 through 28–5859, 28–7105001 through 28–7505259, 28–E13, and 28–03.
PA–28–151 ..	28–7415001 through 28–7715314.
PA–28–161 ..	28–7716001 through 28–8616057 and 2816001 through 2816102.
PA–28–161 ..	2841001 through 2841346.
PA–28–181 ..	28–7690001 through 28–8690062 and 2890001 through 2890169.
PA–28–235 ..	28–10001 through 28–11378, 28–7110001 through 28–7710828–77, and 28–E11.
PA–28–236 ..	28–7911001 through 28–8611008 and 2811001 through 2811034.
PA–28–201T	28–7921001 through 28–7921095.
PA–28R–180	28R–30001 through 28R–31270 and 28R–7130001 through 28R–7130013.
PA–28R–200	28R–35001 through 28R–35820 and 28R–7135001 through 28R–7635462.
PA–28R–201	28R–7737001 through 28R–7837319 and 2837001 through 2837059.
PA–28R–201T.	28R–7703001 through 28R–7803374 and 2803001 through 2803012.
PA–28RT–201.	28R–7918001 through 28R–8218026.
PA–28RT–201T.	28R–7931001 through 28R–8631005 and 2831001 through 2831038.
PA–32–260 ..	32–1 through 32–1297 and 32–7100001 through 32–7800008.
PA–32–300 ..	32–40000 through 32–40974 and 32–7140001 through 32–7940290.
PA–32–301 ..	32–8006001 through 32–8406020.
PA–32–301T	32–8024001 through 32–8424002.
PA–32R–300	32R–7680001 through 32R–7880068.
PA–32RT–300.	32R–7885001 through 32R–7985105.
PA–32RT–300T.	32R–7887001 through 32R–7987126.
PA–32R–301	32R–8013001 through 32R–8413024.
PA–32R–301T.	32R–8029001 through 32R–8429028.
PA–34–200 ..	34–7250001 through 34–7450220.
PA–34–200T	34–7570001 through 34–8170092.
PA–34–220T	34–8133001 through 34–8233088.
PA–44–180 ..	44–7995001 through 44–8195026 and 4495001 through 4495013.
PA–44–180T	44–8107001 through 44–8107066.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (f) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required upon the accumulation of 2,000 hours time-in-service (TIS) or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, unless already accomplished.

Note 2: The compliance time specified in this AD takes precedence over the compliance time specified in the Piper Service Bulletin (SB) 965, dated September 1, 1993.

Note 3: The instructions in the proposed AD do not mirror the service bulletin and the

AD instructions take precedence over the service bulletin instructions. The proposed AD will require installing the clevis bolt, regardless of the condition of the current part.

To prevent failure of the flap handle attach bolt and sudden retraction of the flaps, which, if not detected and corrected, could result in loss of control of the airplane, accomplish the following:

(a) Measure the cable mounting attach hole diameter and enlarge the hole to .316 of an inch diameter. If the diameter of the cable mount attach hole is larger than .316 of an inch, prior to further flight, replace the flap lever handle (refer to the applicable illustrated parts catalog for part number), in accordance with Piper SB No. 965, dated September 1, 1993.

(b) Install a new bushing (Piper Part Number (P/N) 63900–174) into the cable mounting attach hole, in accordance with Piper SB No. 965, dated September 1, 1993.

(c) Replace the flap lever handle attach bolt with a new clevis bolt (Piper P/N 400 673) in accordance with Piper SB No. 965, dated September 1, 1993.

(d) Inspect, and if damaged, prior to further flight, replace the washer (P/N 407–584), nut (P/N 404–392), and cotter pin (P/N 424–051) as applicable in accordance with Piper SB No. 965, dated September 1, 1993.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, FAA, Atlanta Aircraft Certification Office, Campus Building, 1701 Columbia Avenue, suite 2–160, College Park, Georgia 30337–2748. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta Aircraft Certification Office.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta Aircraft Certification Office.

(g) All persons affected by this directive may obtain copies of the document referred to herein upon request to The New Piper Aircraft, Inc., Attn: Customer Service, 2629 Piper Dr., Vero Beach, Florida, 32960; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on October 6, 1995.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–25438 Filed 10–12–95; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

31 CFR Part 103

RIN 1506–AA13

Proposed Amendment to the Bank Secrecy Act Regulations—Requirement To Report Suspicious Transactions

AGENCY: Financial Crimes Enforcement Network, Treasury.

ACTION: Notice of extension of time for submission of comments.

SUMMARY: This document extends until November 13, 1995, the deadline for the submission of comments on the Notice of Proposed Rulemaking to require banks to file with the Financial Crimes Enforcement Network reports of suspicious transactions under the Bank Secrecy Act. The extension is intended to facilitate the submission of comments on the notice without delaying implementation of the suspicious transaction reporting system. The notice was published in the Federal Register on September 7, 1995 (60 FR 46556) and comments were to be received on or before October 10, 1995.

DATES: Comments must be submitted on or before November 13, 1995.

ADDRESSES: Comments should be sent to: Office of Regulatory Policy and Enforcement, Financial Crimes Enforcement Network, Department of the Treasury, 2070 Chain Bridge Road, Vienna, VA 22182, Attention: NPRM—Suspicious Transaction Reporting. Comments received will be available for public inspection and copying at the Treasury Department Library, Room 5030, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Charles Klingman, Office of Financial Institutions Policy, FinCEN, at (703) 905–3920, or Joseph M. Myers, Attorney-Advisor, Office of Legal Counsel, FinCEN, at (703) 905–3590.

SUPPLEMENTARY INFORMATION: The Annunzio-Wylie Anti-Money Laundering Act, Title XV of the Housing and Community Development Act of 1992, Pub. L. 102–550, and the Money Laundering Suppression Act of 1994, Title IV of the Riegle Community Development and Regulatory Improvement Act of 1994, Pub. L. 103–325, amended the Bank Secrecy Act to grant Treasury authority to require reporting of suspicious transactions and to require Treasury to designate a single government recipient for reports of suspicious transactions. FinCEN has been working with the Office of the Comptroller of the Currency (the ''OCC''), the Board of Governors of the Federal Reserve System (the ''Board''), the Federal Deposit Insurance Corporation (the ''FDIC''), the Office of Thrift Supervision (the ''OTS''), and the National Credit Union Administration (the ''NCUA'') to create a single coordinated process for the reporting of suspicious transactions under the Bank Secrecy Act and known or suspected criminal violations involving financial institutions under the regulations of those agencies.

FinCEN published a notice of proposed rulemaking relating to the suspicious transaction reporting system on September 7, 1995. The notice invited comments from interested parties and requested that they address specific questions. Because all of the agencies were working to implement the system in October, 1995, and because FinCEN's notice related closely to notices already issued by the Board and the OCC, comments were requested by October 10, 1995.

The agencies involved in creating the suspicious transaction reporting system have postponed the target date for the system to become operable until December 15, 1995. The FDIC, whose notice of proposed rulemaking was published on September 14, 1995, has already stated its intention to accept comments through November 13, 1995. All of the agencies involved in the system are working together to review comments as they are submitted and harmonize the proposed rules. Accordingly, given the fact that extending the time to the end of the FDIC's period will not delay implementation of the system, FinCEN has determined to extend the comment period until November 13, 1995.

Dated: October 10, 1995.

William F. Baity,

Acting Director, Financial Crimes Enforcement Network.

[FR Doc. 95–25570 Filed 10–12–95; 8:45 am]

BILLING CODE 4820–03–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD07–95–033]

RIN 2115–AA98

Special Anchorage Areas; Herb River, Thunderbolt, GA; Bull River, Savannah, GA; South Channel Savannah River East, Savannah, GA; South Channel Savannah River West, Savannah, GA; Calibogue Sound, Hilton Head, SC; May River, Hilton Head, SC

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish temporary special anchorage areas during the 1996 Centennial Olympic Games. The Coast Guard expects a significant number of spectator vessels to participate in the festivities surrounding the 1996 Olympic Games. By designating special anchorage areas, which will be administered by Georgia and South Carolina, the Coast Guard expects to minimize the problems associated with a large congestion of boaters in the area.

DATES: Comments must be received on or before December 12, 1995.

ADDRESSES: Comments should be mailed to the Captain of the Port Savannah, P.O. Box 8191, Marine Safety Office Savannah, Georgia 31412–8191. The comments will be available for inspection and copying at 222 W. Oglethorpe Ave., Suite 402, Savannah, GA between 9 a.m. and 3 p.m., Monday through Friday, except federal holidays. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: LT Jeff Simmerman, Tel: (912) 652–4353.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD07–95–033) and the specific section of this proposal to which their comments apply, and give reasons for each comment. The regulations may be changed in the light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. A meeting was held on July 27, 1995 at 7 p.m. at the Juliet Low Federal Building in Savannah, Georgia. Approximately eight persons attended. These individuals voice no concerns or opinions over the proposed regulations.

No public hearing is planned, but one may be held if the written requests for a hearing are received, and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of these regulations are LT J.A. Simmerman, project officer for the Captain of the Port Savannah, Georgia, and LTJG J. Diaz, project attorney, Seventh Coast District Legal Office.

Discussion of Proposed Regulations

Approximately 1,000 to 5,000 spectators vessels are expected to arrive and participate in the festivities of the 1996 Olympic sailing competition. The Coast Guard proposes to establish six special anchorage areas to alleviate the problems of a large congestion of recreational boats in a small area. By designating these special anchorage areas that are administered by Georgia and South Carolina the Coast Guard anticipates minimizing the associated problems with security and pollution, as well as the commercial congestion that a large influx of boaters might cause on the area. These proposed special anchorage areas provide that vessels no more than sixty-five feet in length when anchored at any special anchorage area shall not be required to carry or exhibit the white anchor lights required by the Navigation Rules.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this proposal and has determined pursuant to Section 2.B.2. of Commandant Instruction M16475.1B, that this action is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are available in the docket for inspection or copying at the same location listed in **ADDRESSES**.

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 proposed special anchorage areas described in this notice will be established for a limited time period to help accommodate spectator vessels that arrive in the port of Savannah for the 1996 Olympic Games.

Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage ground.

Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 110 of Title 33, Code of Federal Regulations, as follows:

PART 110—ANCHORAGE REGULATIONS

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g). Section 110.1a and each section listed in 110.1a are also issued under 33 U.S.C. 1223 and 1231.

2. Section 110.T72e is added to read as follows:

§ 110.T72e Savannah Olympic Anchorage Areas, GA.

The following locations are special anchorage areas:

(a) *Herb River Anchorage.* The waters in the Herb River within the area bounded at the latitude 32°01′.2″ N extending south to a line at latitude 32°00′.0″ N.

(b) *Bull River Anchorage.* The waters of the Bull River within the area bounded at latitude 32°02′.2″ N east to a line at latitude 31°59′.7″ N across Bull River.

(c) *South Channel of the Savannah River West Anchorage.* The waters of the South Channel of The Savannah River lying between latitude 32°04′.1″ N extending east to a line of longitude 080°54′.9″ W in the vicinity of the Fort Pulaski Bridge.

(d) *South Channel of the Savannah River East Anchorage.* The waters of the South Channel of The Savannah River lying east of the Fort Pulaski Bridge beginning at longitude 080°54′.9″ W extending east to longitude 080°53′.9″ W across South Channel.

(e) *Calibogue Sound Anchorage.* The waters of the Calibogue Sound lying within the following coordinates, the area west of the west shore of Hilton Head Island; starting at 32°08′12.0″ N, 080°48′55.0″ W; thence to 32°08′12.0″ N, 080°49′13.0″ W; thence to 32°06′50.0″ N, 080°49′55.0″ W; thence to 32°06′50.0″ N, 080°49′43.0″ W; back north on the west shore of Hilton Head Island to the point of beginning.

(f) *May River Anchorage.* The waters of the May River within the following coordinates, the area north of the north shore of Bull Island; starting at 32°11′45.0″ N, 080°48′03.0″ W; thence to 32°11′56.0″ N, 080°48′02.0″ W; thence to 32°12′06.0″ N, 080°48′17.0″ W; thence to 32°12′38.0″ N, 080°49′35.0″ W; thence to 32°12′14.0″ N, 080°49′43.0″ W; back east along the north shore of Bull Island to the point of beginning.

Datum: NAD 1983.

Dated: September 17, 1995.

Roger T. Rufe, Jr.,

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

[FR Doc. 95–25457 Filed 10–12–95; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 162

[CGD09–95–027]

Temporary Speed Limits for the St. Marys River

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to make a temporary amendment to the speed limits for the St. Marys River during the 1995–96 icebreaking season. This amendment will reduce the speed limit by 2 miles per hour through that part of the system, between Munuscong Lake Lighted Buoy 8 (lLNR 13065) and Lake Nicolet Light 80 (LLNR 13465) upbound and between Lake Nicolet Light 80 (LLNR 13465) and West Neebish Channel Light 9 (LLNR 13715) downbound. These temporary changes to the speed regulations are a precautionary measure to minimize any possible damage to the environment due to movement of large commercial vessels through the ice.

DATES: Comments must be received on or before November 13, 1995.

ADDRESSES: Comments should be mailed to Commanding Officer, U.S. Coast Guard, Vessel Traffic Service, 337 Water Street, Sault Ste. Marie, MI 49783. The comments will be available for inspection and copying at the Coast Guard Vessel Traffic Service, 337 Water Street, Sault Ste. Marie, Michigan. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Eric Ensign, U.S. Coast Guard, Group Sault Ste. Marie, 337 Water Street, Sault Ste. Marie, Michigan, 49783, (906) 635–3303.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their name and address, identify this rulemaking [CGD09–95–027] and the specific section of this proposal to which each comment applies, and give a reason for each comment. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Project Officer at the address under **ADDRESSES.** If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Discussion of Proposed Regulations

In a letter received on February 26, 1993, the Michigan Department of Natural Resources advised the Commander of the Ninth Coast Guard District of concerns over the environmental impact of ship transits through the St. Marys River during the period of March 21 to April 1. April 1 is the nominal date for the opening of the locks at Sault St. Marie, which allows large commercial shipping access to the St. Marys River from Lake Superior. In accordance with an agreement reached on June 29, 1993, with the U.S. Army Corps of engineers, the U.S. Fish and Wildlife Service and the Michigan Department of Natural Resources, the Commander of the Ninth Coast Guard District is making this temporary change to the speed regulations during periods when ice breaking is being conducted in the vicinity of Neebish Island, St. Marys River, Michigan, as a precautionary measure to minimize any possible damage to the environment. The speed limit is being reduced by 2 statute miles per hour in the area between Munuscong Lake Lighted Buoy 8 (LLNR 13065) and Lake Nicolet Light 80 (LLNR 13465), upbound, and between Lake Nicolet Light 80 (LLNR 13465) and Munuscong Lake Light 9 (LLNR 13715), downbound. The Light 9 checkpoint has been added to extend the reduced speed limit area past Winter Point, thereby protecting the sensitive environment between Winter Point and Light 9. Speed limits apply to the average speed between established reporting points.

The comment period for this proposal is less than 60 days to allow the public an opportunity to comment on the proposal, yet still provide adequate time for a final rule to be published before the beginning of the ice breaking season. The Coast Guard has established temporary changes in speed limits on the St. Marys River during icebreaking season for several years and therefore it is the Coast Guard's view that 30 days provides adequate opportunity for public comment on this proposal.

Drafting Information

The drafter of this regulation is Lieutenant Eric Ensign, Project Officer, U.S. Coast Guard, Vessel Traffic Service Sault Ste. Marie, Michigan and Lieutenant Charles D. Dahill, Project Attorney, Ninth Coast Guard District Legal Office.

Federalism Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

A recent environmental impact study by the United States Army Corps of Engineers indicated that March 21 is the optimal opening date. [see U.S. Army Corps of Engineers Draft Environmental Impact Statement, Opening Operations of the Lock Facilities on March 21 (February 1993), Supplement III to the Final Environmental Impact Statement, Operations, Maintenance, and Minor Improvements of the Federal Facilities at Sault Ste. Marie, Michigan (July 1977)]. The same study by the Corps of Engineers indicates that there is no significant impact on fish populations due to movement of large commercial vessels through the ice. However, the Michigan Department of Natural Resources asserts that there may be such an impact during the early period of

March 21 to April 1. The Ninth Coast Guard District has adopted the U.S. Army Corps of Engineers EIS, EIS Supplements, and EIS studies on Operations, Maintenance, and Minor Improvements of the Federal Facilities at Sault Ste. Marie, Michigan. In addition, the Coast Guard is preparing a supplement for the 1974 Ninth Coast Guard District EIS regarding icebreaking activity on the Great Lakes.

Economic Assessment and Certification

This regulation 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. They have been exempted from review by the Office of Management and Budget under that order. They are 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 these regulations to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of the DOT is unnecessary.

Collection of Information

This regulation will impose no collection of information requirements under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

List of Subjects in 33 CFR Part 162

Harbors, Navigation (water), Reporting and recordkeeping requirements, Vessels, Waterways.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 162 of Title 33, Code of Federal Regulations, as follows:

PART 162—INLAND WATERWAYS NAVIGATION REGULATIONS

1. The authority citation for 33 CFR Part 162 continues to read as follows:

Authority: 33 U.S.C. 1231; 49 CFR 1.46.

2. The table in § 162.117(g) is suspended and a new paragraph (g)(3) is added to read as follows:

§ 162.117 St. Marys River, Sault Ste. Marie, Michigan.

* * * * *

(g) * * *

(3) *Winter speed limits effective December 29, 1995, through April 15th, 1996.* The following table of temporary winter speed limits supersede those listed in Table 162.117(g)—St. Marys River Speed Rules and indicate the maximum speed over the ground between reporting points for the period December 29, 1995 through April 15th, 1996:

TABLE 162.117(g)(3).—TEMPORARY WINTER SPEED LIMIT REGULATIONS

The speed limit between	Speed limit	
	Mph	Kts
De Tour Reef Light and Sweets Point Light	14	12.2
Round Island Light and Point Aux Frenes Light 21	14	12.2
Munuscong Lake Lighted Buoy 8 and Everns Point	10	8.7
Everns Point and Reed Point	7	6.0
Reed Point and Lake Nicolet Lighted Buoy 62	8	7.0
Lake Nicolet Lighted Buoy 62 and Lake Nicolet Light 80	10	8.7
Lake Nicolet Lighted Buoy 80 and Munuscong Lake Light 9 (downbound, West Neebish Channel)	8	7.0
Lake Nicolet Light 80 and Winter Point (West Neebish Channel)	8	7.0
Lake Nicolet Light 80 and Six Mile Point Range Rear Light	10	8.7
Six Mile Point Range Rear Light and lower limit of the St. Marys Falls Canal:		
Upbound	8	7.0
Downbound	10	8.7
Upper limit of the St. Marys Falls Canal and Point Aux Pins Main Light	12	10.4

* * * * *

T.A. Trosvig,

Captain, U.S. Coast Guard, Commanding Officer, VTS St. Marys River.

FR Doc. 95–25459 Filed 10–12–95; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF DEFENSE

48 CFR Parts 45 and 52

Federal Acquisition Regulation; Government Property

AGENCY: Department of Defense.

ACTION: Notice of public meeting.

SUMMARY: The next public meetings of the Government Property Rewrite Team are scheduled for November 14, 1995, and November 15, 1995. Discussion will focus on a draft revision of FAR Part 45—Government Property and the associated contract clauses.

DATES: *Public Meetings:* The public meetings will be conducted at the address shown below from 9:30 a.m. to 5:00 p.m., local time, on November 14, 1995, and November 15, 1995.

Draft Materials: Drafts of the materials to be discussed at the public meetings will be available no earlier than October 30, 1995 and may be obtained from Ms. Angelena Moy, (PDUSD (A&T)DP/MPI) at Room 3C128 at The Pentagon, Washington DC 20301–3060.

ADDRESSES: *Public Meetings:* The public meetings will be held in the 4th floor conference room, VSE Corporation, 2550 Huntington Ave., Alexandra, VA 22303.

FOR FURTHER INFORMATION CONTACT: Ms. Angelena Moy, by telephone at (703) 695–1097/1098, or by FAX at (703) 695–7596.

Background

On September 16, 1994, (59 FR 47583) the Director of Defense Procurement, Department of Defense, announced an initiative to rewrite the Federal Acquisition Regulation (FAR) Part 45, Government Property, to make it easier to understand and to minimize the burdens imposed on contractors and contracting officers. The Director of Defense Procurement is providing a forum for an exchange of ideas and information with government and industry personnel by holding public meetings, soliciting public comments, and publishing notices of the public meetings in the Federal Register.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 95–25340 Filed 10–12–95; 8:45 am]

BILLING CODE 5000–04–M

48 CFR Parts 225 and 252

Defense Federal Acquisition Regulation Supplement; Uruguay Round (1996 Agreement)

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: The Director of Defense Procurement is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement the renegotiated General Agreement on Tariffs and Trade (GATT) Government Procurement Agreement (1996 Code) (Uruguay Round), which becomes effective January 1, 1996. This agreement is implemented in statute by the Uruguay Round Agreement Act, Pub. L. 103–465, which amends the Trade Agreements Act of 1979.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before December 12, 1995, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD (A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, D.C. 20301–3062. Telefax number (703) 602–0350. Please cite DFARS Case 95–D306 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602–0131.

SUPPLEMENTARY INFORMATION:

A. Background

The proposed rule amends DFARS 225.402 and 252.225–7007, permitting purchase of nondesignated country end products, if sufficient U.S. made, qualifying country, or eligible products are not available. This implements Section 343 of Pub. L. 103–465, which amends Section 302(a) of the Trade Agreements Act of 1979 (19 U.S.C. 2512(a)).

B. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because it permits purchase of nondesignated country end products only if (1) sufficient U.S. made, qualifying country, or eligible products are not available, or (2) a national interest waiver is granted. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. Comments from small entities concerning the affected DFARS subpart will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 95–D306 in correspondence.

C. Paperwork Reduction Act

The proposed rule does not impose any reporting or recordkeeping requirements which require OMB approval under 44 U.S.C. 3501 *et seq.*

List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, it is proposed that 48 CFR Parts 225 and 252 be amended as follows:

1. The authority citation for 48 CFR Parts 225 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 225—FOREIGN ACQUISITION

2. Section 225.402 is amended by revising paragraph (c) to read as follows:

225.402 Policy.

(a) * * *

(c)(i) Except as provided in paragraphs (c) (ii) and (iii) of this section, do not purchase nondesignated country end products subject to the Trade Agreements Act unless they are NAFTA, Caribbean Basin, or qualifying country end products (see 225.872–1).

(ii) The prohibition in paragraph (c)(i) of this section does not apply when the contracting officer determines that offers of U.S. made, qualifying country, or eligible products from responsive, responsible offerors are either—

(A) Not received; or

(B) Insufficient to fill the Government's requirements. In these cases, accept all responsive, responsible offers of U.S. made, qualifying country, and eligible products before accepting any other offers.

(iii) National interest waivers under Section 302(b)(2) of the Trade Agreements Act are approved on a case-by-case basis. Except as delegated in paragraphs (c)(iii) (A) and (B) of this section, a request for a national interest waiver shall include supporting rationale and be submitted under department/agency procedures to the Director of Defense Procurement.

(A) The head of the contracting activity may approve a national interest waiver for a purchase by an overseas purchasing activity of products critical to the support of U.S. forces stationed abroad. The waiver must be supported by a written statement from the requiring activity stating that the requirement is critical for the support of U.S. forces stationed abroad.

(B) The Commander, Defense Fuel Supply Center, may approve national interest waivers for purchases of fuel for use by U.S. forces overseas.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 252.225–7007 is amended by revising paragraph (c)(1) to read as follows:

252.225–7007 Trade Agreements.

* * * * *

(c) * * *

(1) Offerors may not supply a nondesignated country end product unless—

(i) It is a qualifying country end product, a Caribbean Basin country end product, or a NAFTA country end product;

(ii) The Contracting Officer has determined that offers of U.S. made end products or qualifying, designated, NAFTA, or Caribbean Basin country end products from responsive, responsible offerors are either not received or are insufficient to fill the Government's requirements; or

(iii) A national interest waiver has been granted under Section 302 of the Trade Agreements Act of 1979 (see (FAR 25.402(c)).

* * * * *

[FR Doc. 95–25345 Filed 10–12–95; 8:45 am]

BILLING CODE 5000–04–M

48 CFR Part 231

[DFARS Case 95–D714]

Defense Federal Acquisition Regulation Supplement; Cost Principles

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comment.

SUMMARY: The Director of Defense Procurement is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement provisions of the Federal Acquisition Streamlining Act of 1994 pertaining to legislative lobbying costs.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before December 12, 1995 to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telefax number (703) 602–0350. Please cite DFARS Case 95–D714 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Mr. Clarence Belton, Cost Principles Team Leader, at (703) 602–2357. Please cite DFARS Case 95–D714.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Acquisition Streamlining Act of 1994, Pub. L. 103–355, (''the Act'') provides authorities that streamline the acquisition process and minimize burdensome government-unique requirements.

This proposed rule implements Section 7202 of the Act (codified at 10 U.S.C. 2247). Section 7202 prohibits the expenditure of funds to assist any DoD contractor in preparing any material, report, list, or analysis, with respect to

the actual or projected economic or employment impact in a particular State or congressional district of an acquisition program for which all research, development, testing, and evaluation has not been completed. Similar statutory language has been included in annual Defense appropriations acts and is presently implemented at DFARS 231.205–22(a), as a cost principle applicable to commercial organizations. This proposed rule expands the applicability of the cost principle to educational institutions; State, local, and federally recognized Indian tribal governments; and nonprofit organizations; as the statutory prohibition applies to all DoD contractors.

B. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because most contracts awarded to small businesses are awarded competitively on a firm-fixed-price basis and, therefore, are not subject to DFARS cost principles. An initial regulatory flexibility analysis, therefore, has not been performed. Comments from small entities concerning the affected DFARS subparts will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 95–D714 in correspondence.

C. The Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed rule does not impose recordkeeping or information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

List of Subjects in 48 CFR Part 231

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 231 is proposed to be amended as follows:

1. The authority citation for 48 CFR Part 231 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 231—CONTRACT COST PRINCIPLES AND PROCEDURES

2. Section 231.205–22 is revised to read as follows:

231.205–22 Legislative lobbying costs.

(a) Preparing any material, report, list, or analysis on the actual or projected economic or employment impact in a particular State or congressional district of an acquisition program for which all research, development, testing, and evaluation has not been completed (10 U.S.C. 2247).

3. Section 231.303 is amended by adding paragraph (4) to read as follows:

231.303 Requirements.

* * * * *

(4) Under 10 U.S.C. 2247, the costs cited in 231.205–22(a) are unallowable.

4. Section 231.603 is amended by adding paragraph (3) to read as follows:

231.603 Requirements.

* * * * *

(3) Under 10 U.S.C. 2247, the costs cited in 231.205–22(a) are unallowable.

5. Section 231.703 is amended by adding paragraph (3) to read as follows:

231.703 Requirements.

* * * * *

(3) Under 10 U.S.C. 2247, the costs cited in 231.205–22(a) are unallowable.

[FR Doc. 95–25344 Filed 10–12–95; 8:45 am]

BILLING CODE 5000–04–M

48 CFR Part 231

[DFARS Case 94–D007]

Defense Federal Acquisition Regulation Supplement; Internal Restructuring Costs

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule; withdrawal.

SUMMARY: The Department of Defense has decided to withdraw a proposed rule published on January 12, 1995 (60 FR 2924). The rule proposed revisions to the Defense Federal Acquisition Regulation Supplement (DFARS) to state that contractor costs associated with internal restructuring activities are unallowable unless allowable in accordance with FAR Part 31 and DFARS Part 231; an audit of projected restructuring costs and savings is performed; and the ACO determines that overall reduced costs should result for DoD and negotiates an advance agreement with the contractor. After review of public comments, DoD has determined that the proposed DFARS revisions are unnecessary.

FOR FURTHER INFORMATION CONTACT: Defense Acquisition Regulations Council, Attn: Ms. Sandra G. Haberlin, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062, (703) 602–0131.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 95–25342 Filed 10–12–95; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 107, 110, 171, 172, 173, 174, 175, 176, 177, 178, and 179

[Docket HM–222A; Notice No. 95–12]

RIN 2137–AC69

Elimination of Unnecessary and Duplicative Hazardous Materials Regulations

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: RSPA is proposing to remove unnecessary, obsolete, and duplicative regulations contained in the Hazardous Materials Regulations (HMR). In addition, RSPA is proposing to reformat the Hazardous Materials Table and List of Hazardous Substances and Reportable Quantities that could eliminate approximately 100 pages of the CFR. The intended effect of this action is to make the HMR more user friendly, thus enhancing compliance. This action is in response to President Clinton's March 4, 1995 memorandum to heads of departments and agencies calling for a review of all agency regulations.

DATES: Comments must be received on or before December 18, 1995.

ADDRESSES: Please address written comments to the Dockets Unit (DHM–30), Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590–0001. Comments may also be faxed to (202)366–3753. Comments should identify the docket (Docket No. HM–222A). The Dockets Unit is located in Room 8421 of the Nassif Building, 400 Seventh Street S.W., Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., Monday through Friday, except on public holidays when the office is closed.

FOR FURTHER INFORMATION CONTACT: John A. Gale or Jennifer Antonielli, (202) 366–8553; Office of Hazardous Materials Standards, RSPA, Department of Transportation, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

I. Background

On March 4, 1995, President Clinton issued a memorandum to heads of departments and agencies calling for a review of all agency regulations and elimination or revision of those regulations that are outdated or in need of reform. RSPA has performed an extensive review of the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180), and associated procedural rules (49 CFR parts 106 and 107), in response to the President's directive.

The President also directed that front line regulators ''* * * get out of Washington and create grassroots partnerships'' with people affected by agency regulations. On April 4, 1995, RSPA published in the Federal Register (60 FR 17049) a Notice of Public Meetings and request for comment on its hazardous materials safety program. Comments were requested on ways to improve the HMR and the kind and quality of services its customers want. RSPA held seven public meetings and received over 50 comments in response to the notice. On July 28, 1995, RSPA published a second Notice of Public Meetings in the Federal Register (60 FR 38888) which announced five more public meetings to be held from September to November 1995.

This NPRM proposes to remove those sections of the regulations that have been identified in RSPA's regulatory review, in comments, and in the public meetings held to date as being unnecessary, duplicative, or outdated. This rulemaking is one of several rulemakings that RSPA will initiate in response to its regulatory review, public meetings, and comments. In future rulemakings, RSPA will propose additional changes to the HMR. Some of the additional changes RSPA will be considering in separate rulemakings are:

- Exceptions for certain materials that are transported by private carriers as ''materials of trade'';
- The recurrent training requirement to determine if it can be extended longer than two years;
- Limited exceptions from the emergency response telephone number requirement;
- Consolidation of the requirements for the construction, maintenance and use of cylinders;
- Updating and revising the rail and highway modal requirements in Parts 174 and 177; and
- Revising or eliminating the requirement to list each hazardous substance on a shipping paper and nonbulk package.

II. Sections To Be Eliminated

RSPA has identified over 100 sections in the HMR for possible elimination. In some sections, only certain paragraphs are being removed, and in others a particular paragraph may be retained and moved while the rest of the section is removed. Some of the more prominent changes proposed in this notice include: (1) Elimination of the requirements for carriers and shippers of flammable cryogenic liquids in bulk packagings to register with RSPA (§§ 173.11; 177.826); (2) a decrease in the frequency that manufacturers of cargo tanks have to register with RSPA from three years to six years (§ 107.504); and (3) removal of the requirement that RSPA publish in the Federal Register a list of those persons who request party status to an exemption (§ 107.111).

Many of the sections identified for removal in this NPRM impose little or no regulatory burden. However, by making the HMR a less voluminous set of regulations, RSPA believes the HMR will be more user friendly, thus enhancing compliance. In addition, if the HMR can be reduced in size, it may be possible to consolidate the two CFR volumes into one. This would save each purchaser of the HMR approximately $30 per year.

A. Reformatting the Hazardous Materials Table

RSPA is also proposing a reformatting of the Hazardous Materials Table (HMT) in § 172.101 and Table 1 in Appendix A to § 172.101, ''List of Hazardous Substances and Reportable Quantities''. The reformatting of these tables will eliminate approximately 100 pages of the CFR. In the label column (Column (6)) of the HMT, RSPA is proposing to identify the labels required by class number in lieu of spelling out the class name. For example, the POISON and KEEP AWAY FROM FOOD label would be identified as ''6.1'', and FLAMMABLE LIQUID would be identified by ''3''. For clarity, RSPA would add a table to the front of the HMT that clearly states what label is required for each numerical identifier.

In § 172.101, Appendix A, Table 1, RSPA is proposing to remove the synonym column. Because each synonym is specifically listed as a hazardous substance, there is no need to provide a list of synonyms for each hazardous substance. It is believed that this change will eliminate approximately 15 pages of the CFR.

B. Unnecessary Sections

The following sections are proposed for removal because they are deemed no longer necessary or cost effective to remain in the HMR. A description of each section and the reason for its proposed removal is provided.

Section 110.30(a)(4) Grant application. This paragraph requires applicants for training and planning grants to provide a written statement explaining whether the State or tribe assess and collects fees on the transportation of hazardous materials and whether such assessments or fees are used solely to carry out purposes related to the transportation of hazardous materials. Since the fact that a state or tribe assess a fee on the transportation of hazardous materials has no bearing on the amount of its grant, and the Secretary now has specific statutory authority to obtain such information (section 5125(g)(2)) for reasons broader than application to the grant program, RSPA believes this requirement to be unnecessary is proposing to remove it.

Appendix C to Part 172 Dimensional Specifications for Recommended Placard Holder. This appendix provides specific recommended dimensions for a placard holder. RSPA believes that this appendix is no longer necessary, and is proposing to remove it from the HMR. In addition, § 172.516 would be revised to remove any reference to the specifications for the placard holder.

Section 173.10 Tank car shipments. This section contains specific requirements for offerors of tank cars containing certain hazardous materials that are no longer consistent with current industry practice. Therefore, RSPA would remove this section from the HMR.

Section 173.324 Ethyl methyl ether. This section provides non-bulk packaging requirements specific for Ethyl methyl ether. Instead of having a specific packaging section for this material, RSPA is proposing to change its packaging reference in column (8B) of the HMT to read ''§ 173.201'', for the non-bulk packaging authorizations and would delete § 173.324.

Section 173.451 Fissile materials—general requirements. This section simply states that fissile radioactive packages must comply with requirements of §§ 173.451 through 173.459 and is unnecessary. Therefore, RSPA is proposing to remove it. In addition, a reference to § 173.451 contained in § 173.453 would be removed.

Section 173.477 Approval for export shipments. This section sets forth procedures for obtaining an approval for export shipments of packages for which an International Atomic Energy Agency certificate of competent authority has

been issued. RSPA is proposing to remove this section because the requirements for export shipments of hazardous materials, including radioactive materials, are specified in § 171.12.

Section 173.478 Notification to competent authorities for export shipments. This section requires shippers who export Type B quantities of Class 7 material to notify the competent authority of each country through which or into which the package is to be transported prior to the first shipment. The shipper is required to submit copies of all relevant competent authority certificates. RSPA is proposing to remove this section because the requirements for export shipments of hazardous materials, including Class 7 material, are specified in § 171.12.

Section 174.16 Removal and disposition of hazardous materials at destination. This section prescribes requirements for delivering hazardous materials to non-agency and agency stations and disposing of the materials in the event that they are not removed from the carriers property by the consignee. RSPA is proposing to remove the requirements of § 174.16 because they are outdated and unnecessary.

Section 174.20 Local or carrier restrictions. This section provides authorization for carriers to impose local restrictions when local conditions present an unsafe transportation environment. Also, § 174.20 states that carriers must report all carrier restrictions to the Bureau of Explosives. RSPA is proposing to remove § 174.20 because it believes that centralizing a list of all rail carrier restrictions should be an industry practice and not a regulatory requirement.

Section 174.33 Lost or destroyed labels and placards. This section requires rail carriers to maintain an adequate supply of labels and placards in case labels or placards become lost or destroyed. RSPA believes that § 172.516(c)(6) adequately addresses the carrier's requirement to maintain placards and is, therefore, proposing to remove the section.

Section 174.107 Shipping days for Division 1.1 or 1.2 (Class A explosive) materials. This section prescribes requirements for carriers to designate days in which Division 1.1 or 1.2 materials are accepted and delivered. RSPA is proposing to remove the requirements of this section because it generally applies to a shipment of explosives by an express railroad which is no longer a common practice.

Section 174.109 Non-agency shipments. This section provides requirements for Class 1 shipments accepted by a carrier at a non-agency station. RSPA is proposing to remove this section because it is no longer necessary.

Section 174.280 Division 2.3 (poisonous gas) materials with foodstuffs. This section provides a prohibition from transporting packages labeled POISON GAS with foodstuffs. Division 2.3 materials present a hazard if inhaled but do not pose a hazard to foodstuffs or edible material. Therefore, RSPA is proposing to remove this section from the HMR.

Section 174.410 Special handling requirements for matches. This section provides special handling requirements for strike-anywhere matches. RSPA believes the modal operational requirements of this section are no longer necessary based on current packagings requirements for strike-anywhere matches. Therefore, RSPA is proposing to remove this section from the HMR.

Section 174.450 Fires. This section prescribes practical response measures that carriers should follow in the event of a fire in a shipment of cotton or charcoal. RSPA believes that mitigation measures like this are routinely taken by carriers. Therefore, RSPA is proposing to remove this section from the HMR.

Section 174.510 Special handling requirements for nitrates. This section prescribes requirements for carriers of nitrates to ensure that the rail car is closed, clean and free of projections before loading the nitrates. RSPA is proposing to remove this section because the requirements of subpart C of part 174 more than adequately cover the loading of this material in a rail car.

Section 174.515 Cleaning cars; potassium permanganate. This section provides cleaning requirements for rail cars previously containing potassium permanganate. RSPA is proposing to remove this section because the requirements of subpart C of part 174 more than adequately cover the cleaning of rail cars that previously contained a load of this material.

Section 174.840 Special loading and handling requirements for asbestos. This section prescribes requirements for minimization of occupational exposure to asbestos. RSPA believes that because other Federal regulations govern this area, this section is no longer necessary under the HMR.

Section 175.640 Special requirements for Class 9 (miscellaneous hazardous) material. This section prescribes requirements for the minimization of occupational exposure to asbestos. RSPA believes that because other Federal regulations govern this area, this section is no longer necessary under the HMR.

Section 176.33 Labels. This section requires vessel carriers to maintain an adequate supply of labels in case labels become lost or destroyed. RSPA believes that this section imposes a cost to vessel operators that is not commensurate with the safety benefits achieved and, therefore, is proposing to remove this section.

Section 176.79 Spaces exposed to carbon monoxide or other hazardous vapors. This section prescribes occupational requirements for personnel exposed to carbon monoxide vapors. This section is unnecessary because it is covered in 46 CFR part 97.

Section 176.906 Stowage and handling of asbestos. This section prescribes requirements for minimization of occupational exposure to asbestos. RSPA believes that because other Federal regulations govern this area, this section is no longer necessary under the HMR.

Section 177.811 Astray shipments. This section prescribes requirements for a package that has lost its label. The section states that a carrier must place a Flammable liquid label on the package that has lost its label. RSPA is proposing to remove the requirements of § 177.811 because current industry practices and compliance with part 172 of the HMR (e.g., UN number markings on packages) make it very unlikely that a carrier will have ''no knowledge'' of the contents of a package of hazardous materials.

Section 177.813 Inefficient containers. This section states that experience gained on damaged packages must be recorded by the Bureau of Explosives to determine if a packaging should be prohibited from use. This action is no longer taken by the BOE nor is it necessary. Therefore, this section would be removed.

Section 177.815 Lost or destroyed labels. This section requires highway carriers to maintain an adequate supply of labels in case labels become lost or destroyed. RSPA believes that this section imposes a cost to highway carriers that is not commensurate with the safety benefits achieved and, therefore, is proposing to remove this section.

Section 177.837(a) Class 3 (flammable) liquid materials. Paragraph (a) of this section requires that the engine of a motor vehicle be turned off when the vehicle is being loaded with Class 3 materials. RSPA is proposing to remove this restriction because it is no longer necessary and often not practical, especially for application to diesel engines during cold weather.

Section 177.838 Class 4 materials, Class 5 and Division 4.2 materials. In this section, paragraphs (d) and (e) are proposed for removal. Section 177.838(d) prescribes requirements for ''loose or baled nitrate of soda bags'' and § 177.838(e) prescribes blocking and bracing requirements for ''strike anywhere matches''. RSPA is proposing to remove § 177.838(d) because ''loose or baled nitrate of soda bags'' are no longer routinely transported or do their hazards require compliance with § 177.838(d). RSPA is proposing to remove § 177.838(e) because these modal operational requirements are no longer necessary based on current packagings requirements for strike-anywhere matches.

Section 177.844 Class 9 (miscellaneous hazardous) materials. This section prescribes requirements for minimization of occupational exposure to asbestos. RSPA believes that because other Federal regulations govern this area, this section is no longer necessary under the HMR.

Section 177.853 Transportation and delivery of shipments. This section prescribes general requirements on the movement of hazardous materials. The provisions of paragraph (a) would be moved to § 177.800 and the remainder of the section would be removed.

Section 177.855 Accidents; Class 1 (explosive) materials; 177.856 Accidents; Class 3 (flammable liquid) materials; 177.857 Accidents; Class 4 (flammable solid) and Class 5 (oxidizing) materials; 177.858 Accidents; Class 8 (corrosive) materials; 177.859 Accidents; Class 2 (gases) materials; 177.860 Accidents or leakage; Division 6.1 (poisonous) or Division 2.3 (poisonous gas) materials; 177.861 Accidents; Class 7 (radioactive) materials. These sections prescribe general guidance on emergency response activities. Except for the provisions of § 177.856 (c) and (e), which are being moved to § 177.823 to make them applicable to all shipments, RSPA believes that, with the addition of the emergency response requirements for shippers and carriers in Part 172 of the HMR, these sections are no longer necessary and is proposing to remove them.

C. Duplicative Sections

The following is a listing of those sections that are proposed for removal from the HMR because they are duplicative or refer the reader to a section of general applicability. In removing the sections listed below, RSPA believes that no substantive regulatory requirements are being removed. For example, RSPA is proposing to remove §§ 174.480 and 174.580 because these requirements are already covered by § 174.680.

List of Affected Sections

171.13 Emergency regulations.
173.314(h) Requirements for compressed gases in tank car tanks.
173.444 Labeling requirements.
173.446 Placarding requirements.
173.463 Packaging and shielding-testing for integrity.
174.7 Compliance and training.
174.12 Intermediate shippers and carriers.
174.45 Reporting hazardous materials incidents.
174.57 Cleaning cars.
174.69 Removal of placards and car certifications after unloading.
174.100 Forbidden Class 1 (explosive) materials.
174.208 Rail cars, truck bodies, or trailers with fumigated or treated lading.
174.380 Class 3 (flammable liquid) materials, with a subsidiary hazard of Division 6.1 (poisonous) materials, with foodstuffs.
174.430 Special handling requirements for Division 4.2 (pyroforic liquid) materials.
174.480 Class 4 (flammable solid) materials, with a subsidiary hazard of Division 6.1 (poisonous) materials, with foodstuffs.
174.580 Division 5.1 (oxidizer) materials, with a subsidiary hazard of Division 6.1 (poisonous materials), with foodstuffs.
174.615 Cleaning cars.
174.800 Special handling requirements for Class 8 (corrosive) materials.
174.810 Special handling requirements for wet electric storage batteries.
175.45 Reporting hazardous materials incidents. (With applicable change to § 171.15 and 171.16)
176.76(f), (g)(1),(4) Transport vehicles, freight containers, and portable tanks containing hazardous materials.
176.78(g), (4),(5) Use of powered-operated industrial trucks on board vessels.
176.331 Transportation of Class 3 (flammable) liquids with foodstuffs.
176.419 Class 4 (flammable solids) or Class 5 (oxidizers and organic peroxides) materials transported with foodstuffs.
176.800 General stowage requirements. (last sentence)
177.803 Export and import shipments by domestic carriers by motor vehicles.
177.805 Canadian shipments and packagings.
177.806 U.S. Government material.
177.807 Reporting hazardous materials incidents.
177.808 Connecting carrier shipments.
177.812 Containers required.
177.814 Retention of cargo tank motor vehicle manufacturer's certificate, maintenance and other reports.
177.821(c)(d)(f) Hazardous materials forbidden or limited for transportation.
177.825 Routing and training requirements for Class 7 (radioactive) materials.
177.836 Nonexplosive material.
178.346–3 Structural integrity.
178.346–4 Joints.
178.346–5 Manhole assemblies.
178.346–6 Supports and anchoring.
178.346–7 Circumferential reinforcement.
178.346–8 Accident damage protection.
178.346–9 Pumps, piping, hoses and connections.
178.346–12 Gauging devices.
178.346–14 Marking.
178.346–15 Certification.
178.347–3 Structural integrity.
178.347–4 Joints.
178.347–6 Supports and anchoring.
178.347–7 Circumferential reinforcement.
178.347–8 Accident damage protection.
178.347–9 Pumps, piping, hoses and connections.
178.347–11 Outlets.
178.347–12 Gauging devices.
178.347–14 Marking.
178.347–15 Certification.
178.348–3 Structural Integrity.
178.348–4 Joints.
178.348–5 Manhole assemblies.
178.348–6 Supports and anchoring.
178.348–7 Circumferential reinforcement.
178.348–8 Accident Damage Protection.
178.348–11 Outlets.
178.348–12 Gauging devices.
178.348–14 Marking.
178.348–15 Certification.
179.100–2 Approval.
179.100–5 Bursting pressure.
179.100–11 Tank mounting.
179.100–22 Certificate of construction.
179.104 Special requirements for spec. 105A200–F tank car tanks.
179.104–1 Tanks built under these specifications must meet the requirements of §§ 179.100, 179.101, and when applicable §§ 179.102 and 179.104.
179.104–2 Type.
179.104–3 Tank mounting.
179.104–4 Welding.
179.106 [Reserved]
179.200–2 Approval.
179.200–5 Bursting pressure.
179.200–12 Tank mounting. See § 179.10.
179.200–20 Interior heater systems.
179.200–26 Certificate of construction.
179.202—179.202–22 [Reserved]
179.220–2 Approval.
179.220–5 Bursting pressure.
179.220–12 Tank mounting.
179.220–21 Interior heating systems.
179.220–27 Certificate of construction.
179.300–2 Approval.
179.300–5 Bursting pressure.
179.300–11 Tank mounting.
179.400–2 Approval.
179.400–6(a) Bursting and buckling pressure.
179.400–26 Certificate of construction.
179.500–2 Approval.
179.500–9 Tank mounting.

III. Regulatory Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This proposed rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and was not reviewed by the Office of Management and Budget. The rule is not considered significant under the regulatory policies and procedures of the Department of Transportation (44 FR

11034). The economic impact of this rule is minimal to the extent that the preparation of a regulatory evaluation is not warranted.

Executive Order 12612

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 (''Federalism''). The Federal hazardous materials transportation law (49 U.S.C. 5101–5127) contains an express preemption provision that preempts State, local, and Indian tribe requirements on certain covered subjects. Covered subjects are:

(i) The designation, description, and classification of hazardous material;

(ii) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;

(iii) The preparation, execution, and use of shipping documents pertaining to hazardous material and requirements respecting the number, content, and placement of such documents;

(iv) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; or

(v) The design, manufacturing, fabrication, marking, maintenance, reconditioning, repairing, or testing of a package or container which is represented, marked, certified, or sold as qualified for use in the transportation of hazardous material.

Title 49 U.S.C. 5125(b)(2) provides that if DOT issues a regulation concerning any of the covered subjects after November 16, 1990, DOT must determine and publish in the Federal Register the effective date of Federal preemption. That effective date may not be earlier than the 90th day following the date of issuance of the final rule and not later than two years after the date of issuance. This proposed rule would remove unnecessary, obsolete and duplicative regulations governing the transportation of hazardous materials. RSPA solicits comments on whether the proposed rule would have any affect on State, local or Indian tribe requirements and, if so, the most appropriate effective date of Federal preemption. Because RSPA lacks discretion in this area, preparation of a federalism assessment is not warranted.

Regulatory Flexibility Act

I certify that this proposed rule will not have a significant economic impact on a substantial number of small entities. This proposed rule does not impose any new requirements on persons subject to the HMR.

Paperwork Reduction Act

This proposed rule does not propose any new information collection requirements.

Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects

49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Packaging and containers, Penalties, Reporting and recordkeeping requirements.

49 CFR Part 110

Disaster assistance, Education, Emergency preparedness, Grant programs—Environmental protection, Grant programs—Indians, Hazardous materials transportation, Hazardous substances, Indians, Reporting and recordkeeping requirements.

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Imports, Reporting and recordkeeping requirements.

49 CFR Part 172

Hazardous materials transportation, Hazardous waste, Labeling, Marking, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 174

Hazardous materials transportation, Radioactive materials, Railroad safety.

49 CFR Part 175

Air carriers, Hazardous materials transportation, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 176

Hazardous materials transportation, Maritime carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 177

Hazardous materials transportation, Motor carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 178

Hazardous materials transportation, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 179

Hazardous materials transportation, Railroad safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR parts 107, 110, 171, 172, 173, 174, 175, 176, 177, 178, and 179 would be amended to read as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

1. The authority citation for part 107 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127, 44701, 49 CFR 1.45, 1.53.

§ 107.111 [Amended]

2. In § 107.111, paragraph (d) would be removed and reserved.

§ 107.504 [Amended]

3. In § 107.504(a) and (c), the phrase ''three years'' would be removed and replaced with the phrase ''six years'' each place it appears.

PART 110—HAZARDOUS MATERIALS PUBLIC SECTOR TRAINING AND PLANNING GRANTS

4. The authority citation for Part 110 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR part 1.53.

§ 110.30 [Amended]

5. In § 110.30, paragraph (a)(4) would be removed and reserved.

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

6. The authority citation for part 171 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR part 1.53.

§ 171.13 [Removed]

7. Section 171.13 would be removed.

8. In § 171.15, paragraph (b), the introductory text would be revised to read as follows:

§ 171.15 Immediate notice of certain hazardous materials incidents.

* * * * *

(b) Each notice required by paragraph (a) of this section shall be given to the Department by telephone (tollfree) on

800–424–8802. Notice involving etiologic agents may be given to the Director, Centers for Disease Control, U.S. Public Health Service, Atlanta, Ga. (800) 232–0124, in place of the notice to the Department or (toll call) on 202–267–2675. Notice involving shipments transported by aircraft shall also be reported to the nearest FAA Civil Aviation Security Office by telephone at the earliest practical moment after each incident. Each notice must include the following information:

* * * * *

9. In § 171.16, paragraph (b) would be revised to read as follows:

§ 171.16 Detailed hazardous materials incident reports.

* * * * *

(b) Each carrier making a report under this section shall send the report to the Information Systems Manager, DHM–63, Research and Special Programs Administration, Department of Transportation, Washington, DC 20590–0001; and, for incidents involving transportation by aircraft, a copy of the report shall be sent to the FAA Civil Aviation Security Office nearest the location of the incident. A copy of the report shall be retained for a period of two years, at the carrier's principal place of business, or at other places as authorized and approved in writing by an agency of the Department of Transportation.

* * * * *

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATION, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

10. The authority citation for part 172 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR part 1.53.

11. In § 172.101, paragraph (g) would be revised to read as follows:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

(g) *Column 6: Labels.* Column 6 specifies codes which represent the hazard warning label(s) required for a package filled with a material conforming to the associated hazard class and proper shipping name, unless the package is otherwise excepted from labeling by a provision in subpart E of part 172, or part 173 of this subchapter. The first code is indicative of the primary hazard of the material. Additional label codes are indicative of subsidiary hazards. Provisions in § 172.402 of this part may require that a label other than that specified in Column 6 be affixed to the package in addition to that specified in Column 6. No label is required for a material classed as a combustible liquid or for a Class 3 material that is reclassed as a combustible liquid. The codes contained in Column 6 are defined according to the following table.

LABEL SUBSTITUTION TABLE

Label code	Label name
1	EXPLOSIVE.
1.1[1]	EXPLOSIVE 1.1[1].
1.2[1]	EXPLOSIVE 1.2[1].
1.3[1]	EXPLOSIVE 1.3[1].
1.4[1]	EXPLOSIVE 1.4[1].
1.5[1]	EXPLOSIVE 1.5[1].
1.6[1]	EXPLOSIVE 1.6[1].
2.1	FLAMMABLE GAS.
2.2	NON-FLAMMABLE GAS.
2.3	POISON GAS.
3	FLAMMABLE LIQUID.
4.1	FLAMMABLE SOLID.
4.2	SPONTANEOUSLY COMBUSTIBLE.
4.3	DANGEROUS WHEN WET.
5.1	OXIDIZER.
5.2	ORGANIC PEROXIDE.
6.1(I)[2]	POISON.
6.1(II)[2]	POISON.
6.1(III)[2]	KEEP AWAY FROM FOOD.
6.2	INFECTIOUS SUBSTANCE.
7	RADIOACTIVE.
8	CORROSIVE.
9	CLASS 9.

[1] Refers to the appropriate compatibility group letter.

[2] The packing group for a material is indicated in column 5 of the Table.

* * * * *

§ 172.101 [Amended]

12. In § 172.101, the following changes would be made to the Hazardous Materials Table:

a. In Column (5), the heading would be revised to read ''PG''.

b. For the entry ''Ethyl methyl ether'', in Column (8B), the nonbulk packaging reference would be revised to read ''201''.

c. In column (6) the heading is revised to read ''Label code'', and:

(1) The word ''EXPLOSIVE'' would be removed in each place it appears;

(2) The words ''FLAMMABLE GAS'' would be removed and replaced with ''2.1'' in each place they appear;

(3) The words ''NONFLAMMABLE GAS'' would be removed and replaced with ''2.2'' in each place they appear;

(4) The words ''POISON GAS'' would be removed and replaced with ''2.3'' in each place they appear;

(5) The words ''FLAMMABLE LIQUID'' would be removed and replaced with ''3'' in each place they appear;

(6) The words ''FLAMMABLE SOLID'' would be removed and replaced with ''4.1'' in each place they appear;

(7) The words ''SPONTANEOUSLY COMBUSTIBLE'' would be removed and replaced with ''4.2'' in each place they appear;

(8) The words ''DANGEROUS WHEN WET'' would be removed and replaced with ''4.3'' in each place they appear;

(9) The word ''OXIDIZER'' would be removed and replaced with ''5.1'' in each place it appears;

(10) The words ''ORGANIC PEROXIDE would be removed and replaced with ''5.2'' in each place they appear;

(11) The word ''POISON'' would be removed and replaced with ''6.1'' in each place it appears;

(12) The words ''KEEP AWAY FROM FOOD'' would be removed and replaced with ''6.1'' in each place they appear;

(13) The words ''INFECTIOUS SUBSTANCE'' would be removed and replaced with ''6.2'' in each place they appear;

(14) The word ''RADIOACTIVE'' would be removed and replaced with ''7'' in each place it appears;

(15) The word ''CORROSIVE'' would be removed and replaced with ''8'' in each place it appears; and

(16) The word ''CLASS'' would be removed and replaced in each place it appears.

(17) For the entries ''Organic peroxide type B, solid'' ''Organic peroxide type B, solid, temperature controlled''; ''Organic peroxide type B, liquid''; and ''Organic peroxide type B, liquid, temperature controlled'', in column (6), the label entries are revised to read ''5.2, 1''.

Appendix A to § 172.101 [Amended]

13. In Appendix A to § 172.101, in ''Table 1—Hazardous Substances Other Than Radionuclides'', the second column, ''Synonyms'', would be removed.

§ 172.201 [Amended]

14. In § 172.201, paragraph (b) would be removed and reserved.

15. In § 172.203, paragraph (i)(4) would be added to read as follows:

§ 172.203 Additional description requirements.

* * * * *

(i) * * *

(4) The name of the shipper.

* * * * *

16. In § 172.516, paragraphs (c)(1) and (d) would be revised to read as follows:

§ 172.516 Visibility and display of placards.

* * * * *

(c) * * *

(1) Be securely attached or affixed thereto or placed in a holder thereon;

* * * * *

(d) The means used to attach a placard may not obscure any part of the placard's surface other than the borders and those areas, other than the Class number, symbol, and any text, minimally necessary to hold the placard in place.

* * * * *

Appendix C to Part 172 [Removed]

17. Appendix C to part 172 would be removed.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

18. The authority citation for Part 173 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§§ 173.10, 173.11, 173.324, 173.444, 173.446, 173.451, 173.463, 173.478 [Removed]

19. Sections 173.10; 173.11; 173.324; 173.444; 173.446; 173.451; 173.463; and 173.478 would be removed.

§ 173.314 [Amended]

20. In § 173.314, paragraph (h) would be removed and reserved.

§ 173.453 [Amended]

21. In the introductory text of § 173.453, the wording ''§§ 173.451'' would be revised to read ''§§ 173.455''.

PART 174—CARRIAGE BY RAIL

22. The authority citation for Part 174 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§§ 174.7, 174.12, 174.16, 174.20, 174.33, 174.45, 174.57, 174.100, 174.107, 174.109, 174.208, 174.280, 174.380, 174.410, 174.450, 174.480, 174.510, 174.515, 174.580, 174.800, 174.810, 174.840 (Subpart M) [Removed]

23. Sections 174.7; 174.12; 174.16; 174.20; 174.33; 174.45; 174.57; 174.100; 174.107; 174.109; 174.208; 174.280; 174.380; 174.410; 174.450; 174.480; 174.510; 174.515; 174.580; 174.800; 174.810; and Subpart M (consisting of § 174.840) to part 174 would be removed.

§ 174.615 [Amended]

24. In § 174.615, paragraph (a) would be removed and reserved.

PART 175—CARRIAGE BY AIRCRAFT

25. The authority citation for Part 175 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§§ 175.45, 175.640 [Removed]

26. Sections 175.45, and 175.640 would be removed.

PART 176—CARRIAGE BY VESSEL

27. The authority citation for Part 176 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§§ 176.33, 176.79, 176.331, 176.419, 176.906 [Removed]

28. Sections 176.33; 176.79; 176.331; 176.419; and 176.906 would be removed.

§ 176.76 [Amended]

29. In § 176.76, paragraphs (f), (g)(1) and (g)(4) would be removed, introductory text of paragraph (g) would be redesignated as paragraph (f) introductory text, and paragraphs (g)(2), (g)(3), and (g)(5) would be redesignated as (f)(1), (f)(2), and (f)(3), respectively.

§ 176.78 [Amended]

30. In § 176.78, paragraphs (g)(4) and (g)(5) would be removed and reserved.

31. In § 176.800, paragraph (a) would be revised to read as follows:

§ 176.800 General stowage requirements.

(a) Each package required to have a Class 8 (corrosive) label thereon being transported on a vessel must be stowed clear of living quarters, and away from foodstuffs and cargo of an organic nature.

* * * * *

PART 177—CARRIAGE BY PUBLIC HIGHWAY

32. The authority citation for Part 177 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

33. In § 177.800, paragraph (d) would be added to read as follows:

§ 177.800 Purpose and scope of this part and responsibility for compliance and training.

* * * * *

(d) *No unnecessary delay in movement of shipments.* All shipments of hazardous materials must be transported without unnecessary delay, from and including the time of commencement of the loading of the hazardous material until its final unloading at destination.

§§ 177.803, 177.805, 177.806, 177.807, 177.808, 177.809, 177.811, 177.812, 177.813, 177.814, 177.815, 177.825, 177.826, 177.836, 177.844, 177.853, 177.855, 177.856, 177.857, 177.858, 177.859, 177.860, 177.861 [Removed]

34. Sections 177.803; 177.805; 177.806; 177.807; 177.808; 177.809; 177.811; 177.812; 177.813; 177.814; 177.815; 177.825; 177.826; 177.836; 177.844; 177.853; 177.855; 177.856; 177.857; 177.858; 177.859; 177.860; and 177.861 would be removed.

§ 177.821 [Amended]

35. In § 177.821, paragraphs (c), (d), (e) and (f) would be removed.

36. In § 177.823, paragraphs (b) and (c) would be added to read as follows:

§ 177.823 Marking and placarding motor vehicles.

* * * * *

(b) *Disposition of contents of cargo tank when unsafe to continue.* In the event of a leak in a cargo tank of such a character as to make further transportation unsafe, the leaking vehicle should be removed from the traveled portion of the highway and every available means employed for the safe disposal of the leaking material by preventing, so far as practicable, its spread over a wide area, such as by digging trenches to drain to a hole or depression in the ground, diverting the liquid away from streams or sewers if possible, or catching the liquid in containers if practicable. Smoking and the lighting of cigarettes, cigars, or pipes in the vicinity is prohibited, and fires or flames in the vicinity of the leaking cargo tank must be extinguished.

(c) *Transportation of leaking cargo tanks.* A leaking cargo tank may only be transported the minimum distance necessary to reach a place where the contents of the tank or compartment may be disposed of with safety. Every available means must be utilized to prevent the leakage or spillage of the liquid upon the highway.

§ 177.837 [Amended]

37. In § 177.837, paragraph (a) would be removed and reserved.

§ 177.838 [Amended]

38. In § 177.838, paragraphs (d) and (e) would be removed and reserved.

PART 178—SPECIFICATIONS FOR PACKAGINGS

39. The authority citation for Part 178 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§§ 178.346–3, 178.346–4, 178.346–5, 178.346–6, 178.346–7, 178.346–8, 178.346–9, 178.346–12, 178.346–14, 178.346–15, 178.347–3, 178.347–4, 178.347–6, 178.347–7, 178.347–8, 178.347–9, 178.347–11, 178.347–12, 178.347–14, 178.347–15, 178.348–3, 178.348–4, 178.348–5, 178.348–6, 178.348–7, 178.348–8, 178.348–11, 178.348–12, 178.348–14, 178.348–15 [Removed]

40. Sections 178.346–3; 178.346–4; 178.346–5; 178.346–6; 178.346–7; 178.346–8; 178.346–9; 178.346–12; 178.346–14; 178.346–15; 178.347–3; 178.347–4; 178.347–6; 178.347–7; 178.347–8; 178.347–9; 178.347–11; 178.347–12; 178.347–14; 178.347–15; 178.348–3; 178.348–4; 178.348–5; 178.348–6; 178.348–7; 178.348–8; 178.348–11; 178.348–12; 178.348–14; and 178.348–15 would be removed.

Subpart J [Amended]

41. In subpart J, § 178.346–10, § 178.346–11, and § 178.346–13 are redesignated as § 178.346–3 through § 178.346–5, respectively; §§ 178.347–5; 178.347–10, and 178.347–13 are redesignated as §§ 178.347–3 through 178.347–5, respectively; and §§ 178.348–9, 178.348–10, and 178.348–13 are redesignated as §§ 178.348–3 through 178.348–5, respectively.

PART 179—SPECIFICATIONS FOR TANK CARS

42. The authority citation for Part 179 would continue to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§§ 179.100–2, 179.100–5, 179.100–11, 179.100–22, 179.104, 179.104–1, 179.104–2, 179.104–3, 179.104–4, 179.106, 179.200–2, 179.200–5, 179.200–12, 179.200–20, 179.200–26, 179.202–179.202–22, 179.220–2, 179.220–5, 179.220–12, 179.220–21, 179.220–27, 179.300–2, 179.300–5, 179.300–11, 179.400–2, 179.400–26, 179.500–2, 179.500–9 [Removed]

43. Sections 179.100–2; 179.100–5; 179.100–11; 179.100–22; 179.104; 179.104–1; 179.104–2; 179.104–3; 179.104–4; 179.106; 179.200–2; 179.200–5; 179.200–12; 179.200–20; 179.200–26; 179.220–2; 179.220–5; 179.220–12; 179.220–21; 179.220–27; 179.300–2; 179.300–5; 179.300–11; 179.400–2; 179.400–26; 179.500–2; 179.500–9 would be removed.

§ 179.400–6 [Removed and Reserved]

44. In § 179.400–6, paragraph (a) would be removed and reserved.

Issued in Washington, DC on October 5, 1995 under authority delegated in 49 CFR part 106.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 95–25178 Filed 10–12–95; 8:45 am]

BILLING CODE 4910–60–P

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Denial of petition for rulemaking.

SUMMARY: This document denies a petition for rulemaking submitted by the Commonwealth of Pennsylvania Department of Transportation. The petitioner requested that NHTSA issue regulations to reduce the potential for tire tread separation and casing failure from new or retreaded truck tires, including regulations that ensure the stability of re-used casings, prescribe a maximum life of casings, and minimize truck rim separations. While NHTSA shares the petitioner's safety concerns, the agency believes that issuance of new safety requirements for tires and rims would not be an appropriate way of addressing this problem, which is primarily related to poor vehicle maintenance rather than to tire and rim performance.

FOR FURTHER INFORMATION CONTACT: Ms. Terri Droneburg, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Room 5307, Washington, DC 20590. Telephone (202) 366–6617; facsimile (202) 366–4329. For legal issues: Mr. Walter Myers, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street SW., Room 5219, Washington, DC 20590. Telephone (202) 366–2992; facsimile (202) 366–3820.

SUPPLEMENTARY INFORMATION:

Existing Standards

Federal Motor Vehicle Safety Standard (Standard) No. 117, *Retreaded pneumatic Tires,* establishes performance, labeling, and certification requirements for retreaded pneumatic passenger car tires. Among other things, the standard requires retreaded passenger car tires to comply with the tubeless tire resistance to bead unseating and the tire strength requirements of Standard No. 109, *New pneumatic tires.* Standard No. 117 also specifies requirements for casings to be used for retreading, and certification and labeling requirements.

With respect to rims, Standard No. 110, *Tire selection and rims,* applicable to passenger cars, establishes rim dimension requirements and further specifies that in the event of a sudden loss of inflation pressure at a speed of 60 miles per hour, rims must retain a deflated tire until the vehicle can be stopped with a controlled braking application. Standard No. 120, *Tire selection and rims for motor vehicles other than passenger cars,* requires that vehicles other than passenger cars equipped with pneumatic tires be equipped with rims that are listed by the tire manufacturer as suitable for use with those tires, and that rims be labeled with certain information.

The Petition

The Commonwealth of Pennsylvania (COP) Department of Transportation submitted a petition for rulemaking requesting that NHTSA issue regulations ''to reduce the potential for tread separation and casing failure from new or re-cap truck tires.'' COP further requested that the agency consider regulations ensuring the stability of re-used tire casings that may require establishing a maximum life of casings. Finally, COP requested that regulations be issued to ''further minimize the potential for truck rims from separating from moving vehicles.''

COP stated that over the past several years it has noticed an increase in separation of tire treads from truck tires and separations from truck rims. COP stated that this is a dangerous situation in that:

* Other vehicles, especially passenger cars, vans, and motorcycles can strike these tread separations, causing the vehicles to go out of control and crash;

* With increased travel on the interstate highways the probability of striking these pieces increases, particularly at night when visibility is limited;

* Law enforcement officers and highway maintenance personnel are vulnerable when trying to remove such debris from the roadways;

* Although COP's crash data does not readily identify crashes resulting from striking tread debris on the road, COP has identified 15 cases in which tire portions caused crashes in 1993, and 2 crashes resulting from vehicles striking truck rims on highways in 1993.

COP noted that there are standards for retreaded tires for passenger cars, but not for vehicles other than passenger cars, and stated that the problem is sufficiently significant to petition NHTSA to take the actions discussed above.

Agency Decision

After a full and careful analysis of the requests of the COP in the petition and the supporting rationale, NHTSA has decided to deny the petition. The agency shares COP's concerns about the risk of crashes created by tire scraps and broken wheels in the highway. However, NHTSA believes that issuance of new safety requirements for tires and rims would not be an effective way of addressing the problem, since the problem is primarily related to poor vehicle maintenance rather than to tire and rim performance.

Available information shows that tire tread separation results not from failure of unstable tire casings, used or new, but from improper use and/or poor tire maintenance. The University of Michigan conducted a study entitled ''Large Truck Accidents Involving Tire Failure'' which concluded that tread separation results from overloading and/or underinflation of tires which can cause tread failure on both new as well as retreaded tires. Specifically, the study showed that of tire scraps collected nationwide, approximately 60 percent were from retreads and 40 percent from original treads.

The cause of tire tread separations is related to the fact that heat is a tire's worst enemy. A pneumatic tire will flex and heat up during the first few miles of operation. If properly inflated, the air pressure in the tire will increase until the heat generation due to flexing and the heat loss due to ambient cooling reach equilibrium. Underinflation and/or overloading, however, can distort that equilibrium and cause the tire to produce very high temperatures, ultimately beyond the capability of the tire to adequately dissipate. At highway speeds, underinflation and/or overloading can produce tire temperatures up to 240°–265° Fahrenheit. Such extreme temperatures can cause tire disintegration, sidewall failure and/or tread separation, regardless of the soundness of the casing.

The danger posed by underinflation/overloading of tires prompted the Federal Highway Administration (FHWA), DOT, to issue regulations prohibiting the operation of commercial vehicles under conditions of tire underinflation or overloading (49 CFR 393.75). FHWA enforces those requirements by roadside inspection programs.

Available data show that the great majority, if not nearly all, tire and rim scraps on the roads are from vehicles other than passenger cars. While the problem of tire underinflation is common both to passenger cars and trucks, passenger cars are seldom operated in a fully loaded condition. That is not the case with trucks, however, especially commercial trucks which, for economic reasons, are often loaded up to their gross vehicle weight rating (GVWR). For that reason, therefore, when tires are underinflated, the likelihood of tire failure is much greater for trucks than for passenger cars.

With regard to rims, the potential problem with wheel rims is not so much that they break apart, but that the entire wheel and rim assembly separates from the vehicle. Again, the leading causes of such wheel separations from medium and heavy trucks, which constitute approximately 0.3 percent of all truck accidents, are improper tightening of wheel fasteners and bearing failure. Both those factors are the result of inadequate or improper wheel maintenance.

For the reasons discussed above, NHTSA believes that improper maintenance is primarily responsible for tread and wheel failure, rather than tire/rim performance or unstable casings being used for retreaded tires. Moreover, the agency is not aware of changes to tires or rims that would address these problems. NHTSA therefore believes that issuance of new safety requirements for tires and rims would not be an appropriate or effective way of addressing the problems. Thus, there is no reasonable probability that this agency would issue the requested regulations at the conclusion of a rulemaking proceeding. Accordingly, the petition of COP is denied.

NHTSA will continue to emphasize the importance of proper vehicle maintenance, including proper tire inflation, in its various activities and encourages similar efforts by other public and private sector organizations.

Authority: 49 U.S.C. §§ 322, 30111, and 30162; delegation of authority at 49 CFR 1.50.

Issued on October 6, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95–25405 Filed 10–12–95; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 14

RIN 1018–AD33

Conferring Designated Port Status on Atlanta, Georgia

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service proposes to confer designated port status on Atlanta, Georgia, pursuant to section 9(f) of the Endangered Species Act of 1973. Designated port status would allow the direct importation and exportation of fish and wildlife, including parts and products, through Atlanta, Georgia, a growing international port. Under this proposed rule, the regulations would be amended to add Atlanta, Georgia, to the list of Customs ports of entry designated for the importation and exportation of wildlife.

DATES: Comments must be submitted on or before December 12, 1995.

Public hearing, see **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Director, U.S. Fish and Wildlife Service, P.O. Box 3247, Arlington, Virginia 22203–3247. Comments and materials may be hand-delivered to the U.S. Fish and Wildlife Service, Division of Law Enforcement, 4401 N. Fairfax Drive, Room 500, Arlington, Virginia, between the hours of 8:00 A.M. and 4:00 P.M., Monday through Friday.

Public hearing, see **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Special Agent Thomas Striegler, at the above address[(703) 358–1949], or Special Agent Cecil M. Halcomb, Assistant Regional Director, U.S. Fish and Wildlife Service, P.O. Box 49226, Atlanta, Georgia 30359, [(404) 679–7057].

SUPPLEMENTARY INFORMATION:

Background

Designated ports are the cornerstones of the process by which the U.S. Fish and Wildlife Service (Service) regulates the importation and exportation of wildlife in the United States. With limited exceptions, all fish or wildlife must be imported and exported through such ports as required by section 9(f) of the Endangered Species Act of 1973, 16 U.S.C. 1538(f). The Secretary of the Interior is responsible for designating

these ports by regulation, with the approval of the Secretary of the Treasury after notice and the opportunity for public hearing.

Under Service regulations, wildlife must be imported and exported through one of the designated ports unless the importer/exporter meets one of the exceptions in the regulations. The most common exception is through a permit issued by the Service authorizing an importer or exporter to ship through a non-designated port. The Service maintains a staff of Wildlife Inspectors at each designated port to inspect and clear wildlife shipments.

The Service presently has twelve designated Customs ports of entry for the importation and exportation of wildlife, these include: the ports of Los Angeles, California; San Francisco, California; Miami, Florida; Honolulu, Hawaii; Chicago, Illinois; New Orleans, Louisiana; New York, New York; Seattle, Washington; Dallas/Forth Worth, Texas; Portland, Oregon; Baltimore, Maryland; and Boston, Massachusetts.

Need for Proposed Rulemaking

Containerized air and ocean cargo has become the paramount means by which both live wildlife and wildlife products are transported into and out of the United States. The use of containerized cargo by the airline and shipping industries has compounded the problems encountered by the Service and by wildlife importers and exporters in the Atlanta area. In many instances, foreign suppliers will containerize entire shipments and route them directly by air to Atlanta. If, upon arrival, the shipment contains any wildlife, those items must be shipped under Customs bond to a designated port for clearance. In most cases, this has involved shipping wildlife products to either Miami, Florida; Chicago, Illinois; New York, New York; Baltimore, Maryland; or New Orleans, Louisiana, the nearest designated ports, but reshipment has been both time consuming and expensive. In other cases containerized maritime cargo is transhipped overland for post entry inspection at Atlanta. Atlanta is one of the Nation's busiest inland seaports, with an estimate of greater than 25,000 ocean containers arriving annually by rail on Atlanta ocean bills of lading. In addition there has been a steady increase in mail inspections being conducted at Atlanta.

Atlanta area importers and exporters have attempted to direct entire shipments to a designated port prior to their arrival at Atlanta, in an effort to alleviate problems, even though such shipments may contain only a small number of wildlife items. This method of shipment meets the current regulatory requirements of the Service; however, this is also time consuming and entails additional expense. It is also contrary to the increasing tendency of foreign suppliers to ship consignments directly to regional ports such as Atlanta. In addition, time is a key element when transporting Live wildlife and perishable wildlife products. Without designated port status, businesses in Atlanta cannot import and export wildlife products directly, and consequently may be unable to compete economically with merchants in other international trading centers located in designated ports.

With airborne shipments, mail and transhipped maritime containerized cargo into and out of Atlanta steadily increasing, the Service has concluded that the port should be designated for wildlife imports and exports. A tremendous increase in the volume of shipments has made Atlanta the second largest port of entry in the Southeast. The Service's figures for fiscal year 1994 for the present nondesignated port of Atlanta indicate a total of 397 shipments occurred representing an estimated total value worth $3,801,043 of wildlife and wildlife products. The Service projects that with the establishment of Atlanta as a designated port fro the importation and exportation of wildlife and wildlife products that the number of shipments through the port would triple over the first 3 to 5 years. This projection is based upon the Service's previous experience at other newly designated ports such as Dallas/Fort Worth and Portland. As Atlanta prepares to host the 1996 Summer Olympics, the Service expects even greater demands to be placed on its inspection capabilities. Conferring the status of a designated port on Atlanta, therefore, would serve not only the interests of businesses in the region, but would also facilitate the mission of the Service.

The Service is making this proposal to confer designated port status upon Atlanta, Georgia, contingent upon the continued funding of adequate Service inspection and administrative personnel to properly staff the port. The Hartsfield Atlanta International Airport, City of Atlanta, Department of Aviation (Airport), P.O. Box 20509, Atlanta, Georgia, has agreed in principle to fund the operational costs of the port, subject to a dollar cap, to the extent that those costs exceed the fees collected at the port for inspection services. This arrangement will be set forth in a Memorandum of Agreement between the Airport and the Service to be executed prior to publication of a final rule conferring designated port status on Atlanta. The Airport is expected to provide such funds to the Service through a contributed fund mechanism. *See* 16 U.S.C. 742f (b). This agreement will provide for sufficient operational funding for the port, initially to include two Wildlife Inspectors and one clerical/administrative support position.

Notice of Public Hearing

Section 9(f) of the Endangered Species Act of 1973, 16 U.S.C. 1538(f)(1), requires that the public be given an opportunity to comment at a public hearing prior to the Secretary of the Interior conferring designated port status on any port.

Accordingly, the service has scheduled a public hearing for Friday, October 20, 1995, from 10:00 A.M. to 12:00 Noon. The hearing will be held at the Office of the General Manager, North Terminal Building, Hartsfield Atlanta International Airport, Atlanta, ((404) 530–6834). All interested persons wishing to present oral or written testimony at this hearing must advise the Service in writing by Tuesday, October 17, 1995. All such requests must be submitted in writing to: Assistant Regional Director, U.S. Fish and Wildlife Service, P.O. Box 49226, Atlanta, Georgia 30359, ((404) 679–7057). Two (2) copies of the testimony should be submitted with each request.

Required Determinations

This rule was not subject to review by the Office of Management and Budget (OMB) under Executive Order 12866. The Department of the Interior (Department) has determined that this proposed rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This proposal will have a positive incidental effect upon small entities by reducing overland transportation costs.

The Service anticipates that the addition of the Port of Atlanta to the list of Service Designated Ports for the importation and exportation of wildlife to have no adverse affects upon individual industries and cause no demographic changes in populations. In addition, the Service anticipates that this proposal will not have the effect of increasing the direct costs of small entities and will have no effect upon information collection and recordkeeping requirements. The Service, in light of the above analysis, has determined that the proposed rule will not have a significant economic effect on a substantial number of small

entities as defined in the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

This proposed rule has no private property takings implications as defined in Executive Order 12630. The only effect of this rule will be to make it easier for businesses to import and export wildlife directly through Atlanta, Georgia. This action does not contain any federalism impacts as described in Executive Order 12612. This proposed rule does not contain any information collection requirements which require approval by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* These proposed changes in the regulations in Part 14 are regulatory and enforcement actions which are covered by a categorical exclusion from National Environmental Policy Act procedures under 516 Department Manual; the proposed changes have no Environmental Justice implications under Executive Order 12898. A determination has been made pursuant to Section 7 of the Endangered Species Act that the proposed revision of Part 14 will not effect federally listed species. The Department has certified that these regulations meet the applicable standards provided in Section 2(a) and 2(b)(2) of Executive Order 12778.

Author

The originator of this proposed rule is Paul McGowan, Law Enforcement Specialist, Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, DC.

List of Subjects in 50 CFR Part 14

Animal welfare, Exports, Fish, Imports, Labeling, Reporting and recordkeeping requirements, Transportation, Wildlife.

Regulation Promulgation

For the reasons set out in the preamble, the Service proposes to amend title 50, chapter I, subchapter B of the Code of Federal Regulations as set forth below.

PART 14—IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

1. The authority citation for part 14 is revised to read as follows:

Authority: 16 U.S.C. 704, 712, 1382, 1538(d)–(f), 1540(f), 3371–3378, 4223–4244, and 4901–4916; 18 U.S.C. 42; 31 U.S.C. 483(a).

§ 14.12 [Amended]

2. Section 14.12(k) is amended by removing the word ''and''.

3. Section 14.12(l) is amended by removing the period and adding the word ''and'' preceded by a semicolon.

4. Section 14.12 is amended by adding the following new paragraph (m):

§ 14.12 Designated Ports.

* * * * *

(m) Atlanta, Georgia.

Dated: September 25, 1995.

George T. Frampton,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 95–25236 Filed 10–12–95; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 676

[Docket No. 951002243–5243–01; I.D. 092695B]

RIN 0648–AG99

Limited Access Management of Federal Fisheries In and Off of Alaska; Relieving Transfer Restrictions on Individual Fishing Quota Shares

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues a proposed rule that would implement Amendment 32 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Amendment 36 to the Fishery Management Plan (FMP) for Groundfish of the Gulf of Alaska (GOA). These FMP amendments are necessary to facilitate full utilization of the allocated resources managed under the Individual Fishing Quota (IFQ) Program for the Pacific halibut and sablefish fixed gear fisheries in and off of Alaska. This action is intended to relieve transfer restrictions on Community Development Quota compensation quota shares (CDQ compensation QS), thereby allowing transfers to persons who could use the resulting IFQ to harvest the resource.

DATES: Comments must be received by November 24, 1995.

ADDRESSES: Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, 709 W. 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802; Attention: Lori J. Gravel. Copies of the Regulatory Impact Review (RIR) for this action may also be obtained from this address.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background

Beginning with the 1995 fishing season, the Pacific halibut (*Hippoglossus stenolepis*) and sablefish (*Anoplopoma fimbria*) fixed gear fisheries in the areas defined in 50 CFR 676.10 (b) and (c) have been managed under the IFQ Program. The IFQ Program is a regulatory regime designed to promote the conservation and management of these fisheries and to further the objectives of the Magnuson Fishery Conservation and Management Act and the Northern Pacific Halibut Act. Persons holding quota share (QS), which represents a transferable harvest privilege, receive an annual allocation of IFQ. Persons receiving an annual allocation of IFQ are authorized to harvest, within specified limitations, IFQ species. Further information on the implementation of the IFQ Program, and the rationale supporting it, are contained in the preamble to the final rule implementing the IFQ Program published in the Federal Register, November 9, 1993 (58 FR 59375). Additions and/or changes to the final rule implementing the IFQ Program were published June 1, 1994 (59 FR 28281); August 24, 1994 (59 FR 43502), corrected October 13, 1994 (59 FR 51874); October 7, 1994 (59 FR 51135); February 2, 1995 (60 FR 6448); March 3, 1995 (60 FR 11916); March 6, 1995 (60 FR 12152); and May 5, 1995 (60 FR 22307).

The CDQ Program was proposed in conjunction with the IFQ Program. The CDQ Program apportioned designated percentages of the annual fixed gear total allowable catch (TAC) for Pacific halibut and sablefish to eligible western Alaska communities. These designated percentages were intended to provide residents of eligible communities with stable, long-term employment and to increase the participation of residents of eligible communities in near-shore fisheries.

Apportioning designated percentages of the annual fixed gear TAC for Pacific halibut and sablefish to eligible western Alaska communities reduced the amount of that TAC available for harvest by persons receiving annual allocations of IFQ. Therefore, CDQ compensation QS were issued as partial compensation to persons in CDQ areas who received QS because the amount of Pacific halibut and sablefish available for

harvest with IFQ in CDQ areas was reduced.

Amendments 32 and 36 are intended to increase the remunerative value of CDQ compensation QS by relieving the existing transfer restrictions on initial recipients of those shares. Transfer restrictions are relieved by (1) exempting some CDQ compensation QS from the block provision and (2) allowing some CDQ compensation QS to be transferred across catcher vessel length categories.

Exemption From the Block Provision

The block provision was added to the IFQ Program to prevent excessive consolidation of fishing privileges. The analysis for the block provision indicated that preventing excessive consolidation could result in higher levels of harvesting employment. Higher levels of employment for harvesters and the maintenance of diversity in fishing operations participating in the IFQ program were the main goals of the block provision.

Preventing excessive consolidation was accomplished by (1) issuing as a block all initial allocations of QS that represented less than 20,000 lb (9 mt) of IFQ based on the 1994 TAC and (2) restricting persons from holding more than two blocks for each IFQ species and IFQ regulatory area. One unintended effect was the blocking of all CDQ compensation QS.

Blocked CDQ compensation QS, especially small blocks (several pounds to several hundred pounds of IFQ), would be difficult to market, because any block, no matter how small, would be counted as part of the two-block restriction. This difficulty in marketing would be contrary to the purpose of CDQ compensation QS, which is to compensate persons who received less QS in their traditional fishing areas because of allocations of the TAC to the CDQ Program. Exempting CDQ compensation QS from the block provision provides greater flexibility to persons who plan to transfer their CDQ compensation QS.

Transfer Across Catcher Vessel Length Categories

The Council included catcher vessel length categories in the IFQ Program because of significant public concern that harvest privileges would be consolidated excessively into large vessel fishing operations. By restricting transfers across catcher vessel length categories, the Council ensured that the fixed gear fishing fleet would remain relatively diversified and similar in overall character to the fleet that existed prior to the program's implementation. The Council determined that maintaining a diversified fleet is critical to the economic and social well-being of coastal communities in Alaska that rely, in part, on the small vessel fleet as a source of revenue.

This objective would not be contradicted by a 1-year period of relief from the restriction against transferring across catcher vessel length categories. Another vessel category designated by fish product type (Category ''A''—freezer vessels of any length) was also included in the IFQ Program; however, because Category ''A'' is not restricted by length, it is not included in the 1-year period of relief. A large portion of the CDQ compensation QS recipients are small vessel operators based in coastal communities located on the Bering Sea. Although these small vessel operators historically participated in the Bering Sea and Aleutian Island Management Area (BSAI), they received CDQ compensation QS in areas (e.g., GOA) where the fishery is prosecuted by large vessel operators. In turn, these larger vessel operators often were initially issued QS in the BSAI. The proposed action would enable small vessel operators in the BSAI to transfer their CDQ compensation QS in the GOA to larger vessel operators who, in turn, could transfer their initially issued QS in the BSAI to the small vessel operators. The coastal communities that rely on the small vessel fleet would benefit by having IFQ in more accessible areas. Further, this action would promote efficiency, because small vessel operators would receive small vessel QS for the areas they normally fish and large vessel operators would receive large vessel QS for the areas they normally fish. Allowing exchanges across catcher vessel length categories would eliminate the need for persons to use multiple vessels of varying lengths to harvest their IFQ allocations. Also, the exchanges would minimize vessel movement caused by IFQ allocations in multiple areas. Finally, this action would not significantly change the overall character of the fleet because (1) CDQ compensation QS accounts for less than 3 percent of the total amount of QS and (2) the net gain or loss in any one catcher vessel length category likely would be insignificant.

Classification

Section 304(a)(1)(D) of the Magnuson Act requires NMFS to publish regulations proposed by a Council within 15 days of receipt of an FMP or an amendment of an FMP and regulations. At this time, NMFS has not determined that either Amendment 32 to the BSAI FMP or Amendment 36 to the GOA FMP (which these rules would implement) are consistent with the national standards, other provisions of the Magnuson Act, and other applicable laws. NMFS, in making that determination, will take into account the data, views, and comments received during the comment period.

An RIR was prepared for this proposed rule that describes the management background, the purpose and need for action, the management action alternatives, and the social impacts of the alternatives. The RIR also estimates the total number of small entities affected by this action, and analyzes the economic impact on those small entities. Copies of the RIR can be obtained from NMFS (see **ADDRESSES**).

The analysis in the RIR shows that the economic effects of this rule to the regulated community would be relatively minor. Accordingly, the Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule would not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act.

This proposed rule has been categorically excluded from further environmental assessment pursuant to NOAA Administrative Order 216–6, section 6.02b.3.(b)(ii)(aa), because the actions pursuant to this proposed rule do not result in a significant change in the original IFQ Program.

This proposed rule will not change the collection of information approved by the Office of Management and Budget (OMB), OMB Control Number 0648–0272, for the Pacific halibut and sablefish IFQ Program and OMB Control Number 0648–0269, for the Western Alaska CDQ Program.

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

List of Subjects in 50 CFR Part 676

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: October 6, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 676 is proposed to be amended as follows:

PART 676—LIMITED ACCESS MANAGEMENT OF FEDERAL FISHERIES IN AND OFF OF ALASKA

1. The authority citation for 50 CFR part 676 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.* and 1801 *et seq.*

2. In § 676.21, paragraph (h) is added to read as follows:

§ 676.21 Transfer of QS and IFQ.

* * * * *

(h) *Use of QS across catcher vessel categories.* (1) Any person issued CDQ compensation QS for a catcher vessel in an IFQ regulatory area in which that person does not hold QS may use that CDQ compensation QS on any catcher vessel regardless of catcher vessel category (see § 676.20). After CDQ compensation QS is transferred, the QS is permanently assigned to the specific catcher vessel category designated by the person to whom the QS is transferred.

(2) Paragraph (h)(2) of this section is effective through [insert date 1 year from the effective date of the final rule]. Catcher vessel QS transferred as partial or total consideration for the transfer of CDQ compensation QS may be redesignated into a new catcher vessel category if the CDQ compensation QS is transferred from the person to whom the CDQ compensation QS was originally issued and the QS may have been used on a vessel of any catcher vessel category pursuant to paragraph (h)(1) of this section.

(3) For purposes of paragraph (h) of this section, CDQ compensation QS is quota share issued as partial compensation for Pacific halibut and sablefish harvest privileges foregone due to the CDQ Program, as provided in § 676.24(i).

3. In § 676.22, paragraph (a) is revised to read as follows:

§ 676.22 Limitations on the use of QS and IFQ.

(a) The QS or IFQ specified for one IFQ regulatory area and one vessel category must not be used in a different IFQ regulatory area or vessel category, except as provided in paragraph (i)(3) of this section, or in § 676.21(h)(1).

* * * * *

4. In § 676.24, paragraph (i)(3) is revised to read as follows:

§ 676.24 Western Alaska Community Development Quota Program.

* * * * *

(i) * * *

(3) Persons initially issued QS for IFQ regulatory areas in which a portion of the TAC is allocated to the CDQ Program will be compensated for halibut and sablefish harvest privileges foregone due to the CDQ Program. Compensation issued to persons in an IFQ regulatory area in which the persons do not hold QS will be issued as unblocked. Compensation issued to persons in an IFQ regulatory area in which the persons do hold QS will be added to their existing QS in that IFQ regulatory area. The resulting QS amount will be blocked or unblocked according to the criteria found at § 676.20(a). Compensation will be calculated for each non-CDQ area using the following formula:

$$Q_N=(Q_C\times QSP_N\times RATE)/(SUM_{CDQ}-[RATE\times SUM_{TAC}])([1-RATE]\times TAC_{AVE})(QSP_C\times[CDQ_{PCT}-RATE])$$

Where:

Q_N=quota share in non-CDQ area

Q_C=quota share in CDQ area

QSP_N=quota share pool in non-CDQ area (as existing on January 31, 1995)

$RATE=SUM_{CDQ}$/average of the TAC (1988–1994) for all CDQ and non-CDQ areas

TAC_{AVE}=average of the TAC (1988–1994) for CDQ area

QSP_C=quota share pool in CDQ area (as existing on January 31, 1995)

CDQ_{PCT}=CDQ percentage for CDQ area

SUM_{CDQ}=sum $[TAC_{AVE}\times CDQ_{PCT}]$

SUM_{TAC}=sum $[TAC_{AVE}]$

* * * * *

[FR Doc. 95–25429 Filed 10–10–95; 3:43 pm]

BILLING CODE 3510–22–W

Notices

Federal Register
Vol. 60, No. 198
Friday, October 13, 1995

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

Food and Consumer Service

National Advisory Council on Commodity Distribution Meeting Announcement

AGENCY: Food and Consumer Service, USDA.

ACTION: Notice.

SUMMARY: A meeting of the National Advisory Council on Commodity Distribution is scheduled for November 8–9, 1995. The Council, established by the Commodity Distribution Reform Act and WIC Amendments of 1987 (Pub. L. 100–237) meets biannually to advise the Secretary of Agriculture regarding the development of commodity specifications and other program improvements.

DATES: The meeting will take place on November 8–9, 1995 from 8:30 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Ramada Hotel Old Town, 901 North Fairfax Street, Alexandria, Virginia 22314.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly King, Chief, Commodity, Analysis, Monitoring and Improvement Branch, Food Distribution Division, Food and Consumer Service, U.S. Department of Agriculture, Alexandria, Virginia 22302, (703) 305–2664.

SUPPLEMENTARY INFORMATION: This is the ninth meeting of the National Advisory Council on Commodity Distribution, as established by section 3(a)(3) of Public Law 100–237. The purpose of the Council is to provide guidance to the Secretary of Agriculture on regulations and policy development for the Food Distribution Programs with primary emphasis on specifications for commodities. If time permits, the general public will be allowed to participate in the discussions. The agenda will be available 15 days prior to the meeting. Requests for the agenda should be sent to Mr. Les Johnson, Executive Secretary, National Advisory Council on Commodity Distribution, USDA, Food and Consumer Service, 3101 Park Center Drive, room 502, Alexandria, Virginia 22303. Comments may be filed with Les Johnson before or after the meeting.

Dated: October 6, 1995.

William E. Ludwig,

Administrator.

[FR Doc. 95–25338 Filed 10–12–95; 8:45 am]

BILLING CODE 3410–30–M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

ADAAG Review Advisory Committee; Meetings

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meetings.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) gives notice of the dates and locations of subcommittee and full committee meetings of the ADAAG Review Advisory Committee.

DATES: The subcommittees and full committee of the ADAAG Review Advisory Committee will meet as follows:

Communications Subcommittee, October 30, 1995, 9:00 a.m. to 5:00 p.m.
Editorial Subcommittee, October 31, 1995, 9:00 a.m. to 1:00 p.m.
Special Occupancies Subcommittee, October 31, 1995, 1:00 p.m. to 6:00 p.m.
Accessible Routes Subcommittee, November 1 and 4, 1995, 9:00 a.m. to 5:00 p.m. (both days).
Plumbing Subcommittee, November 2, 1995, 9:00 a.m. to 5:00 p.m.
Full Committee, November 3, 1995, 9:00 a.m. to 5:00 p.m.

ADDRESSES: All subcommittee and full advisory committee meetings (except for the Accessible Routes Subcommittee meeting on November 4, 1995) will be held at the offices of the Paralyzed Veterans of America, 801 18th Street NW., Washington, DC. The Accessible Routes Subcommittee meeting on November 4, 1995 will be held at the offices of the Access Board, 1331 F Street NW., suite 1000, Washington, DC. Persons interested in attending the Accessible Routes Subcommittee meeting on November 4, 1995 should read the Supplementary Information below for instructions on how to gain entry to the building.

FOR FURTHER INFORMATION CONTACT: For further information regarding the meetings, please contact Marsha Mazz, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW., suite 1000, Washington, DC 20004–1111. Telephone (202) 272–5434 ext. 21 (voice); (202) 272–5449 ext. 21 (TTY). This document is available in alternate formats (cassette tape, braille, large print, or computer disk) upon request.

SUPPLEMENTARY INFORMATION: In September 1994, the Access Board established an advisory committee to review the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for buildings and facilities. 36 CFR part 1191, appendix A. The Advisory Committee will make recommendations to the Access Board for updating ADAAG to ensure that the guidelines remain a state-of-the-art document which is generally consistent with technological developments and changes in national standards and model codes, and continue to meet the needs of individuals with disabilities. The advisory committee is composed of organizations representing individuals with disabilities, model code organizations, professional associations, State and local governments, building owners and operators, and other organizations. The advisory committee has formed the following subcommittees to assist in its work: Editorial, Accessible Routes, Communications, Plumbing, and Special Occupancies. The subcommittees will present their recommendations to the full advisory committee in November 1995. The full advisory committee will review the subcommittee recommendations and present final recommendations to the Access Board by May 1996.

The subcommittees and full advisory committee will meet on the dates and at the locations announced in this notice. The meetings are open to public. The meeting sites are accessible to individuals with disabilities. Individuals with hearing impairments who require sign language interpreters should contact Marsha Mazz by October 25, 1995, by calling (202) 272–5434 ext.

21 (voice) or (202) 272–5449 ext. 21 (TTY).

The Accessible Routes Subcommittee will meet at the Access Board's office on Saturday, November 4, 1995. The building is secured on weekends. Persons arriving between 9 and 9:30 a.m. will be escorted into the building. Persons arriving after 9:30 a.m. should call the Access Board's office at (202) 272–5434 ext. 11, when they arrive at the building to gain entry. There is a public telephone near the corner of 13th and F Streets.

Lawrence W. Roffee,

Executive Director.

[FR Doc. 95–25417 Filed 10–12–95; 8:45 am]

BILLING CODE 8150–01–M

COMMISSION ON CIVIL RIGHTS

Hearing on Federal Affirmative Action Programs and Policies

AGENCY: Commission on Civil Rights.

ACTION: Notice of hearing.

SUMMARY: Notice is hereby given pursuant to the provisions of the Civil Rights Commission Amendments Act of 1994, section 3, Pub. L. 103–419, 108 Stat. 4338 and 45 CFR 702.3, that a three-day public hearing of the U.S. Commission on Civil Rights will commence on Wednesday, November 15, 1995 beginning at 8:00 a.m., in the NEA Auditorium, B3 Level of the National Education Association located at 1201 16th Street NW., Washington, DC 20036.

The purpose of the hearing is to collect information within the jurisdiction of the Commission, under 45 CFR 702.2, related to Federal affirmative action programs and policies, particularly in the areas of employment, education, licensing and contracting.

The Commission is authorized to hold hearings and to issue subpoenas for the production of documents and the attendance of witnesses pursuant to 45 CFR 701.2(c). The Commission is an independent bipartisan, factfinding agency authorized to study, collect, and disseminate information, and to appraise the laws and policies of the Federal Government, and to study and collect information with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice.

Hearing impaired persons who will attend the hearing and require the services of a sign language interpreter, should contact Betty Edmiston, Administrative Services and Clearinghouse Division, at (202) 376–8105 (TDD (202) 376–8116), at least five (5) working days before the scheduled date of the hearing.

FOR FURTHER INFORMATION CONTACT: Barbara Brooks, Press and Communications (202) 376–8312.

Dated: October 10, 1995.

Miguel A. Sapp,

Acting Solicitor.

[FR Doc. 95–25481 Filed 10–12–95; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee of Professional Associations; Notice of Public Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92–463 as amended by P.L. 94–409), we are giving notice of a meeting of the Census Advisory Committee of Professional Associations. The meeting will convene on October 26–27, 1995 at the Bureau of the Census, Conference Center, Federal Building 3, Suitland, Maryland.

The committee is composed of 36 members appointed by the Presidents of the American Economic Association, the American Statistical Association, the Population Association of America, and the Chairman of the Board of the American Marketing Association. The committee advises the Director, Bureau of the Census, on the full range of Census Bureau programs and activities in relation to the areas of expertise.

The agenda for the meeting on October 26 that will begin at 9 a.m. and end at 5:15 p.m. is:

- Introductory Remarks by the Director, Bureau of the Census
- Strategic Planning
- Economic Programs Update
- 2000 Census Update and Observation Reports on 1995 Census Test Site Visits
- Census Bureau Responses to Committee Recommendations
- An Update on the Development of the North American Industry Classification System
- Customers and Their Characteristics
- Research on Sampling and Estimation in the Census: Issues and Priorities
- Data Access and Dissemination System
- Product Strategy for the 1997 Economic Census and Other Economic Programs
- Questionnaire Design and Testing Plans for the 2000 Census
- The Center for Economic Studies Research Data Center Program: An Update
- Improving Large Company Response to the Economic Census
- Coverage Measurement and Evaluation in the 2000 Census: What is the Role of Demographic Analysis?

The agenda for the October 27 meeting that will begin at 9 a.m. and adjourn at 12:15 p.m. is:

- 1997 Supplement to the Annual Capital Expenditures Survey
- Analysis of 1995 Focus Groups
- Updates and Progress Reports on: (1) Administrative Records Issues and Activities; and (2) Update for the Small Area Income and Poverty Estimates Program for the 1990s
- Use of Administrative Records in the Decennial Census
- Develop Recommendations and Special Interest Activities
- Closing Session

The meeting is open to the public, and a brief period is set aside on October 27, during the closing session, for public comment and questions. Those persons with extensive questions or statements must submit them in writing to the Census Bureau Committee Liaison Officer, Ms. Maxine Anderson-Brown, Room 3039, Federal Building 3, Washington, D.C. 20233, at least three days before the meeting.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should also be directed to the Census Bureau Committee Liaison Officer.

Persons wishing additional information regarding this meeting or who wish to submit written statements may contact the Committee Liaison Officer on (301) 457–2308—TDD (301) 457–2540.

Dated: October 5, 1995.

Martha Farnsworth Riche,

Director, Bureau of the Census.

[FR Doc. 95–25388 Filed 10–12–95; 8:45 am]

BILLING CODE 3510–07–P

National Oceanic and Atmospheric Administration

[I.D. 100595D]

Endangered Species; Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of issuance of modification 1 to permit 885.

SUMMARY: Notice is hereby given that NMFS issued Modification 1 to Permit 885 to Mark Bain of Cornell University (P555) to take listed shortnose sturgeon for the purpose of scientific research, subject to certain conditions set forth therein.

ADDRESSES: The application, permit, and related documents are available for review by appointment in the following offices:

Office of Protected Resources, F/PR8, NMFS, 1315 East-West Hwy., Room 13307, Silver Spring, MD 20910–3226 (301–713–1401); and

Director, Northeast Region, NMFS, NOAA, One Blackburn Drive, Gloucester, MA 01930–2298 (508–281–9250).

SUPPLEMENTARY INFORMATION: On June 9, 1995, a notice was published (60 FR 30521) that Mark Bain of Cornell University (P555) had requested a modification to Permit 885, to take listed shortnose sturgeon as authorized by the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217–227). The applicant requested authorization to increase his take and release of shortnose sturgeon (*Acipenser brevirostrum*) from the Hudson River from 500 to 5,000, to help determine population size, trends, and dynamics. The applicant also requested that his permit be extended through 1997. On October 4, 1995, NMFS issued Modification 1 to Permit 885, authorizing the above research. Issuance of this modification, as required by the ESA, was based on a finding that such modification: (1) Was applied for in good faith, (2) will not operate to the disadvantage of the listed species that is the subject of the modification, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: October 6, 1995.

Russell J. Bellmer,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 95–25333 Filed 10–12–95; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool, and Man-Made Fiber Textile Products Produced or Manufactured in Taiwan

October 10, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: October 10, 1995.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6704. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted for special shift.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 59 FR 65531, published on December 20, 1994). Also see 60 FR 17325, published on April 5, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 10, 1995.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 19, 1994, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Taiwan and exported during the twelve-month period which began on January 1, 1995 and extends through December 31, 1995.

Effective on October 10, 1995, you are directed to amend the directive dated December 19, 1994, to adjust the limits for the following categories, as provided for under the current bilateral textile agreement concerning textile products from Taiwan:

Category	Adjusted twelve-month limit [1]
Levels in Group II	
331	554,648 dozen pair.
336	135,097 dozen.
435	25,077 dozen.
442	43,238 dozen.
444	71,033 numbers.
631	4,883,156 dozen pair.
Within Group II Sub-group	
636	376,925 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1994.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.95–25461 Filed 10–12–95; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed addition to procurement list.

SUMMARY: The Committee has received a proposal to add to the Procurement List a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: November 13, 1995.

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 action.

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the service 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 service to the Government.

2. The action will result in authorizing small entities to furnish the service 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 service 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 service has been proposed for addition to Procurement List for production by the nonprofit agency listed:

Janitorial/Custodial

Department of Veterans Affairs Vet Center 120 West 44th Street New York, New York
NPA: Goodwill Industries of Greater New York New York, New York

Beverly L. Milkman,

Executive Director.

[FR Doc. 95–25462 Filed 10–12–95; 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 a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: November 13, 1995.

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 April 14 and August 18, 1995, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (60 FR 19027 and 43126) 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 service, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and service 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 service to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and service.

3. The action will result in authorizing small entities to furnish the commodities and service 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 service proposed for addition to the Procurement List. Accordingly, the following commodities and service are hereby added to the Procurement List:

Commodities

Tablecloth, Disposable

7210–01–395–7912
7210–01–395–7914
7210–01–395–7915
7210–01–395–7916
7210–01–395–7917
7210–01–395–9192

Service

Food Service Attendant
Offutt Air Force Base, Nebraska

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. 95–25463 Filed 10–12–95; 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 and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Comments Must Be Received on or Before:* November 13, 1995.

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 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, Writing, Recycled

7510–01–357–8952
NPA: Industries for the Blind, Inc.
Milwaukee, Wisconsin

Bag, Paper, Grocer's

8105–00–NIB–1021
8105–00–NIB–1024
8105–00–NIB–1025
(Requirements for the Defense Commissary Agency (DeCA), Fort Lee, Virginia
NPA: Lions Club Industries, Inc., Durham, North Carolina
Raleigh Lions Clinic for the Blind, Inc.
Raleigh, North Carolina

Services

Janitorial/Custodial
Letterkenny Army Depot
Chambersburg, Pennsylvania
NPA: Goodwill Services, Inc., Harrisburg, Pennsylvania

Laundry Service
Bachelor Enlisted Quarters and Bachelor Officer Quarters
Naval Air Station, North Island
San Diego, California
NPA: Mental Health Systems, Inc., San Diego, California

Operation of SERVMART
Naval Station
Everett Home Port
Everett, Washington
NPA: Peninsula Services Bremerton, Washington

Beverly L. Milkman,

Executive Director.

[FR Doc. 95–25464 Filed 10–12–95; 8:45 am]
BILLING CODE 6820–33–P

COMMODITY FUTURES TRADING COMMISSION

New York Cotton Exchange Application for Designation as a Contract Market in Potato Futures and Options

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures and option contracts.

SUMMARY: The New York Cotton Exchange (NYCE) has applied for designation as a contract market in potato futures and options contracts. The Acting Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposal for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATES: Comments must be received on or before November 13, 1995.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581. Reference should be made to the NYCE potato futures and option contracts.

FOR FURTHER INFORMATION CONTACT: Please contact Fred Linse of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581, telephone 418–5275.

SUPPLEMENTARY INFORMATION: Copies of the terms and conditions of the proposed contracts will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 418–5091.

Other materials submitted by the NYCE in support of the applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the terms and conditions of the proposed contracts, or with respect to other materials submitted by the NYCE in support of the applications, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581 by the specified date.

Issued in Washington, DC, on October 6, 1995.

John R. Mielke,

Acting Director.

[FR Doc. 95–25364 Filed 10–12–95; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Per Diem, Travel and Transportation Allowance Committee

AGENCY: Per Diem, Travel and Transportation Allowance Committee.

ACTION: Publication of changes in per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 184. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. Bulletin Number 184 is being published in the Federal Register to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: 1 October 1995.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued effective 1 June 1979. Per Diem Bulletins published periodically in the Federal Register now constitute the only notification of change in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

BILLING CODE 5000–04–M

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT	M&IE RATE (A)	+	MAXIMUM PER DIEM RATE (B)	=	EFFECTIVE DATE (C)
ALASKA:						
ADAK 5/	$ 10	$ 34		$ 44		10-01-91
ANAKTUVUK PASS	83	57		140		12-01-90
ANCHORAGE						
05-15--09-30	147	64		211		05-15-95
10-01--05-14	81	57		138		03-01-95
ANIAK	73	36		109		07-01-91
ATQASUK	129	86		215		12-01-90
BARROW	105	83		188		11-01-93
BETHEL	76	67		143		02-01-94
BETTLES	65	45		110		12-01-90
COLD BAY	110	54		164		07-01-93
COLDFOOT	95	59		154		10-01-92
CORDOVA						
05-01--09-30	79	76		155		05-01-95
10-01--04-30	67	73		140		03-01-95
CRAIG	67	35		102		07-01-91
DENALI NATIONAL PARK	113	68		181		05-01-94
DILLINGHAM	85	64		149		11-01-93
DUTCH HARBOR-UNALASKA	113	67		180		05-01-92
EIELSON AFB						
05-15--09-15	106	59		165		05-15-94
09-16--05-14	68	55		123		01-01-94
ELMENDORF AFB						
05-15--09-30	147	64		211		05-15-95
10-01--05-14	81	57		138		03-01-95
EMMONAK	62	61		123		10-01-93
FAIRBANKS						
05-15--09-15	106	59		165		05-15-94
09-16--05-14	68	55		123		01-01-94
FALSE PASS	80	37		117		06-01-91
FT. RICHARDSON						
05-15--09-30	147	64		211		05-15-95
10-01--05-14	81	57		138		03-01-95
FT. WAINWRIGHT						
05-15--09-15	106	59		165		05-15-94
09-16--05-14	68	55		123		01-01-94
HOMER						
05-01--09-30	71	60		131		05-01-94
10-01--04-30	60	58		118		02-01-94

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA: (CONT'D)						
JUNEAU						
04-30--09-14	$ 88		$ 72		$160	04-30-95
09-15--04-29	77		71		148	03-01-95
KATMAI NATIONAL PARK	89		59		148	12-01-90
KENAI-SOLDOTNA						
04-02--09-30	104		74		178	04-02-94
10-01--04-01	67		71		138	01-01-94
KETCHIKAN						
05-01--09-30	90		69		159	05-01-95
10-01--04-30	73		68		141	03-01-95
KING SALMON 3/	75		59		134	12-01-90
KLAWOCK	75		36		111	07-01-91
KODIAK	79		65		144	03-01-95
KOTZEBUE	133		87		220	05-01-93
KUPARUK OILFIELD	75		52		127	12-01-90
METLAKATLA						
06-01--10-01	95		58		153	06-01-94
10-02--05-31	72		56		128	02-01-94
MURPHY DOME						
05-15--09-15	106		59		165	05-15-94
09-16--05-14	68		55		123	01-01-94
NELSON LAGOON	102		39		141	06-01-91
NOATAK	133		87		220	05-01-93
NOME	71		67		138	10-01-93
NOORVIK	133		87		220	05-01-93
PETERSBURG	77		54		131	03-01-95
POINT HOPE	99		61		160	12-01-90
POINT LAY 6/	106		73		179	12-01-90
PRUDHOE BAY-DEADHORSE	73		60		133	11-01-93
SAND POINT	64		67		131	08-01-94
SEWARD						
05-01--09-30	100		55		155	05-01-95
10-01--04-30	83		53		136	03-01-95
SHUNGNAK	133		87		220	05-01-93
SITKA-MT. EDGECOMBE						
05-15--09-30	93		64		157	05-15-95
10-01--05-14	83		63		146	03-01-95
SKAGWAY						
05-01--09-30	90		69		159	05-01-95
10-01--04-30	73		68		141	03-01-95

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA: (CONT'D)						
SPRUCE CAPE	$ 79		$ 65		$144	03-01-95
ST. GEORGE	100		39		139	06-01-91
ST. MARY'S	77		59		136	06-01-93
ST. PAUL ISLAND	62		63		125	10-01-93
TANANA	71		67		138	10-01-93
TOK						
05-02--09-30	64		56		120	05-02-95
10-01--05-01	50		52		102	03-01-95
UMIAT	97		63		160	12-01-90
VALDEZ						
05-01--09-14	95		70		165	05-01-95
09-15--04-30	79		69		148	03-01-95
WAINWRIGHT	90		75		165	12-01-90
WALKER LAKE	82		54		136	12-01-90
WRANGELL						
05-01--09-30	90		69		159	05-01-95
10-01--04-30	73		68		141	03-01-95
YAKUTAT	77		58		135	11-01-93
OTHER 3, 4, 6/	65		50		115	06-01-95
AMERICAN SAMOA	73		48		121	11-01-94
GUAM	150		82		232	06-01-95
HAWAII:						
ISLAND OF HAWAII: HILO	73		64		137	10-01-95
ISLAND OF HAWAII: OTHER	98		63		161	10-01-95
ISLAND OF KAUAI	105		75		180	10-01-95
ISLAND OF KURE 1/			13		13	12-01-90
ISLAND OF MAUI						
04-18--11-30	105		73		178	10-01-95
12-01--04-17	116		75		191	12-01-95
ISLAND OF OAHU	100		70		170	10-01-95
OTHER	79		62		141	06-01-93
JOHNSTON ATOLL 2/	22		22		44	08-01-94
MIDWAY ISLANDS 1/			13		13	12-01-90
NORTHERN MARIANA ISLANDS:						
ROTA	80		90		170	06-01-95
SAIPAN	89		89		178	06-01-95
TINIAN	61		72		133	06-01-95
OTHER	20		13		33	12-01-90

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
PUERTO RICO:						
BAYAMON						
05-01--11-24	$107		$ 75		$182	11-01-94
11-25--04-30	130		77		207	11-25-94
CAROLINA						
05-01--11-24	107		75		182	11-01-94
11-25--04-30	130		77		207	11-25-94
FAJARDO (INCL CEIBA, LUQUILLO AND HUMACAO)						
04-16--12-10	65		52		117	10-01-93
12-11--04-15	110		52		162	12-11-93
FT. BUCHANAN (INCL GSA SERV CTR, GUAYNABO)						
05-01--11-24	107		75		182	11-01-94
11-25--04-30	130		77		207	11-25-94
MAYAGUEZ	85		65		150	08-01-92
PONCE	96		75		171	09-01-93
ROOSEVELT ROADS						
04-16--12-10	65		52		117	10-01-93
12-11--04-15	110		52		162	12-11-93
SABANA SECA						
05-01--11-24	107		75		182	11-01-94
11-25--04-30	130		77		207	11-25-94
SAN JUAN (INCL SAN JUAN COAST GUARD UNITS)						
05-01--11-24	107		75		182	11-01-94
11-25--04-30	130		77		207	11-25-94
OTHER 7/	63		52		115	08-01-92
VIRGIN ISLANDS OF THE U.S.:						
ST. CROIX						
04-15--12-14	119		73		192	08-01-94
12-15--04-14	169		78		247	12-15-94
ST. JOHN						
06-01--12-14	255		78		333	11-01-94
12-15--05-31	370		90		460	12-15-94
ST. THOMAS						
04-17--12-17	141		106		247	08-01-94
12-18--04-16	220		114		334	12-18-94
WAKE ISLAND 2/	30		25		55	10-01-94
ALL OTHER LOCALITIES	20		13		33	12-01-90

BILLING CODE 5000–04–C

Maximum Per Diem Rates for Official Travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government Civilian Employees

Footnotes

1. Commercial facilities are not available. The meal and incidental expense rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

2. Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meals and incidental expenses.

3. On any day when US Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a meal and incidental expense rate of $19.65 is prescribed to cover meals and incidental expenses at Shemya AFB, Clear AFS, Galena APT and King Salmon APT. This rate will be increased by the amount paid for U.S. Government or contractor quarters and by $4 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

4. On any day when U.S. Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a meal and incidental expense rate of $34 is prescribed to cover meals and incidental expenses at Amchitka Island, Alaska. This rate will be increased by the amount paid for U.S. Government or contractor quarters and by $10 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

5. On any day when U.S. Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a meal and incidental expense rate of $25 is prescribed instead of the rate prescribed in the table. This rate will be increased by the amount paid for U.S. Government or contractor quarters.

6. The meal rates listed below are prescribed for the following locations in Alaska: Cape Lisburne RRL, Cape Newenham RRL, Cape Romanzof APT, Fort Yukon RRL, Indian Mtn RRL, Sparrevohn RRL, Tatalina RRL, Tin City RRL, Barter Island AFS, Point Barrow AFS, Point Lay AFS and Oliktok AFS. The amount to be added to the cost of government quarters in determining the per diem will be $3.50 plus the following amount:

DOD Personnel—Daily Rate $13
Non-DOD Personnel—Daily Rate $30

7. (Eff 9–1–94) A per diem rate of $200 (lodging $148; M&IE $52) will be in effect for Las Croabas, Puerto Rico, during the Annual Conference of the National Association of State Boating Law Administrators (NASBLA) being held at the El Conquistador Resort and Country Club. This rate will be in effect from 4–12 September 1994 only for travelers attending the conference and only for travelers staying at the El Conquistador Resort.

Dated: October 6, 1995.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–25447 Filed 10–12–95; 8:45 am]

BILLING CODE 5000–04–M

Department of the Army

Environmental Assessment for Disposal and Reuse of the Defense Mapping Agency, Herndon, VA

AGENCY: Department of the Army, DOD.

ACTION: Notice of availability.

SUMMARY: In accordance with Public Law 100–526, the Defense Authorizations and Amendments and Base Closure and Realignment Act of 1988, the Defense Base Closure and Realignment Commission recommended the closure of the Defense Mapping Agency (DMA), Herndon, Virginia property. This recommendation became law on January 5, 1989.

The environmental assessment evaluates the environmental impacts associated with the disposal and reuse of the property after the closure of DMA, Herndon. Implementation of the Global Positioning System eliminated the need for this facility and property. Personnel originally assigned to DMA, Herndon, were reassigned to the DMA Hydrographic-Topographic Center in Brookmont, Maryland. This move is in the local commuting area.

The proposed action is the disposal of excess property made available by the closure of the Herndon facility. The environmental assessment evaluated two potential alternatives. Alternative 1 is the disposal of the 11.96-acre facility and transfer to the Fairfax County Park Authority (FCPA) for use as public park and recreation land. FCPA submitted an application to the National Park Service (NPS), Department of the Interior, to acquire the property under a public benefit discount conveyance pursuant to Section 203(d)(2) of the Federal Property Administrative Services Act of 1949 (63 Statute 387) as amended, for use as public park and recreation land. The application was approved by the NPS on July 6, 1990. The property will be maintained by the local government. The FCPA indicated the site is located in the Upper Potomac Planning District, which has a critical shortage of athletic fields. The property will provide an adult softball field, a soccer/football field, and/or a small playground, and parking area. The existing buildings could potentially be used for concessions, restrooms, or other supporting facilities.

Alternative 2 is the no-action alternative. Implementation of the no-action means the proposed transfer of the 11.96 acres would not be implemented and the property would remain under caretaker status. Implementation of the no-action alternative would result in the facility remaining closed to the public and maintained by the Army. The Army would patrol the area periodically, maintain security, infrastructure and utilities and structures to prevent deterioration.

Land management activities would continue to the extent necessary to prevent nuisance conditions. The proposed disposal and reuse of the 11.96 acre property does not constitute a major federal action significantly affecting the human environment.

DATES: Written public comments and suggestions will be accepted on or before November 13, 1995.

ADDRESSES: Copies of the Environmental Assessment and Finding of No Significant Impact can be obtained by writing to the U.S. Army Corps of Engineers, ATTN: Ms. Maria E. de la Torre (CENAB–PL–EM), P.O. Box 1715, Baltimore, Maryland 21203–1715, within 30 days of the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Ms. Maria E. de la Torre (CENAB–PL–EM), P.O. Box 1715, Baltimore, Maryland 21203–1715.

Dated: October 5, 1995.

Raymond J. Fatz,

Acting Deputy Assistant Secretary of the Army (Environment, Safety & Occupational Health) OASA, (I, L&E).

[FR Doc. 95–25320 Filed 10–12–95; 8:45 am]

BILLING CODE 3710–08–M

Notice of Intent To Prepare an Environmental Impact Statement (EIS) for Disposal of Property at the Defense Personnel Support Center (DPSC), Philadelphia, PA

AGENCY: Department of the Army, DOD.

ACTION: Notice of intent.

SUMMARY: The Defense Base Closure and Realignment Commissions were established by Public Law 101–510, the Defense Base Closure and Realignment Act of 1990, to recommend military installations for realignment and closure. The 1993 Commission's recommendations were included in a report which was presented to the

President on July 1, 1993. The President approved and forwarded the report to Congress on July 2, 1993. Congress did not pass a joint resolution disapproving the recommendations within the stipulated period, and the recommendations thereby became law in October 1993.

Public Law 101–510 exempts the decision-making processes of the Commission from the provisions of the National Environmental Policy Act of 1969 (NEPA). The law also relieves the Department of Defense from the NEPA requirement to consider the need for closing, realigning, or transferring functions and from looking at alternative installations to close or realign. Nonetheless, the Department of the Army must still prepare environmental impact analyses during the process of property disposal and during the process of relocating functions installation after the receiving installation has been selected but before the functions are relocated. These analyses will include consideration of the direct and indirect environmental and socioeconomic effects of these actions and the cumulative impacts of other reasonably foreseeable actions affecting the installation during the same time.

The Army intends to prepare an environmental impact statement to assess the environmental effects involved in disposing of DPSC, Philadelphia. Opportunities for public participation will be announced in the local newspaper. Comments from the public will be considered before any action is taken to implement this disposal action.

Comments received as a result of this notice will be used to assist in evaluating the impacts of the disposal of DPSC on the environmental, social, historical, archaeological, and socioeconomic aspects of DPSC and the surrounding area.

FOR FURTHER INFORMATION CONTACT:

For further information regarding this environmental impact statement, please contact the DPSC Project Manager, Army Corps of Engineers, Mobile District, at (334) 690–2725.

Dated: October 5, 1995.

Raymond J. Fatz,

Acting Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health) OASA (IL&E)

[FR Doc. 95–25319 Filed 10–12–95; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

National Advisory Committee on Institutional Quality and Integrity; Meeting

AGENCY: National Advisory Committee on Institutional Quality and Integrity, Education.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the proposed agenda of the National Advisory Committee on Institutional Quality and Integrity. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of its opportunity to attend this public meeting.

DATES AND TIMES: November 28–30, 1995, 8:00 a.m. until 6:00 p.m.

ADDRESS: The Latham Hotel, 3000 M Street NW., Washington, D.C. 20007.

FOR FURTHER INFORMATION CONTACT: Carol F. Sperry, Executive Director, National Advisory Committee on Institutional Quality and Integrity, U.S. Department of Education, 600 Independence Avenue SW., Room 3905, ROB 3, Washington, DC. 20202–7592, telephone: (202) 260–3636. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The National Advisory Committee on Institutional Quality and Integrity is established under Section 1205 of the Higher Education Act (HEA) as amended by Public Law 102–325 (20 U.S.C. 1145). The Committee advises the Secretary of Education with respect to the establishment and enforcement of the standards of accrediting agencies or associations under subpart 2 of part H of Title IV, HEA, the recognition of a specific accrediting agencies or associations, the preparation and publication of the list of nationally recognized accrediting agencies and associations, the eligibility and certification process for institutions of higher education under Title IV, HEA, and the functions of the Secretary under subpart 1 of part H of Title IV, HEA, relating to the State Postsecondary Review Program. The Committee also develops and recommends to the Secretary standards and criteria for specific categories of vocational training institutions and institutions of higher education for which there are no recognized accrediting agencies, associations, or State agencies, in order to establish eligibility for such institutions on an interim basis for participation in federally funded programs.

AGENDA: The meeting on November 28–30, 1995 is open to the public. The Advisory Committee will review petitions of accrediting and State approval agencies relative to initial or continued recognition by the Secretary of Education. It also will review three agencies that were previously reviewed by the Advisory Committee and have appealed the Advisory Committee's recommendations concerning their recognition status, as provided for in 34 CFR 602.13 of the regulations governing the recognition of accrediting agencies. In each of the three cases, the Secretary decided to remand the case to the Advisory Committee for review. In all cases before the Committee, both those petitioning for recognition and those appealing the Advisory Committee's recommendations, the Committee will hear presentations by any representatives who are present from the agency and any third parties who have requested to be heard. The following petitions are scheduled for review:

Nationally Recognized Accrediting Agencies and Associations

Petition for Initial Recognition—

1. National Association of Private, Nontraditional Schools and Colleges, Accrediting Commission for Higher Education (requested scope of recognition: the accreditation and preaccreditation, on a national basis, of private, nontraditional colleges and schools)

Petitions for Renewal of Recognition—

1. Accrediting Bureau of Health Education Schools (requested scope of recognition: the accreditation, on a national basis, of private, postsecondary institutions and programs offering allied health education, including those programs offering the Associate of Applied Science and/or the Associate of Occupational Science degrees)

2. Accrediting Commission of Career Schools and Colleges of Technology (requested scope of recognition: the accreditation, on a national basis, of private, postsecondary degree and non-degree-granting institutions that are predominantly organized to educate students for trade, occupational, or technical careers)

3. Accrediting Council for Independent Colleges and Schools (requested scope of recognition: the accreditation, on a national basis, of

private, postsecondary schools, junior colleges, senior colleges [including those that offer master's degrees programs], and freestanding graduate institutions that are predominantly organized to educate students for business careers; also the preaccreditation of those same colleges and graduate institutions)

4. American College of Nurse-Midwives, Division of Accreditation (requested scope of recognition: the accreditation, and preaccreditation, on a national basis, of basic certificate and graduate nurse-midwifery education programs for Registered Nurses, pre-certification nurse-midwifery education programs, and basic midwifery education programs for the non-nurse)

5. American Council on Pharmaceutical Education (requested scope of recognition: the accreditation, and preaccreditation, on a national basis, of professional degree programs in pharmacy leading to the degrees of Baccalaureate in Pharmacy and Doctor of Pharmacy)

6. American Dental Association, Commission on Dental Accreditation (requested scope of recognition: the accreditation, on a national basis, of predoctoral dental education programs, programs leading to the DDS of DMD degree, dental auxiliary education programs (dental assisting, dental hygiene and dental laboratory technology), and advanced dental education and specialty programs)

7. American Occupational Therapy Association, Inc., (requested scope of recognition: the accreditation, on a national basis, of professional occupational therapy education programs and occupational therapy assistant education programs)

8. Joint Review Committee on Education in Radiology Technology [formerly recognized in cooperation with the Committee on Allied Health Education and Accreditation of the American Medical Association but now requesting recognition on its own] (requested scope of recognition: the accreditation, on a national basis, of educational programs for radiographers and radiation therapy technologists)

9. Joint Review Committee on Educational Programs in Nuclear Medicine Technology [formerly recognized in cooperation with the Committee on Allied Health Education and Accreditation of the American Medical Association but now requesting recognition on its own] (requested scope of recognition: the accreditation, on a national basis, of postsecondary educational programs for the nuclear medicine technologist)

10. National Accrediting Commission of Cosmetology Arts and Sciences (requested scope of recognition: the accreditation, on a national basis, of postsecondary schools and departments of cosmetology arts and sciences)

11. National League for Nursing, Inc. (requested scope of recognition: the accreditation, on a national basis, of programs in practical nursing and diploma, associated, baccalaureate and higher degree nurse education programs)

12. Southern Association of Colleges and Schools, Commission on Colleges (requested scope of recognition: the accreditation of degree-granting colleges and universities located in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia)

13. Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities (requested scope of recognition: the accreditation of senior colleges and universities located in California, Hawaii, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands)

State Agencies Recognized for the Approval of Public Postsecondary Vocational Education

Petition for Renewal of Recognition—

1. Board of Trustees of the Minnesota State Colleges and Universities

Interim Report (An interim report is a follow-up report on an accrediting agency's compliance with specific criteria for recognition that was requested by the Secretary when the Secretary granted recognition to the agency)—

1. Arkansas State Board of Vocational Education

State Agencies Recognized for the Approval of Nurse Education

Petition for Renewal of Recognition—

1. Colorado Board of Nursing

Appeal of a Recommendation to Withdraw Recognition

The agencies listed below were recommended for withdrawal of recognition by the Advisory Committee at its June 1994 meeting because, in the opinion of the Advisory Committee, they did not meet the requirement contained in section 496(m) of the Higher Education Act (HEA) of 1965, as amended, and 34 CFR 602.1(b) of the Secretary's Criteria for Recognition. Under 34 CFR 602.1(b), ''the Secretary grants recognition to those accrediting agencies that accredit (1) institutions of higher education, provided that accreditation by the agency is a required element in enabling those institutions to establish eligibility to participate in HEA programs; or (ii) institutions of higher education or higher education programs, provided that accreditation by the agency is a required element in enabling those institutions or programs to establish eligibility to participate in other programs administered by the Department or by other Federal agencies.''

1. American Library Association, Committee on Accreditation

2. Association of Collegiate Business Schools and Programs

Appeal of a Recommendation to Deny an Agency's Requested Expansion of Scope

For the agency listed below, the Advisory Committee, at its May 1995 meeting, recommended granting continued recognition for the accreditation and pre-accreditation of non-degree granting vocational education institutions. It also recommended granting the agency's request for an expansion of geographical scope of recognition from regional to national. The Advisory Committee, however, recommended not granting the agency's requested expansion of scope to include prebaccalaureate degree-granting institutions that awarded an applied associate's degree. In the Committee's view, the agency did not have the requisite experience to accredit such institutions, as required by 34 CFR 602.22, nor did it have an appropriate emphasis on the ''academic'' component of a prebaccalaureate degree, as required by 34 CFR 602.24(b)(1)(iii). The agency appealed the latter recommendation of the Advisory Committee.

1. Council on Occupational Education (formerly the Commission on Occupational Education Institutions of the Southern Association of Colleges and Schools)

A request for comments on agencies whose petitions are being reviewed for initial or continued recognition during this meeting was published in the Federal Register on June 20, 1995. The request for comments on the agencies appealing previous recommendations of the Advisory Committee was published in the Federal Register on August 28, 1995.

This notice invites third-party oral presentations before the Advisory Committee. It does not constitute another call for written comment. Requests for oral presentation before the Advisory Committee should be submitted in writing to Ms. Sperry at the address above by November 3, 1995.

Requests should include the names of all persons seeking an appearance, the organization they represent, and a brief summary of the principal points to be made during the oral presentation. Presenters are requested not to distribute written materials at the meeting. Any written materials presenters may wish to give to the Advisory Committee must be submitted to Ms. Sperry by November 3, 1995 (one original and 25 copies). Only documents presenters submit by that date will be considered by the Advisory Committee.

At the conclusion of the meeting, attendees may, at the discretion of the Committee chair, be invited to address the Committee, as identified in the section above on Supplementary Information. Attendees interested in making such comments should inform Ms. Sperry before or during the meeting.

A record will be made of the proceedings of the meeting and will be available for public inspection at the Office of Postsecondary Education, U.S. Department of Education, 7th and D Streets, SW, room 3905, ROB 3, Washington, DC, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Authority: 5 U.S.C. Appendix 2

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 95–25359 Filed 10–12–95; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Notice of Intent to Prepare Supplemental Environmental Impact Statement for the Waste Isolation Pilot Plant, Disposal Phase; Reopening of Public Comment Period

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: The Department reopens the public comment period on the Notice of Intent to Prepare Supplemental Environmental Impact Statement for the Waste Isolation Pilot Plant, Disposal Phase.

DATES: The Department reopens the comment period on the Notice of Intent until October 16, 1995.

ADDRESSES: Written questions and comments should be directed to: Harold Johnson, NEPA Compliance Officer, Attn: Scoping Comments, Mail Stop 535, Carlsbad Area Office, U.S. Department of Energy, Post Office Box 3090, Carlsbad, NM 88221.

Oral and faxed questions and comments should be directed to: Telephone: 1–800–336–9477, Facsimile: 1–505–224–8030.

For information on the Department's NEPA process, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone: 202–586–4600 or leave a message at 1–800–472–2756.

SUPPLEMENTARY INFORMATION: On August 23, 1995, the Department published a notice in the Federal Register announcing its intent to prepare a Supplemental Environmental Impact Statement for the Waste Isolation Pilot Plant, Disposal Phase (60 FR 43779). The Department also announced a public comment period from August 23 to September 30, 1995, on the scope of the Statement. In response to stakeholder interest, the Department is reopening the public comment period. The Department has separately notified interested stakeholders of the reopened comment period. Because the Department is preparing the Statement on an expedited schedule, the reopened comment period will end on October 16, 1995.

Comments postmarked after October 16, 1995, will be considered to the extent practicable. Further information on the Waste Isolation Pilot Plant and on the Statement is contained in the August 23, 1995, Notice of Intent.

Issued in Washington, D.C., this 5th day of October, 1995.

Peter N. Brush,

Principal Deputy Assistant Secretary Environment, Safety and Health.

[FR Doc. 95–25350 Filed 10–12–95; 8:45 am]

BILLING CODE 6450–01–P

Safe Interim Storage of Hanford Tank Wastes Environmental Impact Statement

AGENCY: Department of Energy.

ACTION: Notice of Limited Reopening of Public Comment Period.

SUMMARY: The Department of Energy (DOE) is evaluating alternatives for managing safety issues related to high level radioactive waste tanks at the Hanford Site located near Richland, Washington. On August 5, 1994, the DOE announced the availability of the SIS Draft EIS (59 FR 40018, August 5, 1994). Public hearings to receive comments were conducted and public comments were received from August 1994 through July 1995. The intent of this notice is to notify the public of changes in the U.S. Department of Energy's Safe Interim Storage (SIS) Environmental Impact Statement (EIS) Preferred Alternative and to reopen the comment period for 21 days in order to solicit comments on the proposed changes. DOE is proposing to eliminate construction of up to 6 new high level radioactive waste tanks as part of the Preferred Alternative and to proceed with a Preferred Alternative which continues to support construction of the Replacement Cross Site Transfer System to facilitate transfers of waste from the 200 West Area to existing tanks in the 200 East Area.

DATES: Comments on construction of the Replacement Cross Site Transfer System, including additional comments on the analysis of potential impacts described in the Draft SIS EIS are invited from the public on or before November 3, 1995. Comments received during this period and in response to the Final EIS will be responded to in the SIS EIS Record of Decision.

CONTACT: General questions concerning the Hanford Tank Waste Remediation Program and or comments on this notice can be stated and recorded over the telephone during the comment period by calling the toll free telephone number at 1–800–321–2008 or (509) 372–2731, by Facsimile (509) 372–1215, or by Electronic-Mail at InterNet address ''Carolyn—C—Haass@RL.gov'', or by writing to: Ms. Carolyn H. Haass, U.S. Department of Energy, P.O. Box 550, MSIN S7–51, Richland, WA. 99352.

FOR FURTHER INFORMATION CONTACT: For general information on the DOE NEPA process, please contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance, EH–42, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–4600 or 1–800–472–2756.

SUPPLEMENTARY INFORMATION: On January 28, 1994, in a Notice of Intent published in the Federal Register, the U.S. Department of Energy, DOE announced its intent to prepare an interim action Environmental Impact Statement (EIS) to resolve safety issues associated with Watchlist tanks, the Safe Interim Storage (SIS) EIS, and the Tank Waste Remediation System (TWRS) EIS (59 FR 4052). Specifically, the SIS EIS considered alternatives for the resolution of near-term safely concerns related to Hydrogen gas generation in Watchlist tanks.

The Proposed action is subject to National Environmental Protection Agency (NEPA) (10 Code of Federal Regulations [CFR] 1500) and the Washington State Environmental Policy Act (SEPA) (RCW 43.21C). DOE and Ecology signed a Memorandum of

Understanding on February 15, 1994 to jointly prepare both EISs (MOU 1994). The co-preparation of the EIS streamlines the environmental review process while ensuring compliance with applicable Federal and State laws, regulations and policies.

The Draft SIS EIS, issued for public comment on July 22, 1994, evaluated a proposed action to construct up to six new tanks and associated infrastructure including a waste retrieval system (the Initial Tank Retrieval System), and a replacement waste transfer system (the Replacement Cross Site Transfer System) which would be required if dilution at a ratio of 3:1 was used to remedy the gas problem. The SIS EIS also evaluated a No Action Alternative which allowed continued operation of a mixer pump designed to regulate the release of the gas so that levels would not be flammable.

Comments on the proposed action were received from August 1994 through July 1995. Since issuance of the Draft SIS EIS, DOE obtained an independent assessment by Pacific Northwest Laboratories (PNL, 10105, September 1994) of the effectiveness of the mixer pump in 101–SY. The PNL report supported continued use of the mixer pump to stir the tanks waste, thus releasing Hydrogen gases at a more predictable and regular rate. This action has been determined to adequately mitigate the safety question regarding whether episodic releases or ''burps'' could be ignited and pose a risk for uncontrolled release of fission products. Accordingly, DOE now believes that through continued use of mixer pump, waste exhibiting gas release activity may continue to be safely stored in existing tanks and may not need to be removed and diluted prior to final treatment for disposal, therefore DOE may not have a need to build additional tanks in the near term.

As a result of the success of these actions taken and in response to comments from the public regarding a pronounced preference to proceed with the clean up and to not build additional high level waste (HLW) storage tanks, the DOE has decided to propose a Preferred Alternative in the Final SIS EIS which does not include construction of new HLW storage tanks in the near term.

However, DOE still has an on-going need to continue safe management of wastes in Hanford tanks in the interim or until such time as the TWRS EIS evaluates final waste treatment and disposal options. DOE has decided that the SIS EIS is an appropriate means for providing a NEPA review of the remaining Watchlist tank safety related requirements in the interim. The Final SIS EIS will therefore evaluate a Preferred Alternative which includes construction of a Replacement Cross Site Transfer System (RCSTS) to replace the existing Cross Site Transfer System (ECSTS), because continued safe management of tank waste in the near term will require the assured capability for waste to be safely and reliably transferred between tank farm areas. The Preferred Alternative, would provide the means needed to move wastes from the 200 West area to the existing double-shell tanks (DSTs) located in 200 East area.

The Final SIS EIS will analyze the following alternatives to support continued safe storage and tank farm waste management activities: construction of a Replacement Cross-Site Transfer System (RCSTS); alternative waste transport by rail; alternative waste transport by truck transport; and construction of two new tanks in either the 200 West or 200 East areas.

Need for Action

Waste management of tank farms in the near term will require that DOE transfer waste in a reliable and compliant manner from the West side of the 200 area to the East side in order to safely manage waste and to expedite clean up of the Hanford Site. Part of that requirement is to remove salt well liquids (SWL) from older single-shell tanks (SSTs) and transfer to newer double-shell tanks (DSTs) to reduce the likelihood of liquid waste escaping from the corroded tanks into the environment. In the event of certain types of unsafe waste conditions, such as gas generation or tank leaks, DOE also may need to remove waste from one tank and place it in another tank. No additional waste is permitted to be added to SSTs, and most of the newer DSTs are located on the East side of the 200 area, necessitating waste transfers from West to East Areas. Additional requirements for safe management of tank wastes during the interim period prior to the TWRS EIS ROD could include retrieval of 102–SY solids, such that tank 102–SY could stage both organic and inorganic SWL for transfer.

The existing cross-site transfer system (ECSTS) is only partially usable, given that 4 of the 6 lines are either plugged or failed, and the other 2 lines may or may not prove usable after pressure testing. Recently a single line was tested and approximately 435,000 gallons of supernatant was transferred from Tank 102–SY in the 200 West Area, to a DST in the 200 East Area. However, the continuing viability of these lines is uncertain and cannot be relied upon. In addition, the ECSTS was built prior to environmental protection requirements implemented by the Environmental Protection Agency under the Resource Conservation and Recovery Act (RCRA), 40 CFR 264.193, which requires double containment and leak detection capabilities for all hazardous waste tanks and ancillary equipment (e.g., piping). The ECSTS lines are also not compliant with the Washington State Dangerous Waste Regulations, WAC 173–303–640, which is the State requirement for double containment and leak detection capability. By mutual agreement between RL and Ecology, a limited amount of Salt Well Liquid may be transferred, until such time as RL implements a replacement waste transfer system. At present, waste containing solids may not be transferred via the ECSTS due to the likelihood of plugging the old lines.

DOE believes that continued safe management of wastes is supported in this Interim Action EIS, while the final treatment and disposal options are being evaluated in the TWRS EIS. The RCSTS will not prejudice consideration of any of the alternatives being evaluated in the TWRS EIS, as the ability to transfer liquids between tanks and areas is necessary even under a No Action alternative.

The public is invited to comment on the change in the Preferred Alternative pursuant to this notice for a period of 21 days. Comments received during this period and in response to the Final EIS will be responded to in the Record of Decision.

Issued in Richland, Washington this 5th day of October, 1995, for the United States Department of Energy.

Susan Brechbill,

Acting Manager, U.S. Department of Energy, Richland Operations Office.

[FR Doc. 95–25325 Filed 10–12 –95; 8:45am]

BILLING CODE 6450–01–P

Geothermal Reservoir Technology Research; Financial Assistance Solicitation

AGENCY: Department of Energy, Idaho Operations Office.

ACTION: Solicitation for Financial Assistance: Geothermal Reservoir Technology Research, Development and Demonstration.

SUMMARY: The U.S. Department of Energy (DOE) Idaho Operations Office (ID), is seeking applications for research, development and demonstration (field testing) in the area of Geothermal Reservoir Technology. The research is to

be directed toward new technologies for exploration, identification of fractures, and location of fracture permeability. This is the complete solicitation document. This solicitation will remain open for two years.

DATES: Applications may be submitted at any time during the open two year solicitation period. The open period (that is, the time period during which applications will be accepted from applicants by DOE) for submission and receipt of applications in response to this solicitation is the twenty-four month period beginning on October 1, 1995 and ending at 4 p.m. MDT on September 30, 1997.

Prospective applicants intending to submit an application in response to this solicitation should request a DOE Application Instruction package (which includes standard forms, assurances and certifications), by writing to the DOE Contract Specialist. Facsimile requests are authorized.

ADDRESSES: Applications shall be submitted to: Procurement Services Division; Attention: SOL DE–PS07–96ID13399 (Bruns/Bauer); U. S. Department of Energy; Idaho Operations Office; 850 Energy Drive, MS 1221; Idaho Falls, Idaho 83401–1563.

FOR FURTHER INFORMATION CONTACT: Carol Bruns, Contract Specialist, telephone (208) 526–1534, facsimile (208) 526–5548. The Contracting Officer is Brad Bauer, (208) 526–0090.

SUPPLEMENTARY INFORMATION:

Background:

Projects sponsored by the DOE Office of Utility Technologies, Geothermal Division are based on the needs and concerns of the geothermal industry. One of the goals of this program is to advance the technology in geothermal reservoir identification by funding development and verification of research related to new technology for exploration, identification of fractures and location of fracture permeability. As part of this program, this solicitation for DOE financial assistance applications is being issued. Statutory authority for the issuance of this solicitation is Public Law 93–410, the Geothermal Energy Research, Development & Demonstration Act of 1974.

Project Description

DOE anticipates awarding several Financial Assistance Grants/Cooperative Agreements in accordance with DOE Financial Assistance regulations appearing at Title 10 of the Code of Federal Regulations, Chapter II, Subchapter H, Part 600 (hereafter 10 CFR 600.xxx) if funding is available. Under Cooperative Agreements it is anticipated there will be substantial involvement by DOE in accordance with 10 CFR 600.302. Federal funds available for this solicitation are expected to be from $0—$5,000,000 annually. *No fee or profit will be paid to the award recipients.*

The Catalog of Federal Domestic Assistance Number for this program is 81.087.

Applicants must identify a project period which does not exceed 5 years. Applications identifying a project period for two years or less may be eligible for DOE funding of up to $700,000 for the entire project period. Projects for greater than 2 years may not exceed $400,000 per year of DOE funding.

The period of performance for the first budget period is anticipated to be 12 months. If at the end of the first budget period, funds are available and the participant demonstrates a continuing need for federal assistance, there is sufficient progress in the research effort, and the recipient has completed the work in compliance with a mutually agreed management plan and identifies the new work planned, DOE may make a continuation award to undertake further work. Successful applicants will be required to submit quarterly, annual and a final report to DOE.

The objective of this solicitation is to support research, development and demonstration in the earth science aspects of hydrothermal resources. The research in this program is intended to combine laboratory and analytical investigations with equipment development and field testing to evaluate the utility of various analytical techniques. Successful applicants should recognize that geological, geochemical, geophysical, hydrological, and reservoir engineering characteristics of geothermal resources are highly interrelated, and close coordination should be maintained between all geoscientific aspects of the research activities.

Geothermal development is slowed in the United States by the lack of reliable techniques to locate new geothermal resources in areas with no surface manifestations. Industry has identified the critical need for new technology development to locate and characterize permeable fractures in geothermal areas. Geothermal development depends on fracture permeability to produce high flow rates of hot water or steam, and fractures are difficult to locate. These problems have resulted in lower drilling success rates and, consequently, higher drilling costs. Techniques are needed to characterize fractures, to define reservoir boundaries, to assess fluid recharge, and to understand complex reservoirs. Many reservoirs have not reached full production potential because they cannot be sufficiently characterized to allow development of effective exploitation strategies. Production in geothermal fields may be limited by the available fluid, and efficient injection methods are needed to recover the large quantities of thermal energy still remaining in the reservoir. Chemical reactions between the fluids and rocks comprising a geothermal system may affect the productivity of a geothermal field and also impact surface operations.

Projects are sought in three interrelated research areas: (1) Exploration Technology—research to provide better tools, methods and data for resource identification; (2) Production and Injection Technology—research to reduce the risks associated with reservoir performance and to gain a better understanding of the effects of fluid injection into producing reservoirs; and (3) Advanced Brine Chemistry Technology—research to predict the chemical interaction of geothermal fluids and injectate with rocks, wells, and surface pipes.

An integral part of this program is the collection and release to the public of geoscientific data that can be used in the exploration and development of geothermal resources. The applicant's methods for transferring the technical information to the geothermal industry must be presented in the application.

Application Requirements

Each Application shall contain the following information and use the following format:

1.0 Executive Summary

1.1 Proposed program and why it is appropriate for the geothermal industry and the relationship to the objectives of the solicitation
1.2 Organizational Plan
1.3 Specialized Experience
1.4 Total costs broken down by task including overhead costs and non-federal cost share commitments if applicable
1.5 Nonproprietary summary of proposed project including project benefits suitable for public release (maximum of two pages)

2.0 Critical Review of Technology Status

2.1 Geothermal Technology Status including Emerging Technologies
2.2 Worldwide Technology Status including Emerging Technologies

2.3 Why domestic industry is not pursing the proposed concept

3.0 Project Description

3.1 Introduction, including how industry has participated in the selection of the proposed R&D
3.2 Proposed concepts
3.3 Technical feasibility and targets
3.4 Hurdles to be overcome by the proposed R&D

4.0 Project Plan

4.1 Project goals and scope
4.2 Statement of work
4.3 Work breakdown structure
4.4 Milestone plan, schedule integration
4.5 Technical targets, decision points and go/no-go decision criteria
4.6 Spending plan by task, phase and year
4.7 Sources of, and expectations concerning cost share and financing if applicable
4.8 Technology transfer plan to industry and academia

5.0 Technical Capabilities

5.1 Key personnel and responsibilities
5.2 Related experience
5.3 Facilities and equipment available
5.4 Justification for and description of needed facilities and estimated costs

6.0 Project Management Plan

6.1 Project organization and responsibilities
6.2 Task integration and project coordination
6.3 Project management structure including implementation and monitoring of R&D
6.4 Management philosophy
6.5 Reporting

Qualified Applicants

For profit and not for profit organizations, state and local governments, Indian tribes and institutions of higher learning may submit applications in response to this solicitation. Applications may include Federally Funded Research and Development Centers, but only as lower tier participants with funding for their expected costs provided through their existing arrangements with the Government. OMB A–95 clearance is not required. Applicants may submit more than one application for any area of research within the scope of this solicitation. However, each application for research shall be submitted as an individual application submission.

An application which provides for the continuation of research previously funded by DOE under a financial assistance instrument may be evaluated and considered for selection and award under this solicitation, provided that: (1) The proposed research is within the specific area of research contemplated by this solicitation; (2) the application is received during the open period of this solicitation; and (3) the application is fully responsive to the requirements of this solicitation.

Application Evaluation

a. Application Deadlines: The deadlines for receipt of applications are as follows: November 16, 1995; January 4, 1996; April 4, 1996; July 2, 1996; October 3, 1996; January 2, 1997; April 3, 1997; July 2, 1997; September 30, 1997. Applications received after 4:00 p.m. MDT on September 30, 1997 will be handled in accordance with 10 CFR 600.13.

b. Selection of Applications: Applications will undergo an initial programmatic review and then be held for a competitive evaluation and selection. Applications will be evaluated after receipt in the evaluation period occurring immediately after the application deadlines identified in a. above. Applications which are not selected during an evaluation period will not be reconsidered during any subsequent evaluation period. However, unsuccessful applicants may resubmit new or modified applications for consideration during subsequent evaluation periods.

The initial programmatic review will determine (1) the responsiveness and completeness of the application to the requirements of the solicitation, and (2) that the application does not unduly duplicate work already funded. If, after completion of the initial review, an application is determined not to meet the requirements stated in this paragraph, the applicant shall be promptly notified that its application has been eliminated from any further consideration and the general basis for the determination.

After the selection of a technology for funding, DOE may, if necessary, enter into negotiations with an applicant prior to the award of a financial assistance instrument. Such negotiations are not a commitment that DOE will make an award. Resultant awards will be negotiated, awarded, and administered by DOE in accordance with 10 CFR 600—Financial Assistance Rules.

Only those applications which meet all of the requirements of this solicitation will be considered for selection. Evaluation, scoring and selection will be made in accordance with the following selection criteria and programmatic considerations. The applications must be fully responsive to each of the criteria.

Criterion 1: (The Project and Relevance) The overall scientific and technical merit of the application including the merit and value of related research performed by the Applicant. The appropriateness of the proposed method or approach in helping DOE to achieve its research program goals identified in this solicitation;

Criterion 2: (The People and The Workplace) The qualifications, capabilities, experience, and demonstrated past performance of the applicant, principal investigator, and/or key personnel. The adequacy of the applicant's facilities and resources;

Criterion 3—(Management) The adequacy of the applicant's management plan;

Criterion 4—(The Cost) The realism of the proposed costs relative to known research conducted under similar circumstances. While cost share is not mandatory, any cost share proposed which meets the requirements of 10 CFR 600.123 will be given positive consideration;

Criterion 5—(Technology Transfer) The clear identification of a viable method to facilitate the transfer of the technology to the geothermal industry at the earliest practicable time.

c. Weighting of Criteria: The Evaluation Criteria are weighted in the following manner: The criteria will be based on a maximum of 100 points. Criterion 1 has a maximum point value of 45. Criterion 2 has a maximum point value of 25. Criterion 3, 4, and 5 each have a point value of 10.

d. Programmatic Selection Considerations: In conjunction with the evaluation results and rankings of individual applications, the Government will make selections for negotiations and planned awards from among the highest ranking applications utilizing the following programmatic consideration:

It is desirable to implement each research and development project as a continuing collaborative effort in which the participants represent both the scientific/engineering research disciplines as well as members of the geothermal industry.

e. Merit Reviews: All Applications will be evaluated under the procedure for ''Objective Merit Review of Discretionary Financial Assistance Applications'' which was published in the Federal Register on May 31, 1990 (Vol. 55, No. 105). Selection of applications for negotiation is anticipated to be made no later than 60 days after the dates identified in paragraph b. immediately above. It is

anticipated that award of financial assistance instruments will be made no later than 60 days after selection of applications for negotiation.

General Conditions

The applications will be evaluated in accordance with the procedure for ''Objective Merit Review of Discretionary Financial Assistance Applications,'' and the criteria and programmatic considerations set forth in this solicitation. In conducting this evaluation, the Government may utilize assistance and advice from non-Government personnel. Applicants are therefore requested to state on the cover sheet of their applications if they do not consent to an evaluation by such non-Government personnel. The applicants are further advised that DOE may be unable to give full consideration to an application submitted without such consent. DOE reserves the right to support or not to support any, all, or any part of any application. All applicants will be notified in writing of the action taken on their applications promptly after selection decisions have been made. Status of any application during the evaluation and selection process will not be discussed with the applicants. Unsuccessful applications will not be returned.

Instructions for Preparation of Applications

Each application in response to this solicitation should be prepared in one volume. One original and nine copies of each application are required.

Applications shall be a maximum of 40 pages excluding costing information and assurance and certification forms provided in the DOE Application Instruction package. The application face sheet is the Standard Form 424. The application is to be prepared for the complete project period.

a. Proprietary Application Information: Applications submitted in response to this solicitation may contain trade secrets and/or privileged or confidential commercial or financial information which the applicant does not want used or disclosed for any purpose other than evaluation of the application. The use and disclosure of such data may be restricted provided the applicant marks the cover sheet of the application with the following legend, specifying the pages of the application which are to be restricted in accordance with the conditions of the legend:

''The data contained in pages _____ of this application have been submitted in confidence and contain trade secrets or proprietary information, and such data shall be used or disclosed only for evaluation purposes, provided that if this applicant receives an award as a result of or in connection with the submission of this application, DOE shall have the right to use or disclose the data herein to the extent provided in the award. This restriction does not limit the government's right to use or disclose data obtained without restriction from any source, including the applicant.''

Further, to protect such data, each page containing such data shall be specifically identified and marked, including each line or paragraph containing the data to be protected with a legend similar to the following:

''Use or disclosure of the data set forth above is subject to the restriction on the cover page of this application.''

It should be noted, however, that data bearing the aforementioned legend may be subject to release under the provisions of the Freedom of Information Act (FOIA), if DOE or a court determines that the material so marked is not exempt under the FOIA. The Government assumes no liability for disclosure or use of unmarked data and may use or disclose such data for any purpose. Applicants are hereby notified that DOE intends to make all applications submitted available to non-Government personnel for the sole purpose of assisting the DOE in its evaluation of the applications. These individuals will be required to protect the confidentiality of any specifically identified information obtained as a result of their participation in the evaluation.

Applicants must submit with each application a brief nonproprietary (maximum two page) summary of the proposed project including anticipated benefits for release to the public (Part 1.5 of Executive Summary).

b. Budget: A budget period is an interval of time (usually 12 months) into which the project period is divided for funding and reporting purposes. Project period means the total approved period of time that DOE will provide support contingent upon satisfactory progress and availability of funds. The project period may be divided into several budget periods. Each application must contain Standard Forms 424 and 424A.

The budget summary page only needs to be completed for the first budget period; all other periods of support requested should be shown on the total costs page. The application should contain full details of the costs regarding the labor, overhead, material, travel, subcontracts, consultants, and other support costs broken down by task and by year. Every cost item should be justifiable and further details of the costs may be required if the application is selected for the award. It is essential that requested details be submitted in a timely manner for the actual award. Items of needed equipment should be individually listed by description and estimated cost, inclusive of tax, and adequately justified. The destination and purpose of budgeted travel and its relation to the research, should be specified. Anticipated consultant services should be justified and information furnished on each individual's expertise, primary organizational affiliation, daily compensation rate and number of days of expected service. Consultant's travel costs should be listed separately under travel in the budget.

c. Cost Application: The cost application should have sufficient detail that an independent evaluation of the labor, materials, equipment and other costs as well as a verification of the proposed cost share (if any) can be performed. Complete cost detail should be broken down by task.

Notices to Applicants

a. False Statements: Applications must set forth full, accurate, and complete information as required by this solicitation. The penalty for making false statements is prescribed in 18 U.S.C. 1001.

b. Application Clarification: DOE reserves the right to require applications to be clarified or supplemented to the extent considered necessary either through additional written submissions or oral presentations.

c. Amendments: All amendments to this solicitation will be published in the Federal Register.

d. Applicant's Past Performance: DOE reserves the right to solicit from available sources relevant information concerning an applicant's past performance and may consider such information in its evaluation.

e. Commitment of Public Funds: The Contracting Officer is the only individual who can legally commit the Government to the expenditure of public funds in connection with the proposed award. Any other commitment, either explicit or implied, is invalid.

f. Effective Period of Application: All applications should remain in effect for at least 180 days from the submission date.

g. Availability of Funds: The actual amount of funds to be obligated in each fiscal year will be subject to availability of funds appropriated by Congress. DOE reserves the right to fund in whole or in part, any, all or none of the applications submitted in response to this solicitation.

h. Loans under DOE Minority Economic Impact (MEI) Loan Program: Applicants are advised that loans under the DOE MEI Loan Program are not available to finance the cost of preparing an application pursuant to this solicitation.

i. Assurances and Certifications: DOE requires the submission of preaward assurances of compliance and certifications which are mandated by law. The assurance and certification forms will be provided in the DOE Application Instruction package.

j. Preaward Costs: The government is not liable for any costs incurred in preparation of an application. Awardees may incur preaward costs up to ninety (90) days prior to the effective date of award. Should the awardee take such action, it is done so at the awardee's risk and does not impose any obligation on the DOE to issue an award (10 CFR 600.125).

k. Patents, Data, and Copyrights: Applicants are advised that patents, data, and copyrights will be treated in accordance with 10 CFR 600.33.

l. Environmental impact: An applicant environmental checklist will be provided in the DOE Application Instruction package. Award will not be made until all environmental requirements are completed.

m. Buy American Requirements: Congress may, through appropriations legislation, require applicants to comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act''). Proposers are advised that they should be prepared to comply with this requirement.

n. EPACT: Section 2306 of the Energy Policy Act of 1992 (EPACT) [42 U.S.C. 13525] does not apply to financial assistance instruments issued as a result of this solicitation.

Dated: September 22, 1995.

B. G. Bauer,

Acting Director, Procurement Services Division.

[FR Doc. 95–25352 Filed 10–12–95; 8:45am]

BILLING CODE 6450–01–P

Environmental Management Site-Specific Advisory Board, Monticello Site

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Board Committee Meeting: Environmental Management Site-Specific Advisory Board, Monticello Site.

DATE AND TIME: Tuesday, October 17, 1995, 7:00 p.m.–8:30 p.m.

ADDRESS: Monticello City Hall, 17 North 1st East, Monticello, Utah 84535.

FOR FURTHER INFORMATION CONTACT: Audrey Berry, Public Affairs Specialist, Department of Energy Grand Junction Projects Office, P.O. Box 2567, Grand Junction, CO, 81502 (303) 248–7727.

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to advise DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda: Reports from subcommittees on local training and hiring, health and safety, and future land use.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Audrey Berry's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments. This notice is being published less than 15 days before the date of the meeting due to programmatic issues that had to be resolved prior to publication.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to Audrey Berry, Department of Energy Grand Junction Projects Office, P.O. Box 2567, Grand Junction, CO 81502, or by calling her at (303)–248–7727.

Issued at Washington, DC on October 10, 1995.

Rachel M. Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 95–25426 Filed 10–12–95; 8:45 am]

BILLING CODE 6450–01–P

Environmental Management Site Specific Advisory Board, Pantex Plant, Amarillo, TX

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site Specific Advisory Board (EM SSAB), Pantex Plant, Amarillo, Texas.

DATE AND TIME: Tuesday, October 24, 1995: 1:30 pm–5:30 pm.

ADDRESSES: Boatman's First National Bank, Centennial Room, 8th and Fillmore, Amarillo, TX.

FOR FURTHER INFORMATION CONTACT: Tom Williams, Program Manager, Department of Energy, Amarillo Area Office, P.O. Box 30030, Amarillo, TX 79120, (806) 477–3121.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee

The Pantex Plant Citizens' Advisory Board provides input to the Department of Energy on Environmental Management strategic decisions that impact future use, risk management, economic development, and budget prioritization activities.

Tentative Agenda

1:30 pm Welcome—Introductions—Approval of Minutes
1:40 pm Co-Chairs' Comments
2:00 pm Task Force Reports
—Public Participation/Public Information
—Environmental Restoration
—Sitewide Environmental Impact Statements
—Future of the Nuclear Complex
—Waste Management
2:30 pm Updates
—Occurrence Reports—DOE
—Water Treatability
3:30 pm Break
3:45 pm Presentation
—Employee Concerns Process
4:30 pm Subcommittee Reports
—Budget and Finance
—Community Outreach
—Policy and Personnel
—Program and Training
—Nominations
5:30 pm Adjourn

Public comment will be taken periodically throughout the meeting.

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the

meeting. Written comments will be accepted at the address above for 15 days after the date of the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Tom Williams' office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments. Due to programmatic issues that had to be resolved this notice is being published less than 15 days before the date of the meeting.

Minutes

The minutes of this meeting will be available for public review and copying at the Pantex Public Reading Rooms located at the Amarillo College Lynn Library and Learning Center, 2201 South Washington, Amarillo, TX, phone (806) 371–5400. Hours of operation are from 7:45 am to 10:00 pm, Monday through Thursday; 7:45 am to 5:00 pm on Friday; 8:30 am to 12:00 noon on Saturday; and 2:00 pm to 6:00 pm on Sunday, except for Federal holidays. Additionally, there is a Public Reading Room located at the Carson County Public Library, 401 Main Street, Panhandle, TX, phone (806) 537–3742. Hours of operation are from 9:00 am to 7:00 pm on Monday; 9:00 am to 5:00 pm, Tuesday through Friday; and closed Saturday and Sunday as well as Federal holidays. Minutes will also be available by writing or calling Tom Williams at the address or telephone number listed above.

Issued at Washington, DC on October 10, 1995.

Rachel M. Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 95–25427 Filed 10–12–95; 8:45 am]

BILLING CODE 6450–01–P

Secretary of Energy Advisory Board; Meeting

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Secretary of Energy Advisory Board

Date and Time: Thursday, October 26, 1995, 9:00 AM - 2:00 PM

Place: The Jefferson Hotel, Sixteenth and M Streets, NW., Washington, DC 20036

FOR FURTHER INFORMATION CONTACT: Peter F. Didisheim, Executive Director, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–7092.

SUPPLEMENTARY INFORMATION: *Purpose of the Committee:* The Secretary of Energy Advisory Board was established to serve as the Secretary of Energy's primary mechanism for long-range planning and analysis of major issues facing the Department of Energy. The Board will advise the Secretary on the research, development, energy and national defense responsibilities, activities, and operations of the Department and provide expert guidance in these areas to the Department.

Tentative Agenda

9:00 am Opening Remarks
9:15 am Status of Laboratory Management Reform
10:15 am Discussion
10:45 am Break
11:00 am Results of DOE 1995 Public Trust and Confidence Survey
11:30 am Discussion
12:00 LUNCH
1:00 pm Discussion of Future Board Activities
1:30 pm Public Comment
2:00 pm Adjourn

A final agenda will be available at the meeting.

Public Participation: The Chairman of the Board is empowered to conduct the meeting in a fashion that will, in the Chairman's judgment, facilitate the orderly conduct of business. During its meeting in Washington, D.C. the Board welcomes public comment. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. The Board will make every effort to hear the views of all interested parties. Written comments may be submitted to Peter F. Didisheim, Executive Director, Secretary of Energy Advisory Board, AB–1, 1000 Independence Avenue, SW, Washington, DC 20585. In order to insure that Board members have the opportunity to review written comments one week prior to the meeting.

Minutes: Minutes and a transcript of the meeting will be available for public review and copying approximately 30 days following the meeting at the Freedom of Information Public Reading Room, 1E–190 Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 9:00 AM and 4:00 PM, Monday through Friday except Federal holidays.

Issued at Washington, DC, on October 6, 1995.

Rachel M. Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 95–25361 Filed 10–12–95; 8:45 am]

BILLING CODE 6450–01–P

Bonneville Power Administration

Notice of Availability of Record of Decision for Industrial Incentive Rate Sale for Idle Pacific Northwest Industrial Production From October 1, 1995 to September 30, 1996

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Notice of Availability of Record of Decision (ROD).

SUMMARY: BPA has decided to offer up to 700 average megawatts of short-term (one year) surplus firm power to restart idled Pacific Northwest (PNW) industrial loads. The power will be priced monthly and will average 17.83 mills at 100% load factor. These contracts are available from October 1, 1995 through September 30, 1996. In an effort to serve as much idled industrial capacity load as possible, BPA is making a surplus firm power offer that is competitive in the current market situation. In making this offer, BPA is continuing its Market-Driven approach for participation in the increasingly competitive electric power market.

This notice announces the availability of the ROD for the industrial incentive rate sale for idle PNW industrial production from October 1, 1995 to September 30, 1996. This decision is consistent with BPA's Business Plan, Business Plan Environmental Impact Statement (BP EIS)(DOE/EIS–0183, June 1995) and the Business Plan ROD (August 15, 1995).

ADDRESSES: Copies of the Business Plan, BP EIS, the Business Plan ROD, and this ROD may be obtained by calling BPA's toll-free document request line: 1–800–622–4520.

FOR FURTHER INFORMATION CONTACT: John M. Taves, Client Service Coordinator—EC–5, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon, 97208–3621, phone number (503) 230–4995, fax number (503) 230–4564.

Public Availability: This ROD will be distributed to all interested and affected persons and agencies.

Issued in Portland, Oregon, on September 20, 1995.

Randall W. Hardy,

Administrator and Chief Executive Officer.

[FR Doc. 95–25428 Filed 10–12–95; 8:45 am]

BILLING CODE 6450–01–P

Office of Fossil Energy

[FE Docket No. 95–69–NG]

Centra Gas Ontario, Inc.; Order Granting Blanket Authorization To Export Natural Gas to Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Centra Gas Ontario, Inc. authorization to export up to 16 Bcf of natural gas to Canada over a two-year term beginning on the date of the first export delivery after October 31, 1995.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586–9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., September 25, 1995.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 95–25432 Filed 10–12–95; 8:45 am]

BILLING CODE 6450–01–P

[FE Docket No. 95–67–NG]

Onyx Gas Marketing Company, L.C.; Order Granting Blanket Authorization To Import and Export Natural Gas From and To Mexico

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Onyx Gas Marketing Company, L.C. (Onyx) authorization to import and export a combined total of up to 110 Bcf of natural gas from and to Mexico. This import/export authorization shall extend for a period of two years beginning on the date of the initial import or export delivery, whichever occurs first.

Onyx's order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586–9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on September 22, 1995.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 95–25431 Filed 10–12–95; 8:45 am]

BILLING CODE 6450–01–P

[FE Docket No. 95–72–NG]

Tennessee Gas Pipeline Company; Order Granting Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Tennessee Gas Pipeline Company authorization to import up to 200 Bcf of natural gas from Canada. The import authorization is for a period of two years beginning on the date of the initial delivery after September 29, 1995.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586–9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on September 22, 1995.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 95–25433 Filed 10–12–95; 8:45 am]

BILLING CODE 6450–01–P

[FE Docket No. 95–66–NG]

Valero Industrial Gas, L.P.; Order Granting Blanket Authorization To Import and Export Natural Gas From and To Mexico

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Valero Industrial Gas, L.P. blanket authorization to import and export up to a combined total of 300 Bcf of natural gas from and to Mexico over a two-year term beginning on the date of first import or export delivery after October 22, 1995.

This order is available for inspection and copying in the Office of Fuels Programs docket room, 3F–056, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586–9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., September 21, 1995.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 95–25434 Filed 10–12–95; 8:45 am]

BILLING CODE 6450–01–P

Office of Energy Efficiency and Renewable Energy

[Case No. F–080]

Energy Conservation Program for Consumer Products: Granting of the Application for Interim Waiver and Publishing of the Petition for Waiver of the Trane Company From the DOE Furnace Test Procedure

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice.

SUMMARY: Today's notice publishes a letter granting an Interim Waiver to The Trane Company (Trane) from the existing Department of Energy (DOE or Department) test procedure regarding blower time delay for the company's TUD–C/AUD–C, TDD–C/ADD–C, TUD–R/AUD–R, TDD–R/ADD–R, TUD–R–V/AUD–R–V, TDD–R–V/ADD–R–V, TUY–R–V/AUY–R–V, and TDY–R–V/ADY–R–V central furnaces.

Today's notice also publishes a ''Petition for Waiver'' from Trane. Trane's Petition for Waiver requests DOE to grant relief from the DOE furnace test procedure relating to the blower time delay specification. Trane seeks to test using a blower delay time of 45 seconds for its TUD–C/AUD–C, TDD–C/ADD–C, TUD–R/AUD–R, TDD–R–ADD–R, TUD–R–V/AUD–R–V, TDD–R–V/ADD–R–V, TUY–R–V/AUY–R–V, and TDY–R–V/ADY–R–V central furnaces instead of the specified 1.5-minute delay between burner on-time and blower on-time. The Department is soliciting comments, data, and information respecting the Petition for Waiver.

DATES: DOE will accept comments, data, and information not later than November 13, 1995.

ADDRESSES: Written comments and statements shall be sent to: Department of Energy, Office of Energy Efficiency and Renewable Energy, Case No. F–080, Mail Stop EE–43, Room 1J–108, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–7140.

FOR FURTHER INFORMATION CONTACT: Cyrus H. Nasseri, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE–431, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9138; Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9507.

SUPPLEMENTARY INFORMATION: The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Public Law 94–163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95–619, 92 Stat. 3266, the National Appliance Energy Conservation Act of 1987 (NAECA), Public Law 100–12, the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100–357, and the Energy Policy Act of 1992 (EPAct), Public Law 102–486, 106 Stat. 2776, which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

The Department amended the prescribed test procedures by adding 10 CFR 430.27 on September 26, 1980, creating the waiver process. 45 FR 64108. Thereafter, DOE further amended the appliance test procedure waiver process to allow the Assistant Secretary for Energy Efficiency and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986.

The waiver process allows the Assistant Secretary to waive temporarily, test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures, or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The Interim Waiver provisions added by the 1986 amendment allow the Assistant Secretary to grant an Interim Waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

On August 11, 1995, Trane filed an Application for Interim Waiver and a Petition for Waiver regarding blower time delay. Trane's Application seeks an Interim Waiver from the DOE test provisions that require a 1.5-minute time delay between the ignition of the burner and starting of the circulating air blower. Instead, Trane requests the allowance to test using a 45-second blower time delay when testing its TUD–3C/AUD–C, TDD–C/ADD–C, TUD–R/AUD–R, TDD–R/ADD–R, TUD–R–V/AUD–R–V, TDD–R–V/ADD-R-V, TUY–R–V/AUY–R–V, and TDY R–V/ADY–R–V central furnaces. Trane states that the 45-second delay is indicative of how these furnaces actually operate. Such a delay results in an overall furnace AFUE of approximately 1.0 percent point improvement. Since current DOE test procedures do not address this variable blower time delay, Trane asks that the Interim Waiver be granted.

The Department has published a Notice of Proposed Rulemaking on August 23, 1993, (58 FR 44583) to amend the furnace test procedure, which addresses the above issue.

Previous waivers for this type of time blower delay control have been granted by DOE to Coleman Company, 50 FR 2710, January 18, 1985; Magic Chef Company, 50 FR 41553, October 11, 1985; Rheem Manufacturing Company, 53 FR 48574, December 1, 1988, 56 FR 2920, January 25, 1991, 57 FR 10166, March 24, 1992, 57 FR 34560, August 5, 1992; 59 FR 30577, June 14, 1994, and 59 FR 55470, November 7, 1994; Trane Company, 54 FR 19226, May 4, 1989, 56 FR 6021, February 14, 1991, 57 FR 10167, March 24, 1992, 57 FR 22222, May 27, 1992, and 58 FR 68138, December 23, 1993; Lennox Industries, 55 FR 50224, December 5, 1990, 57 FR 49700, November 3, 1992, 58 FR 68136, December 23, 1993, and 58 FR 68137, December 23, 1993; Inter-City Products Corporation, 55 FR 51487, December 14, 1990, and 56 FR 63945, December 6, 1991; DMO Industries, 56 FR 4622, February 5, 1991, and 59 FR 30579, June 14, 1994; Heil-Quaker Corporation, 56 FR 6019, February 14, 1991; Carrier Corporation, 56 FR 6018, February 14, 1991, 57 FR 38830, August 27, 1992, 58 FR 68131, December 23, 1993, 58 FR 68133, December 23, 1993 and 59 FR 14394, March 28, 1994; Amana Refrigeration Inc., 56 FR 27958, June 18, 1991, 56 FR 63940, December 6, 1991, 57 FR 23392, June 3, 1992, and 58 FR 68130, December 23, 1993; Snyder General Corporation, 56 FR 54960, September 9, 1991; Goodman Manufacturing Corporation, 56 FR 51713, October 15, 1991, 57 FR 27970, June 23, 1992 and 59 FR 12586, March 17, 1994; The Ducane Company Inc., 56 FR 63943, December 6, 1991, 57 FR 10163, March 24, 1992, and 58 FR 68134, December 23, 1993; Armstrong Air Conditioning, Inc., 57 FR 899, January 9, 1992, 57 FR 10160, March 24, 1992, 57 FR 10161, March 24, 1992, 57 FR 39193, August 28, 1992, 57 FR 54230, November 17, 1992, and 59 FR 30575, June 14, 1994; Thermo Products, Inc., 57 FR 903, January 9, 1992; Consolidated Industries Corporation, 57 FR 22220, May 27, 1992; Evcon Industries, Inc., 57 FR 47847, October 20, 1992, and 59 FR 46968, September 13, 1994; Bard Manufacturing Company, 57 FR 53733, November 12, 1992, and 59 FR 30578, June 14, 1994; and York International Corporation, 59 FR 46969, September 13, 1994, and 60 FR 100, January 3, 1995. Thus, it appears likely that the Petition for Waiver will be granted for blower time delay.

In those instances where the likely success of the Petition for Waiver has been demonstrated based upon DOE having granted a waiver for a similar product design, it is in the public interest to have similar products tested and rated for energy consumption on a comparable basis.

Therefore, based on the above, DOE is granting Trane an Interim Waiver for its TUD–C/AUD–C, TDD–C/ADD–C, TUD–R/AUD–R, TDD–R/ADD–R, TUD–R–V/AUD–R–V, TDD–R–V/ADD–R–V, TUY–R–V/AUY–R–V, TDY–R–V/ADY–R–V, and TDY–R–V/ADY–R–V central furnaces. Pursuant to paragraph (e) of

Section 430.27 of the Code of Federal Regulations Part 430, the following letter granting the Application for Interim Waiver to Trane was issued.

Trane's Petition for Waiver requested DOE to grant relief from the DOE furnace test procedure relating to the blower time delay specification. Trane seeks to test using a blower delay time of 45 seconds for its TUD–C/AUD–C, TDD–C/ADD–C, TUD–R/AUD–R, TDD–R/ADD–R, TUD–R–V/AUD–R–V, TDD–R–V/ADD–R–V, TUY–R–V/AUY–R–V, TDY–R–V/ADY–R–V, and TDY–R–V/ADY–R–V central furnaces instead of the specified 1.5-minute delay between burner on-time and blower on-time. Pursuant to paragraph (b) of 10 CFR Part 430.27, DOE is hereby publishing the ''Petition for Waiver'' in its entirety. The petition contains no confidential information. The Department solicits comments, data, and information respecting the petition.

Issued in Washington, DC, September 28, 1995.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

Department of Energy,
Washington, DC,
September 28, 1995.

Mr. Hongsik Ahn,
Sr. Principal Engineer, The Trane Company, Trenton, NJ 08619.

Dear Mr. Ahn: This is in response to your August 11, 1995, Application for Interim Waiver and Petition for Waiver from the Department of Energy (DOE or Department) test procedure regarding blower time delay for The Trane Company (Trane) TUD–C/AUD–C, TDD–C/ADD–C, TUD–R/AUD–R, TDD–R/ADD–R, TUD–R–V/AUD–R–V, TDD–R–V/ADD–R–V, TUY–R–V/AUY–R–V, and TDY–R–V/ADY–R–V central furnaces.

Previous waivers for this type of timed blower delay control have been granted by DOE to Coleman Company, 50 FR 2710, January 18, 1985; Magic Chef Company, 50 FR 41553, October 11, 1985; Rheem Manufacturing Company, 53 FR 48574, December 1, 1988, 56 FR 2920, January 25, 1991, 57 FR 10166, March 24, 1992, 57 FR 34560, August 5, 1992, 59 FR 30577, June 14, 1994, and 59 FR 55470, November 7, 1994; Trane Company, 54 FR 19226, May 4, 1989, 56 FR 6021, February 14, 1991, 57 FR 10167, March 24, 1992, 57 FR 22222, May 27, 1992, and 58 FR 68138, December 23, 1993; Lennox Industries, 55 FR 50224, December 5, 1990, 57 FR 49700, November 3, 1992, 58 FR 68136, December 23, 1993, and 58 FR 68137, December 23, 1993; Inter-City Products Corporation, 55 FR 51487, December 14, 1990, and 56 FR 63945, December 6, 1991; DMO Industries, 56 FR 4622, February 5, 1991, and 59 FR 30579, June 14, 1994; Heil-Quaker Corporation, 56 FR 6019, February 14, 1991; Carrier Corporation, 56 FR 6018, February 14, 1991, 57 FR 38830, August 27, 1992, 58 FR 68131, December 23, 1993, 58 FR 68133, December 23, 1993 and 59 FR 14394, March 28, 1994; Amana Refrigeration Inc., 56 FR 27958, June 18, 1991, 56 FR 63940, December 6, 1991, 57 FR 23392, June 3, 1992, and 58 FR 68130, December 23, 1993; Snyder General Corporation, 56 FR 54960, September 9, 1991; Goodman Manufacturing Corporation, 56 FR 51713, October 15, 1991, 57 FR 27970, June 23, 1992 and 59 FR 12586, March 17, 1994; The Ducane Company Inc., 56 FR 63943, December 6, 1991, 57 FR 10163, March 24, 1992, and 58 FR 68134, December 23, 1993; Armstrong Air Conditioning, Inc., 57 FR 899, January 9, 1992, 57 FR 10160, March 24, 1992, 57 FR 10161, March 24, 1992, 57 FR 39193, August 28, 1992, 57 FR 54230, November 17, 1992, and 59 FR 30575, June 14, 1994; Thermo Products, Inc., 57 FR 903, January 9, 1992; Consolidated Industries Corporation, 57 FR 22220, May 27, 1992; Evcon Industries, Inc., 57 FR 47847, October 20, 1992, and 59 FR 46968, September 13, 1994; Bard Manufacturing Company, 57 FR 53733, November 12, 1992, and 59 FR 30578, June 14, 1994; and York International Corporation, 59 FR 46969, September 13, 1994, and 60 FR 100, January 3, 1995. Thus, it appears likely that the Petition for Waiver will be granted for blower time delay.

Trane's Application for Interim Waiver does not provide sufficient information to evaluate what, if any, economic impact or competitive disadvantage Trane will likely experience absent a favorable determination on its application.

However, in those instances where the likely success of the Petition for Waiver has been demonstrated, based upon DOE having granted a waiver for a similar product design, it is in the public interest to have similar products tested and rated for energy consumption on a comparable basis.

Therefore, Trane's Application for an Interim Waiver from the DOE test procedure for its TUD–C/AUD–C, TDD–C/ADD–C, TUD–R/AUD–R, TDD–R/ADD–R, TUD–R–V/AUD–R–V, TDD–R–V/ADD–R–V, TUY–R–V/AUY–R–V, and TDY–R–V/ADY–R–V central furnaces regarding blower time delay is granted.

Trane shall be permitted to test its TUD–C/AUD–C, TDD–C/ADD–C, TUD–R/AUD–R, TDD–R/ADD–R, TUD–R–V/AUD–R–V, TDD–R–V/ADD–R–V, TUY–R–V/AUY–R–V, and TDY–R–V/ADY–R–V central furnaces on the basis of the test procedures specified in 10 CFR Part 430, Subpart B, Appendix N, with the modification set forth below:

(i) Section 3.0 in Appendix N is deleted and replaced with the following paragraph:

3.0 Test Procedure. Testing and measurements shall be as specified in Section 9 in ANSI/ASHRAE 103–82 with the exception of Sections 9.2.2, 9.3.1, and 9.3.2, and the inclusion of the following additional procedures:

(ii) Add a new paragraph 3.10 in Appendix N as follows:

3.10 Gas- and Oil-Fueled Central Furnaces. After equilibrium conditions are achieved following the cool-down test and the required measurements performed, turn on the furnace and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) comes on. After the burner start-up, delay the blower start-up by 1.5 minutes (t−) unless: (1) the furnace employs a single motor to drive the power burner and the indoor air circulation blower, in which case the burner and blower shall be started together; or (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay (t−) using a stop watch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within ±0.01 inch of water column of the manufacturer's recommended on-period draft.

This Interim Waiver is based upon the presumed validity of statements and all allegations submitted by the company. This Interim Waiver may be removed or modified at any time upon a determination that the factual basis underlying the application is incorrect.

The Interim Waiver shall remain in effect for a period of 180 days or until DOE acts on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180-day period, if necessary.

The Department is publishing in the Federal Register the Petition for Waiver in its entirely. The Petition contains no confidential information. The Department is soliciting comments, data, and information respecting the Petition.

Sincerely,

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

August 11, 1995.

Hon. Christine Ervin,
Assistant Secretary, Energy Efficiency and Renewable Energy of DOE, 1000 Independence Ave., S.W., Washington, DC 20585.

Dear Hon. Ervin: This is to submit an Application for Interim Waiver and Petition for Waiver from the Department of Energy (DOE) test procedure, prescribed in 10 CFR Part 430, Subpart B, Appendix N for furnace products. The Waiver is regarding blower on-time delay on behalf of The Trane Co./American Standard Inc., in accordance with Title 10 CFR, Part 430.27. In addition to the central heating furnace series, to which you have granted a waiver to use 45 seconds blower on-time delay in lieu of 1.5 minute, as specified in the test procedures, we now have new furnace series which also require the use of 45 seconds time delay instead of 1.5 minutes. They are: TUD–C/AUD–C, TDD–C/ADD–C, TUD–R/AUD–R, TDD–R/ADD–R, TUD–R–V/AUD–R–V, TDD–R–V/ADD–R–V, TUY–R–Y/AUY–R–V, and TDY–R–V/ADY–R–V.

The above furnaces are equipped with a fan on-time control with a fixed time of 45 seconds. The current DOE test procedures do not credit Trane/American Standard for additional energy savings that are realized

when the shorter blower on-time 45 second is utilized. Test data for each model series indicates an average of 1% AFUE increase when the 45 second on-time delay is used. Copies of confidential test data supporting these energy savings will be forwarded to you upon request.

Trane/American Standard Inc. is confident that this petition for Waiver will be granted, and therefore, requests an Interim Waiver until the forthcoming final rule.

To this data, there are numerous central forced air furnace manufacturers to which similar waivers have been granted. Also the proposed ASHRAE 103.93 test standards under consideration by DOE covers the test requirement for fan on-time delay related to the Petition for Waiver.

Manufacturers that domestically market similar products have been sent a copy of the Petition and Application for Interim Waiver.

For your reference, attached is a copy of the letter from James T. VerShaw, dated August 27, 1993, and the letter from Mr. Frank M. Stewart, Jr., with which the previous application for an Interim Waiver was granted.

Sincerely,

Hongsik Ahn,

Sr. Principal Engineer HA/nh Enclosures.

August 27, 1993.

Assistant Secretary, Conservation and Renewable Resources,

United States Department of Energy, 1000 Independence Ave. SW., Washington, D.C. 20585.

Gentlemen: This is a Petition for Waiver and Application for Interim Waiver submitted pursuant to Title 10 CFR, part 430.27. Waiver is requested from the furnace test procedure found in appendix N to Subpart B of Part 430.

The current procedure requires a 1.5 minute delay between burner and supply air blower startup. Trane is requesting the use of 45 seconds instead of 1.5 minutes when testing the following central furnace families incorporating a timed fan control with a fixed time of 45 seconds: TUC–C/AUC–A, TDC–C/ADC–C, TUX–C/AUX–C, TDX–C/ADX–C, TUE–A, TDE–A, FUA–A, and FCA–A. The current procedure does not credit Trane for additional energy savings that are realized when a shorter blower on time is utilized. Test data for each model series indicates an average of 1% AFUE increase when a 45 second timed on delay is used. Copies of confidential test data confirming these energy savings will be forwarded to you upon request.

Trane is confident that this petition for Waiver will be granted, and therefore, requests an Interim Waiver until the final ruling is made. Similar waivers have been granted to Evcon, Rheem Manufacturing, Carrier, Inter-City Products, and Lennox Industries. Also, the proposed ASHRAE 103–88 currently under consideration by DOE contains the coverage requested in the Petition for Waiver.

Manufacturers that domestically market similar products have been sent a copy of the Petition for Waiver and Application for Interim Waiver.

Sincerely,

James T. VerShaw,

Manager, Design and Technology.

Department of Energy,
Washington, DC,
October 1, 1993.

Mr. James T. Ver Shaw,

Manager, Design and Technology, The Trane Company, 2231 East State Street, Trenton, NJ 08619.

Dear Mr. Ver Shaw: This is in response to your August 27, 1993, Application for Interim Waiver and Petition for Waiver from the Department of Energy (DOE) test procedure regarding blower time delay for The Trane Company (Trane) TUC–C/AUC–A, TDC–C/ADC–A, TUX–C/AUX–C, TDX–C/ADX–C, TUE–A, TDE–A, FUA–A, and FCA–A central furnaces.

Previous waivers for this type of timed blower delay control have been granted by DOE to Coleman Company, 50 FR 2710, January 18, 1985; Magic Chef Company, 50 FR 41553, October 11, 1985; Rheem Manufacturing Company, 53 FR 48574, December 1, 1988, 56 FR 2920, January 25, 1991, 57 FR 10166, March 24, 1992, and 57 FR 34560, August 5, 1992; Trane Company, 54 FR 19226, May 4, 1989, 56 FR 6021, February 14, 1991, 57 FR 10167, March 24, 1992, and 57 FR 22222, May 27, 1992; Lennox Industries, 55 FR 50224, December 5, 1990, and 57 FR 49700, November 3, 1992; Inter-City Products Corporation, 55 FR 51487, December 14, 1990, and 56 FR 63945, December 6, 1991; DMO Industries, 56 FR 4622, February 5, 1991; Heil-Quaker Corporation, 56 FR 6019, February 14, 1991; Carrier Corporation, 56 FR 6018, February 14, 1991, and 57 FR 38830, August 27, 1992; Amana Refrigeration Inc., 56 FR 27958, June 18, 1991, 56 FR 63940, December 6, 1991, and 57 FR 23392, June 3, 1992; Snyder General Corporation, 56 FR 54960, September 9, 1991; Goodman Manufacturing Corporation, 56 FR 51713, October 15, 1991, and 57 FR 27970, June 23, 1992; the Ducane Company Inc., 56 FR 63943, December 6, 1991, and 57 FR 10163, March 24, 1992; Armstrong Air Conditioning, Inc., 57 FR 899, January 9, 1992, 57 FR 10160, March 24, 1992, 57 FR 10161, March 24, 1992, 57 FR 39193, August 28, 1992, and 57 FR 54230, November 17, 1992; Thermo Products, Inc., 57 FR 903, January 9, 1992; Consolidated Industries Corporation, 57 FR 22220, May 27, 1992; Evcon Industries, Inc., 57 FR 47847, October 20, 1992; and Bard Manufacturing Company, 57 FR 53733, November 12, 1992. Thus it appears likely that the Petition for Waiver will be granted for blower time delay.

Trane's Application for Interim Waiver does not provide sufficient information to evaluate what, if any, economic impact or competitive disadvantage Trane will likely experience absent a favorable determination on its application. However, in those instances where the likely success of the Petition for Waiver has been demonstrated, based upon DOE having granted a waiver for a similar product design, it is in the public interest to have similar products tested and rated for energy consumption on a comparable basis.

Therefore, Trane's Application for an Interim Waiver from the DOE test procedure for its TUC–C/AUC–A, TDC–C/ADC–C, TUX–C/AUX–C, TDX–C/ADX–C, TUE–A, TDE–A, FUA–A, and FCA–A central furnaces regarding blower time delay is granted.

Trane shall be permitted to test its TUC–C/AUC–A, TDC–C/ADC–C, TUX–C/AUX–C, TDX–C/ADX–C, TUE–A, FUA–A, and FCA–A central furnaces on the basis of the test procedures specified in 10 CFR Part 430, Subpart B, Appendix N, with the modification set forth below:

(i) Section 3.0 in Appendix N is deleted and replaced with the following paragraph:

3.0 Test Procedure. Testing and measurements shall be as specified in Section 9 in ANSI/ASHRAE 103–82 with the exception of Sections 9.2.2, 9.3.1, and 9.3.2, and the inclusion of the following additional procedures:

(ii) Add a new paragraph 3.10 in Appendix N as follows:

3.10 Gas- and Oil-Fueled Central Furnaces. After equilibrium conditions are achieved following the cool-down test and the required measurements performed, turn on the furnace and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) comes on. After the burner start-up, delay the blower start-up by 1.5 minutes (t−) unless: (1) the furnace employs a single motor to drive the power burner and the indoor air circulation blower, in which case the burner and blower shall be started together; or (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay (t−) using a stop watch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within ±0.01 inch of water column of the manufacturer's recommended on-period draft.

This Interim Waiver is based upon the presumed validity of statements and all allegations submitted by the company. This Interim Waiver may be removed or modified at any time upon a determination that the factual basis underlying the application is incorrect.

The Interim Waiver shall remain in effect for a period of 180 days or until DOE acts on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180-day period, if necessary.

Sincerely,

Frank M. Stewart, Jr.,

Acting Assistant Secretary Energy Efficiency and Renewable Energy.

[FR Doc. 95–25323 Filed 10–12–95; 8:45 am]

BILLING CODE 6450–01–P

[Case No. F–081]

Energy Conservation Program for Consumer Products: Granting of the Application for Interim Waiver and Publishing of the Petition for Waiver of York International From the DOE Furnace Test Procedures

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice.

SUMMARY: Today's notice publishes a letter granting an Interim Waiver to York International (York) from the existing Department of Energy (DOE or Department) test procedure regarding blower time delay for the company's D1NA, DAYA, D1NH, and DAYH lines of induced draft outdoor package units.

Today's notice also publishes a ''Petition for Waiver'' from York. York's Petition for Waiver requests DOE to grant relief from the DOE furnace test procedure relating to the blower time delay specification. York seeks to test using a blower delay time of 30 seconds for its D1NA, DAYA, D1NH, and DAYH lines of induced draft outdoor package units instead of the specified 1.5-minute delay between burner on-time and blower on-time. The Department is soliciting comments, data, and information respecting the Petition for Waiver.

DATES: DOE will accept comments, data, and information not later than November 13, 1995.

ADDRESSES: Written comments and statements shall be sent to: Department of Energy, Office of Energy Efficiency and Renewable Energy, Case No. F–081, Mail Stop EE–43, Room 1J–108, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–7140.

FOR FURTHER INFORMATION CONTACT: Cyrus H. Nasseri, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE–431, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9138; Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9507.

SUPPLEMENTARY INFORMATION: The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Public Law 94–163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95–619, 92 Stat. 3266, the National Appliance Energy Conservation Act of 1987 (NAECA), Public Law 100–12, the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100–357, and the Energy Policy Act of 1992 (EPAct), Public Law 102–486, 106 Stat. 2776, which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

The Department amended the prescribed test procedures by adding 10 CFR 430.27 on September 26, 1980, creating the waiver process. 45 FR 64108. Thereafter, DOE further amended the appliance test procedure waiver process to allow the Assistant Secretary for Energy Efficiency and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986.

The waiver process allows the Assistant Secretary to waive temporarily, test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures, or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The Interim Waiver provisions added by the 1986 amendment allow the Assistant Secretary to grant an Interim Waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

On August 8, 1995, York filed an Application for Interim Waiver and a Petition for Waiver regarding blower time delay. York's Application seeks an Interim Waiver from the DOE test provisions that require a 1.5-minute time delay between the ignition of the burner and starting of the circulating air blower. Instead, York requests the allowance to test using a 30-second blower time delay when testing its D1NA, DAYA, D1NH, and DAYH lines of induced draft outdoor package units. York states that the 30-second delay is indicative of how these furnaces actually operate. Such a delay results in an overall furnace AFUE of approximately 0.4 percent point improvement. Since current DOE test procedures do not address this variable blower time delay, York asks that the Interim Waiver be granted.

The Department has published a Notice of Proposed Rulemaking on August 23, 1993, (58 FR 44583) to amend the furnace test procedure, which addresses the above issue.

Previous waivers for this type of time blower delay control have been granted by DOE to Coleman Company, 50 FR 2710, January 18, 1985; Magic Chef Company, 50 FR 41553, October 11, 1985; Rheem Manufacturing Company, 53 FR 48574, December 1, 1988, 56 FR 2920, January 25, 1991, 57 FR 10166, March 24, 1992, 57 FR 34560, August 5, 1992; 59 FR 30577, June 14, 1994, and 59 FR 55470, November 7, 1994; Trane Company, 54 FR 19226, May 4, 1989, 56 FR 6021, February 14, 1991, 57 FR 10167, March 24, 1992, 57 FR 22222, May 27, 1992, and 58 FR 68138, December 23, 1993; Lennox Industries, 55 FR 50224, December 5, 1990, 57 FR 49700, November 3, 1992, 58 FR 68136, December 23, 1993, and 58 FR 68137, December 23, 1993; Inter-City Products Corporation, 55 FR 51487, December 14, 1990, and 56 FR 63945, December 6, 1991; DMO Industries, 56 FR 4622, February 5, 1991, and 59 FR 30579, June 14, 1994; Heil-Quaker Corporation, 56 FR 6019, February 14, 1991; Carrier Corporation, 56 FR 6018, February 14, 1991, 57 FR 38830, August 27, 1992, 58 FR 68131, December 23, 1993, 58 FR 68133, December 23, 1993 and 59 FR 14394, March 28, 1994; Amana Refrigeration Inc., 56 FR 27958, June 18, 1991, 56 FR 63940, December 6, 1991,

57 FR 23392, June 3, 1992, and 58 FR 68130, December 23, 1993; Snyder General Corporation, 56 FR 54960, September 9, 1991; Goodman Manufacturing Corporation, 56 FR 51713, October 15, 1991, 57 FR 27970, June 23, 1992 and 59 FR 12586, March 17, 1994; The Ducane Company Inc., 56 FR 63943, December 6, 1991, 57 FR 10163, March 24, 1992, and 58 FR 68134, December 23, 1993; Armstrong Air Conditioning, Inc., 57 FR 899, January 9, 1992, 57 FR 10160, March 24, 1992, 57 FR 10161, March 24, 1992, 57 FR 39193, August 28, 1992, 57 FR 54230, November 17, 1992, and 59 FR 30575, June 14, 1994; Thermo Products, Inc., 57 FR 903, January 9, 1992; Consolidated Industries Corporation, 57 FR 22220, May 27, 1992; Evcon Industries, Inc., 57 FR 47847, October 20, 1992, and 59 FR 46968, September 13, 1994; Bard Manufacturing Company, 57 FR 53733, November 12, 1992, and 59 FR 30578, June 14, 1994; and York International Corporation, 59 FR 46969, September 13, 1994, and 60 FR 100, January 3, 1995. Thus, it appears likely that the Petition for Waiver will be granted for blower time delay.

In those instances where the likely success of the Petition for Waiver has been demonstrated based upon DOE having granted a waiver for a similar product design, it is in the public interest to have similar products tested and rated for energy consumption on a comparable basis.

Therefore, based on the above, DOE is granting York an Interim Waiver for its D1NA, DAYA, D1NH, and DAYH lines of induced draft outdoor package units. Pursuant to paragraph (e) of Section 430.27 of the Code of Federal Regulations Part 430, the following letter granting the Application for Interim Waiver to York was issued.

York's Petition for Waiver requested DOE to grant relief from the DOE furnace test procedure relating to the blower time delay specification. York seeks to test using a blower delay time of 30 seconds for its D1NA, DAYA, D1NH, and DAYH lines of induced draft outdoor package units instead of the specified 1.5-minute delay between burner on-time and blower on-time. Pursuant to paragraph (b) of 10 CFR Part 430.27, DOE is hereby publishing the ''Petition for Waiver'' in its entirety. The petition contains no confidential information. The Department solicits comments, data, and information respecting the petition.

Issued in Washington, D.C., September 28, 1995.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

Department of Energy,
Washington, DC,
September 28, 1995.

Mr. Mark Diesch
Product Engineer, York International, 5005 Interstate Drive North, Norman, Oklahoma 73069.

Dear Mr. Diesch: This is in response to your August 8, 1995 Application for Interim Waiver and Petition for Waiver from the Department of Energy (DOE or Department) test procedure regarding blower time delay for York International (York) D1NA, DAYA, D1NH, and DAYH lines of induced draft outdoor package units.

Previous waivers for this type of timed blower delay control have been granted by DOE to Coleman Company, 50 FR 2710, January 18, 1985; Magic Chef Company, 50 FR 41553, October 11, 1985; Rheem Manufacturing Company, 53 FR 48574, December 1, 1988, 56 FR 2920, January 25, 1991, 57 FR 10166, March 24, 1992, 57 FR 34560, August 5, 1992, 59 FR 30577, June 14, 1994, and 59 FR 55470, November 7, 1994; Trane Company, 54 FR 19226, May 4, 1989, 56 FR 6021, February 14, 1991, 57 FR 10167, March 24, 1992, 57 FR 22222, May 27, 1992, and 58 FR 68138, December 23, 1993; Lennox Industries, 55 FR 50224, December 5, 1990, 57 FR 49700, November 3, 1992, 58 FR 68136, December 23, 1993, and 58 FR 68137, December 23, 1993; Inter-City Products Corporation, 55 FR 51487, December 14, 1990, and 56 FR 63945, December 6, 1991; DMO Industries, 56 FR 4622, February 5, 1991, and 59 FR 30579, June 14, 1994; Heil-Quaker Corporation, 56 FR 6019, February 14, 1991; Carrier Corporation, 56 FR 6018, February 14, 1991, 57 FR 38830, August 27, 1992, 58 FR 68131, December 23, 1993, 58 FR 68133, December 23, 1993 and 59 FR 14394, March 28, 1994; Amana Refrigeration Inc., 56 FR 27958, June 18, 1991, 56 FR 63940, December 6, 1991, 57 FR 23392, June 3, 1992, and 58 FR 68130, December 23, 1993; Snyder General Corporation, 56 FR 54960, September 9, 1991; Goodman Manufacturing Corporation, 56 FR 51713, October 15, 1991, 57 FR 27970, June 23, 1992 and 59 FR 12586, March 17, 1994; The Ducane Company Inc., 56 FR 63943, December 6, 1991, 57 FR 10163, March 24, 1992, and 58 FR 68134, December 23, 1993; Armstrong Air Conditioning, Inc., 57 FR 899, January 9, 1992, 57 FR 10160, March 24, 1992, 57 FR 10161, March 24, 1992, 57 FR 39193, August 28, 1992, 57 FR 54230, November 17, 1992, and 59 FR 30575, June 14, 1994; Thermo Products, Inc., 57 FR 903, January 9, 1992; Consolidated Industries Corporation, 57 FR 22220, May 27, 1992; Evcon Industries, Inc., 57 FR 47847, October 20, 1992, and 59 FR 46968, September 13, 1994; Bard Manufacturing Company, 57 FR 53733, November 12, 1992, and 59 FR 30578, June 14, 1994; and York International Corporation, 59 FR 46969, September 13, 1994, and 60 FR 100, January 3, 1995. Thus, it appears likely that the Petition for Waiver will be granted for blower time delay.

York's Application for Interim Waiver does not provide sufficient information to evaluate what, if any, economic impact or competitive disadvantage York will likely experience absent a favorable determination on its application.

However, in those instances where the likely success of the Petition for Waiver has been demonstrated, based upon DOE having granted a waiver for a similar product design, it is in the public interest to have similar products tested and rated for energy consumption on a comparable basis.

Therefore, York's Application for an Interim Waiver from the DOE test procedure for its D1NA, DAYA, D1NH, and DAYH lines of induced draft outdoor package units regarding blower time delay is granted.

York shall be permitted to test its D1NA, DAYA, D1NH, and DAYH lines of induced draft outdoor package units on the basis of the test procedures specified in 10 CFR Part 430, Subpart B, Appendix N, with the modification set forth below:

(i) Section 3.0 in Appendix N is deleted and replaced with the following paragraph:

3.0 Test Procedure. Testing and measurements shall be as specified in Section 9 in ANSI/ASHRAE 103–82 with the exception of Sections 9.2.2, 9.3.1, and 9.3.2, and the inclusion of the following additional procedures:

(ii) Add a new paragraph 3.10 in Appendix N as follows:

3.10 Gas- and Oil-Fueled Central Furnaces. After equilibrium conditions are achieved following the cool-down test and the required measurements performed, turn on the furnace and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) comes on. After the burner start-up, delay the blower start-up by 1.5 minutes (t-) unless: (1) The furnace employs a single motor to drive the power burner and the indoor air circulation blower, in which case the burner and blower shall be started together; or (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay (t-) using a stop watch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within ±0.01 inch of water column of the manufacturer's recommended on-period draft.

This Interim Waiver is based upon the presumed validity of statements and all allegations submitted by the company. This Interim Waiver may be removed or modified at any time upon a determination that the factual basis underlying the application is incorrect.

The Interim Waiver shall remain in effect for a period of 180 days or until DOE acts on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180-day period, if necessary.

The Department is publishing in the Federal Register the Petition for Waiver in its entirely. The Petition contains no confidential information. The Department is soliciting comments, data, and information respecting the Petition.

Sincerely,

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

August 8, 1995.

Assistant Secretary, Conservation & Renewable Energy,

United States Department of Energy, 1000 Independence Avenue, SW., Washington, D.C.

Subject: Petition for Waiver and Application for Interim Waiver.

Dear Assistant Secretary: This is a Petition for Waiver and Application for Interim Waiver submitted pursuant to Title 10 CFR 430.27, as amended 14 November 1986. Waiver is requested from the test procedures for measuring the Energy Consumption of Furnaces found in Appendix N of Subpart B to Part 430, specifically the section requiring a 1.5 minute delay between burner ignition and start-up of the circulating air blower.

York International requests a waiver from the specified 1.5 minute delay, and seeks authorization in its furnace efficiency test procedures and calculations to utilize a fixed timing control that will energize the circulating air blower 30 seconds after the gas valve opens. A control of this type with a fixed 30 second blower on-time will be utilized in our D1NA, DAYA, D1NH, and DAYH lines of induced draft package gas/electrics.

The current test procedure does not credit York for additional energy savings that occur when a shorter blower on-time is utilized. Test data for these furnaces with a 30 second delay indicate that the overall furnace AFUE will increase approximately 0.4 percent compared to the same furnace tested with the 1.5 minute delay. Copies of the confidential test data confirming these energy savings will be forwarded to you upon request.

York International is confident that this waiver will be granted as similar waivers have been granted to York International in the past along with Inter-City Products Corporation, Rheem Manufacturing, the Trane Company, and others.

Sincerely,

Mark Diesch,

Product Engineer.

[FR Doc. 95–25351 Filed 10–12–95; 8:45 am]

BILLING CODE 6450–01–P

Record of Decision; Southeast Regional Wastewater Treatment Plant Facilities Improvements Project and Geysers Effluent Pipeline Project

AGENCY: Energy Efficiency and Renewable Energy, Office of Utility Technologies, Department of Energy.

ACTION: Notice of Record of Decision.

SUMMARY: Today's notice is issuing the United States Department of Energy (the Department) Office of Energy Efficiency and Renewable Energy's Record of Decision on the Southeast Regional Wastewater Treatment Plant Facilities Improvements Project and Geysers Effluent Pipeline Project Environmental Impact Statement/Environmental Impact Report prepared by the United States Department of Interior, Bureau of Land Management (the Bureau) and the Lake County California Sanitation District. The Department, as a cooperating agency, adopted the Environmental Impact Statement as DOE/EIS–0224 on January 11, 1995 after independent review. This Record of Decision is pursuant to the Council on Environmental Quality regulations (40 Code of Federal Regulations Parts 1500–1508), which implement the procedural provisions of the National Environmental Policy Act, and the Department's National Environmental Policy Act regulations (10 Code of Federal Regulations Part 1021). The document was also prepared to comply with the California Environmental Quality Act, hence the impacts; the proposed project will be beneficial to the public by extending the life of the Southeast Geysers Geothermal Field providing more electricity for consumption, and the proposed project will be beneficial to the public by bringing the Southeast Regional Wastewater Treatment Plant into compliance with California Regional Water Quality Control Board Waste Discharge Requirements and enable lifting of the Board's 1991 Cease and Desist Order and associated moratorium. The final Environmental Impact Statement was published August 25, 1994.

ADDRESSES: The Final Environmental Impact Statement is available for public review at the following locations:

Bureau of Land Management - 2550 N. State St., Ukiah, California
Lake County Sanitation District - 230A Main St., Lakeport, California
Lake County Planning Department - 255 N. Forbes St., Lakeport, California
Lakeport Public Library - 1425 N. High St., Lakeport, California
Redbud Public Library - 4700 Golf Ave., Lakeport, California
City of Clearlake Offices - 14360 Lakeshore Dr., Clearlake, California
Lower Lake Water District - 16175 Main St., Lower Lake, California
South Lake Water District - 21095 State Hwy. 175, Middletown, California
Sonoma County Public Library - 3rd & E Sts., Santa Rosa, California
Sonoma County Planning Dept. - 575 Administration Dr., Santa Rosa, California
Sonoma County Board of Supervisors Office - 575 Administration Dr., Santa Rosa, California
Yolo County Flood Control and Water Conservation District - 34274 State Hwy. 16, Woodland, California
U. S. Department of Energy Public Reading Room, 1000 Independence Avenue, SW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: For further information regarding the Department's involvement in this project and for copies of this Record of Decision please contact the Southeast Geysers Environmental Impact Statement Document Manager, U.S. Department of Energy, 850 Energy Drive, Mail Stop-1146, Idaho Falls, Idaho 83401–1563, (208) 526–1483.

For information regarding the National Environmental Policy Act process, contact Ms. Carol M. Borgstrom, Director, Office of National Environmental Policy Act Policy and Assistance, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–4600 or (800) 472–2756. To receive a copy of the final Environmental Impact Statement and the Bureau Record of Decision please contact Mr. Richard Estabrook, Project Manager, U.S. Bureau of Land Management, Ukiah District, 2550 North State Street, Ukiah, CA, 95482, (707) 468–4052.

SUPPLEMENTARY INFORMATION:

Background

Since early 1992, the Lake County Sanitation District has pursued a joint venture with the geothermal industry, specifically the Northern California Power Agency, Calpine Corporation (Calpine), and Pacific Gas and Electric Company, to develop a plan for disposal of secondary-treated effluent from the Southeast Regional Wastewater Treatment Plant (the Plant) near the City of Clearlake, California, in the Southeast Geysers Geothermal Steam Field. In early 1994, Union Oil Company also became a partner in the joint venture. That plan includes upgrades to treatment facilities at the Plant, construction of a pipeline to divert raw lake water from Clear Lake to be added to the effluent, construction of a 26-mile 24-inch diameter pipeline to the Southeast Geysers, addition of effluent from the Middletown Wastewater Treatment Plant, pump stations, secondary distribution lines for conveying the effluent to injection wells in the steam field, and construction of storage regulating tanks. The project is located primarily in Lake County, California, and also in part of Sonoma County, California.

The project is intended to alleviate two circumstances. (1) It would resolve treatment and disposal deficiencies and would provide additional capacity at

the Plant, thereby bringing the Southeast Regional Wastewater System into compliance with California Regional Water Quality Control Board Waste Discharge Requirements and enable lifting of the Board's 1991 Cease and Desist Order and associated moratorium. Prior to development of this plan, a cost-effective and environmentally acceptable means of disposing treated wastewater effluent could not be identified. (2) The project would also provide a dependable source of water for injection into the Southeast Geysers steam field to support steam reservoir pressure that is used to generate electric power. Since about 1987, declines in steam production have occurred because of lower steam pressure throughout the Southeast Geysers Geothermal Field. The wastewater effluent, combined with diverted lake water, would mitigate the decline and allow continued geothermal energy production in this area for 25 or more years at higher production levels than would occur otherwise.

Implementation of the plan involves multiple federal, state and local agencies. Federal participation includes permitting by the Bureau, as portions of the project in the Southeast Geysers require granting of Rights of Ways on federal lands managed by the Bureau. The Department will provide financial assistance grants to the Lake County Sanitation District for construction of the project. The Department has provided funding for the project in the past for early engineering design work and for preparation of environmental documentation. Additional funding may be provided by the U.S. Environmental Protection Agency, U.S. Department of Agriculture Rural Development Administration, and the Department of Commerce Economic Development Administration. Other federal agencies with permitting or consultation requirements include the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, Advisory Council on Historic Preservation, and Occupational Safety and Health Administration.

Environmental Considerations

The Bureau serves as the lead federal agency under the National Environmental Policy Act for the Environmental Impact Statement. The Department is a cooperating agency. The Lake County Sanitation District is the lead agency representing local authorities and assuming responsibility for compliance with or coordination of State of California requirements for the project including preparation of a joint Environmental Impact Report, pursuant to requirements of the California Environmental Quality Act. The following summarizes the specific key actions taken to comply with the National Environmental Policy Act and the California Environmental Quality Act.

Notice of Intent published in the Federal Register—March 11, 1993 (58 FR 13499)

Public scoping meetings in Sacramento and Lakeport, CA—March 25 & 26, 1993

Supplemental Notice of Intent published in the Federal Register—September 9, 1993 (58 FR 47469)

Public scoping meeting in Lakeport on the Supplemental Notice of Intent—August 23, 1993

Second Supplemental Notice of Intent—March 31, 1994

Public scoping meeting in Lakeport on the Second Supplemental Notice of Intent—April 13, 1994

Draft Environmental Impact Statement/Environmental Impact Report on the Southeast Regional Wastewater Treatment Facilities Improvements Project and Geysers Effluent Pipeline Project—May 26, 1994

Notice of Availability for the Draft Environmental Impact Statement/Environmental Impact Report published in the Federal Register—June 10, 1994 (59 FR 30000)

Public hearings on the Draft Environmental Impact Statement/Environmental Impact Report in Lakeport—June 30 and July 14, 1994

Close of Public Comment Period on Draft Environmental Impact Statement/Environmental Impact Report—July 26, 1994

Final Environmental Impact Statement/Environmental Impact Report on the Southeast Regional Wastewater Treatment Facilities Improvements Project and Geysers Effluent Pipeline Project—August 25, 1994

Notice of Availability for the Final Environmental Impact Statement/Environmental Impact Report published in the Federal Register—August 26, 1994 (59 FR 44144)

Public Hearing on the Final Environmental Impact Statement/Environmental Impact Report before the Lake County Planning Commission in Lakeport (Environmental Impact Report certification) and before the Lake County Sanitation District Board of Directors in Lakeport (Environmental Impact Report re-certification and project approval)—August 25, 1994 and September 20, 1994, respectively.

Close of Public Comment Period on the Final Environmental Impact Statement—September 26, 1994

Department of Energy Adopts the Environmental Impact Statement January 11, 1995

Bureau of Land Management Record of Decision—February 16, 1995

Certification of the Environmental Impact Report by the Lake County Planning Commission included recommendations for implementation of a Mitigation, Monitoring and Operation Plan, pursuant to requirements of the California Environmental Quality Act, and drawn from mitigation measures identified in the Draft and Final Environmental Impact Statement/Environmental Impact Report. The re-certification of the Environmental Impact Report by the Lake County Sanitation District Board of Directors includes the Mitigation, Monitoring and Operation Plan, which establishes enforceable conditions of the County Use Permit. Sonoma County also adopted mitigation measures which are included in the Union Oil Company general use permit. The Environmental Impact Statement/Environmental Impact Report did not distinguish between mitigation and monitoring responsibilities of the Bureau of Land Management and Lake and Sonoma Counties so the Bureau appended the Mitigation, Monitoring and Operation Plans to their Record of Decision. The Bureau Record of Decision is included here as Appendix A. Mitigation measures identified in the Environmental Impact Statement/Environmental Impact Report and designated mitigation measure enforcement authorities are included in the Bureau Record of Decision. Therefore, the Department will not prepare a separate mitigation action plan.

The Bureau signed a Record of Decision for the project which specifies that the right-of-way grants which implement the decision would be issued only upon completion of the section 106 process under the National Historic Preservation Act, and completion of conference procedures with the U.S. Fish and Wildlife Service for the project. The Department, the Environmental Protection Agency, the California State Water Resources Control Board, and the Lake County Sanitation District entered into a Programmatic Agreement with the Advisory Council on Historic Preservation and the California State Historic Preservation Office for protection of cultural resources on all parts of the project according to section 106 of the National Historic Preservation Act. The Programmatic Agreement requires identification and

evaluation of cultural resources that may be disturbed by the action and mitigation where significant resources would be disturbed in consultation with historic preservation officials. Implementation of this agreement completes the consultation requirements of sections 106 and 110 of the National Historic Preservation Act for the project. Mitigation measures to avoid or reduce impacts are listed in the final Environmental Impact Statement and the attached Bureau Record of Decision. The Bureau has formally requested a conference with the U.S. Fish and Wildlife Service regarding potential impacts to the California red-legged frog (Rana aurora draytonii). This species is proposed for listing as endangered and was scheduled to be listed early in 1995. Section 7 of the Endangered Species Act requires conferencing but not formal consultation for proposed species. A proposed species is one that has been proposed for listing as an endangered species. A candidate species is under evaluation to determine whether to propose it for listing as an endangered species. If the evaluation is in the early stages it would be a candidate 2 species, when enough information is available to propose the species for listing it would be called a candidate 1 species. A biological assessment is not required for proposed or candidate species. However, the Bureau prepared a biological assessment of potential impacts to a number of species including the California red-legged frog as well as federal candidate 1 plant species including the Lake County dwarf flax (Hesperolinon didymocarpum), the Socrates Mine jewelflower (Streptanthus brachiatus ssp. brachiatus), and the Freed's jewelflower (Streptanthus brachiatus ssp. hoffmanii). The project impacts were determined to be ''not likely to adversely affect'' the plant species listed above. Additional plant and animal species are evaluated in the biological assessment resulting in ''no effect'' determinations. Surveys for the red-legged frog have discovered no specimens in the project impact area. If the species is discovered in the impact area during construction, a number of mitigation measures would be instituted to lessen the impact. Only one potential habitat area, a stream crossing at Bear Creek, has the potential to result in permanent loss of habitat. The U.S. Fish and Wildlife Service concurred with the Bureau determination that the project is not likely to adversely affect the red-legged frog. Mitigation measures reducing the project's potential impact to the red-legged frog and other special status plant and animal species and their habitats to less than significant levels are included in the final Environmental Impact Statement and the Bureau Record of Decision. Additional mitigation measures such as alterations to the pipeline route or pipeline design to avoid or reduce impacts to the species or their habitat may be implemented based on the U.S. Fish and Wildlife Service requirements if new information reveals effects of the proposed action that may affect listed species in a manner or to an extent not considered.

Alternatives Considered in the Decision-Making Process

Preferred Alternative and Supporting Rationale and Trade-offs

The preferred alternative is the proposed project identified in the Environmental Impact Statement/ Environmental Impact Report with mitigation measures. This alternative was selected: (1) Because it will provide a means for the Lake County Sanitation District to resolve its treatment and effluent disposal deficiencies, bringing the Southeast Regional Wastewater Treatment Plant into compliance with its waste discharge permit requirements, as required by law and (2) because it will support continued geothermal steam energy production in the Southeast Geysers, which has been in decline since 1987. The preferred alternative meets the specific objectives of the project that are consistent with provisions of the Federal Land Policy and Management Act of 1976, Geothermal Steam Act of 1970 and other federal laws regulating geothermal energy use in the Southeast Geysers. The area currently contains extensive geothermal energy development that is regulated by the Bureau. The project with mitigation provides a method of continued long-term use of the natural heat resource for electrical energy generation. Continued use of the geothermal resources of the Southeast Geysers is consistent with federal policy for use of alternative energy resources and the specific land management objectives of the Bureau in this Resource Area. Additionally, this alternative provides an effective means of treated effluent disposal, which is consistent with federal policy promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Clean Water Act. By providing a remedy that would remove the current Cease and Desist Order for the Plant, the project would support compliance with federal law and EPA wastewater discharge requirements. Significant impacts of the preferred alternative can be reduced to less-than-significant levels through implementation of mitigation. Two impacts were identified in the Environmental Impact Statement/ Environmental Impact Report as significant and unavoidable. Impact 5.2.2.1 identified a short-term impact on water quality by construction of a road and placement of fill in an unnamed tributary of Bear Creek. The Bureau has identified specific mitigation measures in the draft Environmental Impact Statement/Environmental Impact Report and final Environmental Impact Statement/Environmental Impact Report which would reduce the risk of slope erosion and silt deposition in the creek in the short term and in the long term. Impact 5.2.3.13 identified long-term cumulative loss of montane hardwood woodland, montane conifer woodland and mixed chaparral that potentially provide habitat for the loggerhead shrike, a federal candidate 2 species. The same area may also be habitat for the Cooper's hawk and sharp-shinned hawk, both California species of concern and protected under State Code. Actual presence of these species at the area of potential effect has not been determined and, therefore, the impact is not definitive. Mitigation has been included that would require preconstruction surveys to determine if the species is present. Mitigation would potentially include establishing habitat preservation plans in the region for these species. These habitats are relatively widespread in the area, providing opportunities for preservation.

Major public concerns relate to induced seismicity, spills and loss of habitat. Seismicity: Evidence suggests that injection of water into the Geysers steam field does induce seismicity in the form of microseismic events which register less than 3.0 on the Richter Scale. This magnitude of seismic event is not great enough to cause any damage to a structure and therefore is not considered to have a significant environmental impact. The Bureau noted in their Record of Decision that injection may be stopped if the link to larger magnitude earthquakes becomes clear. Spills: The public is concerned that effluent from a pipeline break could result in damage to waterways and impacts to plant and animal species. Pipeline monitoring, pipeline design and the mitigation measures in the Environmental Impact Statement and mitigation plans will reduce the risk and impact of a spill to less than significant levels. Loss of Habitat: There

will be temporary loss of habitat during construction and a permanent loss along the pipeline corridor. Mitigation measures reduce habitat loss to a minimum.

Environmentally Preferred Alternative and Rationale for Rejection

The environmentally preferred alternative identified in the Environmental Impact Statement/ Environmental Impact Report was the proposed project with the exception that Route Alternative F would be implemented. Route F differs from the preferred alternative only in the location of a 5,000-foot segment of the pipeline. Route F included construction of the Geysers Effluent Pipeline in about 3,700 feet of existing roadway and without an access road for about 2,000 feet between the Bear Canyon Power Plant and the Northern California Power Agency M-Site. This alternative would have eliminated the need to construct a new road and place fill in the course of the unnamed tributary of Bear Creek, features which created a potential for significant unavoidable environmental impacts.

The environmentally preferred alternative was rejected because the advantages of having continuous road access to the pipeline in the rugged terrain outweighed the environmental impacts. Mitigation included in the Bureau Record of Decision reduces impacts substantially. While residual impacts on water quality and permanent loss of possible habitat of sensitive bird species would result from the preferred alternative in this segment of the pipeline route, these impacts are deemed acceptable in consideration of the advantages offered by better access to the pipeline. The preferred project also would result in connection of two roads that currently dead end. Connection of the roads would provide improved access for emergency vehicles to the Southeast Geysers.

Other Alternatives and Rationale for Rejection

The Lake County Sanitation District rejected all alternative forms of wastewater disposal described in the Environmental Impact Statement/ Environmental Impact Report because of significant potential environmental impacts and costs. These considerations were reviewed by the Bureau and the Department. The Lake County Sanitation District had primary responsibility for the rejection of other disposal method alternatives. In making its decision about providing partial funding for the project, the Department considered the environmental effects of the project and all alternatives, including alternative disposal options.

The No Action Alternative was rejected because it would not allow the Lake County Sanitation District to resolve its wastewater treatment deficiencies. Specifically, it would be unacceptable to take no action and thereby continue conditions that have caused the existing Cease and Desist Order to be in effect for the Plant with periodic violations of the federal Clean Water Act. In addition, the No Action Alternative was rejected by the Bureau because it would not provide a means to support the continued economical use of the geothermal resource in the Southeast Geysers and would not assist northern California in meeting its present and forecast energy demand.

Alternative wastewater disposal locations considered in the Environmental Impact Statement included injection at the Borax Lake geothermal well, Audrey geothermal well or a new on-site disposal well. These alternative locations are speculative and technically unproven for sustaining the geothermal resource and thus would not meet the objectives of the proposal. Engineers and geologists have determined that the Southeast Geysers area is the best location to inject water and sustain the resources, given geological conditions, topographical features and environmental concerns.

A number of alternative facility designs and routes were evaluated in the Environmental Impact Statement including differences in the designs for pumping water from Clear Lake, pump stations and surge tanks along the pipeline route, and alternative pipeline segment routes. The discussion below relates the impacts from the alternative to the impacts from the preferred alternative and why those alternatives were not selected.

Alternative Facility Designs

The Lake Diversion Pumps and Pipeline on Pier alternative differs from the preferred alternative in that the pumps and pipeline to the Clear Lake shore would be located on a pier instead of locating the pipe underwater and the pumps on shore. This alternative would temporarily increase local water turbidity and local noise from driving piles for the pier and would result in an unavoidable and significant alteration of the visual environment.

The Bear Canyon Single Pump Station and One-Way Surge Tank in the Geysers alternative would replace five pump stations with one large pump station and require a surge tank to be located at the high point of the pipeline in The Geysers. It would result in a significant noise impact to residents near the larger pump station, the loss of several large trees and valley oak woodland habitat which may provide habitat for the Coopers's hawk and sharp-shinned hawks, and increased degradation of the visual environment along a well-travelled highway.

The By-pass Pipeline at the Plant is an alternative to discharging diverted lake water into the Plant reservoir. Instead, a pipeline would be constructed to channel water to the pumps for the Geysers Effluent Pipeline instead of to the reservoir. This alternative offered no significant environmental benefits or detriments over the preferred alternative. It was rejected for engineering reasons because it would create inferior Plant operating conditions and efficiencies by limiting the flexibility of Plant reservoir management.

The alternative site for the Childers Peak regulating tank would be at the high point of the Geysers Effluent Pipeline between the Plant and the Middletown Wastewater Treatment Plant more to the east of the saddle in the Big Canyon Creek watershed. This location would require a substantial cut to be made into the hillside which would introduce some potential slope instability and require a greater amount of grading and possibly some blasting. There would possibly be impacts of greater intensity to water quality because of increased silt generation from the increase in grading. Two special status plant species specimens, scarlet fritillary and thread-leaved miner's lettuce, could potentially be lost.

Alternative Pipeline Routes

Route Alternatives A–1 and A–2 would avoid placement of the pipeline in existing private driveways by taking short diversions from the proposed route. They would produce silt that would be conveyed into the Clear Lake Outlet Channel. These routes would add 400 and 450 feet respectively to the length of the proposed route. These were rejected due to the siltation potential and higher construction costs.

Route Alternative B would avoid crossing Clayton Creek on the bridge by spanning the deeply incised channel upstream of the bridge and crossing the large meander loop of Clayton Creek. This alternative could result in a significant erosion hazard and the hazard of stream erosion undermining the pipeline, potentially significant short term silt deposition in Clayton Creek and potentially significant short term impact to Northwestern pond

turtles and the habitat of the black-shouldered kite.

Route Alternative C would cross Highway 29 about 150 feet south of a fruit and vegetable stand as proposed in the preferred alternative. This route would result in no increase in negative environmental impacts and would preserve several large conifers and deciduous trees along the east side of the road, providing a beneficial impact on visual resources. This alternative was rejected because of engineering and cost benefits in implementing the preferred alternative.

Route Alternative D would reduce the length of the pipeline by 250 feet by cutting across the longer turn of the existing road leading down from Childers Peak Saddle. This would likely produce high erosion hazards and potentially significant erosion with silt deposition ultimately in Big Canyon Creek.

Route Alternative E would reduce the need for easement acquisition by continuing in a southerly direction on the Big Canyon Road to its intersection with Harbin Springs Road and then proceeding northwesterly on Harbin Springs Road. The preferred alternative route would cut across the northern edge of a pasture. The alternative would require the pipeline to be 900 feet longer than the proposed route and would be located entirely within or on the shoulder of public roads, but would not result in any significant change in environmental impacts. It was rejected because it would result in higher construction costs with no substantial environmental benefits.

Route Alternative F would not follow a new road connecting the Northern California Power Agency M-Pad but follow the Bear Canyon Access Road to the Bear Canyon Power Plant, cross the creek in the fill above the culvert and trend uphill to the M-pad. This route would result in higher erosion hazards, potentially significant impacts on runoff and water quality and would contribute to the permanent cumulative loss of mixed chaparral and montane hardwood habitat of the Cooper's and sharp-shinned hawk.

Route Alternative G was a small deviation from the proposed route near the end of the Geysers Effluent Pipeline to avoid construction in the area of the Northern California Power Agency main gate, which receives heavy vehicle traffic. The road is the Northern California Power Agency's private road. The alternative route was rejected because it offered no substantial environmental advantages and because the construction disturbance for the preferred alternative route could be accommodated.

Consideration of Other Alternatives

The preferred project is a preliminary plan. As the project has been approved by the Lake County Sanitation District Board of Directors, the phase of final engineering design will soon be started. At present, the project sponsors are considering a number of design and route alternatives that would represent modifications of the plan as presented in the Environmental Impact Statement/Environmental Impact Report. One of the primary reasons for these potential modifications is to reduce mitigation costs by avoiding environmentally sensitive areas altogether. These alternatives include (1) evaluation of isolation valve placement; (2) relocation of the main pump station site on private land within the City of Clearlake (on Robin Lane); (3) a new pump station located near Highway 29 by project station 58 on private land; and (4) an alternative pipeline route between the southern end of the City of Clear Lake and Morgan Valley Road on private land and county roads to avoid the proposed route in Lake Street which is heavily constrained by cultural resources, traffic and other infrastructure. All of these alternatives, if advanced to a specific proposal, would require completion of supplemental review pursuant to the California Environmental Quality Act and the National Environmental Policy Act.

Non-Environmental Factors Affecting The Decision-Making Process, Rationale and Trade-Offs

Non-environmental factors that entered into the Department's decision-making process included the mission of contributing to the research and development of alternative energy resources and a desire to perform that mission while contributing to resolution of the municipal wastewater treatment problems in Lake County. Cost considerations were a significant consideration on the part of The Lake County Sanitation District in selecting alternatives.

Decision

After consideration of the entire record and attachments (including the conditions for right-of-way grants in the Bureau of Land Management's Record of Decision) the Department has decided to provide additional funding to the Lake County Sanitation District through financial assistance awards for this project. The project encompasses upgrades to the Southeast Regional Wastewater Treatment Plant and construction of a pipeline to transport treated municipal wastewater treatment plant effluent and water from Clear Lake in Lake County, California, to the Southeast Geysers Geothermal Field for injection into the steam field.

Issued at Washington DC, this 2nd day of October, 1995.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 95–25360 Filed 10–12–95; 8:45 am]

BILLING CODE 6450–01–P

Energy Information Administration

Proposed Extension of FE–746R, ''Import and Export of Natural Gas''

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Notice of the Proposed Extension of FE–746R, ''Import and Export of Natural Gas''.

SUMMARY: The Energy Information Administration (EIA) is soliciting comments concerning the proposed extension of FE–746R, ''Import and Export of Natural Gas.''

DATES: Written comments must be submitted on or before December 12, 1995. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below of your intention to do so as soon as possible.

ADDRESSES: Send comments to John Glynn, FE–531, Rm. 3H–087, U.S. Department of Energy, Office of Natural Gas, Fossil Energy, 1000 Independence Ave., S.W., Washington, DC 20585. Alternatively, John Glynn can be reached at JGLYNN@FE.DOE.GOV (Internet e-mail), or 202–586–6050 (facsimile).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to John Glynn at the address listed above, or phone 202–586–9454.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Current Actions.
III. Request for Comments.

I. Background

In order to fulfill its responsibilities under the Federal Energy Administration Act of 1974 (Pub. L. No. 93–275) and the Department of Energy Organization Act (Pub. L. No. 95–91), the Energy Information Administration is obliged to carry out a central, comprehensive, and unified energy data and information program. As part of this

program, EIA collects, evaluates, assembles, analyzes, and disseminates data and information related to energy resource reserves, production, demand, and technology, and related economic and statistical information relevant to the adequacy of energy resources to meet demands in the near and longer term future for the Nation's economic and social needs.

The Energy Information Administration, as part of its continuing effort to reduce paperwork and respondent burden (required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13)), conducts a presurvey consultation program to provide the general public and other Federal agencies with an opportunity to comment on proposed and/or continuing reporting forms. This program helps to ensure that requested data can be provided in the desired format, reporting burden is minimized, reporting forms are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

The information requirements in FE–746R contain an application for authorization to export or import natural gas and for information to be filed as part of an import/export proceeding. Applications to export and import natural gas are required by statute and provide the decision-maker with the basic factural information about the scope and nature of a proposed export or import. The application and the information obtained during the course of a proceeding form the record upon which a decision will be based.

II. Current Actions

This notice is to solicit comments on the proposed extension to FE–746R. The extension request to the Office of Management and Budget will be through December 31, 1998. The regulation establishes the procedures that are to be followed by persons filing applications to obtain authorization to import or export natural gas.

III. Request for Comments

Prospective respondents and other interested parties should comment on the actions discussed in item II. The following guidelines are provided to assist in the preparation of responses.

General Issues

EIA is interested in receiving comments from persons regarding:

A. Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility. Practical utility is the actual usefulness of information to or for an agency, taking into account its accuracy, adequacy, reliability, timeliness, and the agency's ability to process the information it collects.

B. What enhancements can EIA make to the quality, utility, and clarity of the information to be collected?

As a Potential Respondent

C. Are the instructions and definitions clear and sufficient? If not, which instructions require clarification?

D. Can data be submitted in accordance with the due date specified in the instructions?

E. Public reporting burden for the FE–746R is estimated to average 150 hours per respondent. Burden includes the total time, effort, or financial resources expended to generate, maintain, retain, or disclose or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

Please comment on (1) the accuracy of our estimate, and (2) how the agency could minimize the burden of the collection of information, including the use of automated collection techniques or other forms of information technology.

F. What is the estimated cost of providng this data, including the direct and indirect costs associated with the data collection? Direct costs should include all costs, such as administrative costs, directly attributable to providing this information.

G. Do you know of any other Federal, State, or local agency that collects similar data? If you do, specify the agency, the data element(s), and the methods of collection.

H. If you have the capability, what is your electronic reporting preference (FAX, Touch-Tone Telephone Data Entry, Internet, etc.)?

As a Potential User

I. Can you use data at the levels of detail indicated?

J. For what purpose would you use the data? Be specific.

K. Are there alternate sources of data and do you use them? If so, what are their deficiencies and/or strengths?

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. They also will become a matter of public record.

Statutory Authority: Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13).

Issued in Washington, D.C. October 10, 1995.

John Gross,

Acting Director, Office of Statistical Standards, Energy Information Administration.

[FR Doc. 95–25430 Filed 10–12–95; 8:45 am]

BILLING CODE 6450–01–P

Office of Energy Research

Health and Environmental Research Advisory Committee Notice of Open Meeting

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is given of a meeting of the Health and Environmental Research Advisory Committee.

DATES: Tuesday, October 31, 1995, 8:30 a.m. to 5:30 p.m.; and Wednesday, November 1, 1995, 8:30 a.m. to 12:00 p.m.

ADDRESSES: Doubletree Hotel, 1750 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Dr. Benjamin Barnhart, Designated Federal Official, Health and Environmental Research Advisory Committee, U.S. Department of Energy, ER–70, GTN, Germantown, Maryland 20874, Telephone Number: 301–903–3213.

SUPPLEMENTARY INFORMATION: *Purpose of the Meeting:* To provide advice on a continuing basis to the Director of Energy Research of the Department of Energy on the many complex scientific and technical issues that arise in the development and implementation of the health and environmental research program.

Tentative Agenda

Tuesday, October 31, 1995, and Wednesday, November 1, 1995

- Welcome Remarks
- Opening of Meeting
- Review and Approval of Minutes from Previous Meeting
- Remarks by the Director of the Office of Energy Research

- Office of Health and Environmental Research Program Overview: Scope, Issues, Budget
- Review of Office of Health and Environmental Research Programs
- Review of Subcommittee Reports
- New Business
- Public Comment (10-minute rule)

Public Participation: The two-day meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Benjamin Barnhart at the address or telephone number listed above. Requests to make oral statements must be received 5 days prior to the meeting; reasonable provision will be made to include the statement in the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: The transcript of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between 9:00 a.m. and 4:00 p.m., Monday through Friday, except holidays.

Issued in Washington, D.C. on October 6, 1995.

Rachel Murphy Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 95–25362 Filed 10–12–95; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. CP95–595–000]

Texas Eastern Transmission Corporation; Notice of Availability of the Environmental Assessment for the Proposed Brazos River Crossing Project

October 6, 1995.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) on the natural gas pipeline facilities proposed by Texas Eastern Transmission Corporation (Texas Eastern) in the above-referenced docket. The EA was prepared to satisfy the requirements of the National Environmental Policy Act.

Texas Eastern's proposal would move the existing Brazos River crossing to the north, and would require entirely new right-of-way. The staff recommends that Texas Eastern use the original river crossing location for the project, as part of its Alternate Route 2, as shown in figure 2 of the EA. The staff concludes that approval of the modified 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 of the following facilities:

- about 1.56 miles of new 24-inch-diameter mainline between mileposts (MP) 52.25 and 53.81 of Texas Eastern's existing Line No. 11, including a new crossing of the Brazos River by directional drill, in Austin and Waller Counties, Texas; and
- abandonment by removal of about 166 feet of 24-inch-diameter Line No. 11, and 128 feet of an auxiliary 16-inch-diameter pipeline at the existing crossing of the Brazos River in Austin and Waller Counties, Texas.

It also examines one route variation and two alternate routes to use the existing right-of-way, and avoid impacts to wetlands and pecan trees.

The purpose of the proposed facilities would be to replace the existing Brazos River crossing because the two existing pipelines have been exposed by erosion in the river channel. River scour has also eroded the bank to within 150 feet of the existing pipeline.

The EA has been placed in the public files of the FERC and is available for public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 941 North Capitol Street, N.E., 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. Jeff Gerber, Environmental Project Manager, Environmental Review and Compliance Branch II, Office of Pipeline Regulation, Room 7312, 825 North Capitol Street, N.E., Washington, DC 20426, (202) 208–1121.

Any person wishing to comment on the EA may do so. Written comments must reference Docket No. CP95–595–000, and be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Comments should be filed as soon as possible, but must be received no later than November 6, 1995, to ensure consideration prior to a Commission decision on this proposal. A copy of any comments should also be sent to Mr. Jeff Gerber, Environmental Project Manager, Room 7312, at the above address.

Comments will be considered by the Commission but will not serve to make the commentor 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 Procedures (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. Jeff Gerber, Environmental Project Manager, (202) 208–1121.

Lois D. Cashell,

Secretary.

[FR Doc. 95–25452 Filed 10–12–95; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2550–002]

N.E.W. Hydro, Inc., Weyauwega Hydroelectric; Notice of Site Visit

October 6, 1995.

The Federal Energy Regulatory Commission (FERC) has received an application for new minor license of the Weyauwega Hydroelectric Project, FERC No. P–2550–002. The project is located on the south shore of Waupaca River in the City of Weyauwega, Wisconsin.

The FERC staff intends to prepare an Environmental Assessment (EA) on the hydroelectric project in accordance with the National Environmental Policy Act.

As part of the EA preparation process, FERC staff will conduct a site visit of the project on October 24, 1995. The site visit will provide an opportunity for interested parties to observe environmental conditions at the project area.

If you would like to attend the site visit, we will meet at 1:30 p.m. on October 24, 1995. The Weyauwega Hydro Project directions to the meeting location are as follows:

The dam is located on highway 110. From Appleton, WI, take highway 10 west to highway 110. Follow highway 110 north through the City of Weyauwega and the dam is located on the south shore of the Waupaca River.

We will conclude the site visit at the Hydroelectric Project location. Please be

aware that you will be responsible for your own lodging, transportation, and meals.

Please notify Mr. Loyal Gake, North American Hydro, Inc. at (414) 293–4628, if you plan to attend the site visit. All those attending the site visit are urged to refrain from any communication concerning the merits of the license application to any member of the Commission staff or Commission's Contractor, CH2M HILL, outside of the established process for developing the licensing record.

For further information, please contact Ms. Angela Oliver at (202) 219–2998.

Lois D. Cashell,

Secretary.

[FR Doc. 95–25384 Filed 10–12–95; 8:45 am]

BILLING CODE 6717–01–M

[Project Nos. 11496–000 and 2523–007]

City of Oconto Falls and N.E.W. Hydro, Inc., Oconto Falls Hydroelectric Projects; Notice of Site Visit

October 6, 1995.

The Federal Energy Regulatory Commission (FERC) has received an application for new minor license of the Oconto Falls Hydroelectric Project, FERC No. P11496–000 and P–2523–007. The project is located on the Oconto River in southcentral Oconto County, Wisconsin.

The FERC staff intends to prepare an Environmental Assessment (EA) on the hydroelectric project in accordance with the National Environmental Policy Act.

As part of the EA preparation process, FERC staff will conduct a site visit of the project on October 25, 1995. The site visit will provide an opportunity for interested parties to observe environmental conditions at the project area.

If you would like to attend the site visit, we will meet at 10:00 p.m. on October 25, 1995. The Oconto Falls Hydro Project directions to the meeting location are as follows:

The dam is located on Maple Street in the City of Oconto Falls. From Green Bay, WI, take highway 141 north to highway 22. Follow highway 22 west into the City of Oconto Falls. Turn left on county trunk CC (Maple Street). The dam will be on the right.

We will conclude the site visit at the Hydroelectric Project location. Please be aware that you will be responsible for your own lodging, transportation, and meals.

Please notify Mr. Charles Alsberg, North American Hydro, Inc. at (414) 293–4628, if you plan to attend the site visit. All those attending the site visit are urged to refrain from any communication concerning the merits of the license application to any member of the Commission staff or Commission's Contractor, CH2M HILL, outside of the established process for developing the licensing record.

For further information, please contact Ms. Angela Oliver at (202) 219–2998.

Lois D. Cashell,

Secretary.

[FR Doc. 95–25380 Filed 10–12–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT95–58–000]

Columbia Gas Transmission Corporation; Notice of Refund Report

October 6, 1995.

Take notice that on September 14, 1995, Columbia Gas Transmission Corporation (Columbia Gas) tendered for filing a refund report pursuant to the Commission's May 3, 1995, ''Order Granting Clarification'' issued in Docket No. RP95–124–001.

Columbia Gas states that it has refunded the Gas Research Institute demand surcharge collected on capacity released at less than maximum rates for the period January 1, 1994 through June 30, 1995. Columbia Gas further states that it made these refunds in the form of credits to invoices issued on or around August 10, 1995 which were payable to Columbia Gas on or before August 20, 1995. The total amount credited was $1,136,267.79.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before October 16, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–25386 Filed 10–12–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT95–59–000]

Columbia Gulf Transmission Company; Notice of Refund Report

October 6, 1995

Take notice that on September 14, 1995, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing a refund report pursuant to the Commission's May 3, 1995, ''Order Granting Clarification'' issued in Docket No. RP95–124–001.

Columbia Gulf states that it has refunded the Gas Research Institute demand surcharge collected on capacity released at less than maximum rates for the period January 1, 1994 through June 30, 1995. Columbia Gulf further states that it made these refunds in the form of credits to invoices issued on or around August 10, 1995 which were payable to Columbia Gulf as on or before August 20, 1995. The total amount credited was $1,249.53.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a 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 385.214). All such motions or protests should be filed on or before October 16, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–25385 Filed 10–12–95; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2663–004–MN]

Minnesota Power & Light Company; Notice Establishing Procedures for Relicensing and a Deadline for Submission of Final Amendments

October 6, 1995.

The license for the Pillager Hydro Project No. 2663, located on the Crow Wing River in Cass and Morrison Counties near Pillager, Minnesota, expires on May 31, 1997. The statutory deadline for filing an application for new license is May 31, 1995. An application for new license has been filed by the applicant on May 12, 1995, as follows:

Project No.	Applicant	Contact
P–2663–004	Minnesota Power & Light Co	Mr. C.D. Anderson, 30 West Superior St., Duluth, MN 55802 (218) 722–2641.

The following is an approximate schedule and procedures that will be followed in processing the application:

Date	Action
September 29, 1995	Commission notifies applicant that its application has been accepted.
October 6, 1995	Commission issues a public notice of the accepted application establishing dates for filing motions to intervene and protests.
October 30, 1995	Commission's deadline for applicant for filing a final amendment, if any, to its application.

Any questions concerning this notice should be directed to Ed Lee at (202) 219–2809.

Lois D. Cashell,

Secretary.

[FR Doc. 95–25381 Filed 10–12–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–462–000]

Pacific Gas Transmission Company; Notice of Compliance Filing

October 6, 1995.

Take notice that on September 29, 1995, Pacific Gas Transmission Company (PGT), made a filing submitting certain proposed revised tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1–A. PGT states that the revised tariff sheets establish initial interruptable rates for service on PGT's Medford and Coyote Springs, Oregon Extensions as certificated by the Commission.

PGT further states that a copy of this filing has been served upon all jurisdictional customers and interested state regulatory agencies.

PGT proposes that the revised tariff sheets become effective November 1, 1995.

Any person desiring to be heard or 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 Sections 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before October 16, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–25383 Filed 10–12–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER95–1286–000, ER95–1287–000, ER95–1288–000, ER95–1289–000 and ER95–1290–000]

Public Service Electric and Gas Company; Notice of Filing

October 6, 1995.

Take notice that on August 28, 1995, Public Service Electric and Gas Company (PSE&G) filed corrected pages in the above listed dockets of initial rate schedule filings that provide fully interruptible transmission service for delivery of non-firm wholesale electric power and associated energy output utilizing the PSE&G bulk power transmission system.

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 October 17, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–25387 Filed 10–12–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–136–000]

Williams Natural Gas Company; Notice of Informal Settlement Conference

October 6, 1995.

Take notice that an informal settlement conference will be convened in this proceeding on Friday, October 13, 1995, at 10 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street, N.E., Washington, D.C. 20426, for the purpose of exploring the possible settlement of the issues in this proceeding.

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 Arnold H. Meltz at (202) 208–2161 or Donald A. Heydt at (202) 208–0740.

Lois D. Cashell,

Secretary.

[FR Doc. 95–25382 Filed 10–12–95; 8:45 am]

BILLING CODE 6717–01–M

Wyoming Interstate Company, Ltd.; Notice of Request for Extension of Time

October 6, 1995.

Take notice that on October 3, 1995, Wyoming Interstate Company, Ltd. (WIC) requests an extension of time to submit its annual recomputation of Fuel, Lost and Unaccounted-for (FL&U) Percentage, in accordance with Section 24 of the General Terms and Conditions in WIC's First Revised Volume No. 1 and Article 31 in WIC's Second Revised Volume No. 2. WIC's tariff requires WIC to recompute its FL&U percentage at least annually. WIC states that its annual FL&U filing is due on October 31, 1995, to become effective on December 1, 1995.

WIC states that it is requesting an extension of time to file its annual FL&U

filing because of imprecise meter readings at its Dull Knife delivery point. WIC recently discovered the metering flaw during the developmental phase of WIC's anticipated October 31, 1995 FL&U filing.

WIC requests: (1) an extension of time for submission of its annual FL&U filing until WIC determines the accurate measured volumes for FL&U, but in no event later than February 29, 1996; and (2) continuation of a zero FL&U percent through February 29, 1996, if necessary, to correspond to the extension of time.

WIC states that copies of the filing have been served upon all parties on the service list in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before October 16, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 95–25379 Filed 10–12–95; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Proposed Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces proposed procedures for the disbursement of $1,564,222.74 (plus accrued interest) collected pursuant to a consent order with Vessels Gas Processing Company. The funds will be distributed in accordance with the DOE's special refund procedures, 10 CFR Part 205, Subpart V.

DATES AND ADDRESSES: Comments must be filed in duplicate on or before November 13, 1995 and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. All comments should conspicuously display reference to Case Number VEF–0007.

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Jessica Hately, Staff Analyst, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 586–2860 (Dugan), (202) 586–4921 (Hately).

SUPPLEMENTARY INFORMATION: In accordance with Section 205.282(b) of the procedural regulations of the Department of Energy (DOE), 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order sets forth the procedures that the DOE has tentatively formulated to distribute monies that have been collected by the DOE pursuant to a consent order with Vessels Gas Processing Company (Vessels). The consent order settled possible pricing violations with respect to Vessels' sales of natural gas liquids and natural gas liquid products. The DOE has collected $1,564,222.74 and is holding the money in an interest-bearing escrow account pending distribution.

Applications for Refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized. Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of the publication of this notice in the Federal Register and should be sent to the address provided at the beginning of the notice. All comments received will be available for public inspection between the hours of 1:00 p.m. and 5:00 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E–234, 1000 Independence Avenue, SW., Washington, DC 20585.

Dated: September 28, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

Name of Firm: Vessels Gas Processing Company
Date of Filing: February 27, 1995
Case Number: VEF–0007
September 28, 1995.

In accordance with the procedural regulations of the Department of Energy (DOE), 10 CFR Part 205, Subpart V, the Regulatory Litigation branch of the Office of General Counsel (OGC) (formerly the Economic Regulatory Administration (ERA)) filed a Petition for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA) on February 27, 1995. The petition requests that the OHA formulate and implement procedures for the distribution of funds received pursuant to a Consent Order entered into by the DOE and Vessels Gas Processing Company (Vessels) of Colorado.[1]

I. Background

Vessels was a ''refiner'' of natural gas liquids (NGLs) and natural gas liquid products (NGLPs), which were included within the definitions of ''covered products'' in 6 C.F.R. 150.352 and in the price regulations promulgated pursuant to the Emergency Petroleum Allocation Act of 1973, Pub. L. No. 93–159. Accordingly, during the period from August 19, 1973 through January 28, 1981, Vessels was subject to price rules set forth in 10 CFR Part 212, Subpart K, and antecedent regulations at 6 CFR 150.1 et seq. An ERA audit of Vessels' business records at the Irondale and Brighton locations revealed possible pricing violations with respect to the firm's sales of NGIs and NGLPs at the Irondale plant during the audit period from September 1, 1973 through December 31, 1977 and at the Brighton plant from April 1, 1975 through December 31, 1977.[2] Subsequently, on October 7, 1986, the DOE issued a Remedial Order to Vessels, finding that the firm had overcharged its customers and requiring it to remit to the DOE $1,571,671.40, plus interest. *Vessels Gas Processing Co.,* 15 DOE ¶83,002 (1986). Vessels appealed the Remedial Order to the Federal Energy Regulatory Commission (FERC) (Case No. R087–3–000). While the Appeal was pending, Vessels and the DOE entered into a Consent Order on December 17, 1987, in order to settle all claims and disputes between Vessels and the DOE regarding the firm's compliance with price regulations in sales of NGLs and NGLPs during the audit period. In that Order, Vessels agreed to remit a total of $1,500,000, plus installment interest, to the DOE for distribution to the firm's customers. The Consent Order became final on February 16, 1988. Vessels has made payments totalling

[1] For the sake of convenience and clarity, ''Vessels'' will refer to Vessels Gas Processing Company (VGPC) and Vessels Gas Process, Limited (VGPL) in this Decision and Order. In addition, ''Vessels'' will refer to the operations of Halliburton Resource Management (HRM) at the Irondale and Brighton plants on behalf of VGPC and VGPL. Vessels operated under a contract with HRM, a division of Halliburton Company (Halliburton). Under that agreement, the natural gas owned by Vessels was processed and sold at three plants owned and operated by HRM. HRM was paid or retained a service fee from the sales proceeds. On February 25, 1983, Vessels filed, in conjunction with a ''Preliminary Statement of Objections'' to the Proposed Remedial Order issued to it on November 5, 1982, a ''Motion to Join Hallliburton Company and Hold it Jointly Liable for Any Overcharges that are Proven.'' On May 25, 1983, the OHA gave leave to amend the PRO to join Halliburton. *Vessels Gas Processing Co.,* 11 DOE ¶82,509 (1983).

[2] The discrepancy in dates between the two plants is due to the fact that the Brighton plant was not fully operational until April 1975.

$1,564,222.74 to the DOE.[3] These funds, plus accrued interest, are presently in a DOE escrow account maintained by the Department of the Treasury.

II. Jurisdiction

The procedural regulations of the DOE set forth general guidelines by which the OHA may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 C.F.R. Part 205, Subpart V. It is DOE policy to use the Subpart V process to distribute such funds. For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds obtained as a part of settlement agreements. *See Office of Enforcement,* 9 DOE ¶82,553 (1982); *Office of Enforcement,* 9 DOE ¶82,508 (1981). After reviewing the record in the present case, we have concluded that a Subpart V proceeding is an appropriate mechanism for distributing the Vessels consent order fund. We therefore propose to grant OGC's petition and assume jurisdiction over distribution of the fund.

III. Proposed Refund Procedures

A. Refund Claimants

Refund monies will be distributed to those parties which were injured in their transactions with Vessels during the audit period that were covered by the Consent Order.[4] We have limited information on Vessels' customers and the number of gallons purchased by each customer. From company records available to this Office, we have compiled a partial list of Vessels' customers. They are as follows:

Farmland Industries, Inc.
Littleton Gas Co.
California Liquid Gas Co.
Hytrans, Inc.
UPG, Inc.[5]

These customers, and any additional customers, will be required to submit a monthly schedule of the number of gallons of NGLs and NGLPs purchased from September 1, 1973 through December 31, 1977 and documentation that these products were purchased from either the Irondale or Brighton plants. Indirect purchasers of Vessels' products may be eligible for a refund if the reseller from whom they purchased the products passed through Vessels' alleged overcharges to its own customers. Indirect purchasers must identify the reseller from whom they made the purchases, and establish the basis for their belief the products originated from either the Irondale or Brighton plant. Affiliates of Vessels will be eligible to apply for a refund in this proceeding.[6]

B. Calculation of Refund Amounts

We propose to use a volumetric methodology to distribute the consent order funds to Vessels' customers. The volumetric refund presumption assumes that the alleged overcharges by a firm were dispersed equally over all gallons of product marketed by that firm. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices.[7]

Under the volumetric approach we plan to adopt, a claimant's ''allocable share'' (or ''volumetric share'') of the Vessels fund is equal to the number of gallons of NGLs and NGLPs purchased from Vessels from September 1, 1973 through December 31, 1977, multiplied by a volumetric refund amount of $0.0185 per gallon.[8]

Each successful claimant will also receive a pro rata share of the interest accrued on the consent order funds between the date the funds were placed in the Vessels escrow account and the date the applicant's refund is disbursed.

C. Presumptions of Injury

In addition to the volumetric presumption, we propose to adopt a number of additional presumptions regarding injury for claimants in each category listed below. These presumptions will simplify the refund process and will help ensure that refund claims are evaluated in the most efficient and equitable manner possible.

A. End-Users

End-users of Vessels products, i.e., consumers, whose use of NGLs or NGLPs was unrelated to the petroleum business, are presumed injured and need only document their purchase volumes from Vessels during the consent order period to be eligible to receive their full allocable share.

b. Refiners, Resellers, and Retailers Seeking Refunds of $10,000 or Less

Reseller claimants (including refiners and retailers), whose allocable share is $10,000 or less, i.e., who purchased 540,540 gallons or less of Vessels's products during the consent order period, will be presumed injured and therefore need not provide a further demonstration of injury, besides documentation of their purchase volumes, to receive their full allocable share. *See, e.g., E.D.G., Inc.,* 17 DOE ¶ 85,679 (1988). We recognize that the cost to the applicant of gathering evidence of injury to support a small refund claim could exceed the expected refund. Consequently, without simplified procedures, some injured parties would be denied an opportunity to obtain a refund.

c. Medium-Range Refiner, Reseller, and Retailer Claimants

In lieu of making a detailed showing of injury (*see* part III D, below), a reseller claimant whose allocable share exceeds $10,000 may elect to receive a refund under the medium-range presumption of injury. Under this presumption, a claimant would receive as its refund the larger of $10,000 or 60 percent of its allocable share up to $50,000.[9] The use of this presumption reflects our conviction that these claimants were likely to have experienced some injury as a result of the alleged overcharges. In other proceedings involving NGLs and NGLPs, we have determined that a 60 percent presumption for the medium-range purchasers of NGLs and NGLPs accurately reflected the amount of their injury as a result of their purchases of those products. *See Sauvage Gas Co.,* 17 DOE ¶ 85,304 (1988); *Suburban Propane Gas Co.,* 16 DOE

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[3] Vessels' appeal to FERC was dismissed on February 26, 1988. *Vessels Gas Processing Co.,* 42 FERC ¶63,023 (1988). The firm's final payment under the Consent Order was received by the DOE on October 12, 1994.

[4] For the reason set forth in footnote 1 this includes firms that purchased NGLs and NGLPs from HRM that originated with Vessels. Since ethane, an NGLP, was decontrolled effective April 1, 1974, Vessels' customers would not have been injured by purchases of ethane on or after that date. They are thus not eligible for refunds for ethane purchases made after March 31, 1974.

[5] In comments submitted in response to the Notice of the Proposed Consent Order in the December 28, 1987 Federal Register, Enron Corp. requested that it be specifically named as a payee in the Consent Order. Enron contended that UPG, Inc. was the principal customer of NGLs of Vessels, and that Enron, as UPG's successor in interest, is therefore eligible for a refund in this proceeding. ERA determined in its response to Enron's comments that it was OHA's prerogative to name Enron as a payee in its Implementation Order. The review and analysis of the written comments did not provide any information that would support the modification or rejection of the proposed Consent Order with Vessels and Halliburton. Therefore, the Consent Order was issued without modification. While this Office is aware that UPG is affiliated with Enron, we have no detailed correct information regarding the exact nature of their corporate relationship. Accordingly, we will not name Enron as a payee in this Decision. However Enron is invited to submit to this Office an Application for Refund, in which it provides substantial documentation to support its contention that it is entitled to a refund for UPG's purchases.

[6] As in other refund proceedings involving alleged refined products violations, we will presume that affiliates of the Consent Order firm were not injured by the firm's overcharges. *See, e.g., Marathon Petroleum Co./EMRO Propane Co.,* 15 DOE ¶ 85,288 (1987). This is because the Remedial Order firm presumably would not have sold petroleum products to an affiliate if such a sale would have placed the purchaser at a competitive disadvantage. *See Marathon Petroleum Co./Pilot Oil Corp.,* 16 DOE ¶ 85,611 (1987), *amended claim denied,* 17 DOE ¶ 85,291 (1988), *reconsideration denied,* 20 DOE ¶ 85,236 (1990). Furthermore, if an affiliate of the Consent Order firm were granted a refund, that Consent Order firm would be indirectly compensated from a Consent Order fund remitted to settle its own alleged violations. *See, Propane Industrial, Inc.* v. *DOE,* 985 F.2d 586 (Temp. Emer. Ct. App. 1993) (Refund to affiliate would be ''unjust enrichment'').

[7] However this presumption is rebuttable. A claimant which believes that it suffered a disproportionate share of the alleged overcharges may submit evidence proving this claim in order to receive a larger refund. *See Sid Richardson Carbon and Gasoline Co./Siouxland Propane Co.,* 12 DOE ¶ 85,054 (1984); *see also Amtel, Inc./Whitco, Inc.,* 19 DOE ¶ 85,319 (1989) (*Amtel.*) In computing the appropriate refund in such a case, we will prorate the alleged overcharge amount by the ratio of the Vessels settlement amount to the aggregate overcharge amount determined by the Vessels Remedial Order. *See Amtel.*

[8] The volumetric factor was computed by dividing $1,564,222.74 by 84,689,877 (the approximate number of gallons of NGLPs Vessels sold to its customers during the audit period). The latter figure was obtained from records submitted to this Office by Vessels.

[9] That is, reseller claimants who purchased in excess of 540,540 gallons of Vessels product during the consent order period may elect to utilize this presumption.

¶ 85,382 (1987). Such an applicant will be required only to provide documentation of its purchase volumes of Vessels' products during the consent order period in order to be eligible to receive a medium-range refund.

d. Regulated Firms and Cooperatives

We have determined that, in order to receive a full volumetric refund, a claimant whose prices for goods and services are regulated by a governmental agency, e.g., a public utility, or by the terms of a cooperative agreement, needs only to submit documentation of its purchases of products used by itself or, in the case of a cooperative, sold to its members. However, a regulated firm or cooperative whose allocable share is greater than $10,000 will also be required to certify that it will pass any refund through to its customers or member-customers, provide us with a full explanation of how it plans to accomplish the restitution, and certify that it will notify the appropriate regulatory body or membership group of the receipt of the refund.[10]

e. Spot Purchasers.

As in prior Subpart V proceedings, we propose to adopt a rebuttable presumption that a reseller that made only irregular or sporadic, i.e., spot purchases from Vessels did not suffer injury as a result of those purchases. Accordingly, a spot purchaser claimant must submit specific and detailed evidence to rebut the spot purchaser presumption and to establish the extent to which it was injured as a result of its spot purchases from Vessels. In prior proceedings we have stated that refunds will be approved for spot purchasers who demonstrate that (i) they made the spot purchases for the purpose of ensuring a supply for their base period customers rather than in anticipation of financial advantage as a result of those purchases, and (ii) they were forced by market conditions to resell the product at a loss that was not subsequently recouped through the draw down of banks. *See Quaker State Oil Refining Corp./Certified Gasoline Co.,* 14 DOE ¶ 85,465 (1986).

D. Showings of Injury

As in prior refund proceedings, claimants who are medium-range resellers (including retailers and refiners) will be afforded the opportunity to prove injury in order to receive a refund equal to their full allocable share. These claimants will be required to demonstrate that during the audit period they would have maintained their prices for the NGLs and NGLPs purchased from Vessels at the same level had the alleged overcharges not occurred. While there are a variety of ways to make this showing, a reseller would generally demonstrate that, at the time it purchased the product from Vessels, market conditions would not permit it to pass through to its customers the additional costs associated with the alleged overcharges. *See Atlantic Richfield Co./Odessa L.P.G. Transport,* 21 DOE ¶ 85,384 (1991); *Guld Oil Corp./Anderson & Watkins, Inc.,* 21 DOE ¶ 85,380 (1991). In addition, the reseller will be required to show that it had a ''bank'' of unrecovered costs in order to demonstrate that it did not recover the increased costs associated with the alleged overcharges by increasing its own prices. The maintenance of a bank does not, however, automatically establish injury. *See Tenneco Oil Co./Chevron U.S.A., Inc.,* 10 DOE ¶ 85,014 (1982).

IV. Conclusion

Refund applications in this proceeding should not be filed until the issuance of a final Decision and Order. Detailed procedures for filing applications will be provided in the final Decision and Order. Before disposing of any of the funds received, we intend to publicize the distribution process and to provide an opportunity for any affected party to file a claim. In addition to publishing copies of the proposed and final Decisions in the Federal Register, copies will be provided to the Vessels' customers for whom we have addresses.

Any funds that remain after all first-stage claims have been decided will be distributed in accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA), 15 U.S.C. 4501–07. PODRA requires that the Secretary of Energy determine annually the amount of oil overcharge funds that will not be required to refund monies to injured parties in subpart V proceedings and make those funds available to state governments for use in four energy conservation programs. The Secretary has delegated these responsibilities to OHA. Any funds in the Vessels escrow account the OHA determines will not be needed to effect direct restitution to injured Vessels customers will be distributed in accordance with the provisions of PODRA.

It Is Therefore Ordered That:

The refund amount remitted to the Department of Energy by Vessels Gas Processing Company pursuant to the Consent Order executed on December 17, 1987 will be distributed in accordance with the forgoing Decision.

[FR Doc. 95–25324 Filed 10–12–95; 8:45 am]

BILLING CODE 6450–01–M

[10] A cooperative's sales to non-members will be treated in the same manner as sales by other resellers. *See Total Petroleum/Farmers Petroleum Cooperative,* 19 DOE ¶ 85,215 (1989).

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5314–1]

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 the Office of Management and Budget's (OMB) responses to Agency PRA clearance requests.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer (202) 260–2740, Please refer to the EPA ICR No.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency PRA Clearance Requests

OMB Approvals

EPA ICR No. 0783.28; The California Pilot Test Program and Clean-Fuel Vehicle Standards for Light-Duty Vehicles and Light-Duty Trucks; was approved 09/29/95; OMB No. 2060–0104; expires 08/31/98.

EPA ICR No. 1331.06; Accidental Release Information Program (ARIP); was approved 09/29/95; OMB No. 2050–0065; expires 09/30/97.

EPA ICR No. 1395.02; Emergency Planning and Release Notification Requirements (EPCRA Section 302, 303, and 304); was approved 09/28/95; OMB No. 2050–0092; expires 01/31/97 approved 09/28/95; OMB No. 2050–0092; expires 01/31/97.

EPA ICR No. 1292.04; Aftermarket Catalytic Converter Policy; was approved 09/28/95; OMB No. 2060–0135; expires 09/30/98.

EPA ICR No. 1687.02; National Hazardous Air Pollutant Emission Standards for Aerospace Manufacturing and Rework Operations; was approved 09/28/95; OMB No. 2060–0314; expires 09/30/98.

EPA ICR No. 1446.05; PCBs Notification and Manifesting of PCB Waste Activities and Records of PCB Storage and Disposal; was approved 09/28/95; OMB No. 2070–0112; expires 09/30/98.

EPA ICR No. 1587.03; Operating Permits Regulations—Information Requests CAA Title V; was approved 09/28/95; OMB No. 2060–0234; expires 09/30/96.

EPA ICR No. 0370.13; Underground Infection Control Program Information; was approved 06/30/95; OMB No. 2040–0042; expires 06/30/98.

EPA ICR No. 0270.34; Public Water System Supervision Program, Public Notification and Education Requirements; was approved 09/27/95; OMB No. 2040–0090; expires 03/31/97.

EPA ICR No. 0783.29; Application for Motor Vehicle Emission Certification and Fuel Economy labeling (Alternative Fueled Vehicles, FRM); was approved 09/28/95; OMB No. 2060–0104; expires 08/31/98.

EPA ICR No. 1757.01; Protection of Stratospheric Ozone Labeling; was approved 09/25/95; OMB No. 2060–0342; expires 09/30/97.

EPA ICR No. 1734.02; Use and Exposure Information voluntary Project; was approved 09/29/95; OMB No. 2070–0147; expires 09/30/97.

EPA ICR No. 1626.04; National Emissions Reduction Program,

Amendment; was approved 09/28/95; OMB No. 2060–0256; expires 05/31/96.

EPA ICR No. 1442.09; Land Disposal Restrictions; was approved 09/29/95; OMB No. 2050–0085; expires 09/30/98.

EPA ICR No. 1679.02; Federal Standards of Marine Tank Vessel Loading and Unloading Operations and National Emission Standards for Hazardous Air Pollutants for Marine Tank Vessel Loading and Unloading Operation; was approved 09/25/95; OMB No. 2060–0289; expires 09/30/98.

EPA ICR No. 1352.03; Community Right-to-Know Reporting Requirements (EPCRA Sections 311 and 312); was approved 09/29/95; OMB No. 2050–0072; expires 01/31/97.

EPA ICR No. 1756.01; Open Market Trading Rule (OMTR) for Ozone Precursors; was approved 09/28/95; OMB No. 2060–0344; expires 09/30/98.

EPA ICR No. 1230.08; Prevention of Significant Deterioration and Nonattainment Area Source Review; was approved 09/21/95; OMB No. 2060–0003; expires 03/31/97.

EPA ICR No. 1759.01; Worker Protection Standard; was approved 09/29/95; OMB No. 2070–0148; expires 02/28/97.

Withdrawals

EPA ICR No. 1760.01; Significance of Effects Resulting from Exposure to Irritant Gases; A Survey of Respiratory Physicians and Scientists; was withdrawn by EPA on 09/22/95.

EPA ICR No. 1758.01; Measures of Success for Compliance Assistance Reporting Form; was withdrawn by EPA 09/28/95.

EPA ICR No. 1754.01; Opinions of New York State Community Leaders and Residents Related to Environmental Quality in and Around Lake Ontario; was withdrawn by EPA 09/29/95.

Dated: October 5, 1995.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 95–25347 Filed 10–12–95; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–5229–7]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared September 25, 1995 Through September 29, 1995 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 14, 1995 (60 FR 19047).

Draft EISs

ERP No. D–FHW–G40141–OK Rating EC2, Canadian River Bridge Crossing Construction, MT–37 east of Tuttle northward to MT–152 in or near Mustang, Funding, COE Section 404 and EPA NPDES Permits Issuance, Canadian and Counties, MT.

Summary: EPA expressed environmental concerns regarding cumulative impacts and wetland. EPA requested that the final EIS address these issues in more detail as well as providing information on pesticide use, pollution prevention and environmental justice.

ERP No. D–IBR–J39023–MT Rating EC2, Tongue River Basin Project, Implementation, Tongue River Dam and Reservoir, COE Section 404 Permit, Bighorn County, MT.

Summary: EPA expressed environmental concerns regarding wetland impacts. EPA recommended that other alternatives be analyzed that would avoid these impacts.

ERP No. DR–UAF–B11015–ME Rating LO, Loring Air Force Base (AFB) Disposal and Reuse, Implementation, Updated and Additional Information, Aroostook County, ME.

Summary: EPA had no objections to the proposed action.

Final EISs

ERP No. FS–UAF–B11012–NH, Pease Air Force Base (AFB) Disposal and Reuse, Updated Information, Implementation, Portsmouth, Newington, Greenland, Rye, Dover, Durham, Madburg and Rochester, NH and Kittery, Eloit and Berwicks, ME.

Summary: EPA continues to have environmental concerns regarding wetland and air quality impacts. EPA recommended that all major wetlands be protected by deed restrictions.

Dated: October 10, 1995.

William D. Dickerson,

Director, NEPA Compliance Division Office of Federal Activities.

[FR Doc. 95–25456 Filed 10–12–95; 8:45 am]

BILLING CODE 6560–50–U

[ER–FRL–5229–6]

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 October 02, 1995 Through October 06, 1995 Pursuant to 40 CFR 1506.9.

EIS No. 950453, Draft EIS, AFS, AK, 1995 Mendenhall Glacier Recreation Area Management Plan, Implementation, Tongass National Forest, Juneau Ranger District, Chatham Area, AK, Due: November 27, 1995, Contact: Joni Packard (907) 586–8800.

EIS No. 950454, Draft Supplement, FHW, UT, I–15/State Street Corridor Highway and Transit Improvements, Updated Information, Construction between 10800 South Street to 500 North Street, Funding, NPDES and COE 404 Permits, Salt Lake County, UT, Due: December 01, 1995, Contact: William R. Gedris (801) 963–0183.

EIS No. 950455, Final EIS, BOP, LA, Pollock US Penitentiary and Federal Prison Camp (FPC), Construction and Operation and Site Selection of a former World War II Military Installation, Grant Parish, LA, Due: November 13, 1995, Contact: David J. Dorworth (202) 514–6470.

EIS No. 950456, Final EIS, FAA, CA, Burbank-Glendale-Pasadena Airport, Replacement Passenger Terminal Construction, Approval, Los Angeles County, CA, Due: November 13, 1985, Contact: David B. Kessler (310) 725–3615.

EIS No. 950457, Draft EIS, COE, MN, Northwestern Minnesota Basin Flood Control Impoundments, Construction and Operation, Flood Damage Reduction, Red River, St. Paul District, MN, Due: November 27, 1995, Contact: Robert J. Whiting (612) 290–5264.

EIS No. 950458, Draft Supplement, COE, CA, Richmond Harbor Deep Draft Navigation Improvements, Updated and Additional Information, Improve Navigation Efficiency into the Potrero Reach Channel, San Francisco Bay, Contra Costa County, CA, Due: November 28, 1995, Contact: Linda Ngim (415) 744–3345.

EIS No. 950459, Final EIS, BLM, CT, Weir Farm National Historic Site, Implementation, General Management Plan, Possible COE Section 404 Permit, Towns of Ridgefield and Walton, Fairfield County, CT, Due: November 13, 1995, Contact: Bob Fox (203) 544–9829.

EIS No. 950460, Final EIS, FHW, WI, US 151/WI 41 Waupun to Fond du Lac Project, Construction, Funding and Possible COE Section 404 Permit, Fond du Lac County, WI, Due: November 13, 1995, Contact: James Zavoral (608) 264–5944.

Amended Notices

EIS No. 950382, Draft EIS, AFS, MT, Castle Mountains Allotment Management Plan, Implementation, Lewis and Clark National Forest, Musselshell and King Hill Ranger Districts, White Sulphur Springs, Meagher County, MT, Due: November 30, 1995, Contact: Dave Wanderaas (406) 566–2292.

Published FR 08–18–95—Review period extended.

Dated: October 10, 1995.

William D. Dickerson,

Director, NEPA Compliance Division Office of Federal Activities.

[FR Doc. 95–25455 Filed 10–12–95; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

[DA 95–2083]

Approval of Cost Accounting Plan

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This Order approves Southern New England Telephone Company's (SNET) cost accounting plan for its market trial of video dialtone service. Specifically, we approve the accounting plan filed by SNET in its Description and Justification filed in Transmittal No. 641, on March 9, 1995, as modified by a supplement filed on June 19, 1995. This approval is subject to the following three conditions that must be met within 30 days of publication in the Federal Register. SNET is required to: revise its accounting plan to include subsidiary records that reflect replacement of retired transmission plant with fiber optic and coaxial cable facilities within the VDT trial's geographic areas; provide a detailed explanation, including appropriate documentation, regarding the sufficiency of its internal controls and include an evaluation of internal controls for video dialtone service in its 1995 annual audit of its Cost Allocation Manual. The Commission, granted permission for SNET to perform a market trial of video dialtone service for video only, but stipulated that in the event SNET decided to offer exchange access telephone service over video dialtone facilities, it must first submit and obtain approval of an accounting and cost allocation plan. This action is taken because SNET, in Transmittal 641 proposed to perform its market test of video dialtone service to include both video and exchange access telephone service.

FOR FURTHER INFORMATION CONTACT: Tom Quaile, Common Carrier Bureau, Accounting and Audits Division, (202) 418–0838.

SUPPLEMENTARY INFORMATION: This is a Synopsis of the Commission's Order adopted September 29, 1995 and released September 29, 1995 The complete text of this Order 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. 20554 and also may be purchased from the Commission's copy contractor, ITS, at (202) 857–3822, Room 246, 1919 M Street, N.W., Washington, D.C. 20554.

Synopsis of Order

1. This Order conditionally approves an accounting plan filed by SNET. The Commission granted SNET authority under Section 214 to construct a hybrid fiber optic/coaxial cable network for a one year market and technical trial. VDT is normally a combination of video and telephony service however, in its application to provide service, SNET stated that it would initially offer only video in its market trial. The Commission requires LECs that offer VDT and telephony, to establish two sets of subsidiary accounting records: one set to capture the investment, expense and revenue wholly dedicated to VDT; the other set to capture the investment, expense and revenue shared between VDT and other telephone services. Because SNET only proposed video service, the Commission did not impose this accounting requirement but stated that if SNET decided to offer telephone service over the upgraded network during the trial, it must submit and obtain approval of an accounting and cost allocation plan to implement the Commission's accounting requirements. SNET subsequently decided to offer telephony services over its upgraded network during the trial. It therefore filed accounting and cost allocation plans as required under the Commission's VDT specific accounting requirements contained in Responsible Accounting Officer Letter Number 25.

2. RAO 25 requires that LEC's maintain subsidiary records to identify the cost of plant that is replaced or retired due to either the deployment of video dialtone plant or the deployment of fiber optic upgrades as mandated under state authority in study areas where VDT deployment occurs. SNET claims that its decision to upgrade its network facilities with fiber optic coaxial-cable facilities was not influenced by its decision to offer VDT service and thus it is not required under RAO 25 to maintain subsidiary records for the costs of retired plant. We believe that SNET's accounting plan should contain provisions for recording retired plant irrespective of the underlying reasons that support SNET's decision to construct its I–SNET network. The data and information reported during the course of the trial will allow the Commission to make informed decisions regarding appropriate costing methodologies for VDT services. To ensure that the Commission has sufficient data to make such decisions, we require that SNET's accounting plan include subsidiary records that contain the costs for retirements of transmission facilities within the geographic area in which the trial is conducted.

3. RAO 25 requires that LECs have internal accounting controls and a complete audit trail for each subsidiary account record. SNET's accounting plan proposes to meet this requirement by establishing accounting codes and methods to ensure that employees apply the proper codes. Based on our review of SNET's accounting plan, it appears that SNET has developed adequate internal controls. Nevertheless, because we consider the development and maintenance of internal controls to be crucial to the accuracy of reported VDT costs, we require SNET to provide a more detailed explanation, including documentation, of how its controls provide sufficient safeguards to ensure accurate information. In addition, we require SNET to include an evaluation of its internal controls for VDT allocations and assignments as part of its annual independent CAM audits.

4. This Order addresses only SNET's accounting plan. We believe that, if VDT costs are properly recorded in the accounts, adjustments can be made at a later date if changes in allocation methodologies warrant changes to subsidiary records. Cost allocation issues pertaining to VDT will be addressed in the tariff review process.

5. Accordingly, it is ordered, pursuant to authority contained in Sections 1, 4(i), 218–220 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 218–220 and 403 and Sections 0.91 and 0.291 of the Commission's rules, 47 CFR 0.91 and 0.291, that Southern New England Telephone Company's video dialtone marketing trial accounting plan, is approved subject to the following conditions:

(a) That within 30 days of publication of this Order in the Federal Register, SNET shall revise its accounting plan to include subsidiary records that reflect

replacement of retired transmission plant with fiber optic and coaxial cable facilities within the VDT trial's geographic areas.

(b) That within 30 days of the release of this Order, SNET shall provide a detailed explanation, including appropriate documentation, regarding the sufficiency of its internal controls.

(c) That SNET's annual CAM audit for 1995 shall include an evaluation of VDT internal controls.

6. It is further ordered pursuant to authority contained in Sections 1, 4(i), 218–220 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 218–220 and 403 and Sections 0.91 and 0.291 of the Commission's rule, 47 CFR 0.91 and 0.291, that the Cablevision Systems Corporation's and The New England Cable Television Association's Petition to Reject or, in the Alternative, to Suspend and Investigate SNET's Accounting and Cost Allocation plan is DENIED to the extent that petitioners seek rejection of the accounting plan.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–25318 Filed 10–12–95; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL ELECTION COMMISSION

[Notice 1995–15]

Filing Dates for the Oregon Special Elections

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for special elections.

SUMMARY: Oregon has scheduled special elections on December 5 and January 30 to fill the U.S. Senate seat vacated by Senator Bob Packwood.

Committees required to file reports in connection with the Special Primary Election on December 5 should file a 12-day Pre-Primary Report on November 20. Committees required to file reports in connection with both the Special Primary and Special General Election to be held on January 30, must file a 12-day Pre-Primary Report, a 12-day Pre-General Report on January 18, and a Post-General Report on February 29, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Bobby Werfel, Information Division, 999 E Street, N.W., Washington, DC 20463, Telephone: (202) 219–3420; Toll Free (800) 424–9530.

SUPPLEMENTARY INFORMATION: All principal campaign committees of candidates in the Special Primary and Special General Elections and all other political committees not filing monthly which support candidates in these elections shall file a 12-day Pre-Primary Report on November 20, with coverage dates from the close of the last report filed, or the day of the committee's first activity, whichever is later, through November 15, a 12-day Pre-General Election Report on January 18, with coverage dates from November 16 through January 10, and a Post-General Report on February 29, with coverage dates from January 11 through February 19, 1996.

All principal campaign committees of candidates in the Special Primary Election *only* and all other political committees not filing monthly which support candidates in the Special Primary Election shall file a 12-day Pre-Primary Report on November 20, with coverage dates from the close of the last report filed, or the date of the committee's first activity, whichever is later, through November 15, and a Year-End Report on January 31, with coverage dates from November 16 through December 31, 1995.

All political committees not filing monthly which support candidates in the Special General *only* shall file a 12-day Pre-General Election Report on January 18, with coverage dates from the last report filed or the date of the committee's first activity, whichever is later, through January 10, and a Post-General Report on February 29, with coverage dates from January 11 through February 19, 1996.

CALENDAR OF REPORTING DATES FOR OREGON SPECIAL ELECTIONS

Report	Close of books [1]	Reg./cert. mailing date [2]	Filing date
I. All Committees Involved in the Special Primary (12/5) and Special General (1/30) Must File			
Pre-Primary	11/15/95	11/18/95	11/20/95
Pre-General [4]	01/10/96	[3] 01/16/96	01/18/96
Post-General	02/19/96	02/29/96	02/29/96
II. All Committees Involved in the Special Primary (12/5) Only Must File			
Pre-Primary	11/15/95	11/18/95	11/20/95
Year-End	12/31/95	01/31/96	01/31/96
III. All Committees Involved in the Special General (1/30) Only Must File			
Pre-General [4]	01/10/96	[3] 01/16/96	01/18/96
Post-General	02/19/96	02/29/96	02/29/96

[1] The period begins with the close of books of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

[2] Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

[3] The date has been adjusted because the computed date would have fallen on a Federal holiday.

[4] Because reports should not include activity for more than one calendar year, committees should file the Pre-General Report on two forms. One form should cover 11/16/95–12/31/95 and be labelled ''Year-End Report.'' The other form should cover 1/1/96–1/10/96 and be labelled ''Pre-General Report.'' The filing of two forms satisfies both pre-general and year-end filing requirements.

Dated: October 6, 1995.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 95–25329 Filed 10–12–95; 8:45 am]

BILLING CODE 6715–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1070–DR]

Alabama; 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 Alabama, (FEMA–1070–DR), dated October 4, 1995, and related determinations.

EFFECTIVE DATE: October 6, 1995.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Alabama dated October 4, 1995, is hereby amended to include Individual Assistance, Public Assistance and Hazard Mitigation Assistance in the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 4, 1995:

The counties of Coffee, Dale, Escambia and Pike for Individual Assistance, Public Assistance and Hazard Mitigation Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Richard W. Krimm,

Associate Director, Response and Recovery Directorate.

[FR Doc. 95–25419 Filed 10–12–95; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1069–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–1069–DR), dated October 4, 1995, and related determinations.

EFFECTIVE DATE: October 6, 1995.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Florida dated October 4, 1995, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 4, 1995:

Bay, Escambia, Okaloosa, Santa Rosa, and Walton Counties for Individual Assistance, Public Assistance, and Hazard Mitigation Assistance.

Lee County for Individual Assistance and Hazard Mitigation Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Richard W. Krimm,

Associate Director, Response and Recovery Directorate.

[FR Doc. 95–25420 Filed 10–12–95; 8:45 am]

BILLING CODE 6718–02–P

Availability of FEMA–REP–19 and FEMA–REP–20

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of Availability.

SUMMARY: FEMA announces the availability of the documents ''The Radiological Emergency Preparedness (REP) Planning Manual, FEMA–REP–19'' and ''The Radiological Emergency Preparedness (REP) Plan Review Workbook, FEMA–REP–20,'' and requests comments on these documents.

DATES: Comments and responses should be sent no later than January 11, 1996.

ADDRESSES: Comments on ''FEMA–REP–19'' and ''FEMA–REP–20'' should be sent to the Rules Docket Clerk, Office of the General Counsel, room 840, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (facsimile) (202) 646–4536.

FOR FURTHER INFORMATION CONTACT: William F. McNutt, Senior Policy Advisor, Preparedness, Policy and Guidance Branch, Preparedness, Training and Exercises Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2857.

SUPPLEMENTARY INFORMATION: The intended use of FEMA–REP–19 is to provide policy and guidance to State, local and private response organizations in developing and revising radiological emergency response plans in support of commercial nuclear power plants. FEMA–REP–19 is also intended for use by FEMA staff responsible for evaluating radiological emergency response plans and other Federal staff who assist FEMA as members of Regional Assistance Committees (RACs). FEMA–REP–19's companion document, ''The REP Plan Review Workbook, FEMA–REP–20,'' will be used as a tool to assist FEMA staff and others in documenting a plan review, and for State personnel interested in assessing the adequacy of their plans.

These documents are based on the Planning Standards and Evaluation Criteria in NUREG–0654/FEMA–REP–1, Rev. 1, and incorporate much of the previously issued FEMA guidance found in REP-series documents, Guidance Memoranda (GMs), Atomic Safety and Licensing Board (ASLB) rulings, Appeal Board rulings, United States District Court decisions and lessons learned over the past 15 years. When issued in final, FEMA–REP–19 will be the primary source of guidance pertaining to radiological emergency response planning, and FEMA–REP–20 will be the format for documenting the adequacy of REP plans.

All comments on these documents will be considered.

Dated: October 6, 1995.

Kay C. Goss,

Associate Director for Preparedness, Training, and Exercises.

[FR Doc. 95–25418 Filed 10–12–95; 8:45 am]

BILLING CODE 6718–06–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission pursuant to section 15 of the Shipping Act, 1916, and section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 800 North Capitol Street, N.W., 9th Floor. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments and protests are found in § 560.602 and/or § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at

the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: 224–200930–001
Title: Port of Houston Authority/Coastal Cargo of Texas Inc. Terminal Agreement
Parties:
Port of Houston Authority (''Port'')
Coastal Cargo of Texas, Inc. (''CCTI'')
Filing Agent: Martha T. Williams, Port of Houston Authority, P.O. Box 2562, Houston, TX 77252–4327
Synopsis: The proposed amendment authorizes CCTI to perform freight handling services at the Port's Care Terminal.

Dated: October 6, 1995.

By Order of the Federal Maritime Commission.

Joseph T. Farrell,

Acting Secretary.

[FR Doc. 95–25392 Filed 10–12–95; 8:45 am]

BILLING CODE 6730–01–M

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 800 North Capitol Street, N.W., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–008900–057
Title: The ''8900'' Lines Rate Agreement
Parties: A.P. Moller-Maersk Line
Cho Yang Shipping Co., Ltd.
Croatia Line
DSR-Senator Joint Service
The National Shipping Company of Saudi Arabia
P&O Containers, Ltd.
Sea-Land Service, Inc.
United Arab Shipping Company (S.A.G.)
Synopsis: The proposed amendment modifies Article 14.1(a) regarding voting procedures pertaining to service contract amendments.

Dated: October 6, 1995.

By Order of the Federal Maritime Commission.

Joseph T. Farrell,

Acting Secretary.

[FR Doc. 95–25393 Filed 10–12–95; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

Reza Rostami d/b/a/ Pan World Trans, 512 Holliday Lane, Euless, TX 76039–4233, Reza Rostami, Sole Proprietor
Dart Express (SFO) Inc., 1162 Cherry Avenue, San Bruno, California 94066, Officers: Teddy Tam, President, Dean Hang, Director, Joyce Lau, Secretary
Anthem World Transport, Inc., St. 1 No. 2 Suite #304, Metro Office Park, Guaynabo, Puerto Rico 00268–1705, Officers: Anthony Emposimato, President, Leopoldo Melendez, Vice President, Tracey Emposimato, Secretary

Dated: October 6, 1995.

By the Federal Maritime Commission.

Joseph T. Farrell,

Acting Secretary.

FR Doc. 95–25371 Filed 10–12–95; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Great Falls Bancorp; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has 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)).

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 to the Reserve Bank indicated for that application 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.

Comments regarding this application must be received not later than November 6, 1995.

A. Federal Reserve Bank of New York (William L. Rutledge, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. Great Falls Bancorp, Totowa, New Jersey; to acquire 100 percent of the voting shares of Bergen Commercial Bank, Paramus, New Jersey.

Board of Governors of the Federal Reserve System, October 6, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–25398 Filed 10–12–95; 8:45 am]

BILLING CODE 6210–01–F

Monocacy Bancshares, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound

banking practices.'' Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 26, 1995.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. Monocacy Bancshares, Inc., Taneytown, Maryland; to acquire Royal Oak Savings Bank, F.S.B., Randallstown, Maryland, and thereby engage in the operation of a federal savings bank, pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 6, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–25399 Filed 10–12–95; 8:45 am]

BILLING CODE 6210–01–F

Mountain West Financial Corp.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 95-24738) published on page 52186 of the issue for Thursday, October 5, 1995.

Under the Federal Reserve Bank of Minneapolis heading, the entry for Mountain West Financial Corp., is revised to read as follows:

1. Mountain West Financial Corp., Helena, Montana; to acquire 100 percent of the voting shares of Mountain West Bank of Great Falls, N.A., Great Falls, Montana, a *de novo* bank.

Comments on this application must be received by October 30, 1995.

Board of Governors of the Federal Reserve System, October 6, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–25400 Filed 10–12–95; 8:45 am]

BILLING CODE 6210–01–F

National Bank of Canada; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.'' Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 26, 1995.

A. Federal Reserve Bank of New York (William L. Rutledge, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. National Bank of Canada, Montreal, Quebec, Canada; to engage *de novo* through its subsidiary, Levesque Beaubien Geoffrion LTD., New York, New York, in acting as investment or financial advisor to the extent of providing portfolio investment advice and, furnishing general economic information and advice, general economic statistical forecasting services and industry studies, pursuant to § 225.25(b)(4) of the Board's Regulation Y; providing securities brokerage services, related securities credit activities and incidental activities such as offering custodial services as permitted alone or in combination with investment advisory services, pursuant to § 225.25 (b)(15) of the Board's Regulation Y; and underwriting and dealing in obligations of the United States, general obligations of states and their political subdivisions, and other obligations that member banks of the Federal Reserve System may be authorized to underwrite and deal in under 12 U.S.C. 24 and 335, including bankers' acceptances and certificates of deposit, pursuant to § 225.25 (b)(16) of the Board's Regulation Y. These activities will be conducted worldwide.

Board of Governors of the Federal Reserve System, October 6, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–25401 Filed 10–12–95; 8:45 am]

BILLING CODE 6210–01–F

R. Banking Limited Partnership; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 95-24569) published on page 51800 of the issue for Tuesday, October 3, 1995.

Under the Federal Reserve Bank of Kansas City heading, the entry for R. Banking Limited Partnership, is revised to read as follows:

1. R. Banking Limited Partnership, Oklahoma City, Oklahoma; to acquire additional shares of its subsidiary BancFirst Corporation, Oklahoma City, Oklahoma, and Johnston County Bancshares, Inc., Tishomingo, Oklahoma, and thereby indirectly acquire BancFirst, Oklahoma City, Oklahoma, and Bank of Johnston County, Tishomingo, Oklahoma.

In connection with this application, BancFirst Corporation will merge with Johnston County Bancshares, Inc.

Comments on this application must be received by October 27, 1995.

Board of Governors of the Federal Reserve System, October 6, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–25402 Filed 10–12–95; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Scientific Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has made final findings of scientific misconduct in the following case:

Richard Thwaites, University of North Texas Health Science Center at Fort Worth: Based on an investigation conducted by the institution, ORI found that Richard Thwaites, former medical student, engaged in scientific misconduct by fabricating data in a clinical trial study supported by a Public Health Service (PHS) grant.

Mr. Thwaites has entered into a Voluntary Exclusion Agreement with ORI in which he has accepted ORI's finding and, for the three (3) year period beginning October 3, 1995, has voluntarily agreed to:

(1) exclude himself from any contracting or subcontracting with any agency of the United States Government and from eligibility for, or involvement in, nonprocurement transactions (e.g., grants and cooperative agreements) of the United States Government, as defined in 45 C.F.R. Part 76 and 48 C.F.R. Subparts 9.4 and 309.4 (Debarment Regulations); and

(2) exclude himself from serving in any advisory capacity to PHS, including but not limited to service on any PHS advisory committee, board, and/or peer review committee, or as a consultant.

No scientific articles were published that relied on the fabricated data.

FOR FURTHER INFORMATION CONTACT: Director, Division of Research Investigations, Office of Research Integrity, 5515 Security Lane, Suite 700, Rockville, MD 20852.

Chris B. Pascal,

Acting Director Office of Research Integrity.

[FR Doc. 95–25413 Filed 10–12–95; 8:45am]

BILLING CODE 4160–17–P

Centers for Disease Control and Prevention

[INFO–95–04]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–3453.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Wilma Johnson, CDC Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Projects

1. Phase 2, 1996 National Health Interview Survey, Basic Module (0920–0214)—The annual National Health Interview Survey (NHIS) is a basic source of general statistics on the health of the U.S. population. Due to the integration of health surveys in the Department of Health and Human Services, the NHIS also has become the sampling frame and first stage of data collection for other major surveys, including the Medical Expenditure Panel Survey, the National Survey of Family Growth, and the National Health and Nutrition Examination Survey. By linking to the NHIS, the analysis potential of these surveys increases. The NHIS has long been used by government, university, and private researchers to evaluate both general health and specific issues, such as cancer, AIDS, and childhood immunizations. Journalists use its data to inform the general public. It will continue to be a leading source of data for the Congressionally-mandated ''Health US'' and related publications, as well as the single most important source of statistics to track progress toward the National Health Promotion and Disease Prevention Objectives, ''Healthy People 2,000.''

Because of survey integration and changes in the health and health care of the U.S. population, demands on the NHIS have changed and increased, leading to a major redesign. Improved information technology is planned, especially computer assisted personal interviewing (CAPI.) This clearance is for a one-time data collection, to introduce, test, and evaluate the redesigned NHIS data system. This data collection, planned for July-December 1996, is also expected to produce data of sufficient quality to allow publication of national estimates and release of public use micro data files. The resulting new NHIS data system is expected to be in the field for at least 10 years, beginning in January, 1997. Separate clearance will be requested for the post-1996 period.

Respondents	No. of respondents	No. of respondents/respondents	Avg. burden/responses (in hours)	Total burden
Family	10,500	1	0.5	5,250
Sample adult	10,500	1	0.5	5,250
Sample child	4,500	1	0.25	1,125
				11,625

2. Evaluation of The National Laboratory Training Network (NLTN)—(New)—The National Laboratory Training Network (NLTN) was established in 1989 to provide education and training to different levels of laboratory personnel in public health, private, independent laboratories and blood banks. Training in testing skills required to diagnose and monitor HIV infected individuals and AIDS-related diseases was the driving force behind its development. However, NLTN staff has responded to other emerging training needs such as those required to test for *Mycobacterium tuberculosis,* Hantaviruses, and other diseases.

The NLTN works primarily with the State Public Health Laboratories forming partnerships that facilitate laboratory

training in most laboratory settings. This project is an evaluation of the effectiveness of the NLTN in meeting its goals and in satisfying the needs of its customers. Recipients of training and their supervisors will be the major sources of information. Some assessment of participants that have not attended NLTN courses will be necessary to use as a control group.

Surveys will be directed to all types of laboratories that perform diagnostic testing. Samples will be selected from local health department laboratories, state health department laboratories, microbiology course participants and physician office laboratories. The study was designed in FY 1994 and FY 1995. Data collection should begin late in FY 1995 and be completed in FY 1996.

Respondents	No. of respondents	No. of responses/respondents	Avg. burden/response	Total burden
Laboratories	10,000	1	.5	5,000

Dated: October 6, 1995.

Joseph R. Carter,

Acting Associate Director for Management And Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95–25443 Filed 10–12–95; 8:45 am]

BILLING CODE 4163–18–P

National Committee on Vital and Health Statistics (NCVHS) Executive Subcommittee; Meetings

Pursuant to Pub. L. 92–463, the National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC), announces the following subcommittee meetings.

Name: NCVHS Executive Subcommittee.

Time and Date: 9 a.m.–5 p.m., November 8–9, 1995.

Place: Auditorium, Oakland Federal Building, 1301 Clay Street, Oakland, CA 94612–5217.

Name: NCVHS Executive Subcommittee.

Time and Date: 9 a.m.–5 p.m., December 5–6, 1995.

Place: Room 703A, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

Status: Open.

Purpose: The purpose of this meeting is to obtain public comments and views toward identifying a set of core health data elements on persons and encounters or events that can serve multiple purposes and would benefit from standardization. This is a public-private collaborative effort by NCVHS to provide information and advice to the Department of Health and Human Services that would help maximize the utility of core person and encounter date and foster evolution of public and private health information systems toward more uniform, shared data standards. The Committee seeks through this effort to facilitate consensus development and build the concepts of multiple use, continued change, and long-term evolution of core data elements into general thinking and practice. The goal is to see what commonalities already exist and to what extent there can be further movement toward greater commonality of terms and consistency of definition. The Committee hopes to provide tentative recommendations to the Department's recently established Data Council by early 1996.

Matters to be Discussed: Comments and views of health data collectors and users will be sought on a list of potential core data elements, which includes those that have been recommended or considered by NCVHS for inclusion in the Uniform Hospital Discharge Data Set and Uniform Ambulatory Care Data Set. The list also includes additional elements frequently collected by selected public and private payers and health care plans, as identified through development of a working compendium of core data elements collected or proposed for collection regarding eligibility, enrollment, encounters, and claims in the United States. Agenda items are subject to change as priorities dictate.

Persons wishing to make oral comments at the meeting should notify the contact persons in writing or by telephone no later than the close of business on October 20, 1995. Written comments are welcome and should be reviewed by October 27, 1995. All request to make oral comments should contain the name, address, telephone number, and organizational affiliation of the presenter. Depending on the time available and the number of requests to make oral comments, it may be necessary to limit each presenter.

Comments received after October 27 but by November 17 will be considered at the December 5–6 meeting. Other oral comments and germane discussion will be accepted at the discretion of the chair and as time permits. Written comments from persons who do not expect to attend either the November 8–9 or December 5–6 meeting should be submitted to the general information contacts listed below. These comments will become a part of the official record of the meeting. Persons with disabilities who require special accommodations are requested to specify their needs in writing to the general information contact persons listed below by October 20, 1995.

Notice: In the interest of security, the Department has instituted stringent procedures for entrance to the Hubert H. Humphrey Building by non-government employees. Thus, persons without a government identification card should plan to arrive at the building each meeting day either between 8:30 and 9:00 a.m. or 12:30 and 1:00 p.m. so they can be escorted to the meeting. Entrance to the meeting at other times during the day cannot be assured. In the interest of security at the Oakland Building, persons must present a picture identification or sign in with the security guard.

Contact Persons for More Information. Substantive program and technical information may be obtained from Lynnette Araki or Marjorie S. Greenberg, Office of Planning and Extramural Programs, (OPEP), NCHS, CDC, telephone number 301/436–7142, fax 301/436–4233. For general information on logistics and special needs as well as summaries of the meetings and a roster of committee members please contact Bette Darling, Program Development Staff, OPEP, NCHS, CDC, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone 301/436–7122, fax 301/436–4233.

Dated: October 6, 1995.

John C. Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95–25442 Filed 10–12–95; 8:45 am]

BILLING CODE 4163–18–M

Food and Drug Administration

Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (35 FR 3685, February 25, 1970, and 56 FR 29484, June 27, 1991, as amended most recently in pertinent part 56 FR 58250, on November 18, 1991) is amended to reflect an organizational change in the Center for Drug Evaluation and Research (CDER) in the Food and Drug Administration (FDA).

The Food and Drug Administration plans to realign its major human drug program functions into two primary lead areas: drug review management and pharmaceutical science. The Office of Review Management (ORM) and the Office of Pharmaceutical Science (OPS), each to be headed by a Deputy Center Director, will report directly to the Director of CDER. FDA believes this

reorganization will rebuild and strengthen the existing structure of the new drug review process to more effectively accomplish CDER's mission. The new ORM structure will align the drug review components into smaller, more cohesive offices to allow a more efficient review process and facilitate communication both up and down organizational lines.

The chemistry review function will be separated into an Office of New Drug Chemistry within OPS. In addition, OPS will also oversee the pharmacological, biopharmaceutical, and generic drug review functions. CDER believes the consolidation of these functions will contribute to the quality of chemistry reviews by improving basic management and oversight of the chemistry program. The realignment will also facilitate the development and dissemination of consistent and uniform policies through a single source.

CDER's new organizational structure will streamline its operations while continuing to meet its statutory mandates, the goals agreed to under the Prescription Drug User Fee Act, and the requirements of the National Performance Review.

Under Chapter HF, Section HF–B, Organization:

1. Delete the following subparagraphs under the Center for Drug Evaluation and Research (HFN1) in their entirety *Office of Drug Standards (HFNE), Office of Drug Evaluation I (HFNG), Office of Drug Evaluation II (HFNK), Office of Epidemiology and Biostatistics (HFNJ), Office of Research Resources (HFNL), Office of Generic Drugs (HFNM), and Office Over-the-Counter Drug Products (HFNN).*

2. Insert the following new subparagraphs under the Center for Drug Evaluation and Research (HFN1) reading as follows:

Office of Review Management (HFNR). Develops and implements the Center's review management and scientific policies, including user fee policies, pertaining to the drug review process.

Reviews investigational new drug applications (INDs) for all classes of drug products for human use with the exception of generic drug applications, and recommends appropriate action with respect to safety and effectiveness of clinical trials.

Evaluates for safety and effectiveness and approves new drug applications (NDAs for drug products for human use.

Coordinates and/or reviews and decides on the appropriate action, including approval or disapproval, of all applications for over-the-counter (OTC) drug products, OTC drug monographs, prescription drug switches to OTC drug status, and other OTC-related drug products, with the exception of generic drug applications.

Develops and implements standards for the safety and effectiveness of prescription drug products for human use and (OTC) drugs.

Oversees surveillance programs conducted to collect and evaluate the effects and use trends of marketed drug products.

Provides direction and policy formulation for pharmacology/toxicology-related issues for the Center.

In carrying out these functions, cooperates with other FDA components, other PHS organizations, governmental and international agencies, volunteer health organizations, universities, individual scientists, nongovernmental laboratories, and manufacturers of drug products.

Advisors and Consultants Staff (HFN1–1). Directs and manages Center programs involving the use of scientific advisors, consultants, and committees.

Provides direction for Center scientific liaison with medical and scientific communities, industry, and the private sector.

Counsels and coordinates with Center managers on the use of scientific experts and resources.

Develops Center policy and guidelines related to the appointment and utilization of scientific advisors and consultants.

Office of Drug Evaluation I (HFNRA). Reviews notices of claimed investigational exemptions for new drugs (INDs) within classes of drugs regulated by this Office and recommends appropriate action with respect to safety and effectiveness of clinical trials.

Evaluates for safety and effectiveness and approves new drug applications (NDAs) for products regulated by this Office, and evaluates supplements that propose changes in the conditions upon which NDA approvals are based.

Develops policy and procedures governing the review and evaluation of drug investigations and NDAs.

Evaluates and takes appropriate action on recommendations concerning withdrawal of approval of NDAs for products regulated by this Office.

Performs consulting medical and scientific evaluations of submissions on generic drugs, drugs under monograph, and over-the-counter drug products regulated by other offices in the Center.

Conducts, in coordination with other Agency components, continuing surveillance and medical evaluation of labeling, clinical experience, and reports submitted by holders of NDAs for products regulated by this Office.

Oversees the development and implementation of standards for the safety and effectiveness of drug advertising and labeling.

Monitors, evaluates, and develops policy for prescription drug promotion and labeling.

Initiates necessary actions to maintain industry compliance with prescription drug advertising and labeling regulations.

Participates in Agency sponsored consumer and professional educational programs on drug standards.

Office of Drug Evaluation II (HFNRB). Reviews notices of claimed investigational exemptions for new drugs (INDs) within classes of drugs regulated by this Office and recommends appropriate action with respect to safety and effectiveness of clinical trials.

Evaluates for safety and effectiveness and approves new drug applications (NDAs) for products regulated by this Office, and evaluates supplements that propose changes in the conditions upon which NDA approvals are based.

Develops policy and procedures governing the review and evaluation of drug investigations and NDAs.

Evaluates and takes appropriate action on recommendations concerning withdrawal of approval for NDAs for products regulated by this Office.

Performs consulting medical and scientific evaluations of submission on generic drugs, drugs under monograph, and over-the-counter drug products regulated by other offices in the Center.

Conducts, in coordination with other Agency components, continuing surveillance and medical evaluation of labeling, clinical experience, and reports submitted by holders of NDAs for products regulated by this Office.

Office of Drug Evaluation III (HNNRC). Reviews notices of claimed investigational exemptions for new drugs (INDs) within classes of drugs regulated by this Office and recommends appropriate action with respect to safety and effectiveness of clinical trials.

Evaluates for safety and effectiveness and approves new drug applications (NDAs) for products regulated by this Office, and evaluates supplements that propose changes in the conditions upon which NDA approvals are based.

Develops policy and procedures governing the review and evaluation of drug investigations and NDAs.

Evaluates and takes appropriate action on recommendations concerning withdrawal of approval of NDAs for products regulated by this Office.

Performs consulting medical and scientific evaluations of submissions on generic drugs, drugs under monograph, and over-the-counter drug products regulated by other offices in the Center.

Conducts, in coordination with other Agency components, continuing surveillance and medical evaluation of labeling, clinical experience, and reports submitted by holders of NDAs for products regulated by this Office.

Office of Drug Evaluation IV (HFNRD). Reviews notices of claimed investigational exemptions for new drugs (INDs) within classes of drugs regulated by this Office and recommends appropriate action with respect to safety and effectiveness of clinical trials.

Evaluates for safety and effectiveness and approves new drug applications (NDAs) for products regulated by this Office, and evaluates supplements that propose changes in the conditions upon which NDA approvals are based.

Develops policy and procedures governing the review and evaluation of drug investigations and NDAs.

Evaluates and takes appropriate action on recommendations concerning withdrawal of approval for NDAs for products regulated by this Office.

Performs consulting medical and scientific evaluations of submission on generic drugs, drugs under monograph, and over-the-counter drug products regulated by other offices in the Center.

Conducts, in coordination with other Agency components, continuing surveillance and medical evaluation of labeling, clinical experience, and reports submitted by holders of NDAs for products regulated by this Office.

Office of Drug Evaluation V (HFNRE). Reviews notices of claimed investigational exemptions for new drugs (INDs) within classes of drugs regulated by this Office and recommends appropriate action with respect to safety and effectiveness of clinical trials.

Evaluates the safety and effectiveness and approves new drug applications (NDAs) for products regulated by this Office, and evaluates supplements that propose changes in the conditions upon which NDA approvals are based.

Evaluates for safety and effectiveness and approves applications for over-the-counter (OTC) drug products.

Oversees the development of policy and procedures governing the review and evaluation of drug investigations, NDAs, and OTCs.

Evaluates and takes appropriate action on recommendations concerning withdrawal of approval for NDAs for products regulated by this Office.

Performs consulting medical and scientific evaluations of submission on generic drugs, drugs under monograph, and over-the-counter drug products regulated by other offices in the Center.

Conducts, in coordination with other Agency components, continuing surveillance and medical evaluation of labeling, clinical experience, and reports submitted by holders of NDAs for products regulated by this Office.

Office of Epidemiology and Biostatistics (HFNRG). On behalf of both CDER and CBER, conducts programs to collect and evaluate epidemiological and nonepidemiological information on drug and biological product usage, adverse reactions, poisonings, safety, quality, and effectiveness.

Disseminates drug and biological product information to other components of the Center and the Agency.

Collaborates with users of drug and biological product information to insure that information collected and evaluated is sufficient, relevant, and useful.

Provides statistical services to Center scientific and regulatory programs.

Conducts research on, develops, and evaluates statistical methodologies.

Conducts research and develops information using epidemiological and other strategies to determine the best way to communicate drug and biological product usage information to health professionals and consumers.

Develops liaison with sources of medical and scientific information related to drugs and biological products.

Office of Pharmaceutical Science (HFNS). Provides advice and information to other components of the Center and the Agency on pharmaceutical programs and issues.

Oversees research and development of scientific standards on the composition, quality, safety, and effectiveness of human drug products and provides expert advice based on that research in support of the drug review regulatory process.

Oversees the development of standards for the safety and effectiveness of generic drugs.

Oversees the review and evaluation of Abbreviated New Drug Applications (ANDAs), Abbreviated Antibiotic Drug Applications (AADAs), and their amendments or supplements and determines approvability.

Oversees the science issues of chemistry, manufacturing, and control reviews; ensures consistency of new drug chemistry reviews; and manages the overall coordination of IND and NDA chemistry reviews.

Oversees the review and evaluation of pharmacokinetic, pharmacodynamic, drug metabolism, bioavailability, and bioequivalence protocols and data in INDs, NDAs, antibiotic applications and their supplements and amendments.

Oversees the FDA's insulin certification program.

Oversees the testing of drug samples obtained for compliance programs, evaluation of methods in new drug applications, approval in the abbreviated new drug application process, and special investigations or testing for other scientific and regulatory components of the Agency.

Chemistry Policy Staff (HFNS1). Manages and facilitates the development, review, coordination, dissemination, organization, and implementation of new chemistry manufacturing policies, procedures, and guidelines related to chemistry and microbiology reviews of new and generic drug applications.

Performs assessments of environmental impact of actions within the drug approval system which may significantly affect the quality of the human environment.

Performs quality assurance and quality control functions for chemistry reviews of both new and generic drug applications.

Provides support for the operations of quality expert working groups or committees focused on the chemistry manufacturing control technical aspects of the drug review process.

Provides necessary training for chemists, as appropriate.

Develops and implements policies and procedures in support of compendial operations and directs appropriate programs related to compendial initiatives.

Advises and assists Center management on program and policy issues concerning compendial operations.

Formulations Research Staff (HFNS2). Oversees scientific activities which form the basis for regulatory approval of drug substances and products within CDER.

Facilitates scientific investigations which result in the development of tests and specifications to assure the performance of drug products.

Manages and oversees extramural research contracts which provide data in support of regulatory standards, policies, and decisions.

Operations Staff (HFNS3). Advises the Deputy Director for Pharmaceutical Science on all administrative management matters relating to the day-to-day activities of the Office of Pharmaceutical Science.

Provides direct administrative support to the Office in the areas of financial and personnel management

and management consulting and office services.

Plans and develops management policies and programs which support operations of all Office components.

Develops and conducts evaluation studies to determine the effectiveness of Center and Office programs, policies, and priorities and to forecast workloads to determine resource allocations and select alternative operating plans. Proposes improvements in program effectiveness and efficiency.

Monitors workflow to determine that program goals and objectives are met.

Office of Clinical Pharmacology and Biopharmaceutics (HFNSA). Evaluates pharmacokinetic, pharmacodynamic, bioavailability, bioequivalence, and drug metabolism protocols and data in notices of claimed investigational exemption for new drugs (INDs), new drug applications (NDAs), antibiotic applications (Form 5), and their supplements and amendments.

Approves, disapproves, or recommends new bioavailability, bioequivalence, pharmacokinetic, pharmacodynamic, and drug metabolism studies and/or protocols.

Identifies potential clinical pharmacology and biopharmaceuitcal problems and prepares protocols and guidelines for conducting relevant studies.

Reviews and evaluates drug disposition data, dosing regimen, and specialized drug delivery systems to assure drug bioavailability.

Initiates, monitors, and conducts biopharmaceutical research.

Office of Generic Drugs (HFNSB). Oversees the development and implementation of standards for the safety and effectiveness of generic drugs.

Reviews and evaluates Abbreviated New Drug Applications (ANDAs), Abbreviated Antibiotic Drug Applications (AADAs), and their amendments or supplements and determines approvability.

Establishes bioequivalency specifications for drug products and develops guidelines for bioequivalency reviews, industry protocols, and studies.

Oversees all aspects of labeling submissions for ANDAs and AADAs.

Office of New Drug Chemistry (HFNSC). Manages the science issues of chemistry, microbiology, manufacturing, and control reviews and ensures consistency in new drug chemistry reviews.

Manages the overall coordination for IND and NDA chemistry and microbiology review processes within the Office.

Reviews and evaluates the chemistry and microbiology portion of INDs, NDAs, amendments, and supplements for drugs regulated by this Office and recommends appropriate action with respect to safety.

Evaluates manufacturing methods, controls, and facilities of manufacturers of drugs submitted for approval in NDAs for drugs regulated by the Office.

Develops policy and procedures governing the chemistry and microbiology review and evaluation of INDs and NDAs.

Provides advice and information to other components of the Center and the Agency on chemistry, manufacturing, and control issues as they relate to human drugs regulated by the Center.

Office of Testing and Research (HFNSD). Conducts research and develops scientific standards on the composition, quality, safety, and effectiveness of human drug products.

Directs the FDA insulin certification program.

Directs large scale drug quality surveillance activities for the Center as required by regulations.

Coordinates Centerwide research activities in biomathematical/statistical, pharmaco-epidemiological, econometric, and regulatory process or administration-oriented subject areas.

Coordinates basic and applied pharmaceutical research including in vitro physiochemical or analytical biochemistry studies and in vivo rodent, nonhuman primate, and human clinical research.

Develops and coordinates Center extramural research policy and monitors research projects.

Provides scientific training for new employees through the development and coordination of staff college programs.

Sponsors cooperative university-based and industry-linked education programs for postdoctoral traineeships and sabbatical programs. Initiates and coordinates the holding of scientific workshops.

In coordination with other Agency components, educates the public on Center and Agency policy and activities.

3. Prior Delegations of Authority. Pending further delegations, directives, or orders by the Commissioner of Food and Drugs, all delegations of authority to positions of the affected organizations in effect prior to this data shall continue in effect in them or their successors.

Dated: September 1, 1995.

David A. Kessler,

Commissioner of Food and Drugs.

[FR Doc. 95–25326 Filed 10–12–95; 8:45 am]

BILLING CODE 4160–01–F

Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (35 FR 3685, February 25, 1970, and 56 FR 29484, June 27, 1991, as amended most recently in pertinent part at 59 FR 43128, August 22, 1994) is amended to reflect the transfer of the International Affairs Staff from the Office of Health Affairs to report directly to the Deputy Commissioner for External Affairs, Office of External Affairs (OEA), in the Food and Drug Administration (FDA). Chapter HF is further amended to establish the Industry and Small Business Liaison Staff.

The International Affairs Staff will continue to serve as the Agency focal point for developing and maintaining international communications and programs. FDA believes that the increase in international activity with regard to FDA regulated products and activities necessitates the elevation of the International Affairs Staff to the office level within OEA and that this action enhances the management and coordination of Agency international activities.

The Office of External Affairs has realigned its industry liaison functions within the immediate office of the Deputy Commissioner for External Affairs and established a new Industry and Small Business Liaison Staff. The new staff will serve as the Agency focal point for overall industry liaison and communication activities within FDA. FDA believes that stronger emphasis should be placed on promoting understanding of and compliance with FDA regulations among regulated industry, industry trade and scientific associations, and professional societies.

Under section HF-B, Organization:

1. Delete the subparagraph *International Affairs Staff (HFA56),* under the *Office of Health Affairs (HFA5),* in its entirety and insert a new subparagraph, International Affairs Staff (HFAQA), under the Office of External Affairs (HFAQ), reading as follows:

International Affairs Staff (HFAQA). Serves as the Agency focal point for developing and maintaining international communications and programs.

Establishes and provides an Agency liaison on international activities with the Department, Public Health Service (PHS), and other Federal agencies, foreign governments, including foreign

embassies, and international organizations.

Represents the Agency at meetings, conferences, and symposia relating to international obligations; briefs Agency participants in such international activities.

Establishes, identifies, interprets, and clarifies, in cooperation with appropriate Agency components, the Agency's international obligations and needs, including those associated with bilateral programs which involve extra budgetary support.

Establishes and maintains an international information exchange program concerning Agency policies and programs to provide interchange between FDA and counterpart agencies in foreign countries and international organizations.

Assists in the development, negotiation, and monitoring of agreements with foreign governments and international organizations in cooperation with appropriate Agency components; and acts as the Agency focal point for intergovernmental conferences.

Negotiates the preparation and implementation of technical assistance programs (including formal training programs and surveys) with foreign governments and international organizations in areas relating to the Agency mission. Coordinates ongoing technical assistance operations with appropriate components within the Department, PHS, and the Agency.

Directs the Agency's International Visitors Program, providing participants with policy briefings, technical training, and/or assistance in response to specific needs.

2. Insert a new subparagraph, *Industry and Small Business Liaison Staff (HFAQB),* under the *Office of External Affairs (HFAQ),* reading as follows:

Industry and Small Business Liaison Staff (HFAQB). Advises and assists the Commissioner and other Agency officials on industry-related issues which have an impact on policy, direction, and goals.

Serves as the Agency focal point for overall industry liaison and communication activities within FDA, including FDA centers, and between FDA and FDA-regulated industry, industry trade associations, and scientific associations.

Serves as a liaison with other Agency components to provide advice and assistance to small manufacturers and scientific associations to promote their understanding of and compliance with FDA regulations.

Develops and maintains effective channels of communication with regulated industry, professional societies, and trade and scientific associations.

3. Prior Delegations of Authority. Pending further delegations, directives, or orders by the Commissioner of Food and Drugs, all delegations of authority to positions of the affected organizations in effect prior to this date shall continue in effect in them or their successors.

Dated: September 11, 1995.

David A. Kessler,

Commissioner of Food and Drugs.

[FR Doc. 95–25327 Filed 10–12–95; 8:45 am]

BILLING CODE 4160–01–F

Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (35 FR 3685, February 25, 1970, and 56 FR 29484, June 27, 1991, as amended most recently in pertinent part at 53 FR 8978, March 18, 1988) is amended to reflect the following reorganization in the Food and Drug Administration (FDA).

The Office of Management, Center for Drug Evaluation and Research (CDER) is being revised to update its current functional statements to more accurately depict the services provided to CDER.

Under section HF–B, Organization:

1. Delete the subparagraph *Office of Management (HFN12),* under the *Office of the Center Director (HFN1),* in its entirety and insert a new subparagraph reading as follows:

Office of Management (HFN12). Monitors the development and operation of planning systems for Center activities and resource allocations and advises the Center Director on Center administrative policies and guidelines and information systems and services.

Plans and directs Center operations for financial, administrative, and facilities management activities, and office services. Provides service and support on human resource and recruitment activities.

Directs Center organization, management, and information systems.

Coordinates the performance of organization and management studies.

Advises the Center on contract and grant proposals.

Provides coordination for receipt and distribution of initial drug applications and other related documents.

2. Prior Delegations of Authority. Pending further delegations, directives, or orders by the Commissioner of Food and Drugs, all delegations of authority to positions of the affected organizations in effect prior to this date shall continue in effect in them or their successors.

Dated: September 1, 1995.

David A. Kessler,

Commissioner of Food and Drugs.

[FR Doc. 95–25328 Filed 10–12–––95; 8:45 am]

BILLING CODE 4160–01–F

Health Care Financing Administration

Public Information Collection Requirements Submitted for Public Comment and Recommendations

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services (HHS), is publishing the following summaries of proposed collections for public comment. The title, description, and respondent description of the information collection are shown below with an estimate of the annual reporting and recordkeeping burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection;

Title of Information Collection: Durable Medical Equipment Regional Carrier, Certificate of Medical Necessity, Version I and Version II. (Either version may be used through April 1, 1996);

Form No.: HCFA–R–182;

Use: This information is needed to correctly process claims and insure that claims are properly paid. These forms contain medical information necessary to make an appropriate determination;

Frequency: On Occasion;

Affected Public: Suppliers and Physicians, Business or other for profit, Federal Government;
Number of Respondents: 140,000;
Total Annual Responses: 6.8 million;
Total Annual Hours Requested: 1.7 million.

To request copies of the proposed paperwork collection referenced above, call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections should be sent within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Financial and Human Resources, Management Planning and Analysis Staff, Attention: Zaneta Davis, 7500 Security Boulevard, Room C2–26–17, Baltimore, Maryland 21244–1850.

Kathleen B. Larson,

Director, Management Planning and Analysis Staff.

[FR Doc. 95–25499 Filed 10–12–95; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. FR–3778–N–58]

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.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1226; 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 Brian Rooney, 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 Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the Federal Register, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Army: Elaine Sims, CECPW–FP, U.S. Army Center for Public Works, 7701 Telegraph Road, Alexandria, VA 22310–3862; (703) 355–3475; (This is not a toll-free number).

Dated: October 6, 1995.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 10/13/95

Suitable/Available Properties

Buildings (by State)

Alabama

Bldg. 8913
Fort Rucker
7th Avenue
Ft. Rucker Co: Dale AL 36362–
Landholding Agency: Army
Property Number: 219140025
Status: Unutilized
Comment: 3100 sq. ft., 1 story wood, most recent use—chaplain's conference room, off-site use only

Bldg. 8914
Fort Rucker
7th Avenue
Ft. Rucker Co: Dale AL 36362–
Landholding Agency: Army
Property Number: 219140026
Status: Unutilized
Comment: 2250 sq. ft., 1 story wood, most recent use—chaplain headquarters, off-site use only

Bldg. TO3202, Fort Rucker
Cowboy & Crusader St.
Fort Rucker Co: Dale AL 36362–
Landholding Agency: Army
Property Number: 219210001
Status: Unutilized
Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only

Bldg. TO3203, Fort Rucker
Cowboy & Crusader St.

Fort Rucker Co: Dale AL 36362–
Landholding Agency: Army
Property Number: 219210002
Status: Unutilized
Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only

Bldg. TO3206, Fort Rucker
Cowboy & Crusader St.
Fort Rucker Co: Dale AL 36362–
Landholding Agency: Army
Property Number: 219210003
Status: Unutilized
Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only

Bldg. TO3207, Fort Rucker
Cowboy & Crusader St.
Fort Rucker Co: Dale AL 36362–
Landholding Agency: Army
Property Number: 219210004
Status: Unutilized
Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only

Bldg. TO3208, Fort Rucker
Cowboy & Crusader St.
Fort Rucker Co: Dale AL 36362–
Landholding Agency: Army
Property Number: 219210005
Status: Unutilized
Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only

Bldg. TO3211, Fort Rucker
Cowboy & Crusader St.
Fort Rucker Co: Dale AL 36362–
Landholding Agency: Army
Property Number: 219210006
Status: Unutilized
Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only

Bldg. TO3213, Fort Rucker
Cowboy & Crusader St.
Fort Rucker Co: Dale AL 36362–
Landholding Agency: Army
Property Number: 219210007
Status: Unutilized
Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only

Bldg. TO3216, Fort Rucker
Cowboy & Crusader St.
Fort Rucker Co: Dale AL 36362–
Landholding Agency: Army
Property Number: 219210008
Status: Unutilized
Comment: 5310 sq. ft., two story wood structure, most recent use—barracks, presence of asbestos, off-site use only

Bldg. TO3214, Fort Rucker
Cowboy & Crusader St.
Fort Rucker Co: Dale AL 36362–
Landholding Agency: Army
Property Number: 219230001
Status: Unutilized
Comment: 3306 sq. ft., 1-story wood structure, most recent use—storehouse, presence of asbestos, off-site use only

Bldg. TO3215, Fort Rucker
Cowboy & Crusader St.
Fort Rucker Co: Dale AL 36362–
Landholding Agency: Army
Property Number: 219230002
Status: Unutilized
Comment: 3452 sq. ft., 1-story wood structure, most recent use—storehouse, presence of asbestos, off-site use only

Bldg. 3502, Fort Rucker
Fort Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219340181
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, presence of asbestos, most recent use—instruction bldg., off-site use only

Bldg. 3702, Fort Rucker
Fort Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219340183
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, most recent use—barracks, off-site use only

Bldg. 3703, Fort Rucker
Fort Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219340184
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, most recent use—barracks, off-site use only

Bldg. 3704, Fort Rucker
Fort Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219340185
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, most recent use—barracks, off-site use only

Bldg. 3705, Fort Rucker
Fort Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219340186
Status: Unutilized
Comment: 2975 sq. ft., 1-story wood, needs rehab, most recent use—general purpose, off-site use only

Bldg. 3706, Fort Rucker
Fort Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219340187
Status: Unutilized
Comment: 2975 sq. ft., 1-story wood, needs rehab, most recent use—general purpose, off-site use only

Bldg. 3707, Fort Rucker
Fort Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219340188
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, presence of asbestos, most recent use—barracks, off-site use only

Bldg. 3708, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219340189
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, presence of asbestos, most recent use—barracks, off-site use only

Bldg. 3714, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219340190
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, presence of asbestos, most recent use—general purpose, off-site use only

Bldg. 3717, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219340191
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, presence of asbestos, most recent use—barracks, off-site use only

Bldg. 3803, Fort Rucker
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219340192
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, most recent use—instruction bldg., off-site use only

Bldg. T274, Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219440389
Status: Unutilized
Comment: 3967 sq. ft., 1-story, most recent use—clinic, needs rehab, off-site use only

Bldg. T421, Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219440393
Status: Unutilized
Comment: 1602 sq. ft., 1-story, most recent use—support activity, needs rehab, off-site use only

Bldgs. T614, T692
Ft. McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219440394
Status: Unutilized
Comment: 2314 sq. ft. & 2685 sq. ft., 1-story bldgs., most recent use—admin., off-site use only

7 Bldgs.
Fort McClellan
#829–831, 833, 835–836, 844
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219440395
Status: Unutilized
Comment: 4425 sq. ft. each, 2-story, most recent use—barracks, off-site use only

Bldg. T00893
Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219440396
Status: Unutilized
Comment: 3269 sq. ft., 1-story, most recent use—chapel, off-site use only

Bldgs. T903, T909
Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219440397
Status: Unutilized
Comment: 1677 sq. ft. and 1166 sq. ft. bldgs., most recent use—classroom, off-site use only

Bldgs. T916–T917, T925
Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219440398

Status: Unutilized
Comment: 3075–4500 sq. ft., 1-story, most recent use—barracks, off-site use only

Bldg. T1398
Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219440399
Status: Unutilized
Comment: 3108 sq. ft., 1-story, most recent use—classroom, needs rehab, off-site use only

Bldg. 60101
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219520152
Status: Unutilized
Comment: 6082 sq. ft., 1-story, most recent use—airfield fire station, off-site use only

Bldg. 60100
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219520153
Status: Unutilized
Comment: 64 sq. ft., metal structure, most recent use—sentry station, off-site use only

Bldg. 60103
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219520154
Status: Unutilized
Comment: 12516 sq. ft., 2-story, most recent use—admin., off-site use only

Bldg. 60110
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219520155
Status: Unutilized
Comment: 8319 sq. ft., 1-story, most recent use—admin., off-site use only

Bldg. 60113
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Landholding Agency: Army
Property Number: 219520156
Status: Unutilized
Comment: 4000 sq. ft., 1-story, most recent use—admin., off-site use only

Alaska

Bldg. 400
Fort Richardson
Ft. Richardson AK 99505–
Landholding Agency: Army
Property Number: 219440400
Status: Unutilized
Comment: 13056 sq. ft., 2-story wood frame, presence of lead paint and asbestos, off-site use only

Bldg. 402
Fort Richardson
Ft. Richardson AK 99505–
Landholding Agency: Army
Property Number: 219440401
Status: Unutilized
Comment: 13056 sq. ft., 2-story wood, presence of lead paint and asbestos, off-site use only

Bldg. 407
Fort Richardson
Ft. Richardson AK 99505–
Landholding Agency: Army
Property Number: 219440402
Status: Unutilized
Comment: 13056 sq. ft., 2-story wood frame, presence of lead paint and asbestos, off-site use only

Arizona

Bldg. 70117—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219120306
Status: Excess
Comment: 3434 sq. ft., 1 story wood structure, presence of asbestos, most recent use—barracks, scheduled to become vacant in 6 months, off-site use only

Bldg. 70118—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219120307
Status: Excess
Comment: 3434 sq. ft., 1 story wood structure, presence of asbestos, most recent use—general instructional, off-site use only

Bldg. 70119—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219120308
Status: Excess
Comment: 3434 sq. ft., 1 story wood structure, presence of asbestos, most recent use—general instructional, off-site use only

Bldg. 70120—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219120309
Status: Excess
Comment: 3434 sq. ft., 1 story wood structure, presence of asbestos, most recent use—general instructional, off-site use only

Bldg. 70125—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219120310
Status: Excess
Comment: 3813 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose, off-site use only

Bldg. 83006—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219120311
Status: Excess
Comment: 2062 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose, off-site use only

Bldg. 83007—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219120312
Status: Excess
Comment: 2000 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose, off-site use only

Bldg. 83008—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219120313
Status: Excess
Comment: 2192 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose, off-site use only

Bldg. 83015—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219120314
Status: Excess
Comment: 2325 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose, off-site use only

Bldg. 81001—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240720
Status: Unutilized
Comment: 4386 sq. ft., 2 story wood frame, possible asbestos, most recent use—administrative, scheduled to become vacant in 6 months, off-site use only

Bldg. 81020—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240722
Status: Unutilized
Comment: 4386 sq. ft., 2 story wood frame, possible asbestos, most recent use—admininstrative, scheduled to become vacant in 6 months, off-site use only

Bldg. 67204—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240723
Status: Unutilized
Comment: 4332 sq. ft., 2 story wood frame, possible of asbestos, most recent use—administrative, scheduled to become vacant in 6 months, off-site use only

Bldg. 66151—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240728
Status: Unutilized
Comment: 4194 sq. ft., 2 story wood frame, possible of asbestos, most recent use—barracks, scheduled to become vacant in 6 months, off-site use only

Bldg. 72219—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240729
Status: Unutilized
Comment: 2730 sq. ft., 1 story wood frame, possible asbestos, most recent use—barracks, scheduled to become vacant in 6 months, off-site use only

Bldg. 72220—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240730
Status: Unutilized
Comment: 2879 sq. ft., 1 story wood frame, possible asbestos, most recent use—barracks, scheduled to become vacant in 6 months, off-site use only

Bldg. 72221—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240731
Status: Unutilized
Comment: 3736 sq. ft., 1 story wood structure, presence of asbestos, most recent use—barracks, scheduled to become vacant in 6 months, off-site use only

Bldg. 67108—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240733
Status: Unutilized

Comment: 2403 sq. ft., 1 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only.

Bldg. 70226—Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240734
Status: Unutilized
Comment: 1868 sq. ft., 1 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only.

Bldg. 71116
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240735
Status: Unutilized
Comment: 3470 sq. ft., 1 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only

Bldg. 71215
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240736
Status: Unutilized
Comment: 4854 sq. ft., 1 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only

Bldg. 70110
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240739
Status: Unutilized
Comment: 2675 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70111
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240740
Status: Unutilized
Comment: 2800 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70113
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240741
Status: Unutilized
Comment: 2800 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70114
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240742
Status: Unutilized
Comment: 2544 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70115
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240743
Status: Unutilized
Comment: 2544 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70123
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240744
Status: Unutilized
Comment: 3298 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70124
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240745
Status: Unutilized
Comment: 3298 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70126
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240746
Status: Unutilized
Comment: 3343 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70210
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240747
Status: Unutilized
Comment: 3258 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70211
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240748
Status: Unutilized
Comment: 2966 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70221
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240749
Status: Unutilized
Comment: 2526 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70222
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240750
Status: Unutilized
Comment: 1627 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 71214
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240751
Status: Unutilized
Comment: 3779 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 82013
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240752
Status: Unutilized
Comment: 2193 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 90327
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240753
Status: Unutilized
Comment: 279 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 71213
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240754
Status: Unutilized
Comment: 3779 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—storehouse, off-site use only

Bldg. 82007
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240755
Status: Unutilized
Comment: 4386 sq. ft., 2 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—storehouse, off-site use only

Bldg. 82009
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240756
Status: Unutilized
Comment: 2444 sq. ft., 2 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—storehouse, off-site use only

Bldg. 70216, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219310287
Status: Excess
Comment: 3725 sq. ft., 1-story wood, presence of asbestos, most recent use—admin., off-site use only

Bldg. 70215, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–

Landholding Agency: Army
Property Number: 219310288
Status: Excess
Comment: 3706 sq. ft., 1-story wood, presence of asbestos, most recent use—admin., off-site use only

Bldg. 70214, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219310289
Status: Excess
Comment: 3142 sq. ft., 1-story wood, presence of asbestos, most recent use—admin., off-site use only

Bldg. 70212, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219310290
Status: Excess
Comment: 3534 sq. ft., 1-story wood, presence of asbestos, most recent use—admin., off-site use only

Bldg. 70220, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219310291
Status: Excess
Comment: 1249 sq. ft., 1-story wood, presence of asbestos, most recent use—admin., off-site use only

Bldg. 70218, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219310292
Status: Excess
Comment: 3475 sq. ft., 1-story wood, presence of asbestos, most recent use—classroom, off-site use only

Bldg. 70217, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219310293
Status: Excess
Comment: 304 sq. ft., 1-story concrete block, presence of asbestos, most recent use—storage, off-site use only

Bldg. 80010, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219310294
Status: Excess
Comment: 2318 sq. ft., 1-story wood, presence of asbestos, most recent use—admin.

Bldg. 84103, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219310296
Status: Excess
Comment: 984 sq. ft., 1-story, presence of asbestos and lead paint, most recent use—admin.

Bldg. 67101, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219310297
Status: Excess
Comment: 2216 sq. ft., 1-story wood, presence of asbestos and lead paint, most recent use—classroom

Bldg. 30012, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219310298
Status: Excess
Comment: 237 sq. ft., 1-story block, most recent use—storage

Bldd. S–120
Yuma Proving Ground
Yuma Co: Yuma/LaPaz AR 85365–9104
Landholding Agency: Army
Property Number: 219320202
Status: Underutilized
Comment: 6845 sq. ft., 1-story, wood frame, presence of asbestos, most recent use—bowling center, scheduled to be vacated 11/15/93

Bldg. 67221
U.S. Army Intelligence Center, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219330235
Status: Unutilized
Comment: 1068 sq. ft., 1-story wood, presence of asbestos, most recent use—office, off-site use only

Bldg. 83102
U.S. Army Intelligence Center, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219330236
Status: Unutilized
Comment: 984 sq. ft., 1-story wood, presence of asbestos, most recent use—office, off-site use only

Bldg. 84010
U.S. Army Intelligence Center, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219330237
Status: Unutilized
Comment: 2147 sq. ft., 1-story wood, presence of asbestos, most recent use—office, off-site use only

Bldg. S–1005
Yuma Proving Ground
Yuma Co: Yuma/La Paz AZ 85365–9104
Landholding Agency: Army
Property Number: 219340198
Status: Unutilized
Comment: 176 sq. ft., 1-story, cold storage bldg., needs repair, off-site use only

Bldg. 67116
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410243
Status: Unutilized
Comment: 1784 sq. ft.; 1 story; wood; most recent use—admin.; off-site use only

Bldg. 67205
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410244
Status: Unutilized
Comment: 2166 sq. ft.; 2 story; wood; most recent use—admin.; off-site use only

Bldg. 67207
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410245
Status: Unutilized
Comment: 2166 sq. ft.; 2 story; wood; most recent use—admin.; off-site use only

Bldg. 67213
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410246
Status: Unutilized
Comment: 2594 sq. ft.; 1-story; wood; most recent use—admin.; off-site use only

Bldg. 73913
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410247
Status: Unutilized
Comment: 910 sq. ft.; 1-story; wood; most recent use—admin.; off-site use only

Bldg. 80001
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410248
Status: Unutilized
Comment: 1958 sq. ft.; 2 story; wood; most recent use—admin.; off-site use only

Bldg. 83027
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410249
Status: Unutilized
Comment: 1993 sq. ft.; 2 story; wood; most recent use—admin.; off-site use only

Bldg. 84007
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410250
Status: Unutilized
Comment: 2000 sq. ft.; 2 story; wood; most recent use—admin.; off-site use only

Bldg. 68320
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410251
Status: Unutilized
Comment: 1531 sq. ft.; 1-story; wood; most recent use—recreation center; off-site use only

Bldg. 30126
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410252
Status: Unutilized
Comment: 9324 sq. ft.; 1-story; wood; most recent use—maintenance; off-site use only

Bldg. 84014
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410253
Status: Unutilized
Comment: 2260 sq. ft.; 1-story; wood; most recent use—maintenance; off-site use only

Bldg. S–106
Yuma Proving Ground
Yuma Co: Yuma/La Paz AZ 85365–9104
Landholding Agency: Army
Property Number: 219420345
Status: Unutilized
Comment: 1101 sq. ft.; 1-story, cold storage bldg., needs repair

Bldgs. 67210, 67217

Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219420347
Status: Unutilized
Comment: 1165 sq. ft.; 1-story wood, presence of asbestos, most recent use—office, off-site use only

Bldg. 80005
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219430245
Status: Unutilized
Comment: 1718 sq. ft.; 1-story, wood frame, most recent use—instructional bldg., needs repair, off-site use only

Bldg. 80006
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219430246
Status: Unutilized
Comment: 1628 sq. ft.; 1-story, wood frame, most recent use—instructional bldg., needs repair, off-site use only

Bldg. 83023
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219430247
Status: Unutilized
Comment: 1648 sq. ft.; 1-story, wood frame, most recent use—instructional bldg., needs repair, off-site use only

Bldg. 81027
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219430248
Status: Unutilized
Comment: 2193 sq. ft.; 2-story, wood frame, most recent use—admin., needs repair, off-site use only

Bldg. 81028
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219430249
Status: Unutilized
Comment: 2193 sq. ft.; 2-story, wood frame, most recent use—admin., needs repair, off-site use only

Bldg. 80111
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219430250
Status: Unutilized
Comment: 2032 sq. ft.; 1-story wood frame, most recent use—instructional bldg., needs repair, off-site use only

Bldg. 503 Yuma Proving Ground
Yuma Co: Yuma AZ 85365–9104
Landholding Agency: Army
Property Number: 219520073
Status: Underutilized
Comment: 3789 sq. ft., 2-story, major structural changes required to meet floor loading and fire code requirements, presence of asbestos

Bldgs. 63001, 80112
Fort Husachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219520157
Status: Excess
Comment: 1898–2000 sq. ft., 1-story, presence of asbestos and lead base paint, off-site use only

9 Classroom Facilities
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: Bldgs. 67111, 67118, 67124, 67209, 81005, 81006, 81008, 83024, 84003
Landholding Agency: Army
Property Number: 219520158
Status: Excess
Comment: 1044–2602 sq. ft., 1–2 story, presence of asbestos and lead base paint, off-site use only

Bldg. 67214
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219520159
Status: Excess
Comment: 955 sq. ft., 1-story, most recent use—rec. bldg., presence of asbestos and lead base paint, off-site use only

2 Storage Facilities
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: Bldgs. 72320, 80017
Landholding Agency: Army
Property Number: 219520160
Status: Excess
Comment: 2340 sq. ft., 1–2 story, presence of asbestos and lead base paint, off-site use only

10 Admin. Facilities
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: Bldgs. 80025, 80027, 80028, 80102, 81002, 81009, 81102, 83025, 83026, 84008
Landholding Agency: Army
Property Number: 219520161
Status: Excess
Comment: 996–2193 sq. ft., 1–2 story, presence of asbestos and lead base paint, off-site use only

12 Admin. Facilities
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Lcoation: Bldgs. 67110, 67114, 67115, 67121, 67122, 67226, 67228, 70122, 80008, 80009, 80013, 80024
Landholding Agency: Army
Property Number: 219520162
Status: Excess
Comment: 1041–3298 sq. ft., 1–2 story, presence of asbestos and lead base paint, off-site use only

10 Barracks
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: Bldgs. 67102–67106, 67125–67129
Landholding Agency: Army
Property Number: 219520163
Status: Excess
Comment: 1352–2291 sq. ft., 2-story, presence of asbestos and lead base paint, off-site use only

Bldgs. 51449, 73903, 73904
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219520164
Status: Excess
Comment: 40–5300 sq. ft., 1-story, most recent use—maint. shops, presence of asbestos and lead base paint, off-site use only

Georgia

Bldg. 5390
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219010137
Status: Unutilized
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.

Bldg. 5362
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219010147
Status: Unutilized
Comment: 5559 sq. ft.; most recent use—service club; needs rehab.

Bldg. 5392
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219010151
Status: Unutilized
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.

Bldg. 5391
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219010152
Status: Unutilized
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.

Bldg. 4605
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219011493
Status: Unutilized
Comment: 915 sq. ft.; buildings in poor condition, major construction needed to be made habitable

Bldg. 4487
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219011681
Status: Unutilized
Comment: 1868 sq. ft.; most recent use—telephone exchange bldg.; needs substantial rehabilitation; 1 floor

Bldg. 4319
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219011683
Status: Unutilized
Comment: 2584 sq. ft.; most recent use—vehicle maintenance shop; needs substantial rehabilitation; 1 floor

Bldg. 3400
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219011694
Status: Unutilized
Comment: 2570 sq. ft.; most recent use—fire station; needs substantial rehabilitation; 1 floor

Bldg. 2285
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219011704
Status: Unutilized

Comment: 4574 sq. ft.; most recent use—clinic; needs substantial rehabilitation; 1 floor

Bldg. 4092
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219011709
Status: Unutilized
Comment: 336 sq. ft.; most recent use—inflammable materials storage; needs substantial rehabilitation; 1 floor

Bldg. 4089
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219011710
Status: Unutilized
Comment: 176 sq. ft.; most recent use—gas station; needs substantial rehabilitation; 1 floor

Bldg. 1235
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014887
Status: Unutilized
Comment: 9367 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse

Bldg. 1236
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014888
Status: Unutilized
Comment: 9367 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse

Bldg. 1251
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014889
Status: Unutilized
Comment: 18385 sq. ft.; 1 story building; needs rehab; most recent use—Arms Repair Shop

Bldg. 4491
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014916
Status: Unutilized
Comment: 18240 sq. ft.; 1 story building; needs rehab; most recent use—Vehicle maintenance shop

Bldg. 4633
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014919
Status: Unutilized
Comment: 5069 sq. ft.; 1 story building; needs rehab; most recent use—Training Building

Bldg. 4649
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014922
Status: Unutilized
Comment: 2250 sq. ft.; 1 story building; needs rehab; most recent use—Headquarters Building

Bldg. 2150
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219120258
Status: Unutilized
Comment: 3909 sq. ft., 1 story, needs rehab, most recent use—general inst. bldg.

Bldg. 2409
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219120263
Status: Unutilized
Comment: 9348 sq. ft., 1 story, needs rehab, most recent use—general purpose warehouse

Bldg. 2590
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219120265
Status: Unutilized
Comment: 3132 sq. ft., 1 story, needs rehab, most recent use—vehicle maintenance shop

Bldg. 3828
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219120266
Status: Unutilized
Comment: 628 sq. ft., 1 story, needs rehab, most recent use—general storehouse

Bldg. 3086, Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220688
Status: Unutilized
Comment: 4720 sq. ft., 2 story, most recent use—barracks, needs major rehab, off-site removal only

Bldg. 3089, Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220689
Status: Unutilized
Comment: 4720 sq. ft., 2 story, most recent use—barracks, needs major rehab, off-site removal only

Bldg. 3092, Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220690
Status: Unutilized
Comment: 4720 sq. ft., 2 story, most recent use—barracks, needs major rehab, off-site removal only

Bldg. 1252, Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220694
Status: Unutilized
Comment: 583 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only

Bldg. 1678, Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220697
Status: Unutilized
Comment: 9342 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only

Bldg. 1733, Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220698
Status: Unutilized
Comment: 9375 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only

Bldg. 3083, Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220699
Status: Unutilized
Comment: 1372 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only

Bldg. 3856, Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220703
Status: Unutilized
Comment: 4111 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only

Bldg. 4881, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220707
Status: Unutilized
Comment: 2449 sq. ft.; 1 story; most recent use—storehouse, need repairs, off-site removal only

Bldg. 4963, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220710
Status: Unutilized
Comment: 6077 sq. ft.; 1 story; most recent use—storehouse, need repairs, off-site removal only

Bldg. 2396, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220712
Status: Unutilized
Comment: 9786 sq. ft.; 1 story; most recent use—dining facility, needs major rehab, off-site removal only

Bldg. 3085, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220715
Status: Unutilized
Comment: 2253 sq. ft.; 1 story; most recent use—dining facility, needs major rehab, off-site removal only

Bldg. 2537, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220726
Status: Unutilized
Comment: 820 sq. ft.; 1 story; most recent use—storage, needs major rehab, off-site removal only

Bldg. 4882, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220727
Status: Unutilized
Comment: 6077 sq. ft.; 1 story; most recent use—storage, need repairs, off-site removal only

Bldg. 4967, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220728
Status: Unutilized
Comment: 6077 sq. ft.; 1 story; most recent use—storage, need repairs, off-site removal only

Bldg. 5396, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220734
Status: Unutilized
Comment: 10944 sq. ft.; 1 story; most recent use—general instruction bldg., needs major rehab, off-site removal only

Bldg. 247, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220735
Status: Unutilized
Comment: 1144 sq. ft.; 1 story; most recent use—offices, needs major rehab, off-site removal only

Bldg. 4977, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220736
Status: Unutilized
Comment: 192 sq. ft.; 1 story; most recent use—offices, need repairs, off-site removal only

Bldg. 4978, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220737
Status: Unutilized
Comment: 192 sq. ft.; 1 story; most recent use—offices, need repairs, off-site removal only

Bldg. 4944, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220747
Status: Unutilized
Comment: 6400 sq. ft.; 1 story; most recent use—vehicle maintenance shop, need repairs, off-site removal only

Bldg. 4960, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220752
Status: Unutilized
Comment: 3335 sq. ft.; 1 story; most recent use—vehicle maintenance shop, off-site removal only

Bldg. 4969, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220753
Status: Unutilized
Comment: 8416 sq. ft.; 1 story; most recent use—vehicle maintenance shop, off-site removal only

Bldg. 1758, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220755
Status: Unutilized
Comment: 7817 sq. ft.; 1 story; most recent use—warehouse, needs major rehab, off-site removal only

Bldg. 1680, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220756
Status: Unutilized
Comment: 9243 sq. ft.; 1 story; most recent use—warehouse, needs major rehab, off-site removal only

Bldg. 3817, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220758
Status: Unutilized
Comment: 4000 sq. ft.; 1 story; most recent use—warehouse, needs major rehab, off-site removal only

Bldg. 4884, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220762
Status: Unutilized
Comment: 2000 sq. ft.; 1 story; most recent use—headquarters bldg., need repairs, off-site removal only

Bldg. 4964, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220763
Status: Unutilized
Comment: 2000 sq. ft.; 1 story; most recent use—headquarters bldg., need repairs, off-site removal only

Bldg. 4966, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220764
Status: Unutilized
Comment: 2000 sq. ft.; 1 story; most recent use—headquarters bldg., need repairs, off-site removal only

Bldg. 4679, Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219220767
Status: Unutilized
Comment: 8657 sq. ft., 1 story, most recent use—supply bldg., needs major rehab, off-site removal only

Bldg. 4883, Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219220768
Status: Unutilized
Comment: 2600 sq. ft., 1 story, most recent use—supply bldg., need repairs, off-site removal only

Bldg. 4965, Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219220769
Status: Unutilized
Comment: 7713 sq. ft., 1 story, most recent use—supply bldg., need repairs, off-site removal only

Bldg. 2513, Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219220770
Status: Unutilized
Comment: 9483 sq. ft., 1 story, most recent use—training center, needs major rehab, off-site removal only

Bldg. 2526, Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219220771
Status: Unutilized
Comment: 11855 sq. ft., 1 story, most recent use—training center, needs major rehab, off-site removal only

Bldg. 2589, Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219220772
Status: Unutilized
Comment: 146 sq. ft., 1 story, most recent use—training bldg., needs major rehab, off-site removal only

Bldg. 4976, Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219220778
Status: Unutilized
Comment: 192 sq. ft., 1 story, most recent use—gas station, need repairs, off-site removal only

Bldg. 4945, Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219220779
Status: Unutilized
Comment: 220 sq. ft., 1 story, most recent use—gas station, needs major rehab, off-site removal only

Bldg. 4979, Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219220780
Status: Unutilized
Comment: 400 sq. ft., 1 story, most recent use—oil house, need repairs, off-site removal only

Bldg. 4627, Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219220786
Status: Unutilized
Comment: 1676 sq. ft., 1 story, most recent use—sentry station, needs major rehab, off-site removal only

Bldg. 4114, Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219310407
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4117, Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219310408
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4118, Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219310409
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4125, Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219310410
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4126, Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219310411
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4129, Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army

Property Number: 219310412
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4130, Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219310413
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4137, Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219310414
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4138, Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219310415
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4140, Fort Benning
Ft. Benning Co: Muscogee GA 31905-
Landholding Agency: Army
Property Number: 219310416
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4002, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310417
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4004, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310418
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4008, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310419
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4009, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310420
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4010, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310421
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4012, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310422
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4015, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310423
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4020, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310424
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4106, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310425
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4115, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310426
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4116, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310427
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4127, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310428
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4128, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310429
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4139, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310430
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4149, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310431
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4150, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310432
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4017, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310435
Status: Unutilized
Comment: 7700 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4112, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310436
Status: Unutilized
Comment: 1144 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only

Bldg. 4119, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310437
Status: Unutilized
Comment: 1144 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only

Bldg. 4124, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310438
Status: Unutilized
Comment: 1144 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only

Bldg. 4141, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310439
Status: Unutilized
Comment: 1144 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only

Bldg. 4136, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310440
Status: Unutilized
Comment: 1144 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only

Bldg. 4131, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310441
Status: Unutilized
Comment: 1144 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only

Bldg. 4108, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310442
Status: Unutilized
Comment: 1171 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only

Bldg. 1835, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310443
Status: Unutilized
Comment: 1712 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only

Bldg. 4013, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310444
Status: Unutilized
Comment: 1884 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only

Bldg. 4007, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310445
Status: Unutilized
Comment: 1884 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only

Bldg. 4107, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310446
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—day room, off-site use only

Bldg. 3072, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310447
Status: Unutilized
Comment: 479 sq. ft., 1-story, needs rehab, most recent use—hdqtrs. bldg., off-site use only

Bldg. 4001, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310448
Status: Unutilized
Comment: 1635 sq. ft., 1-story, needs rehab, most recent use—hdqtrs bldg., off-site use only

Bldg. 4103, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310449
Status: Unutilized
Comment: 1635 sq. ft., 1-story, needs rehab, most recent use—hdqtrs bldg., off-site use only

Bldg. 4019, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310451
Status: Unutilized
Comment: 3270 sq. ft., 2-story, needs rehab, most recent use—hdqtrs bldg., off-site use only

Bldg. 4018, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310452
Status: Unutilized
Comment: 3270 sq. ft., 2-story, needs rehab, most recent use—hdqtrs bldg., off-site use only

Bldg. 4109, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310455
Status: Unutilized
Comment: 2253 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only

Bldg. 4014, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310456
Status: Unutilized
Comment: 2794 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only

Bldg. 4006, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310457
Status: Unutilized
Comment: 3023 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only

Bldg. 4135, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310458
Status: Unutilized
Comment: 3755 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only

Bldg. 4123, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310459
Status: Unutilized
Comment: 3755 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only

Bldg. 4111, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310460
Status: Unutilized
Comment: 3755 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only

Bldg. 4023, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310461
Status: Unutilized
Comment: 2269 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only

Bldg. 4024, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310462
Status: Unutilized
Comment: 3281 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only

Bldg. 4040, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310463
Status: Unutilized
Comment: 1815 sq. ft., 1-story, needs rehab, most recent use—admin. off-site use only

Bldg. 4026, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310464
Status: Unutilized
Comment: 2330 sq. ft., 1-story, needs rehab, most recent use—admin. off-site use only

Bldg. 4067, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310465
Status: Unutilized
Comment: 4406 sq. ft., 1-story, needs rehab, most recent use—admin. off-site use only

Bldg. 4025, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310466
Status: Unutilized
Comment: 4720 sq. ft., 1-story, needs rehab, most recent use—admin. off-site use only

Bldg. 4110, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310467
Status: Unutilized
Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—storehouse, off-site use only

Bldg. 4122, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310468
Status: Unutilized
Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—storehouse, off-site use only

Bldg. 4134, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310469
Status: Unutilized
Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—storehouse, off-site use only

Bldg. 4021, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310470
Status: Unutilized
Comment: 1416 sq. ft., 1-story, needs rehab, most recent use—storehouse, off-site use only

Bldg. 4113, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310473
Status: Unutilized
Comment: 4425 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. 10304, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310475
Status: Unutilized
Comment: 1040 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only

Bldg. 10847, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310476
Status: Unutilized
Comment: 1056 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only

Bldg. 10768, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310477
Status: Unutilized
Comment: 1230 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only

Bldg. 2683, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310478
Status: Unutilized
Comment: 1816 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only

Bldg. 2504, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army

Property Number: 219310479
Status: Unutilized
Comment: 729 sq. ft., 1-story, needs rehab, most recent use—snack bar, off-site use only

Bldg. 4121, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310487
Status: Unutilized
Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—arms bldg., off-site use only

Bldg. 4133, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310488
Status: Unutilized
Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—arms bldg., off-site use only

Bldg. 4143, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310489
Status: Unutilized
Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—arms bldg., off-site use only

Bldg. 4105, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310490
Status: Unutilized
Comment: 1416 sq. ft., 1-story, needs rehab, most recent use—arms bldg., off-site use only

Bldg. 4005, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310491
Status: Unutilized
Comment: 1416 sq. ft., 1-story, needs rehab, most recent use—arms bldg., off-site use only

Bldg. 26306
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219320225
Status: Unutilized
Comment: 1272 sq. ft., 1-story wood frame, possible asbestos, need repairs, off-site use only, most recent use—storage

Bldg. 33436
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219320228
Status: Unutilized
Comment: 2632 sq. ft., 1-story wood frame, presence of asbestos, need repairs, off-site use only, most recent use—offices

Bldg. 33438
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219320229
Status: Unutilized
Comment: 2668 sq. ft., 1-story wood frame, presence of asbestos, needs rehab, off-site use only, most recent use—storage

Bldg. 26301
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219320234
Status: Unutilized
Comment: 2788 sq. ft., 1-story wood frame, presence of asbestos, needs roof repairs, off-site use only, most recent use—storage

Bldg. 354, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330259
Status: Unutilized
Comment: 4237 sq. ft., 1-story wood, possible termite damage, needs repair, presence of asbestos, most recent use—offices, off-site use only

Bldg. 355, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330260
Status: Unutilized
Comment: 4237 sq. ft., 1-story wood, needs repair, presence of asbestos, most recent use—offices, off-site use only

Bldg. 356, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330261
Status: Unutilized
Comment: 4237 sq. ft., 1-story wood, possible termite damage, needs repair, most recent use—offices, off-site use only

Bldg. 376, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330262
Status: Unutilized
Comment: 4237 sq. ft., 1-story wood, possible termite damage, needs repair, most recent use—offices, off-site use only

Bldg. 377, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330263
Status: Unutilized
Comment: 4768 sq. ft., 1-story wood, needs repair, presence of asbestos, most recent use—offices, off-site use only

Bldg. 18704, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330265
Status: Unutilized
Comment: 4524 sq. ft., 2-story wood, presence of asbestos, most recent use—offices, off-site use only

Bldg. 19601, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330268
Status: Unutilized
Comment: 2132 sq. ft., 1-story wood, possible termite damage, presence of asbestos, most recent use—offices, off-site use only

Bldg. 19602, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330269
Status: Unutilized
Comment: 1555 sq. ft., 1-story wood presence of asbestos, most recent use—offices, off-site use only

Bldg. 25103, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330271
Status: Unutilized
Comment: 2100 sq. ft., 1-story wood, needs rehab, most recent use—offices, off-site use only

Bldg. 25105, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330272
Status: Unutilized
Comment: 1025 sq. ft., 1-story wood, needs rehab, most recent use—offices, off-site use only

Bldg. 25503, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330273
Status: Unutilized
Comment: 6816 sq. ft., 1-story wood, presence of asbestos, most recent use—offices, off-site use only

Bldg. 34502, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330276
Status: Unutilized
Comment: 7036 sq. ft., 2-story wood, needs rehab, most recent use—offices, off-site use only

Bldg. 35503, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330277
Status: Unutilized
Comment: 2500 sq. ft., 1-story wood, needs rehab, most recent use—offices, off-site use only

Bldg. 37505, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330278
Status: Unutilized
Comment: 17370 sq. ft., 2-story wood, needs rehab, possible asbestos, most recent use—offices, off-site use only

Bldg. 18718, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330282
Status: Unutilized
Comment: 2468 sq. ft., 1-story wood, presence of asbestos, most recent use—classroom, off-site use only

Bldg. 18720, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330283
Status: Unutilized
Comment: 2632 sq. ft., 1-story wood, presence of asbestos, most recent use—classrooms, off-site use only

Bldg. 332, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330289
Status: Unutilized
Comment: 5340 sq. ft., 1-story wood, needs repair, presence of asbestos, most recent use—laboratory, off-site use only

Bldg. 333, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330290

Status: Unutilized
Comment: 5340 sq. ft., 1-story wood, possible termite damage, needs repair, presence of asbestos, most recent use—laboratory, off-site use only

Bldg. 334, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330291
Status: Unutilized
Comment: 4279 sq. ft., 1-story wood, possible termite damage, presence of asbestos, most recent use—medical admin., off-site use only

Bldg. 335, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330292
Status: Unutilized
Comment: 4300 sq. ft., 1-story wood, possible termite damage, needs repair, presence of asbestos, most recent use—laboratory, off-site use only

Bldg. 353, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330293
Status: Unutilized
Comment: 5157 sq. ft., 1-story wood, presence of asbestos, most recent use—laboratory, off-site use only

Bldg. 352, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330294
Status: Unutilized
Comment: 560 sq. ft., 1-story metal, presence of asbestos, most recent use—equip. storage, off-site use only

Bldg. 18703, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330295
Status: Unutilized
Comment: 4524 sq. ft., 2-story wood, presence of asbestos, most recent use—storage, off-site use only

Bldg. 10501
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219410264
Status: Unutilized
Comment: 2516 sq. ft., 1-story; wood; needs rehab.; most recent use—office; off-site use only

Bldg. 10601
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219410265
Status: Unutilized
Comment: 1334 sq. ft., 1-story; wood; most recent use—office; off-site use only

Bldg. 20303
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219410266
Status: Unutilized
Comment: 2376 sq. ft., 1-story; wood; needs rehab., most recent use—office; off-site use only

Bldg. 41504
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219410267
Status: Unutilized
Comment: 2516 sq. ft., 1-story; wood; needs rehab., most recent use—store; off-site use only

Bldg. 963
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219410268
Status: Unutilized
Comment: 18,471 sq. ft., 1-story; wood; needs rehab., most recent use—warehouse; off-site use only

Bldg. 11813
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219410269
Status: Unutilized
Comment: 70 sq. ft.; 1-story; metal; needs rehab., most recent use—storage; off-site use only

Bldg. 21314
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219410270
Status: Unutilized
Comment: 85 sq ft.; 1-story; needs rehab.; most recent use—storage; off-site use only

Bldg. T–121
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219440404
Status: Unutilized
Comment: 1842 sq. ft., 1-story wood frame, needs rehab, most recent use—admin., off-site use only

Bldg. T154
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219440405
Status: Unutilized
Comment: 1440 sq. ft., 1-story aluminum frame, needs rehab, most recent use—aces. facility, off-site use only

Bldg. T155
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219440406
Status: Unutilized
Comment: 1440 sq. ft., 1-story aluminum frame, needs rehab, most recent use—aces. facility, off-site use only

Bldg. T284
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219440407
Status: Unutilized
Comment: 960 sq. ft., 1-story metal frame, needs rehab, most recent use—gen. storehouse, off-site use only

Bldg. T8041
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219440411
Status: Unutilized
Comment: 1296 sq. ft., 1-story wood frame, needs rehab, most recent use—storehouse, off-site use only

Bldg. T9591
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219440412
Status: Unutilized
Comment: 11462 sq. ft., 1-story wood frame, needs rehab, most recent use—theater w/ dressing room, off-site use only

Bldg. T–305, Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219510103
Status: Excess
Comment: 2340 sq. ft., 1-story, most recent use—hosp. clinic, needs rehab, off-site use only

Bldg. T–312, Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219510104
Status: Excess
Comment: 3813 sq. ft., 1-story, most recent use—trg. aids center, needs rehab, off-site use only

Bldg. T–1137, Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219510105
Status: Excess
Comment: 77 sq. ft., 1-story, most recent use—dispatch bldg., needs rehab, off-site use only

Bldg. T–1414
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219510106
Status: Excess
Comment: 2000 sq. ft., 1-story, most recent use—office, needs rehab, off-site use only

Bldg. 2813, Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520074
Status: Unutilized
Comment: 40536 sq. ft., 4-story, most recent use—admin., needs major repair, off-site use only

Bldg. 5982, Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520075
Status: Unutilized
Comment: 535 sq. ft., 1-story, most recent use—admin., needs major repair, off-site use only

Bldg. 401
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219520076
Status: Unutilized
Comment: 5167 sq. ft., 1-story, needs major repair, most recent use—office, off-site use only

Bldg. T–901
Hunter Army Airfield
Savannah Co: Chatham GA 31409–

Landholding Agency: Army
Property Number: 219520077
Status: Unutilized
Comment: 1828 sq. ft., 1-story, needs major repair, most recent use—admin., off-site use only

Bldg. T–902
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219520078
Status: Unutilized
Comment: 1828 sq. ft., 1-story, needs major repair, most recent use—admin., off-site use only

Bldg. 33605, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219520079
Status: Unutilized
Comment: 10864 sq. ft., 2-story, needs repair, presence of asbestos & lead paint, most recent use—office, off-site use only

Bldg. 51202, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219520080
Status: Unutilized
Comment: 1555 sq. ft., 1-story, needs repair, presence of lead paint, most recent use—office, off-site use only

Bldg. 91401, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219520081
Status: Unutilized
Comment: 2132 sq. ft., 1-story, needs repair, presence of asbestos & lead paint, most recent use—office, off-site use only

Bldgs. 61401 and 91501
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219520132
Status: Unutilized
Comment: 7036 sq. ft. each, 2-story, needs rehab, presence of asbestos & lead base paint, most recent use—barracks, off-site use only

Bldg. 2814, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520133
Status: Unutilized
Comment: 40536 sq. ft., 4-story, most recent use—barracks w/dining, needs major repair, off-site use only

Bldg. 5002, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520134
Status: Unutilized
Comment: 5310 sq. ft., 2-story, most recent use—barracks, needs major repair, off-site use only

Bldg. 5007, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520135
Status: Unutilized
Comment: 5310 sq. ft., 2-story, most recent use—barracks, needs major repair, off-site use only

Bldg. 90, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520165
Status: Unutilized
Comment: 25065 sq. ft., 1-story, needs rehab, most recent use—theater, off-site use only

Bldg. 227, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520166
Status: Unutilized
Comment: 14019 sq. ft., 2-story, needs rehab, most recent use—NCO club, off-site use only

Bldg. 1690, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520167
Status: Unutilized
Comment: 13601 sq. ft., 1-story, needs rehab, most recent use—warehouse, off-site use only

Bldg. 1692, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520168
Status: Unutilized
Comment: 13601 sq. ft., 1-story, needs rehab, most recent use—warehouse, off-site use only

Bldg. 1693, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520169
Status: Unutilized
Comment: 13195 sq. ft., 1-story, needs rehab, most recent use—warehouse, off-site use only

Bldg. 1755, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520170
Status: Unutilized
Comment: 3142 sq. ft., needs rehab, most recent use—maint. shop, off-site use only

Bldg. 2398, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520171
Status: Unutilized
Comment: 6077 sq. ft., needs rehab, most recent use—maint. shop, off-site use only

Bldg. 2399, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520172
Status: Unutilized
Comment: 3936 sq. ft., needs rehab, most recent use—maint. shop, off-site use only

Bldg. 3802, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520173
Status: Unutilized
Comment: 3362 sq. ft., 1-story, needs rehab, most recent use—chapel, off-site use only

Bldg. 4011, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520174
Status: Unutilized
Comment: 1030 sq. ft., 1-story, needs rehab, most recent use—warehouse, off-site use only

Bldg. 4051, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520175
Status: Unutilized
Comment: 967 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. 4495, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520176
Status: Unutilized
Comment: 4367 sq. ft., 1-story, needs rehab, most recent use—training, off-site use only

Bldg. 4496, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520177
Status: Unutilized
Comment: 4367 sq. ft., 1-story, needs rehab, most recent use—training, off-site use only

Bldg. 4635, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520178
Status: Unutilized
Comment: 2284 sq. ft., 1-story, needs rehab, off-site use only

Bldg. 4762, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520179
Status: Unutilized
Comment: 3148 sq. ft., needs rehab, most recent use—maint. shop, off-site use only

Bldg. 5075, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520180
Status: Unutilized
Comment: 3148 sq. ft., needs rehab, most recent use—maint. shop, off-site use only

Bldg. 5076, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520181
Status: Unutilized
Comment: 3148 sq. ft., needs rehab, most recent use—maint. shop, off-site use only

Bldg. 11301, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520182
Status: Unutilized
Comment: 1068 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only

Bldg. A1401, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219520183
Status: Unutilized
Comment: 3428 sq. ft., 1-story, needs rehab, presence of asbestos & lead base paint, off-site use only

Bldg. A1618, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219520184
Status: Unutilized
Comment: 2800 sq. ft., 1-story, needs rehab, most recent use—storage, presence of asbestos & lead base paint, off-site use only

Bldg. 61404, Fort Gordon

Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219520185
Status: Unutilized
Comment: 3428 sq. ft., 1-story, most recent use—maint. shop, needs rehab, presence of asbestos & lead base paint, off-site use only

Bldg. 91704, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219520186
Status: Unutilized
Comment: 2788 sq. ft., 1-story, most recent use—vehicle maint., needs rehab, presence of asbestos & lead base paint, off-site use only

Hawaii

P–88
Aliamanu Military Reservation
Honolulu Co: Honolulu HI 96818–
Location: Approximately 600 feet from Main Gate on Aliamanu Drive.
Landholding Agency: Army
Property Number: 219030324
Status: Unutilized
Comment: 45,216 sq. ft. underground tunnel complex, pres. of asbestos, clean-up required of contamination, use of respirator required by those entering property, use limitations

Bldg. 302
Fort Shafter
Honolulu Co: Honolulu HI 96818–
Landholding Agency: Army
Property Number: 219320236
Status: Unutilized
Comment: 39 sq. ft., most recent use—sentry station, off-site use only

Facility T–119
Forth Shafter
Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219430252
Status: Unutilized
Comment: 10,205 sq. ft., wood structure, some termite damage, most recent use—above ground swimming pool, off-site use only

Bldg. S–108
Helemano Military Reservation
Wahiawa HI 96786–
Landholding Agency: Army
Property Number 219510101
Status: Excess
Comment: 2400 sq. ft., 1-story, needs rehab, most recent use—fire station, off-site use only

Bldg. S–107
Helemano Military Reservation
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219510102
Status: Excess
Comment: 2000 sq. ft., 1-story, most recent use—office, off-site use only

Bldg. S–823
Wheeler Army Airfield
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219520082
Status: Unutilized
Comment: 3150 sq. ft., 2-story wood frame, most recent use—office, off-site use only

Bldg. 198, Fort DeRussy
Honolulu HI 96815–
Landholding Agency: Army
Property Number: 219520083
Status: Unutilized
Comment: 19087 sq. ft., 1-story concrete, most recent use—office, off-site use only

Bldg. 199, Fort DeRussy
Honolulu HI 96815–
Landholding Agency: Army
Property Number: 219520187
Status: Unutilized
Comment: 2400 sq. ft., 1-story, most recent use—training, off-site use only

Illinois

WARD Army Reserve Center
1429 Northmoor Road
Peoria Co: Peoria IL 61614–3498
Landholding Agency: Army
Property Number: 219430254
Status: Unutilized
Comment: 2 bldgs. on 3.15 acres, 36451 sq. ft., reserve center & warehouse, presence of asbestos, most recent use—office/storage/training

Stenafich Army Reserve Center
1600 E. Willow Road
Kankakee Co: Kankakee IL 60901–2631
Landholding Agency: Army
Property Number: 219430255
Status: Unutilized
Comment: 2 bldgs.—reserve center & vehicle maint. shop on 3.68 acres, 5641 sq. ft., most recent use—office/storage/training, presence of asbestos

Indiana

Bldg. 703–1C
Indiana Army Ammunition Plant
Charlestown Co: Clark IN
Location: Gate 22 off Highway 22
Landholding Agency: Army
Property Number: 219013761
Status: Underutilized
Comment: 4000 sq. ft., 2-story brick frame, possible asbestos, most recent use—exercise area

Bldg. 1011 (Portion of)
Indiana Army Ammunition Plant
End of 3rd Street
Charlestown Co: Clark IN
Location: East of State Highway 62 at Gate 3
Landholding Agency: Army
Property Number: 219013762
Status: Underutilized
Comment: 4040 sq. ft., 1-story concrete block frame, possible asbestos, secured area with alternate access, most recent use—office

Bldg. 1001 (Portion of)
Indiana Army Ammunition Plant
Charlestown Co: Clark IN
Location: South end of 3rd Street, East of Highway 62 at entrance gate
Landholding Agency: Army
Property Number: 219013763
Status: Underutilized
Comment: 55630 sq. ft., 1-story concrete block, possible asbestos, secured area with alternate access, most recent use—cloth bag manufacturing

Bldg. 2542
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219240717
Status: Unutilized
Comment: 1954 sq. ft., 1 story concrete block, secured area w/alternate access, asbestos, most recent use—heating facility

Bldg. 2531
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219240718
Status: Unutilized
Comment: 119746 sq. ft., 1 story concrete block, secured area w/alternate access, asbestos, most recent use—storage

Bldgs. 7215, 7216
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219240297
Status: Unutilized
Comment: roadside shelters, no utilities, located on Indiana State Highway Right of Way

Iowa

U.S. Army Reserve Center
705 E. Taylor Street
Creston Co: Adams IA 50801–4040
Landholding Agency: Army
Property Number: 219430253
Status: Unutilized
Comment: 6500 sq. ft., 1-story structure on 2 acres, most recent use—office/storage/training

Kansas

Bldg. T–2549, Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219310251
Status: Unutilized
Comment: 3082 sq. ft., 1-story wood frame, needs rehab, presence of asbestos, most recent use—storage

Bldg. 166, Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219410325
Status: Unutilized
Comment: 3803 sq. ft., 3-story brick residence, needs rehab, presence of asbestos, located within National Registered Historic District

Bldg. 184, Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219430146
Status: Unutilized
Comment: 1959 sq. ft., 1-story, needs rehab, presence of asbestos, most recent use—boiler plant, historic district

Bldg. T–1030
Fort Leavenworth
Ft. Leavenworth Co: Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219440413
Status: Unutilized
Comment: 19377 sq. ft., 1-story wood frame, most recent use—storage, off-site use only

Bldg. T–1035
Fort Leavenworth
Ft. Leavenworth Co: Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219440414
Status: Unutilized
Comment: 496 sq. ft., 1-story wood frame, most recent use—storage, off-site use only

Bldg. 1362

Fort Leavenworth
Ft. Leavenworth Co: Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219440415
Status: Unutilized
Comment: 863 sq. ft., wood frame, asbestos cement shingles, most recent use—office, off-site use only

Bldg. 1457
Fort Leavenworth
Ft. Leavenworth Co: Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219440416
Status: Unutilized
Comment: 863 sq. ft., 1-story wood frame, asbestos cement shingles, most recent use—office, off-site use only

Bldg. 1458
Fort Leavenworth
Ft. Leavenworth Co: Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219440417
Status: Unutilized
Comment: 863 sq. ft., wood frame, asbestos cement shingles, most recent use—office, off-site use only

Bldg. 1462
Fort Leavenworth
Ft. Leavenworth Co: Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219440418
Status: Unutilized
Comment: 863 sq. ft., 1-story wood frame, asbestos cement shingles, most recent use—office, off-site use only

Bldg. 1464
Fort Leavenworth
Ft. Leavenworth Co: Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219440419
Status: Unutilized
Comment: 863 sq. ft., 1-story wood frame, asbestos cement shingles, most recent use—office, off-site use only

Bldg. 1358
Fort Leavenworth
Ft. Leavenworth Co: Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219440420
Status: Unutilized
Comment: 1075 sq. ft., 1-story wood frame, asbestos cement shingles, most recent use—office, off-site use only

Bldg. 1359
Fort Leavenworth
Ft. Leavenworth Co: Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219440421
Status: Unutilized
Comment: 1075 sq. ft., 1-story wood frame, asbestos cement shingles, most recent use—office, off-site use only

Bldg. 1454
Fort Leavenworth
Ft. Leavenworth Co: Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219440422
Status: Unutilized
Comment: 1075 sq. ft., 1-story wood frame, asbestos cement shingles, most recent use—office, off-site use only

Bldg. 1455
Fort Leavenworth
Ft. Leavenworth Co: Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219440423
Status: Unutilized
Comment: 1075 sq. ft., 1-story wood frame, asbestos cement shingles, most recent use—office, off-site use only

Bldg. 1461
Fort Leavenworth
Ft. Leavenworth Co: Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219440424
Status: Unutilized
Comment: 1075 sq. ft., 1-story wood frame, asbestos cement shingles, most recent use—office, off-site use only

Bldg. T–2038, Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219440443
Status: Unutilized Comment: 1324 sq. ft., 1 story wood frame, needs rehab, presence of asbestos, most recent use—storage

Bldg. T–2049, Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219440444
Status: Unutilized
Comment: 3255 sq. ft., 1 story wood frame, needs rehab, presence of asbestos, most recent use—storage

Bldg. T–2449, Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219440445
Status: Unutilized
Comment: 3057 sq. ft., 1 story wood frame, needs rehab, presence of asbestos, most recent use—storage

Bldgs. T–2018, T–2120, T–2338
Fort Riley
Ft. Riley KS 66442–
Landholding Agency: Army
Property Number: 219510099
Status: Unutilized
Comment: 3059–3278 sq. ft., 1–2 story, needs rehab, presence of asbestos, most recent use—office/storage

Bldg. S–403, S–401
Fort Leavenworth
Leavenworth KS 66027–
Landholding Agency: Army
Property Number: 219510100
Status: Excess
Comment: 2978 sq. ft., 1-story, presence of asbestos, most recent use—hosp. clinic, off-site use only

Kentucky

Bldg. 7162
Fort Campbell
Fort Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219410301
Status: Unutilized
Comment: 1256 sq. ft.; most recent use—storage; off-site use only

Bldg. 234
Fort Campbell
Ft Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219430152
Status: Unutilized
Comment: 8042 sq. ft., 2-story, needs repair, presence of asbestos, most recent use—admin., off-site use only

Bldg. 236
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219430153
Status: Unutilized
Comment: 7020 sq. ft., 2-story, needs repair, presence of asbestos, most recent use—admin., off-site use only

Bldg. 238
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219430154
Status: Unutilized
Comment: 7020 sq. ft., 2-story, needs repair, presence of asbestos, most recent use—educ. center, off-site use only

Bldg. 240
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219430155
Status: Unutilized
Comment: 7020 sq. ft., 2-story, needs repair, presence of asbestos, most recent use—educ. center, off-site use only

Bldgs. 242, 244
Fort Campbell
Ft Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219430156
Status: Unutilized
Comment: 7020 sq. ft., 2-story, needs repair, presence of asbestos, most recent use—educ. center, off-site use only

Bldg. 2104
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219430158
Status: Unutilized
Comment: 2000 sq. ft., 1-story, needs repair, presence of asbestos, most recent use—classroom, off-site use only

Bldg. 2108
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219430161
Status: Unutilized
Comment: 3823 sq. ft., 1-story needs repair, presence of asbestos, most recent use—classroom, off-site use only

Bldg. 2788
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219430167
Status: Unutilized
Comment: 1813 sq. ft., 1-story, needs repair, presence of asbestos, most recent use—storage, off-site use only

Bldg. 3170
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219430172
Status: Unutilized
Comment: 2750 sq. ft., 1-story, needs repair, presence of asbestos, most recent use—maint. shop, off-site use only

Maryland

Bldg. E5878

Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford MD 21010–5425
Landholding Agency: Army
Property Number: 219012652
Status: Unutilized
Comment: 213 sq. ft.; structural deficiencies; possible abestos; and contamination

Bldg. E5879
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Hartford MD 21010–55425
Landholding Agency: Army
Property Number: 219012653
Status: Untilized
Comment: 213 sq. ft.; possible asbestos and contamination; no utilities; most recent use—igloo storage

Bldg. 10302
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Hartford MD 21010–5425
Landholding Agency: Army
Property Number: 219012666
Status: Unutilized
Comment: 42 sq. ft.; possible asbestos; most recent use—pumping station

Bldg. E5975
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford MD 21010–5425
Landholding Agency: Army
Property Number: 219012677
Status: Unutilized
Comment: 650 sq. ft.; possible contamination; structural deficiencies most recent use—training exercises/ chemicals and explosives; potential use—storage

Bldg. 6687
Fort George G. Meade
Mapes and Zimbroski Roads
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219220446
Status: Unutilized
Comment: 1150 sq. ft., presence of asbestos, wood frame, most recent use—veterinarian clinic, off-site removal only, sched. to be vacated 10/1/92

Bldgs. 303–308, 323–328, 333–337
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219320293
Status: Unutilized
Comment: 4720 sq. ft. each, 2-story wood frame, possible asbestos, most recent use—barracks/classrooms, fair to good condition, off-site use only

Bldg. 309
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219320294
Status: Unutilized
Comment: 2324 sq. ft., 1-story wood frame, possible asbestos, fair to good condition, off-site use only

Bldgs. 312, 319
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219320295
Status: Unutilized
Comment: 2594 sq. ft., 1-story wood frame, possible asbestos, most recent use—storage, fair condition, off-site use only

Bldgs. 313–314, 317–318
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219320296
Status: Unutilized
Comment: 1144 sq. ft., 1-story wood frame, possible asbestos, most recent use—storage, fair to good condition, off-site use only

Bldgs. 302, 329, 332, 339
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219320297
Status: Unutilized
Comment: 2208 sq. ft., 1-story wood frame, possible asbestos, most recent use—storage, fair condition, off-site use only

Bldg. E4890
Aberdeen Proving Ground Co: Hartford MD 21005–5001
Landholding Agency: Army
Property Number: 219330434
Status: Unutilized
Comment: 6250 sq. ft., 1-story, needs rehab, presence of asbestos

Bldgs. 2251, 2252
Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219430180
Status: Unutilized
Comment: 648 & 3594 sq. ft., 1-story, concrete/metal structure, needs rehab, presence of asbestos, most recent use—heating plant & admin.

Michigan

Bldg. 300, Arsenal Acres
24140 Mound Road
Warren MI 48091–
Landholding Agency: Army
Property Number: 219220448
Status: Unutilized
Comment: 52 sq. ft. sentry station, secured area with alternate access

Bldg. 301, Arsenal Acres
24140 Mound Road
Warren MI 48091–
Landholding Agency: Army
Property Number: 219220449
Status: Unutilized
Comment: 3125 sq. ft., 2-story colonial style home, secured area with alternate access

Bldg. 302, Arsenal Acres
24140 Mound Road
Warren MI 48091–
Landholding Agency: Army
Property Number: 219220450
Status: Unutilized
Comment: 2619 sq. ft., 2-story colonial style home, secured area with alternate access

Bldg. 303, Arsenal Acres
24140 Mound Road
Warren MI 48091–
Landholding Agency: Army
Property Number: 219220451
Status: Unutilized
Comment: 2619 sq. ft., 2-story colonial style home, secured area with alternate access

Bldg. 304, Arsenal Acres
24140 Mound Road
Warren MI 48091–
Landholding Agency: Army
Property Number: 219220452
Status: Unutilized
Comment: 2443 sq. ft., 2-story colonial style home, secured area with alternate access

Bldg. 305, Arsenal Acres
24140 Mound Road
Warren MI 48091–
Landholding Agency: Army
Property Number: 219220787
Status: Unutilized
Comment: 2443 sq. ft., 2-story colonial style home, secured area with alternate access

Bldg. 306
Arsenal Acres
24140 Mound Road
Warren MI 48091–
Landholding Agency: Army
Property Number: 219410326
Status: Unutilized
Comment: 2443 sq. ft., 2-story colonial style home, secured area w/alternate access

Bldg. 307
Arsenal Acres
24140 Mound Road
Warren MI 48091–
Landholding Agency: Army
Property Number: 219410327
Status: Unutilized
Comment: 2443 sq. ft., 2-story colonial style home, secured area w/alternate access

Bldg. 308
Arsenal Acres
24140 Mound Road
Warren MI 48091–
Landholding Agency: Army
Property Number: 219410328
Status: Unutilized
Comment: 205 sq. ft., 1-story brick, secured area w/alternate access

Missouri

Bldg. T3057
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219220580
Status: Underutilized
Comment: 2650 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—admin. gen. purpose, not handicapped accessible

Bldg. T2383
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219230228
Status: Underutilized
Comment: 9267 sq. ft., 1-story, presence of asbestox, most recent use—general purpose facility, off-site use only

Bldg. T599
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219223260
Status: Underutilized
Comment: 18270 sq. ft., 1-story, presence of asbestos, most recent use—storehouse, off-site use only

Bldg. T1311
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219230261
Status: Underutilized
Comment: 2740 sq. ft., 1-story, presence of asbestos, most recent use—storehouse, off-site use only

Bldg. T427
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219330299
Status: Underutilized
Comment: 10245 sq. ft., 1-story, presence of asbestos, most recent use—post office, off-site use only

Bldg. T1329
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219330300
Status: Unutilized
Comment: 1296 sq. ft., 1-story, presence of asbestos, most recent use—hdqts. bldg., off-site use only

Bldg. T2206
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219330302
Status: Unutilized
Comment: 1440 sq. ft., 1-story, presence of asbestos and contamination, most recent use—storage, off-site use only

Bldg. T2368
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219330306
Status: Underutilized
Comment: 3663 sq. ft., 1-story, presence of asbestos, off-site use only

Bldg. T3005
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219330307
Status: Underutilized
Comment: 2220 sq. ft., 1-story, presence of asbestos, most recent use—motor repair shop, off-site use only

Bldg. T2171
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219340212
Status: Unutilized
Comment: 1296 sq. ft., 1-story wood frame, most recent use—administrative, no handicap fixtures, lead base paint, off-site use only

Bldg. T2312
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219340217
Status: Underutilized
Comment: 1403 sq. ft., 1-story wood frame, most recent use—paint shop, no handicap fixtures, lead base paint, off-site use only

Bldg. T6822
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219340219
Status: Underutilized
Comment: 4000 sq. ft., 1-story wood frame, most recent use—storage, no handicap fixtures, off-site use only

Bldg. T1363
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420392
Status: Underutilized
Comment: 1296 sq. ft., 1-story, presence of lead base paint, most recent use—storage, off-site use only

Bldg. T1364
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420393
Status: Underutilized
Comment: 1144 sq. ft., 1-story, presence of lead base paint, most recent use—storage, off-site use only

Bldg. T281
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420397
Status: Underutilized
Comment: 4230 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T282
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420398
Status: Underutilized
Comment: 15923 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T283
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420431
Status: Underutilized
Comment: 6163 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T407
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420432
Status: Underutilized
Comment: 2265 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T408
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420433
Status: Underutilized
Comment: 10296 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T409
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420434
Status: Underutilized
Comment: 2450 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T410
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420435
Status: Underutilized
Comment: 2664 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T411
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420436
Status: Underutilized
Comment: 4720 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T412
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420437
Status: Underutilized
Comment: 1296 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T415
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420438
Status: Underutilized
Comment: 1144 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T429
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420439
Status: Underutilized
Comment: 2475 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T1100
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army

Property Number: 219420440
Status: Underutilized
Comment: 3236 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T1497
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420441
Status: Underutilized
Comment: 4720 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2056
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420442
Status: Underutilized
Comment: 3600 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2057
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420443
Status: Underutilized
Comment: 3200 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2066
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420444
Status: Underutilized
Comment: 3307 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2138
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420445
Status: Underutilized
Comment: 1676 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2139
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420446
Status: Underutilized
Comment: 3663 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2143
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219440324
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks.

Bldg. T2144
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219440325
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T2158
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219440326
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T2173
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219440330
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks.

Bldg. T–2189
Fort Leonard Wood
Ft. Leonard Wood Co: Pulsaki MO 65473–5000
Landholding Agency: Army
Property Number: 219440332
Status: Excess
Comment: 4720 sq. ft., 2 story, wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T–2190
Fort Leonard Wood
Ft. Leonard Wood Co: Pulsaki MO 65473–5000
Landholding Agency: Army
Property Number: 219440333
Status: Excess
Comment: 4720 sq. ft., 2 story, wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T–2191
Fort Leonard Wood
Ft. Leonard Wood Co: Pulsaki MO 65473–5000
Landholding Agency: Army
Property Number: 219440334
Status: Excess
Comment: 4720 sq. ft., 2 story, wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T–2197
Fort Leonard Wood
Ft. Leonard Wood Co: Pulsaki MO 65473–5000
Landholding Agency: Army
Property Number: 219440335
Status: Excess
Comment: 4720 sq. ft., 2 story, wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T403
Fort Leonard Wood
Ft. Leonard Wood Co: Pulsaki MO 65473–
Landholding Agency: Army
Property Number: 219510107
Status: Excess
Comment: 5818 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T460
Fort Leonard Wood
Ft. Leonard Wood Co: Pulsaki MO 65473–
Landholding Agency: Army
Property Number: 219510108
Status: Excess
Comment: 5428 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T464
Fort Leonard Wood
Ft. Leonard Wood Co: Pulsaki MO 65473–
Landholding Agency: Army
Property Number: 219510109
Status: Excess
Comment: 5310 sq. ft., 2-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T590
Fort Leonard Wood
Ft. Leonard Wood Co: Pulsaki MO 65473–
Landholding Agency: Army
Property Number: 219510110
Status: Excess
Comment: 3263 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T1246
Fort Leonard Wood
Ft. Leonard Wood Co: Pulsaki MO 65473–
Landholding Agency: Army
Property Number: 219510111
Status: Excess
Comment: 1144 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T1362
Fort Leonard Wood
Ft. Leonard Wood Co: Pulsaki MO 65473–
Landholding Agency: Army
Property Number: 219510112
Status: Excess
Comment: 2360 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T1907
Fort Leonard Wood
Ft. Leonard Wood Co: Pulsaki MO 65473–
Landholding Agency: Army
Property Number: 219510113
Status: Excess
Comment: 7670 sq. ft., 2-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T1908
Fort Leonard Wood
Ft. Leonard Wood Co: Pulsaki MO 65473–
Landholding Agency: Army
Property Number: 219510114
Status: Excess

Comment: 2284 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T2385
Fort Leonard Wood
Ft. Leonard Wood Co: Pulsaki MO 65473–
Landholding Agency: Army
Property Number: 219510115
Status: Excess
Comment: 3158 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T3007
Fort Leonard Wood
Ft. Leonard Wood Co: Pulsaki MO 65473–
Landholding Agency: Army
Property Number: 219510116
Status: Excess
Comment: 4687 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T3008
Fort Leonard Wood
Ft. Leonard Wood Co: Pulsaki MO 65473–
Landholding Agency: Army
Property Number: 219510117
Status: Excess
Comment: 4687 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T3010
Fort Leonard Wood
Ft. Leonard Wood Co: Pulsaki MO 65473–
Landholding Agency: Army
Property Number: 219510118
Status: Excess
Comment: 4687 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T3011
Fort Leonard Wood
Ft. Leonard Wood Co: Pulsaki MO 65473–
Landholding Agency: Army
Property Number: 219510119
Status: Excess
Comment: 4687 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Montana

USARC Bozeman Reserve Center
Bozeman Co: Gallatin MT
Landholding Agency: Army
Property Number: 219420391
Status: Unutilized
Comment: 15236 sq. ft., 3-story, reserve center on .54 acres, bldg. on National Register of Historic Places, secured with alternate access

Nevada

Bldgs. 00425–00449
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne Co: Mineral NV 89415–
Landholding Agency: Army
Property Number: 219011946
Status: Unutilized
Comment: 1310–1640 sq. ft., one floor residential, semi/wood construction, good condition

New Jersey

Bldg. 421, Fort Monmouth
Ft. Monmouth Co: Monmouth NJ 07703–
Landholding Agency: Army
Property Number: 219330435
Status: Unutilized
Comment: 4720 sq. ft., 2-story, most recent use—office

Bldg. 2529, Fort Monmouth
Charles Wood Area
Ft. Monmouth Co: Monmouth NJ 07703–
Landholding Agency: Army
Property Number: 219330436
Status: Unutilized
Comment: 4413 sq. ft., 2-story, needs rehab, most recent use—admin

Bldg. 197
Fort Monmouth
Ft. Monmouth Co: Monmouth NJ 07703–
Landholding Agency: Army
Property Number: 219440442
Status: Unutilized
Comment: 1240 sq. ft., 1 story, most recent use—motor repair shop

New Mexico

Bldg. 108
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330327
Status: Unutilized
Comment: 3561 sq. ft., 2-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 109
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330328
Status: Unutilized
Comment: 3561 sq. ft., 2-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 117
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330329
Status: Unutilized
Comment: 1688 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 118
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330330
Status: Unutilized
Comment: 3561 sq. ft., 2-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 119
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330331
Status: Unutilized
Comment: 3561 sq. ft., 2-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 148
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330332
Status: Unutilized
Comment: 3570 sq. ft., 2-story, needs rehab, presence of asbestos, most recent use—admin., off-site use only

Bldg. 149
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330333
Status: Unutilized
Comment: 3570 sq. ft., 2-story, needs rehab, presence of asbestos, most recent use—admin., off-site use only

Bldg. 150
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330334
Status: Unutilized
Comment: 3750 sq. ft., 2-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 357
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330335
Status: Unutilized
Comment: 3600 sq. ft., 2-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 1758
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330336
Status: Unutilized
Comment: 1620 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 1768
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330337
Status: Unutilized
Comment: 15,333 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 28281
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330338
Status: Unutilized
Comment: 1856 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 28282
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330339
Status: Unutilized
Comment: 1850 sq. ft., 3-story, needs rehab, presence of asbestos, most recent use—admin., off-site use only

Bldg. 32980
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330340
Status: Unutilized
Comment: 451 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 34252
White Sands Missile Range

White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330341
Status: Unutilized
Comment: 720 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 418
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330342
Status: Unutilized
Comment: 3690 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 420
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330343
Status: Unutilized
Comment: 2407 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 890
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330344
Status: Unutilized
Comment: 9011 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 1348
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330345
Status: Unutilized
Comment: 720 sq. ft., 1-story, needs rehab, presence of asbestos, most recent use—storage, off-site use only

Bldg. 1738
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330346
Status: Unutilized
Comment: 1500 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 1765
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330347
Status: Unutilized
Comment: 600 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 21542
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330348
Status: Unutilized
Comment: 945 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 22118
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330349
Status: Unutilized
Comment: 1341 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 22253
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330350
Status: Unutilized
Comment: 216 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 28267
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330351
Status: Unutilized
Comment: 617 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 29195
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330352
Status: Unutilized
Comment: 56 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 34219
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330353
Status: Unutilized
Comment: 720 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 34221
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330354
Status: Unutilized
Comment: 720 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 145
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330355
Status: Unutilized
Comment: 2954 sq. ft., 1-story, presence of asbestos, most recent use—chapel, off-site use only

Bldg. 1754
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330356
Status: Unutilized
Comment: 6974 sq. ft., 1-story, presence of asbestos, most recent use—maintenance shop, off-site use only

Bldg. 19242
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330357
Status: Unutilized
Comment: 450 sq. ft., 1-story, presence of asbestos, most recent use—maintenance shop, off-site use only

Bldg. 34227
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330358
Status: Unutilized
Comment: 675 sq. ft., 1-story, presence of asbestos, most recent use—maintenance shop, off-site use only

Bldg. 34244
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330359
Status: Unutilized
Comment: 720 sq. ft., 1-story, presence of asbestos, most recent use—maintenance shop, off-site use only

Bldg. 21105
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330360
Status: Unutilized
Comment: 239 sq. ft., presence of asbestos, most recent use—veterinarian facility, off-site use only

Bldg. 21106
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330361
Status: Unutilized
Comment: 405 sq. ft., 1-story, presence of asbestos, most recent use—veterinarian facility, off-site use only

Bldg. 21310
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330362
Status: Unutilized
Comment: 1006 sq. ft., 1-story, presence of asbestos, most recent use—transmitter bldg., off-site use only

Bldg. 29890
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330363
Status: Unutilized
Comment: 450 sq. ft., 1-story, presence of asbestos, most recent use—frequency monitoring station, off-site use only

Bldg. 1868
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330364
Status: Unutilized
Comment: 41 sq. ft., 1-story, presence of asbestos, most recent use—scale house, off-site use only

Bldg. 528
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330365
Status: Unutilized
Comment: 225 sq. ft., 1-story, presence of asbestos, most recent use—decontamination shelter, off-site use only

Bldg. 1834
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330366
Status: Unutilized
Comment: 150 sq. ft., 1-story, presence of asbestos, most recent use—animal kennel, off-site use only

Bldg. 1300
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330367
Status: Unutilized
Comment: 1500 sq. ft., 1-story, presence of asbestos, most recent use—indoor small arms range, off-site use only

Bldg. 23100
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330368
Status: Unutilized
Comment: 40 sq. ft., 1-story, presence of asbestos, most recent use—sentry station, off-site use only

Bldg. 29196
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330369
Status: Unutilized
Comment: 38 sq. ft., 1-story, presence of asbestos, most recent use—power plant bldg, off-site use only

Bldg. 30774
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330370
Status: Unutilized
Comment: 176 sq. ft., 1-story, presence of asbestos, off-site use only

Bldg. 33136
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330371
Status: Unutilized
Comment: 18 sq. ft., off-site use only

New York

Bldg. 323
Fort Totten
Story Avenue
Bayside Co: Queens NY 11359–
Landholding Agency: Army
Property Number: 219012567
Status: Underutilized
Comment: 30000 sq. ft., 3 floors, most recent use—barracks & mess facility, needs major rehab

Bldg. 304
Fort Totten
Shore Road
Bayside Co: Queens NY 11359–
Landholding Agency: Army
Property Number: 219012570
Status: Underutilized
Comment: 9610 sq. ft., 3 floors, most recent use—hospital, needs major rehab/utilities disconnected

Bldg. 211
Fort Totten
211 Totten Avenue
Bayside Co: Queens NY 11359–
Landholding Agency: Army
Property Number: 219012573
Status: Underutilized
Comment: 6329 sq. ft., 3 floors, most recent use—family housing, needs major rehab, utilities disconnected

Bldg. 332
Fort Totten
Theater Road
Bayside Co: Queens NY 11359–
Landholding Agency: Army
Property Number: 219012578
Status: Underutilized
Comment: 6288 sq. ft., 1 floor, most recent use—theater w/stage, needs major rehab, utilities disconnected

Bldg. 322
Fort Totten
322 Story Avenue
Bayside Co: Queens NY 11359–
Landholding Agency: Army
Property Number: 219012583
Status: Underutilized
Comment: 30000 sq. ft., 3 floors, most recent use—barracks, mess & adminstration, utilities disconnected, needs rehab

Bldg. 326
Fort Totten
326 Pratt Avenue
Bayside Co: Queens NY 11359–
Landholding Agency: Army
Property Number: 219012586
Status: Underutilized
Comment: 6000 sq. ft., 2 floors, most recent use—storage, offices & residential, utilities disconnected/needs rehab

Bldg. 100, Fort Hamilton
Bellmore Co: Nassau NY 11710–
Landholding Agency: Army
Property Number: 219340254
Status: Unutilized
Comment: 155 sq. ft., 1-story, most recent use—storage

Bldg. 200, Fort Hamilton
Bellmore Co: Nassau NY 11710–
Landholding Agency: Army
Property Number: 219340255
Status: Unutilized
Comment: 12000 sq. ft., 1-story, most recent use—office

Bldg. 300, Fort Hamilton
Bellmore Co: Nassau NY 11710–
Landholding Agency: Army
Property Number: 219340256
Status: Underutilized
Comment: 11000 sq. ft., 1-story, most recent use—reserve center

Bldg. 900, Fort Hamilton
Bellmore Co: Nassau NY 11710–
Landholding Agency: Army
Property Number: 219430259
Status: Underutilized
Comment: 400 sq. ft., 1-story, needs rehab, most recent use—material storage

Bldg. P–2012, Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219440429
Status: Unutilized
Comment: 450 sq. ft., most recent use—water distribution bldg., off-site use only

Bldg. T–2420, Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219440431
Status: Unutilized
Comment: 4340 sq. ft., 1-story, most recent use—warehouse, needs rehab, off-site use only

Bldg. 134
West Point Army Family Housing
West Point Co: Orange NY 10996–
Landholding Agency: Army
Property Number: 219520122
Status: Excess
Comment: 8280 GSF, 2-story, 4-family dwelling unit, presence of asbestos, off-site use only

Bldg. 136
West Point Army Family Housing
West Point Co: Orange NY 10996–
Landholding Agency: Army
Property Number: 219520123
Status: Excess
Comment: 9340 GSF, 3-story, 4-family dwelling unit, presence of asbestos, off-site use only

Bldg. 138
West Point Army Family Housing
West Point Co: Orange NY 10996–
Landholding Agency: Army
Property Number: 219520124
Status: Excess
Comment: 2762 GSF, 2-story, single family dwelling unit, presence of asbestos, off-site use only

Bldg. 139
West Point Army Family Housing
West Point Co: Orange NY 10996–
Landholding Agency: Army
Property Number: 219520125
Status: Excess
Comment: 6260 GSF, 1-story, 3-family dwelling unit, presence of asbestos, off-site use only

Bldg. 142
West Point Army Family Housing
West Point Co: Orange NY 10996–
Landholding Agency: Army
Property Number: 219520126
Status: Excess
Comment: 6708 GSF, 3-story, 2-family dwelling unit, presence of asbestos, off-site use only

Bldg. 1266
West Point Army Family Housing
West Point Co: Orange NY 10996–
Landholding Agency: Army
Property Number: 219520127
Status: Excess
Comment: 3504 GSF, 2-story, single family dwelling unit, presence of asbestos, off-site use only

Bldg. 1404
West Point Army Family Housing
West Point Co: Orange NY 10996–
Landholding Agency: Army
Property Number: 219520128
Status: Excess
Comment: 1986 GSF, 3-story, single family dwelling unit, presence of asbestos, off-site use only

Bldg. 1656
West Point Army Family Housing
West Point Co: Orange NY 10996–
Landholding Agency: Army

Property Number: 219520129
Status: Excess
Comment: 1736 GSF, 2-story, single family dwelling unit, presence of asbestos, off-site use only

Bldg. 1666
West Point Army Family Housing
West Point Co: Orange NY 10996–
Landholding Agency: Army
Property Number: 219520130
Status: Excess
Comment: 1752 GSF, 1-story, single family dwelling unit, presence of asbestos, off-site use only

Bldg. 1970
West Point Army Family Housing
West Point Co: Orange NY 10996–
Landholding Agency: Army
Property Number: 219520131
Status: Excess
Comment: 2939 GSF, 2-story, single family dwelling unit, presence of asbestos, off-site use only

Bldg. T–601, Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219520193
Status: Unutilized
Comment: 2305 sq. ft., 1-story, needs rehab, most recent use—NCO club, off-site use only

Ohio

15 Units
Military Family Housing
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 219230354
Status: Excess
Comment: 3 bedroom (7 units)—1,824 sq. ft. each, 4 bedroom 8 units)—2,430 sq. ft. each, 2-story wood frame, presence of asbestos, off-site use only

7 Units
Military Family Housing Garages
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 219230355
Status: Excess
Comment: 1–4 stall garage and 6–3 stall garages, presence of asbestos, off-site use only

Bldg. P–3
Doan U.S. Army Reserve Center
Portmonth Co: Scioto OH 45662–
Landholding Agency: Army
Property Number: 219320311
Status: Unutilized
Comment: 10752 sq. ft., 1-story brick, most recent use—office, possible asbestos

Bldg. P–4
Doan U.S. Army Reserve Center
Portmonth Co: Scioto OH 45662–
Landholding Agency: Army
Property Number: 219320312
Status: Unutilized
Comment: 2508 sq. ft., 1-story brick, most recent use—vehicle maint. shop

Bldg. P–2
Hayes U.S. Army Reserve Center
Fremont Co: Sandusky OH 43420–
Landholding Agency: Army
Property Number: 219320314
Status: Unutilized
Comment: 3956 sq. ft., 1-story brick, most recent use—office, possible asbestos

Bldg. P–3
Hayes U.S. Army Reserve Center
Fremont Co: Sandusky OH 43420–
Landholding Agency: Army
Property Number: 219320315
Status: Unutilized
Comment: 1259 sq. ft., 1-story brick, most recent use—vehicle maint. shop, possible asbestos

Oklahoma

Bldg. T–2545
Fort Sill
2545 Sheridan Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219011255
Status: Unutilized
Comment: 1994 sq. ft.; asbestos; wood frame; 2 floors; No operating sanitary facilities; most recent use—enl. barracks basic

Bldg. T–2606
Fort Sill
2606 Currie Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219011273
Status: Unutilized
Comment: 2722 sq. ft.; possible asbestos, one floor wood frame; most recent use—Headquarters Bldg

Bldg. T–3507
Fort Sill
3507 Sheridan Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219011315
Status: Unutilized
Comment: 2904 sq. ft.; possible asbestos; potential heavy metal contamination; wood frame; most recent use—Chapel

Bldg. T–4919
Fort Sill
4919 Post Road
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219014812
Status: Unutilized
Comment: 603 sq. ft.; 1 story mobile home trailer; possible asbestos; needs rehab

Bldg. T–4523
Fort Sill
4523 Wilson Road
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219014933
Status: Unutilized
Comment: 1639 sq. ft.; 1-story wood frame; needs rehab; possible asbestos; most recent use—storage

Bldg. T–838, Fort Sill
838 Macomb Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219220609
Status: Unutilized
Comment: 151 sq. ft., wood frame, 1 story, off-site removal only, most recent use—vet facility (quarantine stable)

Bldg. T–2702, Fort Sill
2702 Thomas Street
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240655
Status: Unutilized
Comment: 5520 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—admin

Bldg. T–3311, Fort Sill
3311 Naylor Road
Lawton Co: Commanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240656
Status: Unutilized
Comment: 1468 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—admin

Bldg. T–954, Fort Sill
954 Quinette Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240659
Status: Unutilized
Comment: 3571 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—motor repair shop

Bldg. T–1050, Fort Sill
1050 Quinette Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240660
Status: Unutilized
Comment: 6240 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—barracks

Bldg. T–1051, Fort Sill
1051 Quinette Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240661
Status: Unutilized
Comment: 6240 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—barracks

Bldg. T–2703, Fort Sill
2703 Thomas Street
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240667
Status: Unutilized
Comment: 5520 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—enlisted barracks

Bldg. T–2704, Fort Sill
2704 Thomas Street
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240668
Status: Unutilized
Comment: 5520 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—enlisted barracks

Bldg. T–2740, Fort Sill
2740 Miner Road
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219240669
Status: Unutilized
Comment: 8210 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—enlisted barracks

Bldg. T–2745, Fort Sill
2745 Miner Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240670

Status: Unutilized
Comment: 8288 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—enlisted barracks

Bldg. T–2633, Fort Sill
2633 Miner Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240672
Status: Unutilized
Comment: 19455 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—enlisted mess

Bldg. T–2701, Fort Sill
2701 Thomas Street
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240673
Status: Unutilized
Comment: 5520 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—storage

Bldg. T–2907, Fort Sill
2907 Marcy Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240674
Status: Unutilized
Comment: 3861 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—storage

Bldg. T–2928, Fort Sill
2928 Custer Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240675
Status: Unutilized
Comment: 2315 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—storage

Bldg. T–4050, Fort Sill
4050 Pitman Street
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240676
Status: Unutilized
Comment: 3177 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—storage

Bldg. P–3032, Fort Sill
3032 Haskins Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240678
Status: Unutilized
Comment: 101 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—general storehouse

Bldg. T–3325, Fort Sill
3325 Naylor Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240681
Status: Unutilized
Comment: 8832 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—warehouse

Bldg. T–260, Fort Sill
260 Corral Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240776
Status: Unutilized
Comment: 4838 sq. ft., 2 story wood frame, off-site use only, possible asbestos, most recent use—admin

Bldg. T–5122, Fort Sill
Lawton Co: Comanche OK 73501–5100
Landholding Agency: Army
Property Number: 219320334
Status: Unutilized
Comment: 1-story wood frame, possible asbestos, off-site use only

Bldg. P–6220, Fort Sill
Lawton Co: Comanche OK 73501–5100
Landholding Agency: Army
Property Number: 219320335
Status: Unutilized
Comment: 848 sq. ft., 1-story metal frame, possible asbestos, most recent use—construction bldg., off-site use only

Bldg. S–6228, Fort Sill
Lawton Co: Comanche OK 73501–5100
Landholding Agency: Army
Property Number: 219320336
Status: Unutilized
Comment: 352 sq. ft., 1-story wood frame, possible asbestos, most recent use—range house, off-site use only

Bldg. P–2610, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330372
Status: Unutilized
Comment: 512 sq. ft., 1-story, possible asbestos, most recent use—classroom, off-site use only

Bldg. 4722, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330373
Status: Unutilized
Comment: 3375 sq. ft., 2-story, possible asbestos, most recent use—admin., off-site use only

Bldg. T232, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330377
Status: Unutilized
Comment: 2868 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T312, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330379
Status: Unutilized
Comment: 1970 sq. ft., 2-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T1652, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330380
Status: Unutilized
Comment: 1505 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T1665, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330381
Status: Unutilized
Comment: 1305 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T2034, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330383
Status: Unutilized
Comment: 401 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T2705, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330384
Status: Unutilized
Comment: 1601 sq. ft., 2-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T2706, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330385
Status: Unutilized
Comment: 2156 sq. ft., 2-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T2709, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330388
Status: Unutilized
Comment: 2112 sq. ft., 2-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T2756, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330390
Status: Unutilized
Comment: 5172 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T2757, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330391
Status: Unutilized
Comment: 5172 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T3026, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330392
Status: Unutilized
Comment: 2454 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T3710, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330396
Status: Unutilized
Comment: 1176 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T4035, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330401
Status: Unutilized
Comment: 867 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T4474, Fort Sill
Lawton Co: Comanche OK 73503–5100

Landholding Agency: Army
Property Number: 219330402
Status: Unutilized
Comment: 1159 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T5011, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330403
Status: Unutilized
Comment: 1556 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T5120, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330405
Status: Unutilized
Comment: 1471 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T5124, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330407
Status: Unutilized
Comment: 1287 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T5245, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330410
Status: Unutilized
Comment: 3081 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T5246, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330411
Status: Unutilized
Comment: 3081 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T5247, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330412
Status: Unutilized
Comment: 3081 sq. ft., possible asbestos, most recent use—storage, off-site use only

Bldg. T5248, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330413
Status: Unutilized
Comment: 3081 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T5249, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330414
Status: Unutilized
Comment: 2920 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T5250, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330415
Status: Unutilized
Comment: 3257 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T5251, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330416
Status: Unutilized
Comment: 3257 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T5252, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330417
Status: Unutilized
Comment: 3081 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T5628, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330418
Status: Unutilized
Comment: 2016 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T5637, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330419
Status: Unutilized
Comment: 1606 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T–282, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219410236
Status: Unutilized
Comment: 2420 sq. ft.; 2-story; wood frame; most recent use—admin.; off-site use only

Bldg. T–268, Fort Sill
268 Corral Road
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440338
Status: Excess
Comment: 4836 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks

Bldg. T–269, Fort Sill
268 Corral Road
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440339
Status: Excess
Comment: 7840 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks

Bldg. T–281, Fort Sill
281 Corral Road
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440340
Status: Excess
Comment: 4836 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks

Bldg. T–3720, Fort Sill
3720 Webster Street
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440346
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks

Bldg. T–3723, Fort Sill
3723 Webster Street
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440347
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks

Bldg. T–3724, Fort Sill
3724 Webster Street
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440348
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks

Bldg. T–3735, Fort Sill
3725 Webster Street
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440349
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks

Bldg. T–3726, Fort Sill
3726 Webster Street
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440350
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks

Bldg. T–3732, Fort Sill
3732 Webster Street
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440352
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks

Bldg. T–3733, Fort Sill
3733 Webster Street
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440353
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks

Bldg. T–3734, Fort Sill
3734 Webster Street
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440354
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks

Bldg. T–3735, Fort Sill
3735 Webster Street
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440355
Status: Excess

Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks

Bldg. T–3736, Fort Sill
3736 Webster Street
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440356
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks

Bldg. T–3750, Fort Sill
3750 Wilson Street
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440358
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks

Bldg. T–3752, Fort Sill
3752 Wilson Street
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440359
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks

Bldg. T–3753, Fort Sill
3753 Wilson Street
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440360
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks

Bldg. T–3754, Fort Sill
3754 Wilson Street
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440361
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks

Bldg. T–3755, Fort Sill
3755 Wilson Street
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440362
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks

Bldg. T–3756, Fort Sill
3756 Wilson Street
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440363
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks

Bldg. T–3738, Fort Sill
3738 Webster Street
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440367
Status: Excess
Comment: 4525 sq. ft., 2 story wood frame, possible asbestos and lead paint, off-site removal only, most recent use—barracks

Bldg. T–5215
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440376
Status: Unutilized
Comment: 2797 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—admin., off-site use only

Bldg. T–3721
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440377
Status: Unutilized
Comment: 3042 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—mess hall, off-site use only

Bldg. T–3737
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440378
Status: Unutilized
Comment: 2964 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—mess hall, off-site use only

Bldg. T–3758
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440379
Status: Unutilized
Comment: 3132 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—mess hall, off-site use only

Bldg. T–5219
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440381
Status: Unutilized
Comment: 2662 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—classroom, off-site use only

Bldg. T–4226
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440384
Status: Unutilized
Comment: 114 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—storage, off-site use only

Bldg. T–280
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440387
Status: Unutilized
Comment: 7834 sq. ft., 2-story wood frame, possible asbestos and lead paint, most recent use—storage, off-site use only

Bldg. P–1815
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440388
Status: Unutilized
Comment: 14392 sq. ft., 2-story wood frame, possible asbestos and lead paint, most recent use—storage, off-site use only

Bldg. P–1015, Fort Sill
Lawton Co: Comanche OK 73501–5100
Landholding Agency: Army
Property Number: 219520197
Status: Unutilized
Comment: 15402 sq. ft., 1-story, most recent use—storage, off-site use only

Pennsylvania

Bldg. T–14–402
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420013
Status: Excess
Comment: 4247 sq. ft., 2 story wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—barracks

Bldg. T–14–406
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420014
Status: Excess
Comment: 4247 sq. ft., 2 story wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—barracks

Bldg. T–14–408
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420015
Status: Excess
Comment: 4247 sq. ft., 2 story wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—barracks

Bldg. T–14–410
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420016
Status: Excess
Comment: 4247 sq. ft., 2 story wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—barracks

Bldg. T–14–412
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420017
Status: Excess
Comment: 4247 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—barracks.

Bldg. T–14–414
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420018
Status: Excess
Comment: 4247 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—barracks.

Bldg. T–14–300
Fort Indiantown Gap

Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420037
Status: Excess
Comment: 6445 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—administration.

Bldg. T–14–302
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420038
Status: Excess
Comment: 1512 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—administration.

Bldg. T–14–303
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420039
Status: Excess
Comment: 3340 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—administration.

Bldg. T–14–305
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420040
Status: Excess
Comment: 3637 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—administration.

Bldg. T–14–307
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420041
Status: Excess
Comment: 3637 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (medical supply warehouse).

Bldg. T–14–308
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420042
Status: Excess
Comment: 3637 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—administration.

Bldg. T–14–310
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420043
Status: Excess
Comment: 3848 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—administration.

Bldg. T–14–415
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420044
Status: Excess
Comment: 3650 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—administration.

Bldg. T–14–416
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420045
Status: Excess
Comment: 4172 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—administration.

Bldg. T–14–400
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420049
Status: Excess
Comment: 2242 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—enlisted personnel dining.

Bldg. T–14–217
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420062
Status: Excess
Comment: 3637 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (medical supply warehouse).

Bldg. T–14–301
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420063
Status: Excess
Comment: 9662 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general storehouse).

Bldg. T–14–309
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420064
Status: Excess
Comment: 3637 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (medical supply warehouse).

Bldg. T–14–311
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420065
Status: Excess
Comment: 3637 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (medical supply warehouse).

Bldg. T–14–314
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420066
Status: Excess
Comment: 3637 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (medical supply warehouse)

Bldg. T–14–315
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420067
Status: Excess
Comment: 3624 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (medical supply warehouse)

Bldg. T–14–401
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420068
Status: Excess
Comment: 782 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general storehouse)

Bldg. T–14–403
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420069
Status: Excess
Comment: 2685 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage

Bldg. T–14–404
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420070
Status: Excess
Comment: 4247 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general purpose warehouse)

Bldg. T–14–405
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420071
Status: Excess
Comment: 480 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage

Bldg. T–14–417
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420074
Status: Excess

Comment: 3633 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general purpose warehouse)

Bldg. T–14–419
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420075
Status: Excess
Comment: 3576 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general purpose warehouse)

Bldg. T–14–424
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420076
Status: Excess
Comment: 63 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general storehouse)

Bldg. T–14–500
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420077
Status: Excess
Comment: 1071 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general storehouse)

Bldg. T–14–503
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420078
Status: Excess
Comment: 5217 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general purpose warehouse)

Bldg. T–14–505
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420079
Status: Excess
Comment: 5217 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general purpose warehouse)

Bldg. T–14–507
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420080
Status: Excess
Comment: 5217 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general purpose warehouse)

Bldg. T–14–508
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420081
Status: Excess
Comment: 1071 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general storehouse)

Bldg. T–14–509
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420082
Status: Excess
Comment: 2638 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general purpose warehouse)

Bldg. T–14–511
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420083
Status: Excess
Comment: 2638 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—storage (general purpose warehouse)

Bldg. T–14–312
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420086
Status: Excess
Comment: 3848 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—hospital

Bldg. T–14–313
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420087
Status: Excess
Comment: 3637 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—hospital

Bldg. T–14–316
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420088
Status: Excess
Comment: 3637 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—hospital

Bldg. T–14–317
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420089
Status: Excess
Comment: 3623 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—hospital

Bldg. T–14–407
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420090
Status: Excess
Comment: 3635 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—hospital

Bldg. T–14–504
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420093
Status: Excess
Comment: 3633 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—hospital

Bldg. T–14–506
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420094
Status: Excess
Comment: 3633 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—hospital

Bldg. T–14–304
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420095
Status: Excess
Comment: 4212 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—ADP bldg.

Bldg. T–14–306
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420096
Status: Excess
Comment: 3637 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—ADP bldg.

Bldg. T–14–421
Fort Indiantown Gap
Hospital Road & Clements Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420102
Status: Excess
Comment: 287 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—maintenance shop

Bldg. T–16–149
Fort Indiantown Gap
Fisher Avenue
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219420104
Status: Excess
Comment: 18045 sq. ft., 1 story, wood frame, needs rehab, possible asbestos/lead paint, off-site removal only, most recent use—vehicle maintenance shop

South Carolina

Bldg. 9608
Fort Jackson
Fort Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219410200
Status: Unutilized
Comment: 4720 sq. ft.; wood frame; 2 story; needs rehab.; off-site use only; utilities upgrade; most recent use—enlisted quarters

Bldg. 5492
Fort Jackson
Fort Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219410207
Status: Unutilized
Comment: 2379 sq. ft.; wood frame; 1 story; off-site use only; utilities upgrade; most recent use—information management office

Bldg. 10–436
Fort Jackson
Fort Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219410217
Status: Unutilized
Comment: 100 sq. ft.; wood frame; 1 story; off-site use only; limited utilities; needs rehab.; most recent use—shed

Bldg. 10–749
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510137
Status: Excess
Comment: 2257 sq. ft., 1-story, wood frame, needs rehab, most recent use—religious education facility, off-site use only

Bldg. 2516
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510138
Status: Excess
Comment: 520 sq. ft., 1-story, wood frame, most recent use—admin., off-site use only

Bldg. 5412
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510139
Status: Excess
Comment: 3900 sq. ft., 1-story, wood frame, needs rehab, most recent use—admin., off-site use only

Bldg. 10–763
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510140
Status: Excess
Comment: 2257 sq. ft., 1-story, wood frame, needs rehab, most recent use—admin., off-site use only

Bldg. 10–700
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510141
Status: Excess
Comment: 2268 sq. ft., 1-story, wood frame, needs rehab, most recent use—enlisted dining, off-site use only

Bldg. 10–707
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510142
Status: Excess
Comment: 2257 sq. ft., 1-story, wood frame, needs rehab, most recent use—enlisted dining facility, off-site use only

Bldg. 10–714
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510143
Status: Excess
Comment: 2500 sq. ft., 1-story, wood frame, needs rehab, most recent use—enlisted dining, off-site use only

Bldg. 10–721
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510144
Status: Excess
Comment: 2512 sq. ft., 1-story, wood frame, needs rehab, most recent use—enlisted dining, off-site use only

Bldg. 10–742
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510145
Status: Excess
Comment: 2257 sq. ft., 1-story, wood frame, needs rehab, most recent use—enlisted dining, off-site use only

Bldg. 10–756
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510146
Status: Excess
Comment: 2257 sq. ft., 1-story, wood frame, needs rehab, most recent use—enlisted dining, off-site use only

Bldg. 10–701
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510147
Status: Excess
Comment: 1170 sq. ft., 1-story, wood frame, needs rehab, most recent use—detached day room, off-site use only

Bldg. 10–708
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510148
Status: Excess
Comment: 1170 sq. ft., 1-story, wood frame, needs rehab, most recent use—detached day room, off-site use only

Bldg. 10–715
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510149
Status: Excess
Comment: 1170 sq. ft., 1-story, wood frame, needs rehab, most recent use—detached day room, off-site use only

Bldg. 10–722
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510150
Status: Excess
Comment: 1170 sq. ft., 1-story, wood frame, needs rehab, most recent use—detached day room, off-site use only

Bldg. 10–729
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510151
Status: Excess
Comment: 1170 sq. ft., 1-story, wood frame, needs rehab, most recent use—detached day room, off-site use only

Bldg. 10–736
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510152
Status: Excess
Comment: 1170 sq. ft., 1-story, wood frame, needs rehab, most recent use—detached day room, off-site use only

Bldg. 10–743
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510153
Status: Excess
Comment: 1170 sq. ft., 1-story, wood frame, needs rehab, most recent use—detached day room, off-site use only

Bldg. 10–750
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510154
Status: Excess
Comment: 1170 sq. ft., 2-story, wood frame, needs rehab, most recent use—detached day room, off-site use only

Bldg. 10–757
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510155
Status: Excess
Comment: 1170 sq. ft., 1-story, wood frame, needs rehab, most recent use—detached day room, off-site use only

Bldg. 10–762
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510156
Status: Excess
Comment: 1108 sq. ft., 1-story, wood frame, needs rehab, most recent use—detached day room, off-site use only

Bldg. 10–764
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510157
Status: Excess
Comment: 1170 sq. ft., 1-story, wood frame, needs rehab, most recent use—detached day room, off-site use only

Bldg. 7530
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army

Property Number: 219510158
Status: Excess
Comment: 3196 sq. ft., 1-story, wood frame, needs rehab, most recent use—storage, off-site use only

Bldg. 7531
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510159
Status: Excess
Comment: 3196 sq. ft., 1-story, wood frame, needs rehab, most recent use—storage, off-site use only

Bldg. 10–716, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510160
Status: Excess
Comment: 1040 sq. ft., 2-story, wood frame, needs rehab, most recent use—hdqtrs. bldg., off-site use only

Bldg. 10–723, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510161
Status: Excess
Comment: 1008 sq. ft., 2-story, wood frame, needs rehab, most recent use—hdqtrs. bldg., off-site use only

Bldg. 10–730, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510162
Status: Excess
Comment: 1040 sq. ft., 2-story, wood frame, needs rehab, most recent use—hdqtrs. bldg., off-site use only

Bldg.10–737, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510163
Status: Excess
Comment: 1040 sq. ft., 2-story, wood frame, needs rehab, most recent use—hdqtrs. bldg., off-site use only

Bldg.10–744, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510164
Status: Excess
Comment: 1040 sq. ft., 2-story, wood frame, needs rehab, most recent use—hdqtrs. bldg., off-site use only

Bldg.10–751, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510165
Status: Excess
Comment: 800 sq. ft., 1-story, wood frame, needs rehab, most recent use—hdqtrs. bldg., off-site use only

Bldg.10–758, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510166
Status: Excess
Comment: 1040 sq. ft., 2-story, wood frame, needs rehab, most recent use—hdqtrs. bldg., off-site use only

Bldg.10–765, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510167
Status: Excess
Comment: 1040 sq. ft., 2-story, wood frame, needs rehab, most recent use—hdqtrs. bldg., off-site use only

Bldg.9606, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510168
Status: Excess
Comment: 1144 sq. ft., 1-story, wood frame, needs rehab, most recent use—criminal investigation bldg., off-site use only

Bldg.9607, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510169
Status: Excess
Comment: 4720 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg.10–703, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510170
Status: Excess
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg.10–704, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510171
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg.10–705, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510172
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg.10–706, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510173
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg.10–710, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510174
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg.10–711, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510175
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg.10–712, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510176
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg.10–713, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510177
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg.10–718, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510178
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg.10–719, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510179
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–720, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510180
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–724, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510181
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–725, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510182
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–726, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510183
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–727, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510184
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–731, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510185
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–732, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510187
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–733, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510187
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–735, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510188
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–738, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510189
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–739, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510190
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–740, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510191
Status: Unutilized
Comment: 2257 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–741, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510192
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–745, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510193
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–746, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510194
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–747, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510195
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–748, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510196
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–752, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510197
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–753, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510198
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–754, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510199
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–755, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510200
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–759, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510201
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–760, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510202
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–761, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510203
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–766, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510204
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–767, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510205
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Bldg. 10–768, Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510206
Status: Unutilized
Comment: 4800 sq. ft., 2-story, wood frame, needs rehab, most recent use—enlisted billets, off-site use only

Texas

Harlingen USARC
1920 East Washington
Harlingen Co: Cameron TX 78550–
Landholding Agency: Army
Property Number: 219120304
Status: Excess
Comment: 19440 sq. ft., 1 story brick, needs rehab, with approx. 6 acres including parking areas, most recent use—Army Reserve Training Center

Bldg. P–3824, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219220398
Status: Unutilized
Comment: 2232 sq. ft., 1-story concrete structure, within National Landmark Historic District, off-site removal only.

Bldg. 440, Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219320355
Status: Unutilized
Comment: 1651 sq. ft., 1-story brick, most recent use—education facility, off-site use only

Bldg. 1164, Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219330420
Status: Unutilized
Comment: 2054 net sq. ft., 1 story wood, most recent use—admin. bldg., needs rehab, off-site use only

Bldg. 512, Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219330421
Status: Unutilized
Comment: 6733 sq. ft., 1 story wood, most recent use—commissary, off-site use only

Bldg. P–293, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330441
Status: Unutilized
Comment: 442 sq. ft., 1-story brick, needs rehab, within National Landmark Historic District, off-site use only

Bldg. P–298, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330442

Status: Unutilized
Comment: 3200 sq. ft., 1-story hollow tile, needs rehab, within National Landmark Historic District, off-site use only

Bldg. P–377, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330444
Status: Unutilized
Comment: 74 sq. ft., 1-story brick, needs rehab, most recent use—scale house, located in National Historic District, off-site use only

Bldg. T–1492
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330483
Status: Unutilized
Comment: 2284 sq. ft., 1-story wood frame, needs rehab, most recent use—admin., off-site use only

Bldg. T–2066
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330484
Status: Unutilized
Comment: 4720 sq. ft., 2-story wood frame, needs rehab, most recent use—admin., off-site use only

Bldg. T–5901
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330486
Status: Unutilized
Comment: 742 sq. ft., 1-story wood frame, most recent use—admin., off-site use only

Bldg. T–1464
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330487
Status: Unutilized
Comment: 3778 sq. ft., 1-story wood frame, needs rehab, most recent use—t-shirts and frame shop, off-site use only

Bldg. T–1874
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330488
Status: Unutilized
Comment: 3108 sq. ft., 1-story wood frame, needs rehab, off-site use only

Bldg. T–2193
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330490
Status: Unutilized
Comment: 1800 sq. ft., 1-story wood frame, needs rehab, most recent use—storage shed, off-site use only

Bldg. T–2510
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330492
Status: Unutilized
Comment: 3210 sq. ft., 1-story wood frame, needs rehab, most recent use—storage, off-site use only

Bldg. T–2512
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330495
Status: Unutilized
Comment: 18,260 sq. ft., 1-story wood frame, needs rehab, most recent use—vehicle maintenance shop, off-site use only

Bldg. T–2520
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330498
Status: Unutilized
Comment: 31,296 sq. ft., 1-story wood frame, needs rehab, most recent use—physical fitness, off-site use only

Bldg. T–2183
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330499
Status: Unutilized
Comment: 3000 sq. ft., 1-story wood frame, needs rehab, most recent use—stable, off-site use only

Bldg. T–6231
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330500
Status: Unutilized
Comment: 600 sq. ft., 1-story wood frame, most recent use—firing range, off-site use only

Bldg. T–6232
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330501
Status: Unutilized
Comment: 401 sq. ft., 1-story wood frame, most recent use—firing range, off-site use only

Bldg. T–6236
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330502
Status: Unutilized
Comment: 401 sq. ft., 1-story wood frame, needs rehab, most recent use—firing range, off-site use only

Bldg. T–211
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219340194
Status: Unutilized
Comment: 2284 sq. ft., 1-story wood frame, most recent use—instruction bldg., off-site use only

Bldg. P–5902
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219340197
Status: Unutilized
Comment: 1157 sq. ft., 1-story wood, most recent use—warehouse, off-site use only

Bldg. 315, Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219410315
Status: Unutilized
Comment: 2400 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. 316, Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219410316
Status: Unutilized
Comment: 1500 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. 317, Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219410317
Status: Unutilized
Comment: 2000 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. 4480, Fort Hood
Ft Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219410322
Status: Unutilized
Comment: 2160 sq. ft., 1-story, most recent use—storage, off-site use only

Bldg. 871, Fort Bliss
El Paso Co: El Paso TX 79916
Landholding Agency: Army
Property Number: 219420455
Status: Unutilized
Comment: 3540 sq. ft., 1-story wood, needs repair, most recent use—storage, off-site use only

Bldg. 1165, Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219420456
Status: Unutilized
Comment: 5263 sq. ft., 1-story wood, needs repair, most recent use—office, off-site use only

Bldg. 4718, Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219420459
Status: Unutilized
Comment: 899 sq. ft., 1-story wood, needs repair, most recent use—storage, off-site use only

Bldg. 4719, Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219420460
Status: Unutilized
Comment: 519 sq. ft., 1-story wood, needs repair, most recent use—storage, off-site use only

Bldg. 4105, Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219420463
Status: Unutilized
Comment: 2535 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldgs. 7050, 7058
Fort Bliss
Ft. Bliss TX 79916–
Landholding Agency: Army
Property Number: 219430181
Status: Unutilized
Comment: 1809—8584 sq. ft., 1-story wood frame, needs rehab, most recent use—office/club, off-site use only

Bldg. 1, Fort Hood

Lubbock Co: Lubbock TX 79408–
Landholding Agency: Army
Property Number: 219440336
Status: Unutilized
Comment: 11440 sq. ft., 1 story, fair condition, to be vacated 6/30/95, off-site removal only, most recent use—army reserve center

Bldg. 2, Fort Hood
Lubbock Co: Lubbock TX 79408–
Landholding Agency: Army
Property Number: 219440337
Status: Unutilized
Comment: 2818 sq. ft., 1 story, fair condition, to be vacated 6/30/95, off-site removal only, most recent use—army reserve center maintenance shop

Bldg. P–452
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219440449
Status: Excess
Comment: 600 sq. ft., 1 story stucco frame, lead paint, off-site removal only, most recent use—bath house

Bldg. P–2009
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219440450
Status: Excess
Comment: 144 sq. ft., 1 story brick frame, lead paint, off-stie removal only, no utilities, most recent use—flammable material storage

Bldg. T–5016
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219440451
Status: Excess
Comment: 3146 sq. ft., 1 story wood frame, asbestors & lead paint, limited utilities, off-site removal only, most recent use—fire station vehicle storage

Bldg. T–5017
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219440452
Status: Excess
Comment: 3146 sq. ft., 1 story wood frame, asbestos & lead paint, off-site removal only, most recent use—admin/storage

Bldg. T–5018
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219440453
Status: Excess
Comment: 1140 sq. ft., 1 story wood frame, asbestos & lead paint, off-site removal only, most recent use—fire station

Bldg. P–6615
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219440454
Status: Excess
Comment: 400 sq. ft., 1 story concrete frame, off-site removal only, most recent use—detached garage

Bldg. S–1111, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520117
Status: Unutilized
Comment: 8629 gr. sq. ft., 1-story, presence of lead base paint and asbestos, most recent use—admin., off-site use only

Bldg. T–300, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520118
Status: Unutilized
Comment: 8352 gr. sq. ft., 1-story, presence of lead base paint and asbestos, most recent use—admin., off-site use only

Bldg. T–1028, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520119
Status: Unutilized
Comment: 6302 gr. sq. ft., 1-story presence of lead base paint and asbestos, most recent use—admin., off-site use only

Bldg. T–1051, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520120
Status: Unutilized
Comment: 6617 gr. sq. ft., 1-story, presence of lead base paint and asbestos, most recent use—admin., off-site use only

Bldg. P–1059, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520121
Status: Unutilized
Comment: 700 gr. sq. ft., presence of lead base paint and asbestos, most recent use—admin., off-site use only

Bldg. P–250
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520136
Status: Excess
Comment: 42955 sq. ft., 4-story, presence of lead base paint & asbestos, most recent use—barracks, classrooms, offices, located in Historic District

Bldg. 307, Ft. Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219520198
Status: Excess
Comment: 1600 sq. ft., 1-story, most recent use—med. clinic, off-site use only

Bldg. 507, Ft. Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219520199
Status: Unutilized
Comment: 1600 sq. ft., 1-story, presence of asbestos, off-site use only

Bldg. 831, Ft. Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219520200
Status: Unutilized
Comment: 4780 sq. ft., 2-story, most recent use—training, needs rehab, off-site use only

Bldg. 4201, Ft. Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219520201
Status: Unutilized
Comment: 9000 sq. ft., 1-story, off-site use only

Bldg. 4202, Ft. Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219520202
Status: Unutilized
Comment: 5400 sq. ft., 1-story, most recent use—storage, off-site use only

Bldg. P–1030
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520203
Status: Excess
Comment: 8212 sq. ft., 1-story, most recent use—storage, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. T–1053
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520204
Status: Excess
Comment: 6452 sq. ft., 1-story, presence of asbestos & lead base paint, most recent use—med. clinic, located in Historic District, off-site use only

Bldg. P–2004
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520205
Status: Excess
Comment: 5991 sq. ft., 1-story, most recent use—med. clinic, needs rehab, presence of lead base paint, located in Historic District

Bldg. T–2235
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520206
Status: Excess
Comment: 2100 sq. ft., 1-story, most recent use—med. research lab, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. T–2289
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520207
Status: Excess
Comment: 4720 sq. ft., 2-story, most recent use—training facility, needs rehab, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. T–2290
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520208
Status: Excess
Comment: 4720 sq. ft., 2-story, most recent use—training facility, needs rehab, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. T–2291
Fort Sam Houston

San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520209
Status: Excess
Comment: 4720 sq. ft., 2-story, most recent use—training facility, needs rehab, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. T–2293
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520210
Status: Excess
Comment: 4720 sq. ft., 2-story, most recent use—training facility, needs rehab, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. T–2295
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520211
Status: Excess
Comment: 4720 sq. ft., 2-story, most recent use—training facility, needs rehab, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. T–2296
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520212
Status: Excess
Comment: 4720 sq. ft., 2-story, most recent use—training facility, needs rehab, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. T–2297
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520213
Status: Excess
Comment: 4720 sq. ft., 2-story, most recent use—training facility, needs rehab, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. T–2298
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520214
Status: Excess
Comment: 4720 sq. ft., 2-story, most recent use—training facility, needs rehab, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. T–2299
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520215
Status: Excess
Comment: 4720 sq. ft., 2-story, most recent use—training facility, needs rehab, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. T–5101
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520216
Status: Excess
Comment: 18792 sq. ft., 1-story, most recent use—storage, presence of asbestos & lead base paint, off-site use only

Virginia

Bldg. T–6015
U.S. Army Logistics Center & Fort Lee
Shop Road
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219012376
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab

Bldg. T–3003
Fort Pickett
W. 33rd Street
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219440446
Status: Underutilized
Comment: 1750 sq. ft., 1 story wood frame, most recent use—confinement facility, need repairs

Bldg. T–2800
Fort Pickett
Off Armistead Road
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219440447
Status: Underutilized
Comment: 2056 sq. ft., 1 story wood frame, most recent use—clinic, need repairs

Bldg. T2857
Fort Pickett
Off Armistead Road
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219440448
Status: Underutilized
Comment: 2987 sq. ft., 1 story wood frame, most recent use—admin.

Bldg. 555
Fort Monroe
Ft. Monroe VA 23651–
Landholding Agency: Army
Property Number: 219510129
Status: Unutilized
Comment: 34 sq. ft., 1-story, concrete block, needs repair, most recent use—general storage

Bldg. T–87
Fort Monroe
Ft. Monroe VA 23651–
Landholding Agency: Army
Property Number: 219510130
Status: Unutilized
Comment: 395 sq. ft., 1-story, needs repair, most recent use—general storage

Bldg. T–262
Fort Monroe
Ft. Monroe VA 23651–
Landholding Agency: Army
Property Number: 219510131
Status: Underutilized
Comment: 1168 sq. ft., 1-story, wood frame, needs repair, most recent use—general storage

Bldg. T–265
Fort Monroe
Ft. Monroe VA 23651–
Landholding Agency: Army
Property Number: 219510132
Status: Underutilized
Comment: 636 sq. ft., 1-story trailer, needs repair, most recent use—office

Bldg. TT0104
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–5000
Landholding Agency: Army
Property Number: 219520217
Status: Unutilized
Comment: 1464 sq. ft., 1-story, most recent use—training, needs rehab, off-site use only

Bldg. TT0105
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–5000
Landholding Agency: Army
Property Number: 219520218
Status: Unutilized
Comment: 2273 sq. ft., 1-story, most recent use—storage, off-site use only

Washington

Reserve Center, Longview
14 Port Way
Longview Co: Cowlitz WA 98632–
Landholding Agency: Army
Property Number: 219320368
Status: Unutilized
Comment: 17,304 sq. ft., 1-story training facility, scheduled to be vacated 9/93

Bldg. 9771, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219510133
Status: Unutilized
Comment: 3965–5220 sq. ft., 2-story, needs rehab, most recent use—family housing used as storage, off-site use only

Bldg. 9772, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219510134
Status: Unutilized
Comment: 3965–5220 sq. ft., 2-story, needs rehab, most recent use—family housing used as storage, off-site use only

Bldg. 9773, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219510135
Status: Unutilized
Comment: 3965–5220 sq. ft., 2-story, needs rehab, most recent use—family housing used as storage, off-site use only

Bldg. 9774, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219510136
Status: Unutilized
Comment: 3965–5220 sq. ft., 2-story, needs rehab, most recent use—family housing used as storage, off-site use only

Wisconsin

Bldg. 7174, Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219320372
Status: Underutilized
Comment: 8466 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently

by Army, most recent use—gen. purpose warehouse

Bldg. 7176, Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219320373
Status: Underutilized
Comment: 5415 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—gen. purpose warehouse

Bldg. 7261, Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219320374
Status: Unutilized
Comment: 4800 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—gen. purpose warehouse

Bldg. 2321
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219430225
Status: Unutilized
Comment: 682 sq. ft., 1-story, needs rehab, most recent use—heat plant

Bldg. 2673
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219430226
Status: Unutilized
Comment: 13515 sq. ft., 1-story, needs rehab, most recent use—theater

Bldg. 2110
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219430232
Status: Unutilized
Comment: 18270 sq. ft., 1-story, needs rehab, most recent use—vehicle maint.

Bldg. 2320
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219430233
Status: Unutilized
Comment: 33345 sq. ft., 1-story, needs rehab, most recent use—vehicle maint.

Bldg. 2763
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219430236
Status: Unutilized
Comment: 3250 sq. ft., 1-story, needs rehab, most recent use—admin.

Bldg. 2755
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219430239
Status: Unutilized
Comment: 168 sq. ft., 1-story, needs rehab, most recent use—dispatch bldg.

Bldg. 850
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219430243
Status: Unutilized
Comment: 2350 sq. ft., 1-story, needs rehab, most recent use—dining facility

Bldg. 240, Fort McCoy
Ft. McCoy Co: Monroe WI 54656–5162
Landholding Agency: Army
Property Number: 219520219
Status: Underutilized
Comment: 1750 sq. ft., 1-story, needs rehab, most recent use—admin.

Land (by State)

Georgia

Land (Railbed)
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219440440
Status: Unutilized
Comment: 17.3 acres extending 1.24 miles, no known utilities potential

Kansas

Parcel 1
Fort Leavenworth
Combined Arms Center
Fort Leavenworth Co: Leavenworth KS 66027–5020
Landholding Agency: Army
Property Number: 219012333
Status: Underutilized
Comment: 14.4+ acres

Parcel 3
Fort Leavenworth
Combined Arms Center
Fort Leavenworth Co: Leavenworth KS 66027–5020
Landholding Agency: Army
Property Number: 219012336
Status: Underutilized
Comment: 261+ acres; heavily forrested; no access to a public right-of-way; selected periods are reserved for military/training exercises

Parcel 4
Fort Leavenworth
Combined Arms Center
Fort Leavenworth Co: Leavenworth KS 66027–5020
Landholding Agency: Army
Property Number: 219012339
Status: Underutilized
Comment: 24.1+ acres; selected periods are reserved for military/training exercises; steep/wooded area

Parcel 6
Fort Leavenworth
Combined Arms Center
Fort Leavenworth Co: Leavenworth KS 66027–5020
Location: Extreme north east corner of installation in Flood Plain of the Missouri River.
Landholding Agency: Army
Property Number: 219012340
Status: Underutilized
Comment: 1280 acres; selected periods are reserved for military/training exercises

Parcel F
Fort Leavenworth
Combined Arms Center
Fort Leavenworth Co: Leavenworth KS 66027–5020
Landholding Agency: Army
Property Number: 219012552
Status: Unutilized
Comment: 33.4 acres; area is land locked; heavily wooded; periodic flooding

Louisiana

Land—Louisiana AAP
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219430133
Status: Underutilized
Comment: 3 acres, most recent use—excess vehicle storage, secure area with alternate access

Minnesota

Land
Twin Cities Army Ammunition Plant
New Brighton Co: Ramsey MN 55112–
Landholding Agency: Army
Property Number: 219120269
Status: Underutilized
Comment: Approx. 25 acres, possible contamination, secured area with alternate access

Montana

U.S. Army Reserve Center
Marcella Avenue
Lewistown Co: Fergus MT
Landholding Agency: Army
Property Number: 219420009
Status: Unutilized
Comment: 4.16 acres of bare land

Nevada

Parcel A
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location: At Foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Landholding Agency: Army
Property Number: 219012049
Status: Unutilized
Comment: 160 acres, road and utility easements, no utility hookup, possible flooding problem

Parcel B
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location: At Foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Landholding Agency: Army
Property Number: 219012056
Status: Unutilized
Comment: 1920 acres, road and utility easements, no utility hookup, possible flooding problem

Parcel C
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location: South-southwest of Hawthorne along HWAAP's South Magazine Area at western edge of State Route 359
Landholding Agency: Army
Property Number: 219012057
Status: Unutilized
Comment: 85 acres, road and utility easements, no utility hookup

Parcel D
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location: South-southwest of Hawthorne along HWAAP's South Magazine Area at Western edge of State Route 359
Landholding Agency: Army
Property Number: 219012058

Status: Unutilized
Comment: 955 acres, road and utility easements, no utility hookup

New York

Galeville Army Training Site
Shawangunk Co: Ulster NY 12589–
Landholding Agency: Army
Property Number: 219510128
Status: Underutilized
Comment: 621.05 acres, improved w/inactive runway, airfield & taxiway, potential utilities, 234 acres is wetlands and habitat for threatened species

Ohio

5 acres
Doan U.S. Army Reserve Center
Portmonth Co: Scioto OH 45662–
Landholding Agency: Army
Property Number: 219320313
Status: Unutilized
Comment: 5 acres including paved roads, parking, sidewalks, etc.

3 acres
Hayes U.S. Army Reserve Center
Fremont Co: Sandusky OH 43420–
Landholding Agency: Army
Property Number: 219320316
Status: Unutilized
Comment: 3 acres including paved roads, parking, sidewalks, etc.

Tennessee

Milan Army Ammunition Plant
Milan Co: Carroll TN 38358–
Location: Plant boundary in the northeast corner of the plant & housing area
Landholding Agency: Army
Property Number: 219010547
Status: Excess
Comment: 17.2 acres; right of entry legal constraint

Holston Army Ammunition Plant
Kingsport Co: Hawkins TN 61299–6000
Landholding Agency: Army
Property Number: 219012338
Status: Unutilized
Comment: 8 acres; unimproved; could provide access; 2 acres unusable; near explosives

Land
Milan Army Ammunition Plant
NE corner of plant & housing area
Milan Co: Carroll TN 38358–
Landholding Agency: Army
Property Number: 219240780
Status: Unutilized
Comment: 17.2 acres, secured area w/ alternate access, most recent use—buffer zone

Texas

Vacant Land, Fort Sam Houston
All of Block 1800, Portions of Blocks 1900, 3100 and 3200
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219220438
Status: Unutilized
Comment: 244.47 acres, 85% located in floodplain, possibility of unexploded ordnance

Old Camp Bullis Road
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219420461
Status: Unutilized
Comment: 7.16 acres, rural gravel road

Camp Bullis, Tract 9
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219420462
Status: Unutilized
Comment: 1.07 acres of undeveloped land

Suitable/Unavailable Properties

Buildings (by State)

Arizona

Bldg. S–306
Yuma Proving Ground
Yuma Co: Yuma/La Paz AZ 85365–9104
Landholding Agency: Army
Property Number: 219420346
Status: Unutilized
Comment: 4103 sq. ft., 2-story, needs major rehab, scheduled to be vacated on or about 2/95

Colorado

Bldg. P–1388
Fort Carson
Colorado Springs Co: El Paso CO 80913–
Landholding Agency: Army
Property Number: 219430134
Status: Unutilized
Comment: 240 sq. ft., 1-story steel structure, needs rehab, secure area with alternate access, off-site use only

Georgia

Bldg. T201, Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219420357
Status: Unutilized
Comment: 2929 sq. ft., 1-story wood frame, needs repair, most recent use—offices, off-site use only

Bldg. T902, Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219420360
Status: Unutilized
Comment: 2929 sq. ft., 1-story wood frame, needs repair, most recent use—offices, off-site use only

Bldg. 704, Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219420364
Status: Unutilized
Comment: 2028 sq. ft., 1-story, needs major repair, most recent use—admin.

Bldg. TT0791
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219440408
Status: Unutilized
Comment: 1440 sq. ft., 1-story aluminum frame, needs rehab, most recent use—aces. facility, off-site use only

Bldg. TT0792
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219440409
Status: Unutilized
Comment: 1440 sq. ft., 1-story aluminum frame, needs rehab, most recent use—aces. facility, off-site use only

Bldg. TT0793
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219440410
Status: Unutilized
Comment: 1440 sq. ft., 1-story aluminum frame, needs rehab, most recent use—aces. facility, off-site use only

Kansas

Bldg. T–2014, Fort Riley
Ft. Riley KS 66442–
Landholding Agency: Army
Property Number: 219520112
Status: Unutilized
Comment: 4856 sq. ft., 2-story wood frame, most recent use—admin., presence of asbestos, poor condition

Bldg. T–2017, Fort Riley
Ft. Riley KS 66442–
Landholding Agency: Army
Property Number: 219520113
Status: Unutilized
Comment: 3292 sq. ft., 2-story wood frame, most recent use—admin., presence of asbestos, poor condition

Bldg. T–2019, Fort Riley
Ft. Riley KS 66442–
Landholding Agency: Army
Property Number: 219520114
Status: Unutilized
Comment: 2353 sq. ft., 1-story wood frame, most recent use—admin., presence of asbestos, poor condition

Bldg. T–2033, Fort Riley
Ft. Riley KS 66442–
Landholding Agency: Army
Property Number: 219520115
Status: Unutilized
Comment: 1327 sq. ft., 1-story wood frame, most recent use—admin., presence of asbestos, poor condition

Bldg. T–2040, Fort Riley
Ft. Riley KS 66442–
Landholding Agency: Army
Property Number: 219520191
Status: Unutilized
Comment: 3255 sq. ft., 1-story, most recent use—warehouse, needs rehab, presence of asbestos

Bldg. 3210, Fort Riley
Ft. Riley KS 66442–
Landholding Agency: Army
Property Number: 219520192
Status: Unutilized
Comment: 190 sq. ft., 1-story, needs rehab, presence of asbestos

Kentucky

Bldg. 05711, Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219410340
Status: Unutilized
Comment: 10944 sq. ft., 1-story, needs rehab, presence of asbestos, most recent use—maintenance shop

Bldg. 05713, Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219410341

Status: Unutilized
Comment: 10944 sq. ft., 1-story, needs rehab, presence of asbestos, most recent use—maintenance shop

Bldg. 5715
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219410355
Status: Unutilized
Comment: 10,944 sq. ft., 1-story, needs rehab., presence of asbestos, most recent use—vehicle maintenance shop; off-site use only

Bldg. 5717
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219410357
Status: Unutilized
Comment: 10,944 sq. ft., 1-story., needs rehab., presence of asbestos, most recent use—vehicle maintenance shop; off-site use only

Bldg. 5723
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219410359
Status: Unutilized
Comment: 10,944 sq. ft. 1-story, needs rehab., presence of asbestos; most recent use—vehicle maintenance shop; off-site use only

Bldg. 5725
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219410361
Status: Unutilized
Comment: 10,944 sq. ft., 1-story, needs rehab, presence of asbestos, most recent use—vehicle maintenance shop; off-site use only

Bldg. 2941
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219420369
Status: Unutilized
Comment: 2950 sq. ft., 1-story, presence of asbestos, most recent use—admin. and supply, off-site use only

Bldg. 232
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219430147
Status: Unutilized
Comment: 8042 sq. ft., 2-story, needs repair, presence of asbestos, most recent use—admin., off-site use only

Bldg. 230
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219430148
Status: Unutilized
Comment: 8042 sq. ft., 2-story, needs repair, presence of asbestos, most recent use—admin., off-site use only

Bldg. 30
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219430151
Status: Unutilized
Comment: 5310 sq. ft., 2-story, needs rehab, presence of asbestos, most recent use—admin., off-site use only

Bldgs. 250, 252
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219430157
Status: Unutilized
Comment: 5310 sq. ft., 2-story, needs repair, presence of asbestos, most recent use—admin., off-site use only

Bldg. 2905
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219430162
Status: Unutilized
Comment: 2000 sq. ft., 1-story, needs repair, presence of asbestos, most recent use—classroom, off-site use only

Bldg. 5343
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219430173
Status: Unutilized
Comment: 3376 sq. ft., 1-story, needs repair, presence of asbestos, most recent use—maint. shop; off-site use only

Louisiana

Bldg. 3322, Fort Polk
Texas Avenue
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219440441
Status: Underutilized
Comment: 480 sq. ft., 1-story, needs repairs, most recent use—offices

Maryland

Bldgs. TMA4, TMA5, TMA8, TMA9
Fort George G. Meade
Ft. Meade Co: Anne Arundel, MD 20755–5115
Landholding Agency: Army
Property Number: 219320292
Status: Underutilized
Comment: approx. 800 sq. ft. steel plate, gravel base ammunition storage area, fair condition

Nevada

U.S. Army Reserve Center
685 East Plumb Lane
Reno Co: Washoe, NV 89502–
Landholding Agency: Army
Property Number: 219340180
Status: Underutilized
Comment: 11457 sq. ft. Reserve Center & 2611 sq. ft. vehicle repair shop on 4.29 acres, presence of asbestos, 1-story each, perpetual easement for road right of way 50 ft. from prop.

Texas

Bldg. P–2000, Fort Sam Houston
San Antonio Co: Bexar, TX 78234–5000
Landholding Agency: Army
Property Number: 219220389
Status: Underutilized
Comment: 49,542 sq. ft., 3-story brick structure, within National Landmark Historic District

Bldg. P–2001, Fort Sam Houston
San Antonio Co: Bexar, TX 78234–5000
Landholding Agency: Army
Property Number: 219220390
Status: Underutilized
Comment: 16,539 sq. ft., 4-story brick structure, within National Landmark Historic District

Bldg. P–2007, Fort Sam Houston
San Antonio Co: Bexar, TX 78234–5000
Landholding Agency: Army
Property Number: 219220391
Status: Underutilized
Comment: 13,058 sq. ft., 3-story brick structure, within National Landmark Historic District

Bldg. T–189, Fort Sam Houston
San Antonio Co: Bexar, TX 78234–5000
Landholding Agency: Army
Property Number: 219220402
Status: Underutilized
Comment: 11,949 sq. ft., 4-story brick structure, within National Landmark Historic District, possible lead contamination

Bldg. P–8249
Fort Sam Houston
San Antonio Co: Bexar, TX 78234–5000
Landholding Agency: Army
Property Number: 219440455
Status: Excess
Comment: 2775 sq. ft., 1-story wood frame, lead paint, off-site removal only, most recent use—family housing

Bldg. P–151, Fort Sam Houston
San Antonio Co: Bexar, TX 78234–5000
Landholding Agency: Army
Property Number: 219520116
Status: Underutilized
Comment: 1860 gr. sq. ft., 1-story, presence of lead base paint and asbestos, most recent use—admin., located in Natl Hist. Landmark Dist. and Natl Cons. Dist.

Virginia

Bldg. T3004, Fort Pickett
Blackstone Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Number: 219310317
Status: Underutilized
Comment: 2350 sq. ft., 1-story wood frame, needs repair, most recent use—clinic

Bldg. T3022, Fort Pickett
Blackstone Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Number: 219310318
Status: Underutilized
Comment: 5310 sq. ft., 2-story wood frame, needs repair, most recent use—barracks

Bldg. T3023, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310319
Status: Underutilized
Comment: 5310 sq. ft., 2-story wood frame, needs repair, most recent use—barracks

Bldg. T3024, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310320
Status: Underutilized
Comment: 5310 sq. ft., 2-story wood frame, needs repair, most recent use—barracks

Bldg. T3026, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army

Property Number: 219310321
Status: Underutilized
Comment: 3550 sq. ft., 1-story wood frame, needs repair, most recent use—dining room

Bldg. T3025, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310322
Status: Underutilized
Comment: 2950 sq. ft., 1-story wood frame, needs repair, most recent use—dining room

Bldg. T3040, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310323
Status: Underutilized
Comment: 2950 sq. ft., 1-story wood frame, needs repair, most recent use—dining room

Bldg. T3041, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310324
Status: Underutilized
Comment: 2950 sq. ft., 1-story wood frame, needs repair, most recent use—dining room

Bldg. T3049, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310325
Status: Underutilized
Comment: 2950 sq. ft., 1-story wood frame, needs repair, most recent use—dining room

Bldg. T3050, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310326
Status: Underutilized
Comment: 2950 sq. ft., 1-story wood frame, needs repair, most recent use—dining room

Bldg. T3029, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310327
Status: Underutilized
Comment: 5310 sq. ft., 2-story wood frame, needs repair, most recent use—barracks

Bldg. T3030, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310328
Status: Underutilized
Comment: 5310 sq. ft., 2-story wood frame, needs repair, most recent use—barracks

Bldg. T3037, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310329
Status: Underutilized
Comment: 5310 sq. ft., 2-story wood frame, needs repair, most recent use—barracks

Bldg. T3038, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310330
Status: Underutilized
Comment: 5310 sq. ft., 2-story wood frame, needs repair, most recent use—barracks

Bldg. T3039, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310331
Status: Underutilized
Comment: 5310 sq. ft., 2-story wood frame, needs repair, most recent use—barracks

Bldg. T3042, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310332
Status: Underutilized
Comment: 5310 sq. ft., 2-story wood frame, needs repair, most recent use—barracks

Bldg. T3043, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310333
Status: Underutilized
Comment: 5310 sq. ft., 2-story wood frame, needs repair, most recent use—barracks

Bldg. T3044, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310334
Status: Underutilized
Comment: 5310 sq. ft., 2-story wood frame, needs repair, most recent use—barracks

Bldg. T3045, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310335
Status: Underutilized
Comment: 5310 sq. ft., 2-story wood frame, needs repair, most recent use—barracks

Bldg. T3046, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310336
Status: Underutilized
Comment: 5310 sq. ft., 2-story wood frame, needs repair, most recent use—barracks

Bldg. T3047, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310337
Status: Underutilized
Comment: 5310 sq. ft., 2-story wood frame, needs repair, most recent use—barracks

Bldg. T3048, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310338
Status: Underutilized
Comment: 5310 sq. ft., 2-story wood frame, needs repair, most recent use—barracks

Bldg. T3051, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310339
Status: Underutilized
Comment: 5310 sq. ft., 2-story wood frame, needs repair, most recent use—barracks

Bldg. T3052, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310340
Status: Underutilized
Comment: 5310 sq. ft., 2-story wood frame, needs repair, most recent use—barracks

Bldg. T3053, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310341
Status: Underutilized
Comment: 5310 sq. ft., 2-story wood frame, needs repair, most recent use—barracks

Bldg. T3054, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310342
Status: Underutilized
Comment: 5310 sq. ft., 2-story wood frame, needs repair, most recent use—barracks

Bldg. T3027, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310343
Status: Underutilized
Comment: 5310 sq. ft., 2-story wood frame, needs repair, most recent use—barracks

Bldg. T3028, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310344
Status: Underutilized
Comment: 5310 sq. ft., 2-story wood frame, needs repair, most recent use—barracks

Bldg. T3031, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310345
Status: Underutilized
Comment: 2987 sq. ft., 1-story wood frame, needs repair, most recent use—admin./supply

Bldg. T3032, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310346
Status: Underutilized
Comment: 2987 sq. ft., 1-story wood frame, needs repair, most recent use—admin./supply

Bldg. T3033, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310347
Status: Underutilized
Comment: 2987 sq. ft., 1-story wood frame, needs repair, most recent use—admin./supply

Bldg. T3034, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310348
Status: Underutilized
Comment: 2987 sq. ft., 1-story wood frame, need repair, most recent use—admin./supply

Bldg. T3035, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310349
Status: Underutilized
Comment: 2987 sq. ft., 1-story wood frame, need repair, most recent use—admin./supply

Bldg. T3036, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310350
Status: Underutilized
Comment: 2987 sq. ft., 1-story wood frame, need repair, most recent use—admin./supply

Bldg. T3057, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army

Property Number: 219310351
Status: Underutilized
Comment: 2987 sq. ft., 1-story wood frame, need repair, most recent use—admin./supply

Bldg. T3055, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310352
Status: Underutilized
Comment: 2488 sq. ft., 1-story wood frame, need repair, most recent use—admin./supply

Bldg. TT3001, Fort Pickett
Blackstone Co: Nottoway VA 23824–
Landholding Agency: Army
Property Number: 219310353
Status: Underutilized
Comment: 3302 sq. ft., 1-story wood frame, most recent use—chapel

Quarters 19201 & 19209
Fort Lee
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219410365
Status: Underutilized
Comment: 8370 sq. ft. each; 2 story family quarters with 6 units each; off-site use only

Quarters 19202, 19204, 19206, 19208, 19211 & 19213
Fort Lee
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219410366
Status: Underutilized
Comment: 8404 sq. ft. each; 2 story family quarters with 6 units each; off-site use only

Quarters 192103, 19205, 19207
Fort Lee
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219410367
Status: Underutilized
Comment: 9416 sq. ft. each; 2 story family quarters with 6 units each; off-site use only

Quarters 19210, 19214
Fort Lee
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219410368
Status: Underutilized
Comment: 7084 sq. ft. each; 2 story family quarters with 6 units each; off-site use only

Quarters 19212
Fort Lee
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219410369
Status: Underutilized
Comment: 14,098 sq. ft.; 2 story family quarters with 12 units; off-site use only

Land (by State)

New Jersey

Land—Camp Kilmer
Plainfield Avenue
Edison Co: Middlesex NJ 08817–2487
Landholding Agency: Army
Property Number: 219230358
Status: Underutilized
Comment: approx. 10 acres in the southwest corner of site, most recent use—reserve training, wooded area

Suitable/To Be Excessed

Buildings (by State)

Maryland

Bldg. 101
Walter Reed Army Medical Center
Forest Glen Section
Silver Spring Co: Montgomery MD 20910–
Landholding Agency: Army
Property Number: 219012678
Status: Underutilized
Comment: 18438 sq. ft.; needs rehab; possible asbestos; building listed on National Historic Register

Bldg. 104
Walter Reed Army Medical Center
Forest Glen Section
Silver Spring Co: Montgomery MD 20910–
Landholding Agency: Army
Property Number: 219012679
Status: Underutilized
Comment: 12495 sq. ft.; needs rehab; possible asbestos; building listed on National Historic Register

Bldg. 107
Walter Reed Army Medical Center
Forest Glen Section
Silver Spring Co: Montgomery MD 20910–
Landholding Agency: Army
Property Number: 219012680
Status: Underutilized
Comment: 4107 sq. ft.; possible structural deficiencies; possible asbestos; historic property

Bldg. 120
Walter Reed Army Medical Center
Forest Glen Section
Silver Spring Co: Montgomery MD 20910–
Landholding Agency: Army
Property Number: 219012681
Status: Underutilized
Comment: 2442 sq. ft.; possible structural deficiencies; possible asbestos; histroic property

Land (by State)

Texas

Land Saginaw Army Aircraft Plt
Saginaw Co: Tarrant TX 76070–
Landholding Agency: Army
Property Number: 219014814
Status: Unutilized
Comment: 43.08 acres; includes buildings/structures/parking and air strip

Unsuitable Properties

Buildings (by State)

Alabama

123 Bldgs.
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–
Landholding Agency: Army
Property Number: 219014000, 219014009, 219014012, 219014015–219014051, 219014057, 219014060, 219014292, 219110109, 219120247–219120250, 219230190, 219330001–219330002, 219430265–219430290, 219440078–219440082, 219520032, 219530009–219530048
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated)

68 Bldgs., Fort Rucker
Ft. Rucker Co: Dale AL 36362
Landholding Agency: Army
Property Number: 219220341–219220344, 219310016, 219320001, 219330003–219330010, 219340114, 219340116, 219340118, 219340120, 219340122–219340126, 219410016–219410019, 219410022–219410023, 219430260–219430264, 219440083–219440084, 219440087–219440097, 219510095–219510096, 219520050, 219520057–219520058, 219530005–219530008
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 25203, 25205–25207, 25209, 25501, 25503, 25505, 25507, 25510, 29101, 29103–29109
Fort Rucker
Stagefield Areas
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219410020–219410021, 219410024
Status: Unutilized
Reason: Secured area

27 Bldgs.
Phosphate Development Works
Muscle Shoals Co: Colbert AL 35660–1010
Landholding Agency: Army
Property Number: 219220789–219220815
Status: Unutilized
Reason: Extensive deterioration

15 Bldgs., Fort McClellan
Ft. McClellan Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219130019, 219440098–219440111
Status: Unutilized
Reason: Extensive deterioration

Bldg. 402–C
Alabama Army Ammunition Plant
Childersburg Co: Talladega AL 35044
Landholding Agency: Army
Property Number: 219420124
Status: Unutilized
Reason: Secured Area

Alaska

17 Bldgs.
Fort Greely
Ft. Greely AK 99790–
Landholding Agency: Army
Property Number: 219210124–219210125, 219220320–219220332, 219520064
Status: Unutilized
Reason: Extensive deterioration

6 Bldgs., Fort Wainwright
Ft. Wainwright Co: Fairbanks AK 99505
Landholding Agency: Army
Property Number: 219230183–219230184, 219410027, 219530001–219530003
Status: Unutilized
Reason: Extensive deterioration (Some are in a secured area)

Bldg. 1144, Fort Wainwright
Ft. Wainwright Co: Fairbanks/North AK 99703
Landholding Agency: Army
Property Number: 219240273
Status: Unutilized
Reason: Secured Area, Within airport runway clear zone

Bldgs. 5001, 5002, Fort Wainwright
Ft. Wainwright Co: Fairbanks/North AK 99703
Landholding Agency: Army
Property Number: 219240274–219240275

Status: Unutilized
Reason: Secured area, Floodway

Bldg. 1501, Fort Greely
Ft. Greely AK 99505
Landholding Agency: Army
Property Number: 219240327
Status: Unutilized
Reason: Secured Area

Sullivan Roadhouse, Fort Greely
Ft. Greely AK
Landholding Agency: Army
Property Number: 219430291
Status: Unutilized
Reason: Extensive deterioration

Arizona

32 Bldgs.
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015–
Location: 12 miles west of Flagstaff, Arizona on I–40
Landholding Agency: Army
Property Number: 219014560–219014591
Status: Underutilized
Reason: Secured Area

10 properties: 753 earth covered igloos; above ground standard magazines
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015–
Location: 12 miles west of Flagstaff, Arizona on I–40
Landholding Agency: Army
Property Number: 219014592–219014601
Status: Underutilized
Reason: Secured Area

9 Bldgs.
Navajo Depot Activity
Bellemont Co: Coconino AZ 85015–5000
Location: 12 miles west of Flagstaff on I–40
Landholding Agency: Army
Property Number: 219030273–219030274, 219120175–219120181
Status: Unutilized
Reason: Secured Area

Bldgs. 84001, 68054
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219210017, 219430315
Status: Excess
Reason: Extensive deterioration

Bldgs. S–2085, S–6078
Yuma Proving Ground
Yuma Co: Yuma/LaPaz AZ 85365–9104
Landholding Agency: Army
Property Number: 219330020–219330021
Status: Unutilized
Reason: Secured area

Bldg. T–231
Yuma Proving Ground
Yuma Co: LaPaz AZ 85365–9104
Landholding Agency: Army
Property Number: 219510093
Status: Unutilized
Reason: Extensive deterioration

Bldg. 3007
Yuma Proving Ground
Laguana Army Airfield
Yuma Co: LaPaz AZ 85365–9104
Landholding Agency: Army
Property Number: 219510094
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Arkansas

Fort Smith USAR Center
Fort Smith
1218 South A Street
Fort Smith Co: Sebastian AR 72901–
Landholding Agency: Army
Property Number: 219014928
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Army Reserve Center
Hwy 79 North
Camden Co: Calhoun AR 71701–3415
Landholding Agency: Army
Property Number: 219220345
Status: Unutilized
Reason: Extensive deterioration

114 Bldgs.
Fort Chaffee
Ft. Chaffee Co: Sebastian AR 72905–5000
Landholding Agency: Army
Property Number: 219340023–219340090, 219420132–219420137, 219430292–219430314, 219530049–219530065
Status: Unutilized
Reason: Secured area (Most are extensively deteriorated)

6 Bldgs.
Pine Bluff Arsenal
Pine Bluff Co: Jefferson AR 71602–9500
Landholding Agency: Army
Property Number: 219420138–219420142, 219440077
Status: Unutilized
Reason: Secured Area, Extensive deterioration

California

Bldgs. P–177, P–178, 325, S–308, S–308A, T–308B
Fort Hunter Liggett
Jolon Co: Monterey CA 93928–
Landholding Agency: Army
Property Number: 219012414–219012415, 219012600, 219240284–219240285, 219240287
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material (Some are in a secured area)

Bldg. 18
Riverbank Army Ammunition Plant
5300 Claus Road
Riverbank Co: Stanislaus CA 95367–
Landholding Agency: Army
Property Number: 219012554
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

11 Bldgs., Nos. 2–8, 156, 1, 120, 181
Riverbank Army Ammunition Plant
Riverbank Co: Stanislaus CA 95367–
Landholding Agency: Army
Property Number: 219013582–219013588, 219013590, 219240444–219240446
Status: Underutilized
Reason: Secured Area

9 Bldgs.
Oakland Army Base
Oakland Co: Alameda CA 94626–5000
Landholding Agency: Army
Property Number: 219013903–219013906, 219120051, 219340008–219340011
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated)

Bldgs. S–108, S–290
Sharpe Army Depot
Lathrop Co: San Joaquin CA 95331–
Landholding Agency: Army
Property Number: 219014290, 219230179
Status: Underutilized
Reason: Secured Area

Bldgs. S–184
Fort Hunter Liggett
Ft. Hunter Liggett Co: Monterey CA 93928–
Landholding Agency: Army
Property Number: 219014602
Status: Underutilized
Reason: Secured Area

12 Bldgs.
Sierra Army Depot
Herlong Co: Lassen CA 96113–
Landholding Agency: Army
Property Number: 219014713–219014717, 219014719–219014721, 219230181, 219320012
Status: Unutilized
Reason: Secured Area

Bldg. P–88
Sierra Army Depot
Road Oil Storage
Herlong Co: Lassen CA 96113–
Landholding Agency: Army
Property Number: 219014707
Status: Unutilized
Reason: Oil Storage Tank

Bldgs. 173, 177
Roth Road—Sharpe Army Depot
Lathrop Co: San Joaquin CA
Landholding Agency: Army
Property Number: 219014940–219014941
Status: Unutilized
Reason: Secured Area

Bldgs. 13, 171, 178
Riverbank Ammun Plant
5300 Claus Road
Riverbank Co: Stanislaus CA 95367–
Landholding Agency: Army
Property Number: 2190120162–219120164
Status: Underutilized
Reason: Secured Area

Bldg. S–521, Sharpe Site
Lathrop Co: San Joaquin CA 95331–
Landholding Agency: Army
Property Number: 219240155
Status: Unutilized
Reason: Secured Area

Bldgs. T–187, 403 Fort Hunter Liggett
Ft. Hunter Liggett Co: Monterey CA 93928
Landholding Agency: Army
Property Number: 219240321, 219440184
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldgs. 36, 257, Tracy Facility
Tracy Co: San Joaquin CA 95376
Landholding Agency: Army
Property Number: 219330023, 219330025
Status: Unutilized
Reason: Secured Area

10 Bldgs., Fort Irwin
Ft. Irwin Co: San Bernardino CA 92310
Landholding Agency: Army
Property Number: 219330026–219330035
Status: Unutilized
Reason: Secured Area, Extensive Deterioration

23 Bldgs.
DDDRW Sharpe Facility

Tracy Co: San Joaquin CA 95331
Landholding Agency: Army
Property Number: 219430017–219430039, 219430317
Status: Unutilized
Reason: Secured Area

US Army Reserve Center
Rio Vista Co: Sonoma CA 94571
Landholding Agency: Army
Property Number: 219430316
Status: Unutilized
Reason: Floodway

6 Buildings
Oakland Army Base
Oakland Co: Alameda CA 94626
Location: Include: 90, 790, 792, 807, 829, 916
Landholding Agency: Army
Property Number: 219510097
Status: Unutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material

Bldg. 43; Bunkers 41, 42, 45, 46, 47
Santa Rosa High Frequency Radio Station
Santa Rosa CA
Landholding Agency: Army
Property Number: 219520036
Status: Excess
Reason: Secured Area

Bldgs. 29, 39, 73, 154, 155, 193, 204, 257
Los Alamitos Co: Orange CA 90720–5001
Landholding Agency: Army
Property Number: 219520040
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 1103, 1131
Parks Reserve Forces Training Area
Dublin Co: Alameda CA 94568–5201
Landholding Agency: Army
Property Number: 219520056
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 144, 429–430
National Training Center, Fort Irwin
Ft. Irwin Co: San Bernardino CA 92310
Landholding Agency: Army
Property Number: 219530066
Status: Unutilized
Reason: Secured Area, Extensive deterioration

19 Bldgs.
National Training Center, Fort Irwin
Ft. Irwin Co: San Bernardino CA 92310
Location: #556, 558, 562, 564, 578, 581, 584, 586, 609, 474, 600, 410, 427, 485, 483, 579, 583, 570, 568
Landholding Agency: Army
Property Number: 219530067
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Colorado

Bldgs. T–317, T–412, 431, 433
Rocky Mountain Arsenal
Commerce Co: Adams CO 80022–2180
Landholding Agency: Army
Property Number: 219320013–219320016
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

32 Buildings
Fitzsimons Army Medical Center
Aurora Co: Adams CO 80045–50001
Landholding Agency: Army
Property Number: 219510085–219510086, 219520005–219520026
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Georgia

Fort Stewart
Sewage Treatment Plant
Ft. Stewart Co: Hinesville GA 31314–
Landholding Agency: Army
Property Number: 219013922
Status: Unutilized
Reason: Sewage treatment

Facility 12304
Fort Gordon
Augusta Co: Richmond GA 30905–
Location: Located off Lane Avenue
Landholding Agency: Army
Property Number: 219014787
Status: Unutilized
Reason: Wheeled vehicle grease/inspection rack

117 Bldgs.
Fort Gordon
Augusta Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219220269, 219220279, 219220281, 219220293, 219320020, 219320026–219320029, 219330050–219330057, 219330060, 219410038–219410131, 219420144–219420145, 219440199, 219520044, 219520067
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 11726–11727
Fort Gordon
Augusta Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219210138–219210139
Status: Unutilized
Reason: Secured Area

4 Bldgs., Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220334–219220337
Status: Unutilized
Reason: Detached lavatory

38 Bldgs., Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220742, 219520150, 219530068–219530069
Status: Unutilized
Reason: Extensive deterioration

7 Bldgs,
Fort Gillem
Forest Park Co: Clayton GA 30050
Landholding Agency: Army
Property Number: 219310091, 219310093–219310094, 219310099, 219310107, 219320030, 219320033
Status: Unutilized
Reason: Extensive deterioration

11 Bldgs., Fort Stewart
Hinesville Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 219420155, 219420158, 219420161–219420163, 219420168, 219440194–219440198, 219520045
Status: Unutilized
Reason: Extensive deterioration

20 Bldgs., Hunter Army Airfield
Savannah Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 219420152–219420153, 219430318–219430319, 219440185–219440190, 219530070–219530071
Status: Unutilized
Reason: Extensive deterioration

Bldg. P–8063, Hunter Army Airfield
Savannah Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 2195020027
Status: Excess
Reason: Latrine

Bldg. T–922, Hunter Army Airfield
Savannah Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 2195020028
Status: Excess
Reason: Within airport runway clear zone

Bldgs. T–707, T–709, T–713, T–714, T–715, T–716, T–717, T–914, T–922
Hunter Army Airfield
Savannah Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 2195020041
Status: Excess
Reason: Extensive deterioration

Hawaii

PU–01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11
Schofield Barracks
Kolekole Pass Road
Wahiawa Co: Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219014836–219014837
Status: Unutilized
Reason: Secured Area

8 Bldgs.
Schofield Barracks
Wahiawa Co: Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219030361, 219510090, 219520038
Status: Unutilized
Reason: Secured Area

11 Bldgs., Fort Shafter
Honolulu Co: Honolulu HI 96819
Landholding Agency: Army
Property Number: 219320035, 219510087, 219520046, 219530072–219530073
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 754–C, P–1519 A/B, T–3002 Schofield Barracks
Wahiawa Co: Wahiawa HI 96786
Landholding Agency: Army
Property Number: 219320034, 219420154, 219520063
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 572, S–822
Wheeler Army Airfield
Wahiawa HI 96857
Landholding Agency: Army
Property Number: 219510088, 219520039
Status: Unutilized
Reason: Secured Area

Bldgs. P–01506, S01507, P–01508
Wheeler Army Airfield
Wahiawa HI 96786
Landholding Agency: Army
Property Number: 219520003
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. T–2232
Schofield Barracks, 8th Street

Wahiawa HI 96786
Landholding Agency: Army
Property Number: 219520065
Status: Unutilized
Reason: Not accessible by road

Illinois

609 Bldgs. and Groups
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436–
Landholding Agency: Army
Property Number: 219010153–219010317, 219010319–219010407, 219010409–219010413, 219010415–219010439, 219011750–219011879, 219011881–219011908, 219012331, 219013076–219013138, 219014722–219014781, 219030277–219030278, 219040354, 219140441–219140446, 219210146, 219240457–219240465, 219330062–219330094
Status: Unutilized
Reason: Secured Area; many within 2000 ft. of flammable or explosive materials; some within floodway

Bldgs. 58, 59 and 72, 69 64, 105
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299–5000
Landholding Agency: Army
Property Number: 219110104–219110108
Status: Unutilized
Reason: Secured Area

Bldg. 133, Rock Island Arsenal
Gillespie Avenue
Rock Island Co: Rock Island IL 61299–
Landholding Agency: Army
Property Number: 219210100
Status: Underutilized
Reason: Extensive deterioration

13 Bldgs. Savanna Army Depot Activity
Savanna Co: Carroll IL 61074
Landholding Agency: Army
Property Number: 219230126–219230127, 219430326–219430335, 219430397
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 103, 114, 417, 110
Charles Melvin Price Support Center
Granite City Co: Madison IL 62040
Landholding Agency: Army
Property Number: 219420182–219420184, 219510008
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Indiana

263 Bldgs.
Indiana Army Ammunition Plant (INAAP)
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219010913–219010920, 219010924–219010936, 219010952, 219010955, 219010957, 219010959–219010960, 219010962–219010964, 219010966–219010967, 219010969–219010970, 219011449, 219011454, 219011456–219011457, 219011459–219011464, 219013764, 219013848, 219014608–219014653, 219014655–219014661, 219014663–219014683, 219030315, 219120168–219120171, 219140425–219140440, 219210152–219210155, 219230034–219230037, 219320036–219320111, 219420170–219420181, 219440159–219440163
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material (Most are within a secured area)

172 Bldgs.
Newport Army Ammunition Plant
Newport Co: Vermillion IN 47966–
Landholding Agency: Army
Property Number: 21901154, 219011586–219011587, 219011589–219011590, 219011592–219011627, 219011629–219011636, 219011638–219011641, 219210149–219210151, 219220220, 219230032–219230033, 219430336–219430338, 219520033, 219520042, 219530075–219530097
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated.)

2 Bldgs.
Atterbury Reserve Forces Training Area
Edinburgh Co: Johnson IN 46124–1096
Landholding Agency: Army
Property Number: 219230030–219230031
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2635, Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111
Landholding Agency: Army
Property Number: 219240322
Status: Unutilized
Reason: Secured Area Extensive deterioration

Iowa

95 Bldgs.
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army
Property Number:219012605–219012607, 219012609, 219012611, 219012613, 219012615, 219012620, 219012622, 219012624, 219013706–219013738, 219120172–219120174, 219440112–219440158, 219510089, 219520002, 219520070
Status: Unutilized
Reason: (Many are in a Secured Area) (Most are within 2000 ft. of flammable or explosive material)

30 Bldgs., Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638
Landholding Agency: Army
Property Number: 219230005–219230029, 219310017, 219330061, 219340091, 219520053, 219520151
Status: Unutilized
Reason: Extensive deterioration

Kansas

37 Bldgs.
Kansas Army Ammunition Plant
Production Area
Parsons Co: Labette KS 67357–
Landholding Agency: Army
Property Number: 219011909–219011945
Status: Unutilized
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material)

222 Bldgs.
Sunflower Army Ammunition Plant
35425 W. 103rd Street
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number: 219040039, 219040045, 219040048–219040051, 219040053, 219040055, 219040063–219040067, 219040072–219040080, 219040086–219040099, 219040102, 219040111–219040112, 219040118–219040119,, 219040121–219040124, 219040126, 219040128–219040133, 219040136–219040137, 219040139–219040140, 219040143, 219040149–219040154, 219040156, 219040160–219040165, 219040168–219040170, 219040180, 219040182–219040185, 219040190–219040191, 219040202, 219040205–219040207, 219040208, 219040210–219040221, 219040234–219040239, 219040241–219040254, 219040256–219040257, 219040260, 219040262–219040267, 219040270–219040279, 219040282–219040319, 219040321–219040323, 219040325–219040327, 219040330–219040335, 219040349, 219040353, 219110073, 219140569–219140577, 219140580–219140591, 219140594, 219140599–219140601, 219140606–219140612, 219420185–219420187
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

21 Bldgs.
Sunflower Army Ammunition Plant
35425 W. 103rd Street
DeSoto Co: Johnson KS 66108–
Landholding Agency: Army
Property Number: 219040007–219040008, 219040010–219040012, 219040014–219040027, 219040030–219040031
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway

65 Bldgs.
Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219240080, 219430040, 219440164–219440183, 219510092, 219520043, 219530098–219530125
Status: Unutilized
Reason: Extensive deterioration

11 Latrines
Sunflower Army Ammunition Plant
35425 West 103rd
Desoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number: 219140578–219140579, 219140593, 219140595–219140598, 219140602–219140605
Status: Unutilized
Reason: Detached Latrine

75 Bldgs., Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018
Landholding Agency: Army
Property Number: 219240333–219240394, 219240402, 219240410–219240416, 219240420, 219240434–219240437
Status: Unutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material, Extensive deterioration

Kentucky

Bldg. 126
Lexingon-Blue Grass Army Depot
Lexington Co: Fayette KY 40511–
Location: 12 miles northeast of Lexington, Kentucky.

Landholding Agency: Army
Property Number: 219011661
Status: Unutilized
Reason: Secured Area, Sewage treatment facility

Bldg. 12
Lexington—Blue Grass Army Depot
Lexington Co: Fayette KY 40511–
Location: 12 miles Northeast of Lexington Kentucky
Landholding Agency: Army
Property Number: 219011663
Status: Unutilized
Reason: Industrial waste treatment plant

6 Bldgs., Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219320113–219320115, 219320132–219320133, 219410146
Status: Unutilized
Reason: Extensive deterioration (Some are in a secured area)

46 Bldgs., Fort Campbell
Ft. Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Number: 219340247, 219430047–219430058, 219440264, 219440266, 219440273, 219530126
Status: Unutilized
Reason: Extensive deterioration (Some are in a secured area)

22 Buildings, Fort Knox
Ft. Knox Co: Hardin KY 40121
Location: Include: 9253, 9255, 9257, 9262, 9330, 9345, 9365, 9366, 9458, 9459, 9471, 9472, 9601, 9602, 9609, 9610, 9612, 9613, 9621–9642
Landholding Agency: Army
Property Number: 219510078
Status: Unutilized
Reason: Extensive deterioration (Some are detached latrines)

77 Bldgs.
Fort Knox
Ft. Knox Co: Hardin KY 40121
Landholding Agency: Army
Property Number: 219510079–219410084
Status: Unutilized
Reason: Extensive deterioration

Louisiana

42 Bldgs.
Louisiana Army Ammunition Plant
Doylin Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219011668–219011670, 219011700, 219011714–219011716, 219011735–219011737, 219012112, 219013571–219013572, 219013863–219013869, 219110124, 219110127, 219110131, 219110135–219110136, 219120290, 219240137–219240150, 219420330–219420332
Status: Unutilized
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material) (Some are extensively deteriorated)

Staff Residences
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219120284–219120286
Status: Excess
Reason: Secured Area

6 Bldgs., Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–7100
Landholding Agency: Army
Property Number: 219320282, 219340107–219340108, 219430339–219430340, 219520059
Status: Unutilized
Reason: Extensive deterioration

Maryland

77 Bldgs.
Aberdeen Proving Ground
Aberdeen City Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219011406–219011417, 219012608, 219012610, 219012612, 219012614, 219012616–219012617, 219012619, 219012623, 219012625–219012629, 219012631, 219012633–219012635, 219012637–219012642, 219012645–219012651, 219012655–219012664, 219013773, 219014711–219014712, 219030316, 219110140, 219240329, 219520060, 219530127–219530133
Status: Unutilized
Reason: Most are in a secured area (Some are within 2000 ft. of flammable or explosive material) (Some are in a floodway) (Some are extensively deteriorated

Bldg. 1958
Fort George G. Meade
Fort Meade Co: Anne Arundel MD 20755–
Landholding Agency: Army
Property Number: 219014789
Status: Unutilized
Reason: Secured Area

Bldg. 10401
Aberdeen Proving Ground
Aberdeen Area
Harford Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219110138
Status: Unutilized
Reason: Sewage treatment plant

Bldg. 10402
Aberdeen Proving Ground
Aberdeen Area
Aberdeen City Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219110139
Status: Unutilized
Reason: Sewage pumping station

39 Bldgs. Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Landholding Agency: Army
Property Number: 219130059, 219140458, 219140460–219140461, 219140465, 219140467, 219140510, 219210123, 219220142, 219220146–219220147, 219220153, 219220171–219220173, 219220190–219220192, 219220195–219220197, 219240121, 219310022, 219310026–219310027, 219310031–219310033, 219320144, 219330114–219330118, 219340013, 219420333–219420334, 219530167–219530168
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 132, 135 Fort Ritchie
Ft. Ritchie Co: Washington MD 21719–5010
Landholding Agency: Army
Property Number: 219330109–219330110
Status: Underutilized
Reason: Secured Area

Bldg. T–116, Fort Detrick
Frederick Co: Frederick MD 21762–5000
Landholding Agency: Army
Property Number: 219340012
Status: Unutilized
Reason: Extensive deterioration

Bldg. 4900, Aberdeen Proving Ground
Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219230089
Status: Unutilized
Reason: Within airport runway clear zone

Massachusetts

Material Technology Lab
405 Arsenal Street
Watertown Co: Middlesex MA 02132–
Landholding Agency: Army
Property Number: 219120161
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area

Bldgs. T–102, T–110, T–111, Hudson Family Hsg
Natick RD&E Center
Bruen Road
Hudson Co: Middlesex MA 01749
Landholding Agency: Army
Property Number: 219220105–21920107
Status: Unutilized
Reason: Extensive deterioration

Bldg. 3462, Camp Edwards
Massachusetts Military Reservation
Bourne Co: Barnstable MA 024620–5003
Landholding Agency: Army
Property Number: 219230095
Status: Unutilized
Reason: Secured Area; Extensive deterioration

Bldgs. 3596, 1209–1211 Camp Edwards
Massachusetts Military Reservation
Bourne Co: Barnstable MA 02462–5003
Landholding Agency: Army
Property Number: 219230096, 219310018–219310020
Status: Unutilized
Reason: Secured Area

Michigan

Bldgs. 602, 604
US Army Garrison Selfridge
Mt. Clemens Co: Macomb MI 48043–
Landholding Agency: Army
Property Number: 219012355–219012356
Status: Unutilized
Reason: Within airport runway clear zone; Floodway; Secured Area

Detroit Arsenal Tank Plant
28251 Van Dyke Avenue
Warren Co: Macomb MI 48090–
Landholding Agency: Army
Property Number: 219014605
Status: Unutilized
Reason: Secured Area

Bldgs. 5755–5756
Newport Weekend Training Site
Carleton Co: Monroe MI 48166
Landholding Agency: Army
Property Number: 219310060–219310061
Status: Unutilized
Reason: Secured Area; Extensive deterioration

25 Bldgs.
Fort Custer Training Center
2501 26th Street

Augusta Co: Kalamazoo MI 49102–9205
Landholding Agency: Army
Property Number: 219014947–219014963, 219140447–219140454
Status: Unutilized
Reason: Secured Area

Minnesota

169 Bldgs.
Twin Cities Army Ammunition Plant
New Brighton Co: Ramsey MN 55112–
Landholding Agency: Army
Property Number: 219120165–219120166, 219210014–219210015, 219220227–219220235, 219240328, 219310055–219310056, 219320145–219320156, 219330096–219330108, 219340015, 219410159–219410189, 219420195–219420284, 219430059–219430064
Status: Unutilized
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material) (Some are extensively deteriorated)

Mississippi

Bldgs. 8301, 8303–8305, 9158
Mississippi Army Ammunition Plant
Stennis Space Center Co: Hancock MS 39529–7000
Landholding Agency: Army
Property Number: 219040438–219040442
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Missouri

Lake City Army Ammo. Plant 59, 59A, 59C, 59B, 18, 94, 149, T201, 6A, 6C, 6D, 6E, 6F
Independence Co: Jackson MO 64050–
Landholding Agency: Army
Property Number: 219013666–219013669, 219530134–219530138
Status: Unutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material)

Bldg. #1, 2, 3
St. Louis Army Ammunition Plant
4800 Goodfellow Blvd.
St. Louis Co: St. Louis MO 63120–1798
Landholding Agency: Army
Property Number: 219120067–219120069
Status: Unutilized
Reason: Secured Area

18 Bldgs.
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219140422–219140423, 219430066–219430081
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

Nevada

7 Bldgs.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral, NV 89415–
Landholding Agency: Army
Property Number: 219011953, 219011955, 219012061–219012062, 219012106, 219013614, 219230090
Status: Underutilized
Reason: Secured Area

Bldg. 396
Hawthorne Army Ammunition Plant
Bachelor Enlisted Qrts W/Dining Facilities
Hawthorne Co: Mineral, NV 89415–
Location: East side of Decatur Street-North of Maine Avenue
Landholding Agency: Army
Property Number: 219011997
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area

57 Bldgs.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral, NV 89415–
Landholding Agency: Army
Property Number: 219012009, 219012013, 219012021, 219012044, 219013615–219013651, 219013653–219013656, 219013658–219013661, 219013663, 219013665, 219340016–219340021
Status: Underutilized
Reason: Secured Area (Some within airport runway clear zone; many within 2000 ft. of flammable or explosive material)

62 Concrete Explo. Mag. Stor.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral, NV 89415–
Location: North Mag. Area
Landholding Agency: Army
Property Number: 219120150
Status: Unutilized
Reason: Secured Area

259 Concrete Explo. Mag. Stor.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral, NV 89415–
Location: South & Central Mag. Areas
Landholding Agency: Army
Property Number: 219120151
Status: Unutilized
Reason: Secured Area

Facility No. 00A38
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral, NV 89415–
Landholding Agency: Army
Property Number: 219330119
Status: Unutilized
Reason: Extensive deterioration

New Jersey

217 Bldgs.
Armament Res. Dev. & Eng. Ctr.
Picatinny Arsenal Co: Morris, NJ 07806–5000
Location: Route 15 North
Landholding Agency: Army
Property Number: 219010440–219010474, 219010476, 219010478, 219010639–219010667, 219010669–219010721, 219012423–219012424, 219012426–219012428, 219012430–219012431, 219012433–219012466, 219012469–219012472, 219012474–219012475, 219012756–219012760, 219012763–219012767, 219013787, 219014306–219014307, 219014311, 219014313–219014321, 219030269, 219140617, 219230118–219230125, 219240315–219240316, 219420001–219420008, 219510002–219510007
Status: Excess
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material) (Some are extensively deteriorated) (Some are in a floodway)

51 Bldgs.
Fort Monmouth
Wall Co: Monmouth, NJ 07719–
Landholding Agency: Army
Property Number: 219012829–219012833, 219012837, 219012841–219012842, 219013786, 219230177, 219320157, 219330129–219330140, 219420335, 219440201–219440211, 219530139–219530141
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated) (Some are in a floodway)

13 Bldgs. Military Ocean Terminal
Bayonne Co: Hudson, NJ 07002–
Landholding Agency: Army
Property Number: 219013890–219013896, 219330141–219330143, 219430001, 219440200, 219520149
Status: Unutilized
Reason: Floodway; Secured Area

24 Bldgs., Fort Dix
Ft. Dix Co: Burlington, NJ 08640
Landholding Agency: Army
Property Number: 219510009–219510014
Status: Underutilized
Reason: Extensive deterioration

Structure 403B
Armament Research, Dev. & Eng. Center
Picatinny Arsenal Co: Morris, NJ 07806–5000
Landholding Agency: Army
Property Number: 219510001
Status: Unutilized
Reason: Drop Tower

9 Bldgs.
Armament Rsch., Dev. & Eng. Center
Picatinny Arsenal Co: Morris, NJ 07806–5000
Landholding Agency: Army
Property Number: 219530142–219530151
Status: Unutilized
Reason: Extensive deterioration (Most are in a secured area)

New Mexico

8 Bldgs.
White Sands Missile Range
White Sands Co: Dona Ana NM 88802
Landholding Agency: Army
Property Number: 219330144–219330147, 219430126–219430127, 219530153–219530154
Status: Unutilized
Reason: Extensive Deterioration

New York

7 Bldgs. Fort Totten
Bayside Co: Queens NY 11357–
Landholding Agency: Army
Property Number: 219210130–219210131, 219430082–219430086
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 110, 143, 2084, 2105, 2110
Seneca Army Depot
Romulus Co: Seneca NY 14541–5001
Landholding Agency: Army
Property Number: 219240439, 219240440–219240443
Status: Unutilized
Reason: Secured Area; Extensive deterioration

Bldg. 124
U.S. Military Academy
West Point Co: Orange NY 10996
Landholding Agency: Army
Property Number: 219330148
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 3008, Stewart Gardens
Stewart Army Subpost
New Windsor Co: Orange NY 12553

Landholding Agency: Army
Property Number: 219420285
Status: Unutilized
Reason: Extensive deterioration

Bldg. P–4370, Fort Drum
Ft. Drum Co: Jefferson NY 13602
Landholding Agency: Army
Property Number: 219430004
Status: Unutilized
Reason: Sewage pumping station

10 Bldgs., Fort Drum
Ft. Drum Co: Jefferson NY 13602
Landholding Agency: Army
Property Number: 219430005–219430012, 219430014, 219510016
Status: Unutilized
Reason: (Some are within airport runway clear zone) (Some are extensively deteriorated)

5 Field Range Latrines
Fort Drum
Ft. Drum Co: Jefferson NY 13602
Location: Bldgs. S–2565, S–2703, S–2714, S–2802, S–2822
Landholding Agency: Army
Property Number: 219430013
Status: Unutilized
Reason: Detached latrines

North Carolina

36 Bldgs. Fort Bragg
Ft. Bragg Co: Cumberland NC 28307
Landholding Agency: Army
Property Number: 219440295, 219530156–219530166
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 12, 16
Military Ocean Terminal
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 219510015, 219530155
Status: Unutilized
Reason: Secured Area

Ohio

63 Bldgs.
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 219012476–219012507, 219012509–219012513, 219012515, 219012517–219012518, 219012520, 219012522–219012523, 219012525–219012528, 219012530–219012532, 219012534–219012535, 219012537, 219013670–219013677, 219013781, 219210148
Status: Unutilized
Reason: Secured Area

12 Bldgs., Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 219320399–219320410
Status: Unutilized
Reason: Extensive deterioration

Oklahoma

546 Bldgs.
McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501–5000
Landholding Agency: Army
Property Number: 219011674, 219011680, 219011684, 219011687, 219012113, 219013981–219013991, 219013994, 219014081–219014102, 219014104, 219014107–219014137, 219014141–219014159, 219014162, 219014165–219014216, 219014218–219014274, 219014336–219014559, 219030007–219030127, 219040004
Status: Underutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material)

12 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219130060, 219140528–219140529, 219140545–219140548, 219140550–219140551, 219320337, 219440309, 219510023
Status: Unutilized
Reason: Extensive deterioration

22 Bldgs.
McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501
Landholding Agency: Army
Property Number: 219310050–219310053, 219320170–219320171, 219330149–219330160, 219430122–219430125
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated)

Oregon

11 Bldgs.
Tooele Army Depot
Umatilla Depot Activity
Hermiston Co: Morrow/Umatilla OR 97838–
Landholding Agency: Army
Property Number: 219012174–219012176, 219012178–219012179, 219012190–219012191, 219012197–219012198, 219012217, 219012229
Status: Underutilized
Reason: Secured Area

24 Bldgs.
Tooele Army Depot
Umatilla Depot Activity
Hermiston Co: Morrow/Umatilla OR 97838–
Landholding Agency: Army
Property Number: 219012177, 219012185–219012186, 219012189, 219012195–219012196, 219012199–219012205, 219012207–219012208, 219012225,219012279, 219014304–219014305, 219014782, 219030362–219030363, 219120032, 219320201
Status: Unutilized
Reason: Secured Area

Pennsylvania

Hays Army Ammunition Plant
300 Miffin Road
Pittsburgh Co: Allegheny PA 15207–
Landholding Agency: Army
Property Number: 219011666
Status: Excess
Reason: Secured Area

41 Bldgs.
Fort Indiantown GAP
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219140267–219140270, 219140272, 219140274, 219140278, 219140281, 219140283, 219140306–219140311, 219140323–219140324, 219420120–219420123, 219430106, 219430107, 219430113–219430121, 219440240–219440242, 219440256, 219520066, 219520069–219520072
Status: Unutilized
Reason: Extensive deterioration (Some are detached latrines)

Bldg. 82001, Reading USARC
Reading Co: Berks PA 19604–1528
Landholding Agency: Army
Property Number: 219320173
Status: Unutilized
Reason: Extensive deteriorationj

32 Bldgs.
Letterkenny Army Depot
Chambersburg Co: Franklin PA 17201
Landholding Agency: Army
Property Number: 219420400–219420430, 219430098
Status: Unutilized
Reason: Secured Area; Extensive deterioration

16 Bldgs., Letterkenny Army Depot
Chambersburg Co: Franklin PA 17201
Landholding Agency: Army
Property Number: 219530169–219530174
Status: Unutilized
Reason: Secured Area; Structural deficiencies

South Carolina

23 Bldgs., Fort Jackson
Ft. Jackson Co: Richland SC 29207
Landholding Agency: Army
Property Number: 219410157–219410158, 219440237–219440239, 219510017–219510022, 219530175
Status: Unutilized
Reason: Extensive deterioration

Tennessee

48 Bldgs.
Volunteer Army Ammo. Plant
Chattanooga Co: Hamilton TN 37422–
Landholding Agency: Army
Property Number: 219010475, 219010477, 219010479–219010500, 219240127–219240136, 219420304–219420307, 219430099–219430105, 219520031
Status: Unutilized/Underutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material) (Some are extensively deteriorated)

32 Bldgs.
Holston Army Ammunition Plant
Kingsport Co: Hawkins TN 61299–6000
Landholding Agency: Army
Property Number: 219012304–219012309, 219012311–219012312, 219012314, 219012316–219012317, 219012319, 219012325, 219012328, 219012330, 219012332, 219012334–219012335, 219012337, 219013789–219013790, 219030266, 219140613, 219330178, 219440212–219440216, 219510025–219510028
Status: Unutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material)

9 Bldgs.
Milan Army Ammunition Plant
Milan Co: Gibson TN 38358
Landholding Agency: Army
Property Number: 219240447–219240449, 219320182–219320184, 219330176–219330177, 219520034
Status: Unutilized
Reason: Secured Area

Bldg. Z–183A
Milan Army Ammunition Plant
Milan Co: Gibson TN 38358

Landholding Agency: Army
Property Number: 219240783
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Texas

Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76079–
Landholding Agency: Army
Property Number: 219011665
Status: Unutilized
Reason: Easement to city of Saginaw for sewer pipeline ending 5/15/2023

18 Bldgs.
Lone Star Army Ammunition Plant
Highway 82 West
Texarkana Co: Bowie TX 75505–9100
Landholding Agency: Army
Property Number: 219012524, 219012529, 219012533, 219012536, 219012539–219012540, 219012542, 219012544–219012545, 219030337–219030345
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldgs. 0021A, 0027A
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75661–
Location: State highway 43 north
Landholding Agency: Army
Property Number: 219012546, 219012548
Status: Underutilized
Reason: Secured Area

33 Bldgs., Red River Army Depot
Texarkana Co: Bowie TX 75507–5000
Landholding Agency: Army
Property Number: 219120064, 219130002, 219140255, 219230109–219230115, 219320193–219320194, 219330163, 219420314–219420327, 219430093–219430097, 219440217
Status: Unutilized
Reason: Secured Area; (Some are extensively deteriorated)

Bldg. T–5000
Camp Bullis
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219220100
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

Swimming Pools
Fort Bliss
El Paso Co: El Paso TX 79916
Landholding Agency: Army
Property Number: 219230108
Status: Unutilized
Reason: Extensive deterioration

7 Bldgs., Fort Hood
Ft. Hood Co: Bell Tx 76544
Landholding Agency: Army
Property Number: 219340238, 219410149, 219410151, 219430131, 219510024, 219520061
Status: Unutilized
Reason: Extensive deterioration

31 Bldgs., Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330161–219330162, 219330473–219330474, 219340095–219340098, 219420309–219420313, 219440439, 219520054, 219530176–219530183
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–2514
Fort Sma Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330475
Status: Unutilized
Reason: Pump house

Bldgs. T–2916, T–3180, T–3192, T–3398
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330476–219330479
Status: Unutilized
Reason: Detached latrines

Utah

3 Bldgs.
Tooele Army Depot
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Number: 219012153, 219012166, 219030366,
Status: Unutilized
Reason: Secured Area

11 Bldgs.
Tooele Army Depot
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Number: 219012143–219012144, 219012148–219012149, 219012152, 219012155, 219012156, 219012158, 219012742, 219012751, 219240267
Status: Underutilized
Reason: Secured Area

12 Bldgs.
Dugway Proving Ground
Dugway Co: Tooele UT 84022–
Landholding Agency: Army
Property Number: 219013996–219013999, 219130008, 219130011–219130013, 219130015–219130018
Status: Underutilized
Reason: Secured Area

18 Bldgs
Dugway Proving Ground
Dugway Co: Tooele UT 84022–
Landholding Agency: Army
Property Number: 219014693, 219130009–219130010, 219130014, 219220204–219220207, 219330179–219330185, 219420328–219420329, 219440218
Status: Unutilized
Reason: Secured Area

Bldg. 4520
Tooele Army Depot, South Area
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Number: 219240268
Status: Unutilized
Reason: Extensive deterioration

Virginia

173 Bldgs.
Radford Army Ammunition Plant
Radford Co: Montgomery VA 24141–
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010833, 219010836, 219010839, 219010842, 219010844, 219010847–219010890, 219010892–219010912, 219011521–219011577, 219011581–219011583, 219011585, 219011588, 219011591, 219013559–219013570, 219110142–219110143, 219120071, 219140618–219140633, 219440219–219440225, 219510031–219510033
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

13 Bldgs.
Radford Army Ammunition Plant
Radford Co: Montgomery VA 24141–
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010834–219010835, 219010837–219010838, 219010840–219010841, 219010843, 219010845–219010846, 219010891, 219011578–219011580
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Latrine, detached structure

62 Bldgs.
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219240084, 219240096, 219240103–219240105, 219240107–219240118, 219330191–219330228, 219340092–219340094, 219420340–219420342, 219510034, 219520062
Status: Unutilized
Reason: Extensive deterioration (Some are in a secured area)

16 Bldgs.
Radford Army Ammunition Plant
Radford VA 24141
Landholding Agency: Army
Property Number: 219220210–219220218, 219230100–219230103, 219520037
Status: Unutilized
Reason: Secured Area

2 Bldgs.
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801
Landholding Agency: Army
Property Number: 219220312, 219220314
Status: Underutilized
Reason: Extensive deterioration

2 Bldgs., Fort A.P. Hill
Bowling Co: Caroline VA 22427
Landholding Agency: Army
Property Number: 219240313–219240314
Status: Underutilized
Reason: Detached latrines

Bldgs. B7103–01, Motor House
Radford Army Ammunition Plant
Radford VA 24141
Landholding Agency: Army
Property Number: 219240324
Status: Unutilized
Reason: Secured Area; Within 2000 ft of flammable or explosive material; Extensive deterioration

Bldg. TT0868, Fort Pickett
Blackstone Co: Nottoway VA 23824
Landholding Agency: Army
Property Number: 219310143
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 160, 171 Fort Monroe
Ft. Monroe VA 23651
Landholding Agency: Army
Property Number: 219510029, 219520051

Status: Unutilized
Reason: Extensive Deterioration

Bldg. 919, Fort Story
Ft. Story Co: Princess Ann VA 23459
Landholding Agency: Army
Property Number: 219430015
Status: Unutilized
Reason: Floodway

17 Bldgs., Fort Story
Ft. Story Co: Princess Ann VA 23459
Landholding Agency: Army
Property Number: 219430016, 219530185–219530193
Status: Unutilized
Reason: Extensive deterioration

56 Bldgs.
Red Water Field Office
Radford Army Ammunition Plant
Radford VA 24141
Landholding Agency: Army
Property Number: 219430341–219430396
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bristol U.S. Army Reserve Ctr.
100 Piedmont Avenue
Bristol Co: Washington VA 24201
Landholding Agency: Army
Property Number: 219440317
Status: Underutilized
Reason: Secured Area

Bldg. SS1238
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427
Landholding Agency: Army
Property Number: 219510030
Status: Underutilized
Reason: Secured Area; Extensive deterioration

Bldgs. S0001, S0002, S0003, S0005
hampton USAR Center
Hampton VA 23666
Landholding Agency: Army
Property Number: 219520029
Status: Unutilized
Reason: Secured Area

Bldgs. S0006, S0007, S0008, S0009
Butler Farms USAR Center
Hampton VA 23666
Landholding Agency: Army
Property Number: 219520030
Status: Unutilized
Reason: Secured Area

Bldgs. 2013–00, B2013–00, A1601–00
Radford Army Ammunition Plant
Radford VA 24141
Landholding Agency: Army
Property Number: 219520052, 219530194
Status: Unutilized
Reason: Extensive deterioration

5 Bldgs., Fort Eustis
Ft. Eustis VA 23604
Landholding Agency: Army
Property Number: 219530195–219530199
Status: Unutilized
Reason: Extensive deterioration

Washington

24 Training Facilities
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–5000
Landholding Agency: Army
Property Number: 219430128
Status: Unutilized
Reason: Secured Area; Extensive deterioration

68 Bldgs., Fort Lewis
Ft. Lewis Co: Pierce WA 98433–5000
Landholding Agency: Army
Property Number: 219430129, 219440226–219440229, 219440231–219440235
Status: Unutilized
Reason: Secured Area; Extensive deterioration

Bldgs. 524, 538, 539
Ft. Lawton
Seattle Co: King WA 98199
Landholding Agency: Army
Property Number: 219430130
Status: Unutilized
Reason: Secured Area; Extensive deterioration

98 Bldgs. (Barracks)
Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 219440230
Status: Unutilized
Reason: Secured Area; Extensive deterioration

152 Bldgs. Fort Lewis
Ft. Lewis Co: Pierce WA 98433
Landholding Agency: Army
Property Number: 219510035–219510056
Status: Unutilized
Reason: Secured Area

Wisconsin

6 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219011094, 219011209–219011212, 219011217
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Other environmental; Secured Area
Comment: Friable asbestos

154 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219011104, 219011106, 219011108–219011113, 219011115–219011117, 219011119–219011120, 219011122–219011139, 219011141–219011142, 219011144, 219011148–219011208, 219011213–219011216, 219011218–219011234, 219011236, 219011238, 219011240, 219011242, 219011244, 219011247, 219011249, 219011251, 219011254, 219011256, 219011259, 219011263, 219011265, 219011268, 219011270, 219011275, 219011277, 219011280, 219011282, 219011284, 219011286, 219011290, 219011293, 219011295, 219011297, 219011300, 219011302, 219011304–219011311, 219011317, 219011319–219011321, 219011323
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other environmental; Secured Area
Comment: Friable asbestos

4 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI
Landholding Agency: Army
Property Number: 219013871–219013873, 219013875
Status: Underutilized
Reason: Secured Area

31 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI
Landholding Agency: Army
Property Number: 219013876–219013878, 219220295–219220311, 219510058–219510068
Status: Unutilized
Reason: Secured Area

Bldgs. 6513–27, 6823–2, 6861–4
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219210097–219210099
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

63 Bldgs., Fort McCoy
US Hwy. 21
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219210115, 219240206–219240243, 219240256, 219240258–219240262, 219310208–219310225
Status: Unutilized
Reason: Extensive deterioration

Bldg. 6513–3
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913
Landholding Agency: Army
Property Number: 219510057
Status: Unutilized
Reason: Detached latrine

124 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913
Landholding Agency: Army
Property Number: 219510069–219510077
Status: Unutilized
Reason: Secured Area; Extensive deterioration

Land (by State)

Alabama

23 acres and 2284 acres
Alabama Army Ammunition Plant
110 Hwy. 235
Childersburg Co: Talladega AL 35044–
Landholding Agency: Army
Property Number: 219210095–219210096
Status: Excess
Reason: Secured Area

3.152 Acres
Anniston Army Depot
Anniston Co: Calhoun AL 36201
Landholding Agency: Army
Property Number: 219530004
Status: Unutilized
Reason: Secured Area

Alaska

Campbell Creek Range
Fort Richardson
Anchorage Co: Greater Anchorage AK 99507
Landholding Agency: Army
Property Number: 219230188
Status: Unutilized
Reason: Inaccessible

Illinois

Group 66A

Joliet Army Ammunition Plant
Joliet Co: Will IL 60436–
Landholding Agency: Army
Property Number: 219010414
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Parcel 1
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436–
Location: South of the 811 Magazine Area, adjacent to the River Road.
Landholding Agency: Army
Property Number: 219012810
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Floodway

Parcel No. 2, 3
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436–
Landholding Agency: Army
Property Number: 219013796–219013797
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway

Parcel No. 4, 5, 6
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436–
Landholding Agency: Army
Property Number: 219013798–219013800
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway

Homewood USAR Center
18760 S. Halsted Street
Homewood Co: Cook IL 60430–
Landholding Agency: Army
Property Number: 219014067
Status: Underutilized
Reason: Secured Area

38,000 sq. ft. & 4,000 sq. ft. of Land
Rock Island Arsenal
South Shore Moline Pool Miss. River
Moline Co: Rock Island IL 61299–5000
Landholding Agency: Army
Property Number: 219240317–219240318
Status: Unutilized
Reason: Floodway

Indiana

Newport Army Ammunition Plant
East of 14th St. & North of S. Blvd.
Newport Co: Vermillion IN 47966–
Landholding Agency: Army
Property Number: 219012360
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Land—Plant 2
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111
Landholding Agency: Army
Property Number: 219330095
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Maryland

Carroll Island, Graces Quarters
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford MD 21010–5425
Landholding Agency: Army
Property Number: 219012630, 219012632
Status: Underutilized
Reason: Floodway; Secured Area

New Jersey

Land
Armament Research Development & Eng. Center
Route 15 North
Picatinny Arsenal Co: Morris NJ 07806–
Landholding Agency: Army
Property Number: 219013788
Status: Unutilized
Reason: Secured Area

Spur Line/Right of Way
Armament Rsch., Dev., & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219530143
Status: Unutilized
Reason: Floodway

Oklahoma

McAlester Army Ammo. Plant
McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501–
Landholding Agency: Army
Property Number: 219014603
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

Pennsylvania

Lickdale Railhead
Fort Indiantown Gap
Lickdale Co: Lebanon PA 17038–
Landholding Agency: Army
Property Number: 219012359
Status: Excess
Reason: Floodway

Tennessee

Land
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN
Landholding Agency: Army
Property Number: 219013791
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Volunteer Army Ammo. Plant
Chattanooga Co: Hamilton TN
Location: Area around VAAP—outside fence in buffer zone
Landholding Agency: Army
Property Number: 219013880
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Texas

Land—Approx. 50 acres
Lone Star Army Ammunition Plant
Texarkana Co: Bowie TX 75505–9100
Landholding Agency: Army
Property Number: 219420308
Status: Unutilized
Reason: Secured Area

Land—all of block 1800
Fort Sam Houston
Portions of 1900, 3100, 3200
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219530184
Status: Excess
Reason: Floodway

Virginia

Fort Belvoir Military Reservation—5.6 Acres
South Post located West of Pohick Road
Fort Belvoir Co: Fairfax VA 22060–
Location: Rightside of King Road
Landholding Agency: Army
Property Number: 219012550
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area

Wisconsin

Land
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Location: Vacant land within plant boundaries
Landholding Agency: Army
Property Number: 219013783
Status: Unutilized
Reason: Secured Area

[FR Doc. 95–25307 Filed 10–12–95; 8:45 am]

BILLING CODE 4210–29–M

Office of the Secretary

[Docket No. FR–3918–N–04]

Privacy Act of 1974; New System of Records

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Establish a New System of Records.

SUMMARY: The Department of Housing and Urban Development (HUD) proposes to establish a new record system to add to its inventory of systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

EFFECTIVE DATE: This action will be effective without further notice on November 13, 1995 unless comments are received that would result in a contrary determination.

ADDRESSES: Interested persons are invited to submit comments regarding this new system of records to the Rules Docket Clerk, Office of General Counsel, room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410–0500. Communications should refer to the above docket number and title. Facsimile (FAX) comments are not acceptable. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Jeanette Smith, Departmental Privacy Act Officer, Telephone Number (202) 708–2374, or William H. Eargle, Director, Office of Finance and Accounting, Telephone Number (202) 708–3310. (These are not toll free numbers.)

SUPPLEMENTARY INFORMATION: Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, notice is given that

HUD proposes to establish a new system of records identified as HUD/DEPT–entitled Departmental Accounts Receivable Tracking/Collection System (DARTS–D21).

Title 5 U.S.C. 552a(e) (4) and (11) provide that the public be afforded a 30-day period in which to comment on the new record system.

The new system report, as required by 5 U.S.C. 552a(r) of the Privacy Act was submitted to the Committee on Governmental Affairs of the United States Senate, the Committee on Government Reform and Oversight of the House of Representatives and the Office of Management Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, Federal Agency Responsibilities for Maintaining Records About Individuals, dated June 25, 1993 (58 FR 36075, July 2, 1993).

Authority: 5 U.S.C. 552a.

Issued at Washington, DC, October 4, 1995.

Donald C. Demitros,

Acting Deputy Assistant Secretary for Management.

HUD/DEPT–

SYSTEM NAME:

Departmental Accounts Receivable Tracking/Collection System (DARTS–D21)

SYSTEM LOCATION:

HUD Computer Center, Lanham, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former HUD employees or individual participants in HUD programs whose debts to HUD are more than 90 days delinquent.

CATEGORIES OF RECORDS IN THE SYSTEM:

Delinquent debts owed by current or former HUD employees for advances, i.e., travel, payroll, etc., and debts owed by individuals arising from overpayments, audits, court order, et al.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Debt Collection Act of 1982, Pub. L. 97–365.

ROUTINE USES OF RECORDS:

In addition to those disclosures generally permitted under 5 U.S.C. 552 a(b) of the Privacy Act, these records, or information contained therein, may specifically be disclosed outside of the agency as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use listed shall be construed to limit or waive any other routine use specified herein:

(a) Internal Revenue Service—for the purpose of effecting an administrative offset against the debtor for a delinquent debt owed to the U.S. Government by the debtor.

(b) Department of Justice—for prosecution of fraud, and for the institution of suit or other proceedings to effect collection of claims.

(c) General Accounting Office—for further collection action on any delinquent account when circumstances warrant.

(d) Outside collection agencies and credit bureaus—for the purpose of either adding to a credit history file or obtaining a credit history file on an individual for use in the administration of debt collection for further collection action.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) may be made from this record system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3). The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (Social Security Number); the amount, status, and history of the claim; and the agency or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy files are kept in a locked room, computer records are stored in limited access files in DARTS.

RETRIEVABILITY:

Records are retrieved by social security number (SSN) or name.

SAFEGUARDS:

The records are available only to those persons whose official duties require such access. Records are kept in limited access areas during duty hours and in locked room at all other times.

RETENTION AND DISPOSAL:

As prescribed in the General Records Schedule or for 10 years after debt is paid at a maximum.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Finance and Accounting, 451 7th St S.W., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the particular HUD administrator or component listed in the ''system manager'' location above.

Individuals should furnish full name, Social Security Number, current address and telephone number.

RECORD ACCESS PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from the subjects, Personnel and Payroll systems, HUD's Central Accounting Program System (CAPS), Office of the Inspector General, Office of General Counsel, and other government agencies such as the Department of Justice, General Accounting Office, the Office of Personnel Management, the Department Claims Officer (DCO) and documents submitted by various court systems.

EXEMPTIONS FOR CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 95–25394 Filed 10–12–95; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Seminole Tribe of Florida Alcohol Beverage Control Act

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161. I certify that the Seminole Tribe of Florida Alcohol Beverage Control Act was duly adopted by the Seminole Tribe of Florida on May 20, 1994. The Ordinance provides for the introduction, sale or possession of liquor on the reservations and trust lands of the Seminole Tribe of Florida, including the Hollywood, Brighton, Big Cypress, and Immokalee Seminole Indian Reservations, the Tampa Trust Lands, and any other tribal land taken into trust by the United States of America for the use and benefit of the Seminole Tribe of Florida.

DATES: This ordinance is effective as of October 13, 1995.

FOR FURTHER INFORMATION CONTACT: Chief, Branch of Judicial Services,

Division of Tribal Government Services, 1849 C Street N.W., MS 2611–MIB, Washington, D.C. 20240–4001; telephone (202) 208–4400.

SUPPLEMENTARY INFORMATION: The Seminole Tribe of Florida Alcohol Beverage Control Act is to read as follows:

Seminole Tribe of Florida Alcohol Beverage Control Act

Section I: That the introduction, sale or possession of alcoholic beverages shall be lawful within the Indian country under the jurisdiction of the Seminole Tribe of Florida, provided that such introduction, sale or possession is in conformity with the laws of the State of Florida and with the provisions of this Ordinance.

Section II: No person shall engage in the sale of alcoholic beverages within Indian country under the jurisdiction of the Seminole Tribe of Florida unless duly licensed by the Tribal Council of the Seminole Tribe of Florida.

Section III: No Tribal alcoholic beverage license issued under this Ordinance shall be granted to any person not possessing the qualifications and satisfying the conditions hereunder set forth. Any person or persons desiring a Tribal alcoholic beverage license required by Section II of this Ordinance shall file a sworn application for license with the Tribal Council of the Seminole Tribe of Florida. The application shall contain a full and complete showing of the following:

a. (1) Payment of a fee of $25.00 for sale of alcoholic beverage for off-premises consumption.

(2) Payment of a fee of $50.00 for sale of alcoholic beverage for on-premises consumption.

b. Proof satisfactory to the Tribal Council that the applicant is not an officer or member of the Tribal Council or the Board of Directors of the Seminole Tribe of Florida, Inc. or an employee of the Tribe.

Section IV: Any Tribal alcoholic beverage license issued under this Ordinance shall be subject to the following conditions:

a. The Tribal alcoholic beverage license shall be for term of one (1) year, beginning October 1.

b. When a Tribal alcoholic beverage license on a reservation or on Tribal trust lands is transferred, the licensee shall not operate the establishment until Tribal approval has been obtained as required by this Ordinance.

c. Alcoholic beverage establishments operating under a Tribal alcoholic beverage license shall be closed during voting hours on days of official Tribal elections.

Section V: Issuance of Tribal Alcoholic Beverage Licenses:

a. Tribal alcoholic beverage licenses issued hereunder shall be issued by the Tribal Secretary/Treasurer after approval thereof by the Tribal Council.

b. Fees for Tribal alcoholic beverage licenses issued hereunder shall be paid to the Tribal Secretary/Treasurer for deposit to the general fund of the Tribe in the Tribe's usual depository.

Section VI: This Ordinance does not in any way purport to assert criminal jurisdiction over non-Indians.

Dated: September 29, 1995.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 95–25414 Filed 10–12–95; 8:45 am]

BILLING CODE 4310–02–P

Bureau of Land Management

[AK–910–0777–51]

Alaska Resource Advisory Council Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Alaska Resource Advisory Council Public Meeting.

SUMMARY: The Alaska Resource Advisory Council will hold a public meeting Thursday, November 30, 1995 and Friday, December 1, 1995 in Fairbanks, Alaska. The public meeting will be from 9:00 a.m. to 5:00 p.m. on Thursday, November 30, and from 8:30 a.m. to 4:30 p.m. on Friday, December 1. The meeting will be held in the training room of the Bureau of Land Management Alaska Fire Service office, located on post at Fort Wainwright, Alaska. Public comments will be taken from 10:00 a.m. to 11:00 a.m. on Thursday, November 30. Written comments may be submitted at the meeting. The council will elect officers and will discuss:

1. State of Alaska land selection and priority;

2. Squirrel River study and river management;

3. Wild and Scenic River Act, with emphasis on the Gulkana and Fortymile Rivers;

4. Dalton Highway Recreation Activity Plan;

5. Old and new business.

ADDRESSES: Inquiries about this meeting should be sent to the External Affairs Office, Bureau of Land Management, 222 W. 7th Ave., No. 13, Anchorage, Alaska 99513–7599.

FOR FURTHER INFORMATION CONTACT: David Vickery, at (907) 271–5555.

Dated: October 5, 1995.

Sally Wisely,

Associate State Director.

[FR Doc. 95–25444 Filed 10–12–95; 8:45 am]

BILLING CODE 4310–JA–P

[UT–942–4212–13; UTU–69548]

Notice of Issuance of Land Exchange Conveyance Document; Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Exchange of public and private lands.

SUMMARY: This action informs the public of the conveyance of 1,873.87 acres of public land out of Federal ownership. This action will also open 20,329.318 acres of reconveyed land to appropriation under the public land laws and open 12,732.00 acres of reconveyed land to appropriation under the mining laws.

FOR FURTHER INFORMATION CONTACT: Michael L. Crocker, Bureau of Land Management, Utah State Office, 324 South State Street, P.O. Box 45155, Salt Lake City, Utah 84145–0155, 801–539–4118.

SUPPLEMENTARY INFORMATION:

1. The United States has issued an exchange conveyance document to United States Pollution Control, Inc, for the surface estate of the following described lands pursuant to Section 206 of the Act of October 21, 1976, 90 Stat. 2756; 43 U.S.C. 1716:

Salt Lake Meridian

T. 1 N., R. 12 W.,
Sec. 8, SE¼;
Sec. 9, SW¼, N½SE¼, SW¼SE¼, N½N½SE¼SE¼, S½NW¼SE¼SE¼, N½SW¼SE¼SE¼, S½S½SE¼SE¼;
Sec. 10, SW¼;
Sec. 15, W½;
Sec. 17, E½;
Sec. 20, NE¼;
Sec. 21, N½;
Sec. 22, lots 1, 2, 3, 4.
Containing 1873.87 acres.

2. In exchange for the lands listed in paragraph 1, the United States received the surface and mineral estates of the following described land:

Salt Lake Meridian

T. 4 S., R. 4 W.,
Sec. 8, Commencing 25 rods West of the Southeast corner of the Northeast quarter of the Southwest quarter of section 8, T. 4 S., R. 4 W., SLM, thence West 135 rods to the West Section line of said Section; thence North 160 rods; thence East 16 rods; thence Southeasterly to the point of beginning.
Sec. 8, lots 1, 2, 3, 5, 6, 7, N½SW¼NE¼.
T. 9 S., R. 3 W.,

Sec. 5, MS 5448, MS 37, MS 38, MS 39, MS 40, MS 41, MS 43, MS 44;
Sec. 8, MS 6197, MS 5603, MS 4567, MS 5602, MS 5604;
Sec. 9, MS 5568, MS 5569, MS 6194.
T. 10 N., R. 17 W.,
Sec. 3, lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, lot 4, SW¼NW¼;
Sec. 9, All;
Sec. 11, All;
Sec. 15, All;
Sec. 17, All;
Sec. 19, lots 1, 2, 3, 4, E½, E½W½;
Sec. 22, W½NW¼;
Sec. 21, All;
Sec. 23, All;
Sec. 27, All;
Sec. 29, All;
Sec. 31, lots 1, 2, 3, 4, E½, E½W½;
Sec. 33, All;
Sec. 34, E½SE;
Sec. 35, W½.
T. 10 N., R. 18 W.,
Sec. 13, All;
Sec. 25, All;
Sec. 35, All.
T. 10 S., R. 8 W.,
Sec. 27, MS 7228;
Sec. 34, MS 7228.
T. 11 N., R. 16 W.,
Sec. 30, NE¼.
T. 11 N., R. 17 W.,
Sec. 26, SE¼SE¼;
Sec. 27, All;
Sec. 35, All.
T. 12 N., R. 5 E.,
Sec. 13, Lot 2.
T. 12 N., R. 6 E.,
Sec. 7, SW¼SE¼;
Sec. 17, SE¼SW¼;
Sec. 19, NE¼, SE¼NW¼, NE¼SW¼.

Containing 12,732.00 acres

3. The United States received the surface estate of the following land:

Salt Lake Meridian

T. 10 N., R. 17 W.,
Sec. 10, All;
Sec. 14, All;
Sec. 18, lots 1, 2, 3, 4, E½, E½W½;
Sec. 20, W½,N½NE¼, SW¼NE¼, S½SE¼, NW¼SE¼;
Sec. 22, N½, S½SW¼, NE¼SW¼, SE¼;
Sec. 26, All;
Sec. 28, All;
Sec. 30, lots 1, 2, 3, 4, E½, E½W½;
Sec. 34, N½, SW¼, W½SE¼,
T. 11 N., R. 17 W.,
Sec. 26, S½N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 34, All.
T. 10 N., R. 18 W.,
Sec. 24, All.
T. 12 N., R. 6 E.,
Sec. 20, N½;
Sec. 21, N½NW¼, SW¼NW¼.

Containing 7,677.318 acres.

4. At 8 a.m., on January 11, 1996, the lands described in paragraphs 2 and 3 will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. on January 11, 1996, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. At 8:00 a.m., on January 11, 1996, in the lands described in paragraph 2 will be opened to location and entry under the general mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the lands described in paragraph 2 under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

6. The purpose of this exchange was to acquire non-federal lands that have high values for wildlife, livestock grazing, and recreational use. This exchange created a more logical and efficient land management pattern that will better serve the public's interest.

Teresa L. Catlin,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 95–25212 Filed 10–12–95; 8:45 am]

BILLING CODE 4310–DQ–M

Fish and Wildlife Service

Notice of Receipt of Applications for Approval

The following applicants have applied for approval to conduct certain activities with birds that are protected in accordance with the Wild Bird Conservation Act of 1992. This notice is provided pursuant to Section 112(4) of the Wild Bird Conservation Act of 1992, 50 CFR 15.26(c).

Applicant: Mark Schriver, Chesterfield, VA. The applicant wishes to establish a cooperative breeding program for the Saker falcon (*Falco cherrug*), Sooty falcon (*Falco concolor*), Red-headed falcon (*Falco chicquera*), Bonelli's eagle (*Hieraateus fasciatus*) and the Greater spotted eagle (*Aquila clanga*). Mr. Schriver wishes to be an active participant in this program with one other private individual. The Virginia Falconers' Association has assumed the responsibilty for the oversight of the program.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420C, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act,* by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420C, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: October 10, 1995.

Dr. Susan Lieberman,

Chief, Branch of Operations, Office of Management Authority.

[FR Doc. 95–25437 Filed 10–12–95; 8:45 am]

BILLING CODE 4310–55–P

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development (BIFAD); Notice of Meeting

Pursuant to the provision of the Federal Advisory Committee Act, notice is hereby given of the one hundred and nineteenth meeting of the Board for International Food and Agricultural Development (BIFAD), to be held on October 26, and 27, 1995 at the American Foreign Service Club, corner of 21st and E Street NW., Washington, DC 20523.

The purpose of the meeting is to discuss policy issues faced by the Agency in its development assistance programs in the area of food security.

BIFAD will meet from 9:00 a.m. to 5:00 p.m. in the Foreign Service Club on October 26th and 27th.

The meeting is open to the public. Any interested person may attend the meeting, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedure established by the Committee, and to the extent that time available for the meeting permits.

Mr. Tracy Atwood, Office of Agriculture and Food Security, Global

Bureau, is the designated AID Advisory Committee Representative at the meeting. It is suggested that those wanting further information write him in care of the Agency for International Development, Office of Agriculture and Food Security, SA–2, Room 401K, Washington, DC 20523–0214, or telephone him at (202) 663–2536.

Dated: October 5, 1995.

Tracy Atwood,

Division Chief, Food Policy Division, Center for Economic Growth, Bureau for Global Programs, Field Support and Research.

[FR Doc. 95–25349 Filed 10–12–95; 8:45 am]

BILLING CODE 6116–01–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32731]

Iowa Interstate Railroad, Ltd.—Lease and Operation Exemption—Norfolk and Western Railway Company

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 11343–45 the lease and operation by Iowa Interstate Railroad, Ltd., of Norfolk and Western Railway Company's 13.9-mile rail line between milepost DU–340.8, in Des Moines, IA, and the end of the line at milepost DU–354.7, in Grimes, IA, including the Clive Spur, in Polk County, IA, subject to standard employee protective conditions.

DATES: This exemption is effective on November 12, 1995. Petitions to stay must be filed by October 30, 1995. Petitions to reopen must be filed by November 7, 1995.

ADDRESSES: Send pleadings referring to Finance Docket No. 32731 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, DC 20423; (2) Robert J. Cooney, Norfolk Southern Corporation, 3 Commercial Place, Norfolk, VA 23510–2191; and (3) T. Scott Bannister, 405 6th Avenue, 1300 Des Moines Building, Des Moines, IA 50309.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927–5610. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC NEWS AND DATA, INC., Interstate Commerce Commission Building, 1201 Constitution Avenue, N.W., Room 2229, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Decided: September 29, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,

Secretary.

[FR Doc. 95–25273 Filed 10–12–95; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32765]

Portland & Western Railroad, Inc.—Trackage Rights Exemption—Burlington Northern Railroad Company

Burlington Northern Railroad Company (BN) has agreed to grant local trackage rights to Portland & Western Railroad, Inc. (PNWR), over five segments of rail line totaling approximately 52.94 miles entirely in Oregon, as follows: 1.96 miles between milepost 16.87 near Bowers Junction and milepost 18.83 near Bendemeer; 10.77 miles between milepost 17.07 at Bowers Junction and milepost 27.84 near Banks; 5.60 miles between milepost 4.68 near Hillsboro and milepost 10.28 near Forest Grove; 1.19 miles between milepost 25.52 near St. Marys Junction and milepost 26.71 near St. Marys; and 33.42 miles between milepost 31.28 near Greton and milepost 64.70 near Hopmere.[1] BN will also assign 4.2 miles of connecting, incidental, overhead trackage rights to PNWR over those lines of the Port of Tillamook Bay Railroad that connect to the BN lines, between milepost 770.5 near Schefflin and milepost 774.7 near Banks. The trackage rights became effective on September 29, 1995.[2]

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Eric M. Hocky, Gollatz, Griffin & Ewing, P.C., PO Box 796, 213 West Miner St., West Chester, PA 19381–0796.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: October 6, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–25454 Filed 10–12–95; 8:45 am]

BILLING CODE 7035–01–P

[1] PNWR states that the trackage rights are a temporary measure pending action on its petition for exemption to lease and operate that it filed under 49 U.S.C. 10505. *See Portland & Western Railroad, Inc.—Lease and Operation Exemption—Lines of Burlington Northern Railroad Company*, Finance Docket No. 32766.

[2] A petition to stay the effective date filed by John D. Fitzgerald, for and on behalf of the United Transportation Union, General Committee of Adjustment (UTU), was denied in a decision served September 29, 1995. UTU's petition to reject or revoke the class exemption as well as its separately filed appeal to the stay denial and its appeal of the permission granted PNWR to file a redacted copy of the trackage rights agreement will be resolved in a future decision.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 94–6]

Marta I. Blesa, M.D., Continuation of Registration

On October 14, 1993, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Snow Cause to Marta I. Blesa, M.D., (Respondent) of Temple City, California, notifying her of an opportunity to show cause as to why DEA should not revoke her DEA Certificate of Registration, AB8787799, and should not deny any pending application for renewal of her registration, under 21 U.S.C. 823(f) and 824(a)(4), as being inconsistent with the public interest. Specifically, the Order to Show Cause alleged that: (1) On at least five occasions in February and March 1991, the Respondent provided prescriptions for controlled substances to undercover agents without a legitimate medical purpose and not in the usual course of professional treatment; and (2) on March 13, 1992, in the Superior Court of California, County of Los Angeles, the Respondent pled *nolo contendere* to, and was convicted of, three felony counts of willfully and unlawfully issuing a prescription for a controlled substance without a legitimate medical need and not in the usual course of professional treatment in violation of California Health and Safety Code Section 11153. On November 4, 1993, the Respondent, through counsel, filed a timely request for a hearing, and following prehearing procedures, a hearing was held in Los

Angeles, California, on June 14 and 15, 1994, before Administrative Law Judge Mary Ellen Bittner. At the hearing both parties called witnesses to testify and introduced documentary evidence, and after the hearing, counsel for both sides submitted proposed findings of fact, conclusions of law and argument. On December 14, 1994, Judge Bittner issued her Opinion and Recommended Ruling, recommending that the Respondent's DEA registration not be revoked, subject to specified conditions. Neither party filed exceptions to her decision, and on January 17, 1995, Judge Bittner transmitted the record of these proceedings to the Deputy Administrator.

The Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts, in full, the Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision of the Administrative Law Judge, and his adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law.

The Deputy Administrator finds that a Special Agent of the California Department of Justice, Bureau of Narcotic Enforcement, as a result of information received from an informant, conducted an investigation of the Respondent. The informant told the Special Agent that he abused opiates, specifically Dilaudid, which is a Schedule II controlled substance, and that he was addicted to heroin. He also stated that he had obtained triplicate prescriptions from the Respondent using his own and several other names, and that he had paid the Respondent for these prescriptions. Judge Bittner noted that California law requires that prescriptions for most Schedule II controlled substances be written on triplicate forms. The Special Agent then contacted California's triplicate prescription database and obtained information showing that between July 1987b and April 1990, the Respondent had issued triplicate prescriptions in the names provided by the informant, for over 3,400 dosage units, the majority of which were for Dilaudid or Percodan, also a Schedule II controlled substance.

Next, the informant placed a recorded phone call to the Respondent's office on January 25, 1991, advised a member of the Respondent's staff that he wanted to purchase two triplicate prescriptions for two named individuals, neither of which was the informant, and that the informant would pick up the prescriptions later that day. In the presence of the Special Agent, the informant obtained four prescriptions that day in the name of the two previously identified individuals, and two of these prescriptions were for Dilaudid. The Special Agent testified that about $96 was paid for these prescriptions. On January 29, 1991, February 5, 1991, March 4, 1991, March 8, 1991, March 22, 1991, and March 27, 1991, the Special Agent either observed the informant pay for and receive triplicate prescriptions for controlled substances in the name of other individuals, or he actually paid for and received triplicate prescriptions for controlled substances for himself or on behalf of other named individuals, all issued by the Respondent. The prescriptions were for various drugs containing controlled substances, to include Dilaudid, Percodan, Valium, a Schedule IV controlled substance, and Tylenol No. 4 which contains codeine, a Schedule III controlled substance. At all times, neither the informant nor the Special Agent complained, of presented symptoms for, a medical condition.

On May 8, 1991, the Special Agent served a search warrant at the Respondent's office and obtained a number of patients' records. He then forwarded those records to Dr. Escondon, who reviewed them, the Special Agent's reports of his undercover visits, and transcripts of his conversations with the Respondent. By letter dated July 16, 1991, Dr. Escondon advised the Special Agent that in his opinion none of the prescriptions reviewed were for legitimate medical purposes, that the Respondent knowingly wrote prescriptions for fictitious individuals, that the patient records indicated that the Respondent had failed to take adequate medical histories or perform appropriate physical examinations, and that she did not attempt to determine the etiology of the patients' conditions. He also wrote that in his opinion the Respondent was aware that the drugs she prescribed were not being used for legitimate medical reasons. This letter was made part of the record over the Respondent's objection and was considered by the Deputy Administrator with the Judge's noted caveat that Dr. Escondon's only qualification of record was his M.D. degree.

On May 3, 1991, a complaint was issued based upon the prescriptions the Respondent had issued to the Special Agent, charging her with ten felony counts of unlawful prescribing in violation of Section 11153 of California's Health and Safety Code. In March 1992, the Respondent entered a plea of *nolo contendere,* and, among other things, she was sentenced to surrender her triplicate prescription blanks.

At the hearing before Judge Bittner, the Respondent testified about her professional credentials and about her family, to include two young daughters. She also testified concerning specific instances in which the informant, a man over six feet tall, had intimidated her by harassing and threatening her and her family. She testified that there was no police department in Temple City, but that she had talked to someone at the Sheriff's Department on two occasions, and on both occasions she had not received any assistance. She also testified that in September 1989 her home had been burglarized, that the police had told her that the burglary was drug-related, but that there was no proof that the informant had been involved. The Respondent testified that in late 1988 or in early 1989, she believed that the informant was armed with an Army knife, and she was afraid he might kill someone to obtain the prescriptions. However, the Respondent stated that in 1990 she stopped issuing triplicate prescriptions to the informant.

The Respondent also testified that, prior to issuing the informant triplicate prescriptions for Dilaudid, she had never prescribed Dilaudid to any other patient, and that in total she had issued triplicate prescriptions no more than two or three times to two patients, both of whom had cancer. However, the Respondent testified that she did not think her triplicate prescription practices pertaining to the informant and others associated with the informant were appropriate, and that in order to prevent further situations such as those involving the informant, she had undergone therapy and had taken seminars about issuing prescriptions and medications. Respondent testified that she was shy, but that her experience with the informant and resulting therapy made her confident that such a situation would not happen again. She emphasized that she knew the correct procedures to use to issue triplicate prescriptions.

The record also contains testimony from the Respondent's staff and patients, corroborating the Respondent's description of the informant's intimidating and harassing manner in his treatment of her, her staff members, and patients. These witnesses provided descriptions of specific instances of the informant's aggressive and threatening behavior, to include staff members' testimony about waiting after work to go to their cars together if the informant

was in the vicinity, because they were afraid of him. The Respondent's office manager testified about letters the Respondent gave or mailed to the informant, advising him that she would no longer issue prescriptions to him and that he should consult another physician for treatment. However, she testified that, unlike other patients Respondent so advised, the informant merely ignored the letters.

The record also contains testimony from the Respondent's colleagues who had covered the Respondent's practice in her absence. One colleague testified that she had had a threatening confrontation with the informant after he had followed her to her home. This colleague further testified about the Respondent's practice, and gave her opinion that the Respondent was a competent doctor. Another colleague also testified about the Respondent's practice, having had first-hand experience in covering for the Respondent in her absence, and he gave his opinion that the Respondent was conscientious in prescribing controlled substances. Finally, the Respondent introduced into evidence approximately fifty letters from colleagues, patients, friends, and acquaintances attesting to her abilities as a physician and the contribution her medical practice made to the community.

Pursuant to 21 U.S.C. 823(f) and 824(a)(4), the Deputy Administrator may revoke a DEA Certificate of Registration and deny any application for such registration, if he determines that the continued registration would be inconsistent with the public interest. Section 823(f) requires that the following factors be considered:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health or safety.

These factors are to be considered in the disjunctive; the Deputy Administrator may rely on any one or a combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration denied. See *Henry J. Schwarz, Jr., M.D.*, Docket No. 88–42, 54 FR 16422 (1989).

In this case, factors two, three, and four are relevant in determining whether the Respondent's continued DEA registration would be inconsistent with the public interest. First, the record clearly establishes that part of the Respondent's experience in dispensing controlled substances includes dispensing such substances on numerous occasions between 1987 and 1990 to the informant and his associates without legitimate medical purpose and not in the usual course of professional treatment. The lack of adequate treatment record documentation of clinical justification for continued dispensing of controlled substances over a long period of time in individual patient treatment plans, the issuing of prescriptions without medical examination, and the knowing issuance of prescriptions for fictitious individuals are documented examples of Respondent's experience in dispensing controlled substances. Further, the record also establishes that, during January through March 1991, the Respondent had dispensed controlled substances to a Special Agent on several occasions, again without legitimate medical purpose or in the usual course of professional treatment. However, the Respondent testified that prior to issuing prescriptions to the informant and his associates, she had never prescribed Dilaudid, and in fact had only issued triplicate prescriptions on no more than two or three occasions. These acts relate to factor two, demonstrating the Respondent's experience in dispensing controlled substances.

As to factor three, the Respondent's plea of *nolo contendere* and resulting conviction on three counts of willfully and unlawfully issuing a prescription for a controlled substance in violation of California Health and Safety Code Section 11153, establishes a basis for revoking the Respondent's registration by demonstrating her inability to comply with state laws relating to the distribution of controlled substances. See, *e.g., Noell v. Bensinger*, 586 F.2d 554, 557 (5th Cir. 1978) (holding that a federal conviction based on a plea of *nolo contendere* was a sufficient basis for revocation of a DEA certificate of registration).

Finally, the Respondent's conduct in dispensing controlled substances to the informant, his associates, and the Special Agent without legitimate medical purpose establishes that the Respondent did not issue triplicate prescriptions in compliance with applicable State law, and did not dispense controlled substances in compliance with Federal law. This conduct is clearly relevant as to factor four.

The record contains other evidence which does not justify the Respondent's misconduct, but is appropriately considered in determining the public interest. Specifically, the Respondent acknowledged that her conduct in response to the informant's demands was inappropriate, and that she had taken corrective action in seeking therapy and professional training about dispensing controlled substances. Further, the record contains multiple letters recording observations of her colleagues and patients as to the nature of her practice, her professional level of medical competency, and her high level of ethical and moral conduct. Also evidence of the extremely intimidating nature of the informant and corroborated instances of threatening conduct provides additional factors which do not justify the Respondent's acts, but impact upon an analysis of the Respondent's conduct. Finally, testimony given which described the medical services provided by the Respondent to her community impacts upon the need for her continued medical contributions to that community. Therefore, the Deputy Administrator finds that the public interest is best served by not revoking the Respondent's registration under 21 U.S.C. 823(f) and 824(a)(4) subject to the following restrictions: (1) The Respondent shall not dispense directly or administer any controlled substance except in a hospital setting; (2) the Respondent shall not issue prescriptions for any Schedule II controlled substances unless another physician has reviewed the patient record and concurs that the prescription is medically necessary; (3) the Respondent shall transmit quarterly to the Special Agent in Charge of DEA's Los Angeles Field Division or his designee a list of all controlled substance prescriptions she has issued; and (4) the Respondent shall consent to inspections of her registered premises pursuant to notices of inspection as described in 21 U.S.C. 880. These restrictions shall remain in place for three years beginning on the date of this order.

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 21 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, AB8787799, issued to Marta I. Blesa, M.D., be, and it hereby is, continued subject to the conditions enumerated above. This order is effective November 13, 1995.

Dated: October 6, 1995.
Stephen H. Greene,
Deputy Administrator.
[FR Doc. 95–25339 Filed 10–12–95; 8:45 am]
BILLING CODE 4410–09–M

National Institute of Justice

[OJP (NIJ) No.1067]

RIN 1121–ZA26

National Institute of Justice Solicitation for the Drug Court Research and Evaluation Program

AGENCY: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

ACTION: Announcement of the availability of the National Institute of Justice ''Solicitation for the Drug Court Research and Evaluation Program.''

ADDRESSES: National Institute of Justice, 633 Indiana Avenue, NW., Washington, DC 20531.

DATES: The deadline for receipt of proposals is close of business on November 30, 1995.

FOR FURTHER INFORMATION: Call the National Criminal Justice Reference Service (NCJRS) at 1–800–851–3420 to obtain a copy of NIJ's ''Solicitation for the Drug Court Research and Evaluation Program.''

SUPPLEMENTARY INFORMATION: The following supplementary information is provided:

Authority

This action is authorized under the Omnibus Crime Control and Safe Streets Act of 1968, §§ 201–03, as amended, 42 U.S.C. 3721–23 (1988).

Background

The National Institute of Justice is soliciting proposals to evaluate drug court programs funded by the Crime Act of 1994. Interested organizations should call the National Criminal Justice Reference Service (NCJRS) at 1–800–851–3420 to obtain a copy of the ''Solicitation for the Drug Court Research and Evaluation Program'' (refer to document no. SL000–126). The solicitation is available electronically via the NCJRS Bulletin Board, which can be accessed via Internet. Telnet to ncjrsbbs.aspensys.com, or gopher to ncjrs.aspensys.com 71. Those without Internet access can dial the NCJRS Bulletin Board via modem: dial 301–738–8895. Set modem at 9600 baud, 8–N–1.

Jeremy Travis,
Director, National Institute of Justice.
[FR Doc. 95–25335 Filed 10–12–95; 8:45 am]
BILLING CODE 4410–18–P

[OJP (NIJ) No.1061]

RIN 1121–ZA23

Deadline Extension for the National Institute of Justice ''Solicitation for the Operation of the National Law Enforcement and Corrections Technology Center''

AGENCY: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

ACTION: Extension of the deadline for proposals responding to the National Institute of Justice's ''Solicitation for the Operation of the National Law Enforcement and Corrections Technology Center.''

ADDRESSES: National Institute of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20531.

DATES: The revised deadline for receipt of proposals is close of business on October 27, 1995.

FOR FURTHER INFORMATION CONTACT: Kevin Jackson, National Institute of Justice, at (202) 307–2956

SUPPLEMENTARY INFORMATION: The following supplementary information is provided:

Authority

This action is authorized under the Omnibus Crime Control and Safe Streets Act of 1968, §§ 201–03, as amended, 42 U.S.C. 3721–23 (1988).

Background

The purpose of this solicitation is to support the continued operation of the National Institute of Justice's National Law Enforcement and Corrections Technology Center. This Center was established to coordinate and support the identification, development, and application of technology and information to meet the needs of criminal justice. This solicitation applies solely to the operation of the National Law Enforcement and Corrections Technology Center, and does not include the operation of any of the regional centers, the Border Research and Technology Center, the Office of Law Enforcement Commercialization, or the Office of Law Enforcement Standards. For a copy of the solicitation, call Kevin Jackson at the National Institute of Justice, 202–307–2956.

Jeremy Travis,
Director, National Institute of Justice.
[FR Doc. 95–25336 Filed 10–12–95; 8:45 am]
BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment Standards Administration

Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and 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 number of the decisions added to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and related Acts'' are listed by Volume and State:

Volume II

Maryland
MD950056 (Oct. 13, 1995)
MD950057 (Oct. 13, 1995)

Withdrawn General Wage Determination Decisions

This is to advise all interested parties that the Department of Labor is withdrawing, from the date of this notice, General Wage Determination Nos. ME95–38 dated June 23, 1995 and MI95–47 dated Feb. 10, 1995.

Agencies with construction projects pending, to which this wage decision would have been applicable, should utilize the project determination procedure by submitting a SF–308. Contracts for which bids have been opened shall not be affected by this notice. Also, consistent with 29 CFR 1.6(c)(2)(i)(A), when the opening of bids is less than ten (10) days from the date of this notice, this action shall be effective unless the agency finds that there is insufficient time to notify bidders of the change and the finding is documented in the contract file.

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the Federal Register are in parentheses following the decisions being modified.

Volume I

Maine
ME950037 (Feb. 10, 1995)
New York
NY950005 (Feb. 10, 1995)
NY950009 (Feb. 10, 1995)
NY950011 (Feb. 10, 1995)
NY950031 (Feb. 10, 1995)
NY950032 (Feb. 10, 1995)
NY950034 (Feb. 10, 1995)
NY950040 (Feb. 10, 1995)
NY950043 (Feb. 10, 1995)

Volume II

Maryland
MD950048 (Feb. 10, 1995)
Pennsylvania
PA950040 (Feb. 10, 1995)
PA950042 (Feb. 10, 1995)

Volume III

Florida
FL950011 (Feb. 10, 1995)
FL950017 (Feb. 10, 1995)
FL950032 (Feb. 10, 1995)
FL950095 (Feb. 10, 1995)

Volume IV

Indiana
IN950002 (Feb. 10, 1995)
IN950004 (Feb. 10, 1995)
IN950006 (Feb. 10, 1995)
Minnesota
MN950005 (Feb. 10, 1995)
MN950007 (Feb. 10, 1995)
MN950008 (Feb. 10, 1995)
MN950012 (Feb. 10, 1995)
MN950015 (Feb. 10, 1995)
MN950027 (Feb. 10, 1995)
MN950031 (Feb. 10, 1995)
MN950035 (Feb. 10, 1995)
MN950039 (Feb. 10, 1995)
MN950058 (Feb. 10, 1995)
MN950059 (Feb. 10, 1995)
MN950061 (Feb. 10, 1995)
Wisconsin
WI950003 (Feb. 10, 1995)
WI950004 (Feb. 10, 1995)
WI950006 (Feb. 10, 1995)
WI950007 (Feb. 10, 1995)
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WI950030 (Feb. 10, 1995)
WI950031 (Feb. 10, 1995)
WI950033 (Feb. 10, 1995)
WI950034 (Feb. 10, 1995)
WI950035 (Feb. 10, 1995)
WI950041 (Feb. 10, 1995)

Volume V

Iowa
IA950004 (Feb. 10, 1995)
IA950006 (Feb. 10, 1995)
IA950016 (Feb. 10, 1995)
Lousiana
LA950004 (Feb. 10, 1995)
LA950005 (Feb. 10, 1995)
LA950009 (Feb. 10, 1995)
LA950015 (Feb. 10, 1995)
LA950018 (Feb. 10, 1995)
Nebraska
NE950001 (Feb. 10, 1995)
NE950003 (Feb. 10, 1995)
NE950009 (Feb. 10, 1995)
NE950010 (Feb. 10, 1995)
NE950011 (Feb. 10, 1995)
NE950058 (Feb. 10, 1995)
NE950059 (Apr. 28, 1995)
New Mexico
NM950005 (Feb. 10, 1995)
Oklahoma
OK950013 (Feb. 10, 1995)
Texas
TX950002 (Feb. 10, 1995)
TX950004 (Feb. 10, 1995)
TX950005 (Feb. 10, 1995)
TX950007 (Feb. 10, 1995)
TX950010 (Feb. 10, 1995)
TX950014 (Feb. 10, 1995)
TX950033 (Feb. 10, 1995)
TX950034 (Feb. 10, 1995)
TX950037 (Feb. 10, 1995)
TX950054 (Feb. 10, 1995)

Volume VI

Colorado
CO950030 (Feb. 10, 1995)
Montana
MT950001 (Feb. 10, 1995)
MT950003 (Feb. 10, 1995)
MT950004 (Feb. 10, 1995)
MT950005 (Feb. 10, 1995)
MT950006 (Feb. 10, 1995)
MT950007 (Feb. 10, 1995)
MT950008 (Feb. 10, 1995)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487–4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy 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 includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, DC this 6th day of October 1995.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 95–25260 Filed 10–12–95; 8:45 am]

BILLING CODE 4510–27–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Joint Meeting of the Subcommittees on Individual Plant Examinations/Probabilistic Risk Assessment; Notice of Meeting

The ACRS Subcommittees on Individual Plant Examinations (IPEs) and on Probabilistic Risk Assessment (PRA) will hold a joint meeting on October 26 and 27, 1995, in the Commission Hearing Room (first floor of OWFN), 11555 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, October 26, 1995—8:30 a.m. until the conclusion of business

Friday, October 27, 1995—8:30 a.m. until the conclusion of business

The Subcommittees will discuss topics related to Risk Based Regulatory Applications (RBRA), including identification of the regulatory issues that are currently amenable to risk based regulatory approach, the adequacy of IPEs and IPEEEs for risk based regulatory applications. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittees, their consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting the cognizant ACRS staff engineer, Dr. Medhat El-Zeftawy (telephone 301/415–6889) between 7:30 a.m. and 4:15 p.m. (est). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes in the proposed agenda, etc., that may have occurred.

Dated: October 5, 1995.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 95–25395 Filed 10–12–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–245]

Northeast Nuclear Energy Company; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Northeast Nuclear Energy Company (the licensee) to withdraw its May 26, 1995, application for proposed amendment to Facility Operating License No. DPR–21 for Millstone Nuclear Power Station, Unit 1, located in New London County, Connecticut.

The proposed amendment would have deleted the existing limiting conditions for operation (LCOs) and surveillance requirements and added new LCOs, surveillance requirements, and bases for loss of normal power instrumentation.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the Federal Register on June 21, 1995, (60 FR 32371). However, by letter dated October 3, 1995, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated May 26, 1995, and the licensee's letter dated October 3, 1995, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Learning Resource Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, CT 06360.

Dated at Rockville, Maryland, this 5th day of October, 1995.

For the Nuclear Regulatory Commission.

James W. Andersen,

Project Manager, Project Directorate I–3, Division of Reactor Projects–I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–25396 Filed 10–12–95; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 50–397]

Washington Public Power Supply System; WPPSS Nuclear Project No. 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to technical specifications (TSs) for Facility Operating License No. NPF–21,

issued to Washington Public Power Supply System (WPPSS, or the licensee) for operation of the WPPSS Nuclear Project No. 2, located in Benton County, Washington.

Environmental Assessment

Identification of the Proposed Action

The proposed action would modify the Index of the WNP–2 Technical Specifications (TS) to remove reference to the TS Bases pages.

The proposed action is in accordance with the licensee's application for amendment dated June 6, 1995.

The Need for the Proposed Action

The proposed action deletes reference to the TS Bases pages and is in accordance with 10 CFR 50.36(a), which indicates that the Bases shall not become a part of the TS.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the modification to the Index of the WNP–2 TS is administrative in nature.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. 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 WNP–2.

Agencies and Persons Consulted

In accordance with its stated policy, on October 5, 1995, the staff consulted with the Washington State official, Mr. R. R. Cowley of the Department of Health, State of Washington Energy Facility Site Evaluation Council, 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 June 6, 1995, 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 Richland Public Library, 955 Northgate Street, Richland, Washington 99352.

Dated at Rockville, Maryland, this 6th day of October 1995.

For the Nuclear Regulatory Commission.

Kristine M. Thomas,

Acting Project Manager, Project Directorate IV–2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–25397 Filed 10–12–95; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–36331; File No. SR–CBOE–95–49]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to Telephones on the Floor of the Exchange

October 3, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on August 25, 1995, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE has adopted a Regulatory Circular governing the use of member-owned or Exchange-owned telephones located at the trading post where options on the Standard & Poor's 100 Stock Index (''OEX Options'') are traded, and has determined to file this Circular as a proposed rule change pursuant to Section 19(b)(2) of the Act.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the Regulatory Circular is to permit telephones located at the OEX trading post on the floor of the Exchange to provide members and clerks with access to outside lines for outgoing calls, subject to the conditions set forth in the Circular. With the exception of the prohibition on the use of telephones at the OEX trading post to receive incoming calls, these conditions are the same as those previously approved by the Commission governing the use of telephones at the equity option trading posts on the floor of the CBOE.[2]

Exchange Rule 6.23 prohibits members from establishing or maintaining any telephone or other wire communications between their offices and the Exchange floor without prior approval by the Exchange, and it

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] *See* Securities Exchange Act Release No. 33701 (March 2, 1994), 59 FR 11336.

authorizes the Exchange to direct the discontinuance of any communication facility terminating on the Exchange floor. Pursuant to this rule, the Exchange adopted the Regulatory Circular to permit the installation of outside telephone lines at the OEX trading post, and to adopt conditions governing their use. The Exchange believes that the installation of outside telephone lines at the OEX trading post, subject to the conditions set forth in the Regulatory Circular, will allow members in the OEX trading crowd to communicate more effectively and efficiently with persons located off the floor, which in turn will improve the efficiency of the OEX market and provide better execution of options orders to the benefit of investors.

The proposed rule change also imposes user fees on members who are approved to use Exchange-installed telephones located at the OEX trading post. These fees are adopted pursuant to Exchange Rule 2.22, which permits the Exchange to impose fees on members for the use of Exchange facilities or for any services or privileges granted by the Exchange.

The conditions imposed by the Regulatory Circular on the use of telephones at the OEX trading post are as follows:

1. The telephones may not be used to receive orders, but may be used to provide quotes that have been publicly disseminated pursuant to Rule 6.43.

2. Members may give their clerks their PIN access code. Although both members and clerks may use the telephones, members will have priority. Each member will be responsible for all calls made using that member's PIN access code.

3. Headsets will not be permitted on the telephones in the post pit. Portable or cellular phones also will not be permitted.

4. Clerks will not be permitted to establish a base of operation utilizing telephones at the OEX post.

5. Members and their clerks using the telephones are required to consent to recording of conversations on telephones at the OEX post.

6. The telephones are to be used for voice service only. Data services (PC's, fax, etc.) will remain subject to Exchange consent under a separate program.

7. Only outgoing calls may be made on the telephones; incoming calls are not permitted.

The Exchange intends to enforce these conditions as rules of the Exchange, and has advised members that violations may lead to formal disciplinary proceedings.

By restricting floor telephones at the OEX post to hardwired devices only and not allowing cellular, portable, or headset telephones, the Exchange believes it will better be able to monitor and control telephone usage at the trading post, and minimize disruption of trading at the post. In addition, currently available technology would not permit a large number of portable or cellular telephones to be used in the environment of the trading floor without significant deterioration or interruption of service.

The Exchange has determined that telephones at the OEX trading post should be limited to outgoing calls only and should not be used to receive customer orders until further consideration can be given to relevant regulatory issues, including how to provide customers with access to the trading floor on a fair and non-discriminatory basis, how to assure that persons on the floor are qualified to receive orders directly from customers, and how to surveil order-taking activity conducted over floor telephones. The Exchange intends to consider these issues in the near future, and depending on its conclusions, the Exchange may determine to revise or eliminate these conditions pursuant to a subsequent rule filing under Section 19(b) of the Act.

As with the use of telephones at the equity trading posts, the Exchange intends to police compliance with the conditions applicable to the use of telephones at the OEX post by means of customary floor surveillance procedures, including reliance on surveillance procedures, including reliance on surveillance by Floor Officials and Exchange employees.

Because there are no restrictions on where a member may place an outgoing call, telephones at the OEX trading post may be used to place orders in equity or futures markets.[3] To the extent that this might raise concerns over the possibility of misuse of non-public information available at the OEX trading post, it should be noted that the S&P 100 Index, on which OEX options are based, is a capitalization-weighted index of 100 different blue chip stocks. The fact that the value of OEX options is derived from the value of these stocks, combined with the large number of stocks included in the index, suggests that the type of information that may be available at the OEX trading post is not likely to be significant in predicting future changes in the index. In any event, the Exchange believes that the surveillance procedures it has in place will detect and deter any attempts at misuse of non-public information related to OEX options. The Exchange shares surveillance information through the Intermarket Surveillance Group (''ISG'') with other stock and options markets, and also has in place a surveillance sharing agreement with the Chicago Mercantile Exchange, which provides a market in futures on the S&P 500 Index.[4]

The proposed fees for the use of the telephones will generally be the same as those charged for the use of telephones at the equity trading posts. Specifically, local calls over Exchange telephones will be charged at 10 cents per minute. Long distance calls over Exchange telephones will be charged at a rate 25% greater than the Exchange's direct costs. In addition, the Exchange will charge a $5 monthly fee for the use of the phones.

The Exchange believes that its proposal is consistent with and furthers the objectives of Section 6(b)(5) of the Act in that it is designed to improve communications between the Exchange's trading floor and off-floor locations in a manner that promotes just and equitable principles of trade, prevents fraudulent and manipulative acts and practices, fosters cooperation and coordination with persons engaging in facilitating transactions in securities, and removes impediments to and perfects the mechanism of a free and open market and national market system.

In addition, the Exchange believes that the proposed rule change with respect to the fees is consistent with Section 6(b)(4) of the Act in that it is designed to provide for the equitable allocation of reasonable dues, fees, and charges among CBOE members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

CBOE believes that the Regulatory Circular's prohibition on the use of headsets and portable and cellular telephones and its prohibition on the

[3] The telephone policy also allows members to use the floor telephones for the purpose of providing quotations on OEX options. In using the telephones for this purpose, members may only provide quotations that have been publicly disseminated pursuant to CBOE Rule 6.43.

[4] SG was formed on July 14, 1983 to, among other things, coordinate more effectively surveillance and investigate information sharing arrangements in the stock and options market. Because of potential opportunities for trading abuses involving stock index futures, stock options, and the underlying stocks and the need for greater sharing of surveillance information for these potential intermarket trading abuses, the Chicago Mercantile Exchange and the Chicago Board of Trade joined the ISG as affiliate members in 1990. *See* Intermarket Surveillance Group Agreement, July 14, 1983.

use of telephones to receive incoming calls or to receive orders do not have any anti-competitive effects that are not justified by legitimate regulatory concerns. All members at the OEX trading post will have the same access to telephone communications. This is likely to minimize existing differences among floor members in terms of their ability to communicate with off-floor locations. While some persons off the floor might be competitively advantaged if they were able to place calls directly to the OEX trading post and to place orders directly with members at the post, since most investors would not be able to do this even if it were permitted, there could be questions of unfair competition in the absence of the restrictions that are embodied in the Regulatory Circular. Further, before off-floor customers are permitted to place orders directly with floor members, the Exchange must give further consideration to regulatory concerns, including the possible misuse of non-public information, the need to assure compliance with rules designed to assure the qualifications of members who accept orders directly from public customers, and how to provide audit-trail surveillance over this activity. Until these concerns have been addressed, the Exchange believes that it is justified in limiting the use of telephones at the OEX post as provided in the Regulatory Circular.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory. All submissions should refer to File No. SR–CBOE–95–49 and should be submitted by November 3, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. 95–25368 Filed 10–12–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–36332; File No. SR-CBOE–95–48]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto by the Chicago Board Options Exchange, Inc., Relating to the Use of Proprietary Brokerage Order Routing Terminals on the Floor of the Exchange

October 4, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on August 25, 1995, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. On October 3, 1995, the Exchange filed Amendment No. 1 to the proposed rule change.[2] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to adopt a policy pursuant to its Rule 6.23.[3] Under the proposed policy, no member will be permitted to establish, maintain or use on the floor of the Exchange any proprietary brokerage order routing terminal and its related system (''Terminal'') without the written approval of the Exchange. No Terminal will be approved unless and until the member who proposes to establish it on the floor of the Exchange has filed with the Exchange an ''Application & Agreement for Brokerage/Order Routing Terminals in Trading Crowds'' (''Application Agreement''), and, until further action of the Board of Directors of the Exchange, Terminals will be approved solely for the use in the crowd trading S&P 500 Index options (''SPX options'') for the routing of orders in SPX options.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

A firm that has applied and been approved for membership on the Exchange (but which has not yet completed the process of becoming an effective member)[4] has sought Exchange

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[5] 17 CFR 200.30–3(a)(12) (1994).

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] In Amendment No. 1, the CBOE states that Section II.C. of Exhibit 1 to its Form 19b–4 filing incorporates by reference the language from Section 5 of its Form 19b–4 filing (''Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others''). Letter from Burton R. Rissman, Schiff Hardin & Waite, to Francois Mazur, Attorney, Office of Market Supervision, Division of Market Regulation, Commission, dated October 3, 1995 (''Amendment No. 1'').

[3] The proposed policy was submitted to the Commission as Exhibit A to the filing and is available from the Commission at the address provided in Part IV of this notice, as well as at the principal office of the CBOE.

[4] Pursuant to an extension granted by the membership committee, the firm may become an effective member at any time on or prior to

approval to establish and use a Terminal in the SPX options crowd. The Terminal proposed to be used by the firm would be a wireless, hand-held device designed to receive orders entered by the firm or its customers from off the floor. Use of the Terminal would thus permit the firm and its customers to transmit orders electronically directly to one or more of its floor brokers on the floor of the Exchange, including to a broker who is in the trading crowd. The firm's application for use of a Terminal, which is the only such application that has been received to date by the Exchange, has raised a number of issues that the Exchange has determined to resolve as a matter of policy that will be applicable to all members.

On the one hand, the use of Terminals may facilitate the transmission of brokerage orders to the floor of the Exchange, and, if Terminals are successful, they may attract new customers to the Exchange's market and provide competitive advantages to the firms which develop and use them. On the other hand, the proposed Terminals raise a number of important concerns that must be addressed before their use can be approved. The purpose of the proposed rule change is to allow Terminals to be introduced under conditions designed to address the Exchange's concerns, and to allow a determination whether Terminals lead to any unforeseen consequences. The following is a discussion of those concerns and the manner in which they are dealt with by the proposed rule change.

(a) Surveillance, Audit Trails and Compliance

The use of Terminals must be subject to adequate inspection and audit by the Exchange. Moreover, the use of the Terminals must comply with all applicable regulatory requirements.

Paragraph D of the Application Agreement requires an applicant to agree that the use of its Terminal will conform to all applicable laws, the rules, policies and procedures of the Commission and the Exchange, and the provisions of the Application Agreement. Paragraph F of the Application Agreement requires the applicant to agree that the operation and use of all aspects of its Terminal and all orders entered through the Terminal will be subject to inspection and audit by the Exchange at any time upon reasonable notice. It also requires the applicant to furnish the Exchange with such information as the Exchange may request concerning the Terminal.

(b) Physical, Electrical and Communication Requirements

The space and frequency transmission capacity available on the floor of the Exchange must be fairly allocated among members and other Exchange uses, and the Terminals must be regulated to assure that they do not interfere with other uses. Moreover, although the Exchange will not immediately require the Terminals to interface with other Exchange systems (such as the Exchange trade match and price reporting systems), the Exchange reserves the authority to require such interfaces.

The Application Agreement requires the applicant to specify the necessary physical, electrical and communication requirements of its proposed Terminal and to describe its Terminal system in detail. Paragraph H of the Application Agreement requires the applicant to coordinate the installation, maintenance and use of the Terminal on the trading floor through the Exchange's Telecommunications Department, and Paragraph K permits the Exchange to reallocate the space allocated to the applicant's Terminal. These requirements will allow the Exchange to take into consideration the needs of all members in the allocation of limited space and communication resources and to assure that Terminals do not interfere with one another or with other Exchange systems. In addition, Paragraph K of the Application Agreement expressly acknowledges the authority of the Exchange to require the interface of Terminals with other Exchange systems.

(c) Market-Making Restriction

As a result of the speed with which non-members will be able to transmit orders through a Terminal directly to the point of their trade on the Exchange floor, it may be possible for persons who are not subject to Exchange regulation to perform marketmaking functions from off the floor of the Exchange without being burdened by the cost of maintaining Exchange memberships, or by the obligations imposed on Exchange market makers, including the obligations to trade in the manner prescribed by Exchange Rule 8.7, to respond to calls of Order Book Officials pursuant to Exchange Rule 7.5, and to trade at quotes displayed in the market maker's crowd as required as Exchange Rule 8.51, as well as other obligations, limitations and regulations imposed on Exchange market makers by the Exchange's rules. The Exchange is concerned that if Terminals can be used to perform market making functions from off the floor of the Exchange, it may become undesirable for Exchange market makers to continue to assume the costs and obligations attendant to being a registered market maker, which, in turn, would harm the liquidity and quality of the Exchange's market and be detrimental to the substantial majority of public investors.

Nevertheless, the purpose of the proposed Terminals is to facilitate the transmission of customer orders to the floor of the Exchange. It is not to permit, whether by design or by accident, the creation of a market-making system for Exchange transactions that will serve as an alternative to the system established under the Exchange's rules.

Accordingly, Paragraph C of the Application Agreement requires the applicant to agree that its Terminal will be used to receive brokerage orders only, that it will not be used to perform a market-making function, and that the Terminal system will be separate from any system which the applicant or an associated person of the applicant may use for market making.

(d) Misuse of Information

The Exchange is concerned that knowledge of the information transmitted through a Terminal system could be misused before that information is disclosed to the trading crowd.[5] One concern is that the information in an order would not be known to the trading crowd until the applicant or one of its associated persons had interacted with that order—in effect internalizing it—which would be inconsistent with the open auction market principles governing the Exchange's trading system. A second concern is that knowledge of the order information in the system could give the applicant or its associated persons the ability to effect transactions or to change quotes in the Exchange's market or in the markets for the underlying interest or related interests before the information was available in the market.

Accordingly, Paragraph E of the Application Agreement requires the applicant to agree that neither it nor its

December 19, 1995. Telephone Conversation between Michael L. Meyer, Schiff Hardin & Waite, and Francois Mazur, Attorney, Office of Market Supervision, Division of Market Regulation, Commission, on September 27, 1995.

[5] The Exchange believes that it would be inconsistent with just and equitable principles of trade for a member or its associated persons to use, or to permit the use of, information in a customer's order prior to the disclosure of that information to the market, except if such use is in accordance with the instructions of the customer and is consistent with Exchange rules. Telephone Conversation between Burton R. Rissman, Schiff Hardin & Waite, and Francois Mazur, Attorney, Office of Market Supervision, Division of Market Regulation, Commission, on October 3, 1995.

associated persons (as defined in the Application Agreement) will trade with others transmitted through the Terminal. There are two exceptions to this restriction. First, the applicant or an associated person will be able to trade with an order in the Terminal system if no one wishes to trade with it. Second, the applicant and its associated persons will be able, if they so desire, to participate in the order on the same basis that other market makers who do not have priority participate. Paragraph E also prohibits the applicant and its restricted persons from using for their own benefit any information contained in any order in the Terminal system until that information has been disclosed to the trading crowd.

Initially, the Exchange will limit the use of Terminals to the SPX options trading crowd for routing of orders in SPX options. This limitation will give the Exchange the opportunity to observe how the Terminals are being used in a crowd which is active enough to bring to light any unforeseen problems and to gain experience with the use of Terminals in that trading crowd before the Exchange implements the policy floor-wide.[6]

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Sections 6(b)(1) and 6(b)(5) of the Act, in particular, in that the proposal is designed to improve communications to and from the Exchange's trading floor in a manner that gives the Exchange necessary monitoring tools and that is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, perfect the mechanisms of a free and open market, and protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any inappropriate burden on competition. To the contrary, the Exchange believes that the proposed rule change will promote competition among brokers by encouraging the development and use of new systems designed to facilitate the execution of customer orders, while preserving the benefits of the auction market for all customers. The proposed rule change does place conditions on the use of the proposed Terminals, but the Exchange believes those conditions are reasonably necessary and appropriate for the protection of investors and in furtherance of the other purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received. In a collateral document addressed to the Exchange after the proposed policy was adopted, counsel for the firm referred to above which seeks to establish a Terminal on the Exchange floor stated that the conditions imposed by the Application Agreement were ''unauthorized restrictions'' and then stated:

> In particular, paragraph C of the [Application] Agreement limits the use of the terminals to certain kinds of orders, namely, ones that ''do not create a pattern of offering in the aggregate either to make two-sided markets or simultaneously to represent opposite sides of the market in any class of options.'' In addition to being vague and ambiguous, this restriction lacks any basis in the rules of the Exchange. Equally important, this restriction violates the letter and spirit of the Securities Exchange Act of 1934, as amended, in that it: undermines investor protections; erects impediments to the mechanism of a free and open market and a national market system; inhibits the economically efficient execution of securities transactions; and unnecessarily impairs competition.[7]

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) by order approve such proposed rule change, or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to File No. SR–CBOE–95–48 and should be submitted by November 3, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Jonathan G. Katz,

Secretary.

[FR Doc. 95–25369 Filed 10–12–95; 8:45 am]

BILLING CODE 8010–01–M

[6] The Commission notes that any decision to extend the policy floor-wide would have to be submitted to the Commission as a proposed rule change pursuant to Section 19(b) of the Act.

[7] *See* Amendment No. 1 *supra* note 2.

[8] 17 CFR 200.30–3(a)(12) (1994).

[Release No. 34–36343; File No. SR–CBOE–95–33]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to an Amendment to the Exchange's Crossing Rule

October 5, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 12, 1995, the Chicago Board Options Exchange (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its crossing rule (Rule 6.74) by adding Interpretation and Policy .05, which will permit Floor Brokers to cross equity option orders in certain limited situations without having to comply with all of the requirements of the rule.

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] CFR 240.19b–4 (1994).

The text of the proposed rule change is available at the Office of the Secretary, CBOE, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of proposed Interpretation and Policy .05 to Rule 6.74 is to create an exception to CBOE Rule 6.74(a) to enable Floor Brokers representing certain types of *equity* option orders to cross those orders without having to satisfy the price improvement requirement embodied in subparagraphs (a) (ii) and (iii) of Rule 6.74.

Rule 6.74(a) imposes specific order exposure requirements on Floor Brokers seeking to cross buy orders with sell orders. Specifically, Rule 6.74(a)(i) provides that a Floor Broker who holds orders to buy and sell the same option series may cross such orders, but only where the Floor Broker first requests bids and offers for such option series and makes all persons in the trading crowd aware of his request. Subparagraph (a)(ii) provides that, after giving the trading crowd an opportunity to make bids and offers in response to his request, the Floor Broker either bids above the highest bid in the market and gives a corresponding offer at the same price or at prices differing by the minimum fraction, or offers below the lowest offer in the market and gives a corresponding bid at the same price or at prices differing by the minimum fraction. Under subparagraph (a)(iii) of the rule, only if such higher bid or lower offer is not taken may the Floor Broker cross the orders at such higher bid or lower offer by announcing by public outcry the cross and giving the quantity and price.

In certain situations where a Floor Broker has been continuously representing a limit order to buy equity options at a price which is equal to the lowest offer or sell equity options at a price which is equal to the highest bid (''Resting Order'')[3] and the same Floor Broker subsequently receives a market or marketable limit order to sell or buy that same option series, the Exchange represents that the effect of Rule 6.74(a)(ii) and (a)(iii) is to prevent the Resting Order from competing equally with other pre-existing bids (offers) because the Floor Broker must comply with Rule 6.74 and improve the stated market before executing the crossing transaction. As a result, in this situation, strict compliance with Rule 6.74 allows the trading crowd to trade ahead of the new market or marketable limit order to buy or sell. Thus, the Exchange states that the Resting Order and the subsequent market or marketable limit order may be in a less competitive situation because the orders were represented by a single Floor Broker rather than by separate Floor Brokers.

The Exchange believes that proposed Interpretation and Policy .05, which creates an exception to the requirements of subparagraphs (a)(ii) and (a)(iii) of Rule 6.74, would, in the limited situation described above, reduce the possible detrimental effect on execution of a Resting Order and subsequent market orders or market limit orders solely because the orders are represented by the same Floor Broker. According to the Exchange, proposed Interpretation and Policy .05 to Rule 6.74 will permit the orders represented by a single Floor Broker to compete equally with the trading crowd by permitting the Floor Broker to cross those number of contracts of the Resting Order with subsequent market or marketable limit orders represented by the same Floor Broker to the same extent as if the Resting Order and subsequent market or marketable limit orders were represented by different Floor Brokers.

The Exchange represents that proposed Interpretation and Policy .05 will only provide an exemption from the requirements of subparagraphs (a)(ii) and (iii) of Rule 6.74 as described above; the due diligence and other requirements of that rule (*e.g.*, the open outcry requirements in subparagraph (a)(i)), as well as the requirements of Exchange rules pertaining to solicited orders, facilitation crossing, and priority provisions will continue to apply.

[3] Even though the limit order matches the current stated market, the Exchange represents that in certain limited situations (*e.g.*, illiquid options classes or out-of-the-money series), no one in the trading crowd will take the other side of the order. Telephone conversation between Andy Small, Senior Attorney, Legal Department, CBOE, and Brad Ritter, Senior Counsel, Office of Market Supervision, Division of Market Regulation, Commission, on July 25, 1995.

The Exchange believes that the proposed rule change is consistent with Section 6 of the Act, in general, and furthers the objectives of Section 6(b)(5) of the Act,[4] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating securities transactions, to remove impediments to and perfect the mechanism of a free and open market, and to protect investors and the public interest, by providing an exemption from provisions that currently disadvantage Resting Orders and subsequent market or marketable limit orders held by the same Floor Broker.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(a) by order approve such proposed rule change, or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

International persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 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

[4] 15 U.S.C. § 78f(b)(5) 1988).

Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–95–33 and should be submitted by November 3, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. 95–25370 Filed 10–12–95; 8:45 am]

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[Release No. 34–36347; File No. SR–CHX–95–21]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Stock Exchange, Incorporated Relating to the Amendment of Modified Versions of the SuperMAX System on a Pilot Basis

October 6, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on September 18, 1995, the Chicago Stock Exchange, Incorporated (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comment on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange, pursuant to Rule 19b–4 of the Act, proposes to amend Rule 37(e) of Article XX, relating to its Enhanced SuperMAX program.[1]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On July 27, 1995, the Commission approved a proposed rule change of the CHX that added rules for the Enhanced SuperMAX program into CHX Article XX, Rule 37(e).[2] That approval order contemplated that the CHX would file with the Commission a codification of its procedures with respect to a specialist's ability to make a security eligible for Enhanced SuperMAX and Timed Enhanced SuperMAX.[3]

The purpose of the proposed rule change is to codify those procedures. Specifically, a specialist will be permitted to engage and disengage Enhanced SuperMAX and Timed Enhanced SuperMAX for a given stock only on one given day each month, as determined from time to time by the Exchange.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)(5) of the Act[4] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change constitutes a stated policy, practice or interpretation with respect to the meaning, administration or enforcement of an existing rule of the Exchange and therefore has become effective pursuant to Section 19(b)(3)(A) of the Act[5] and subparagraph (e) of Rule 19b–4 thereunder.[6] At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 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, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CHX–95–21 and should be submitted by November 3, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–25446 Filed 10–12–95; 8:45 am]

BILLING CODE 8010–01–M

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[5] 17 CFR 200.30–3(a)(12) (1994).

[1] The Enhanced SuperMAX program is an optional feature of the Exchange's automated execution (''MAX'') system. This program is designed to provide a possibility of price improvement under certain circumstances.

[2] *See* Securities Exchange Act Release No. 36027 (July 27, 1995), 60 FR 39465 (August 2, 1995) (File No. SR–CHX–95–15).

[3] The Timed Exchange SuperMAX program is found in CHX Article XX, Rule 37(f). The program operates in a manner identical to Enhanced SuperMAX, with the modification that the specialist pre-selects a time period, which may be no less than 30 seconds and may be changed only once a month, during which the possibility of price improvement will be available. Because Rule 37(f) incorporates by reference that portion of Rule 37(e) being amended herein, the propose rule change also has the effect of codifying the procedures with respect to a specialist's ability to make a security eligible for Timed Enhanced SuperMAX.

[4] 15 U.S.C. 78f(b)(5).

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(e).

[Release No. 34–36339; International Series Release No. 862, File No. SR–ISCC–95–04]

Self-Regulatory Organizations; International Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Adding an Additional Service Provider to the Global Clearance Network Service

October 5, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on September 11, 1995, International Securities Clearing Corporation (''ISCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by ISCC. On September 19, 1995, and October 3, 1995, ISCC filed amendments to the proposed rule change.[2] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change adds an additional service provider to ISCC's Global Clearance Network (''GCN'') service.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ISCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ISCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[3]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

ISCC's Rule 50 provides that ISCC may establish a foreign clearing settlement and custody service, in conjunction with banks, trust companies, and other entities. ISCC has established such a service with GCN service. Presently, ISCC has established a GCN relationship with Citibank N.A., Standard Bank of South Africa, and Westpac Custodian Nominees Limited of Australia.[4] Originally, ISCC intended that the agreement with Westpac Custodian Nominees Limited of Australia would cover GCN services in both Australia and New Zealand. However, due to its corporate structure, Westpac Banking Corporation, the parent company of both Westpac Custodian Nominees Limited of Australia and Westpac Nominees-NZ-Limited, has required that ISCC enter into a separate agreement with Westpac Nominees-NZ-Limited in order to provide GCN services in New Zealand. The purpose of the rule change is to add Westpac Nominees-NZ-Limited as an additional service provider.[5]

Westpac Nominees-NZ-Limited will enter into an agreement with ISCC, identical to the agreement between ISCC and Westpac Nominees Limited of Australia, pursuant to which Westpac Nominees-NZ-Limited will agree to provide access to clearing, settlement, and custody services to GCN participants that qualify to be customers of the bank. As with Westpac Nominees Limited of Australia, Westpac Nominees-NZ-Limited has agreed to provided the services at reduced prices. ISCC will not provide any volume guarantees to the bank, and the bank will be responsible to collect fees directly from the participants. The agreement will be terminable by mutual agreement of the parties or on ninety days prior notice.

Access to the additional service provider ultimately will be beneficial to the investing public. Accordingly, these changes are consistent with the requirements of Section 17A of the Act[6] and the rules and regulations thereunder.

(B) Self-Regulatory Organization's Statement on Burden on Competition.

ISCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective on filing pursuant to Section 19(b)(3)(A) of the Act[7] and pursuant to Rule 19b–4(e) thereto[8] in that the proposed rule change is effecting an existing service that does not adversely affect the safeguarding of securities or funds in the custody or control of the clearing agency and does not significantly affect the respective rights or obligations of the clearing agency or persons using the service. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of ISCC. All submissions should refer to the File No. SR–ISCC–95–04 and should be submitted by November 3, 1995.

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[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Letters from Karen Saperstein, Counsel, ISCC, to Jerry W. Carpenter, Assistant Director, Office of Securities Processing Regulation (''OSPR''), Division of Market Regulation (''Division''), Commission (September 12, 1995) and from Julie Beyer, Associate Counsel, ISCC, to Christine Sibille, Senior Counsel, OSPR, Division, Commission (October 3, 1995).

[3] These statements have been modified by the Commission.

[4] Securities Exchange Act Release Nos. 29841 (October 18, 1991), 56 FR 55960 [File No. ISCC–91–01] (Order approving establishment of GCN service with Citibank, N.A. as service provider), and 35392 (February 16, 1995), 60 FR 10415 [File No. SR–ISCC–94–06] (Order approving Standard Bank of South Africa and Westpac Custodian Nominees Limited of Australia as service providers).

[5] Westpac Nominees-NZ-Limited has been providing custody and settlement services since 1961. It currently provides custodial and securities settlement services to over 70 local and international clients and Westpac manages over 1.4 billion in New Zealand dollars in assets under custody. It is qualified as an eligible foreign custodian under Rule 17f–5 of the Investment Company Act of 1940.

[6] 15 U.S.C. 78q–1 (1988).

[7] 15 U.S.C. 78s(b)(3)(A) (1988).

[8] 17 CFR 240.19b–4(e) (1994).

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–25366 Filed 10–12–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–36340; File No. SR–MBSCC–95–06]

Self-Regulatory Organizations; MBS Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Modifications to the Message Processing Fees for the Electronic Pool Notification Service

October 5, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] notice is hereby given that on September 11, 1995, MBS Clearing Corporation (''MBSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (File No. SR–MBSCC–95–06) as described in Items I, II, and III below, which items have been prepared primarily by MBSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to modify the original notification message processing fees for the Electronic Pool Notification (''EPN'') Service.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, MBSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. MBSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to modify the message processing fees for the EPN Service. Specifically, the proposed rule change seeks to modify the fees set forth in MBSCC's EPN Schedule of Charges to send or receive an original notification EPN message. The current fee to send or receive an original notification EPN message is $.75/million current face. MBSCC proposed to replace the current fee with a fee scale in which the fees are based on whether a message is sent or received and the time that the message is communicated.[3]

The new fees to send an original notification EPN message are as follows: $.25/million current face (8:00 a.m. to 1:00 p.m.); $1.25/million current face (1:00 p.m. to 2:00 p.m.); $1.50/million current face (2:00 p.m. to 3:00 p.m.); and $1.25/million current face (3:00 p.m. to 5:00 p.m.). The new fees to receive an original notification EPN message are as follows: $.50/million current face (8:00 a.m. to 1:00 p.m.); $.25/million current face (1:00 p.m to 2:00 p.m.); $.25/million current face (2:00 p.m. to 3:00 p.m.); and no charge (3:00 p.m. to 5:00 p.m.). EPN users will be charged for original notification EPN messages at the new rates for messages communicated on or after October 12, 1995.

MBSCC believes the proposed rule change is consistent with the requirements of the Act, specifically with Section 17A of the Act, and the rules and regulations thereunder because the proposal provides for the equitable allocation of dues, fees, and other charges among MBSCC's participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MBSCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

MBSCC advised its User Committee of the proposed rule change at a meeting held on May 31, 1995. No written comments relating to the proposed rule change have been received. MBSCC will notify the Commission of any written comments received by MBSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii)[4] of the Act and pursuant to Rule 19b–4(e)(2)[5] promulgated thereunder because the proposal establishes or changes a due, fee, or other charge imposed by MBSCC. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of MBSCC. All submissions should refer to File No. SR–MBSCC–95–06 and should be submitted by November 3, 1995.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Jonathan G. Katz,

Secretary.

[FR Doc. 95–25367 Filed 10–12–95; 8:45 am]

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[1] 15 U.S.C. 78s(b)(1) (1988).

[2] The Commission has modified the text of the summaries submitted by MBSCC.

[3] MBSCC is instituting the new fee scale to encourage a more evenly distributed use of the EPN Service throughout the day and thereby facilitate a more balanced distribution of daily information processing.

[4] 15 U.S.C. 78s(b)(3)(A)(ii) (1988).

[5] 17 CFR 240.19b–4(e)(2) (1994).

[6] 17 CFR 200.30–3(a)(12) (1994).

[Release No. 34–36341; File No. SR–Phlx–95–51]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Granting Approval To Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 1 To Proposed Rule Change Relating to Employee Trading Accounts

October 5, 1995.

On July 17, 1995, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') submitted to 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 increase the requirements placed on securities trading accounts of employees of member and participant organizations.

The proposed rule change was published for comment in the Federal Register on August 18, 1995.[3] No comments were received on the proposal. On September 14, 1995, the Phlx submitted Amendment No. 1 to the proposed rule change.[4] This order approves the proposed rule change. Also, Amendment No. 1 is approved on an accelerated basis.

Currently, Phlx Rule 751 requires a member organization to obtain prior written approval from the Business Conduct Committee (''BCC'') before it can take or carry an account of a clerk entitled to access to the Floor of the Exchange. The current rule applies to floor clerks only and does not require that the clerks' employers be informed of their employees' trading accounts.

By amending Phlx Rule 751, the Exchange proposes to increase the safeguards placed on securities trading accounts of employees of member and participant organizations.[5] Specifically, the proposed amendment would expand the Rule's coverage to include all employees associated with a member or participant organization; require the employer to consent in writing before such an account may be taken or carried by a member or participant organization; and require the member or participant organization that carries the account to provide the employer with duplicates of the employees' confirmation reports and trading account statements. The proposed amendment also would impose an obligation on employees who open trading accounts with a nonmember to make arrangements to provide their employers with duplicate confirmation reports and trading account statements. By increasing the employers' awareness of its employees' trading patterns through the use of employer consent and duplicate records relating to the account, the Exchange believes that member and participant organizations will be able to supervise their employees more effectively.

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, with the requirements of Section 6(b).[6] Specifically, the Commission believes the proposal is consistent with the Section 6(b)(5)[7] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, and, in general, to protect investors and the public. The proposed amendments to Phlx Rule 751 should facilitate the supervisory efforts of a member or participant organization by providing it with information regarding its employees' private securities transactions. In addition, the proposed amendments should reveal existing and potential conflicts of interest as well as alert a member or participant organization when additional surveillance could be appropriate.

The Commission also considers the proposed rule change to be consistent with Section 6(b)(1)[8] requirement that an exchange have the capacity to enforce compliance by its members and persons associated with its members with the Act, the rules thereunder, and the rules of the exchange. The proposed amendments should assist member and participant organizations in monitoring transactions by their employees that may violate the Act or the rules of the Exchange.

For the same reasons, the Commission also finds that it is consistent with the Act to expand the coverage of Phlx Rule 751 to include all of the employees of member and participant organizations.

The Commission finds good cause for approving proposed Amendment No. 1 prior to the thirtieth day after the date of publication of notice of filing thereof in the Federal Register. The Amendment merely addresses the situation of when an employee opens a trading account with a nonmember, thereby foreclosing a potential loophole in the Rule. Also, the Amendment conforms the proposal to similar rules of other self-regulatory organizations.[9] For these reasons, the Commission finds good cause for accelerating approval of the proposed rule change, as amended.

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 1. 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 20549. Copies of such filing also will be available for inspection and copying at the principal office of the Philadelphia Stock Exchange. All submissions should refer to File No. SR–Phlx–95–51 and should be submitted by November 3, 1995.

It therefore is ordered, pursuant to Section 19(b)(2) of the Act,[10] that the proposed rule change (SR–Phlx–95–51), including Amendment No. 1, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Jonathan G. Katz,

Secretary.

[FR Doc. 95–25365 Filed 10–12–95; 8:45 am]

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 36096 (Aug. 11, 1995), 60 FR 43177.

[4] *See* letter from Gerald O'Connell, First Vice President, Phlx, to Glen Barrentine, Team Leader, SEC (Sept. 14, 1995). In Amendment No. 1, the Phlx added to the Rule a requirement that an employee of a member or participant organization who opens a securities trading account with a nonmember make arrangements for his employer to receive duplicate confirmation reports and monthly trading account statements.

[5] A member organization includes member firms and member corporations. A participant organization refers to foreign currency options participant organizations.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78f(b)(1).

[9] *See* Securities Exchange Act Release Nos. 33306 (Dec. 9, 1993), 58 FR 65603 (approving amendments to American Stock Exchange Rule 415) and 30744 (May 27, 1992), 57 FR 24075 (approving amendments to New York Stock Exchange Rule 407).

[10] 15 U.S.C. 78s(b)(2).

[11] 17 CFR 200.30–3(a)(12).

[Release No. 34–36348; File No. SR–Phlx–95–59]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Regarding Registered Representative Fees

October 6, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on September 14, 1995 the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. On October 3, 1995, the Exchange submitted Amendment No. 1 to the proposed rule change.[2] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx, pursuant to Rule 19b–4 of the Act, is increasing its registration fee for Registered Representatives (''RR'') associated with a member or member organization. Specifically, the Exchange will increase the $8.00 fee for all new RR registrants to $10.00. The $8.00 annual maintenance fee also will increase to $10.00 for each RR. Lastly, the $8.00 fee for transfers of RR registrations will increase to $10.00. This increase will not become effective until January 1, 1996, such that any new registration in 1995 would continue to be subject to the $8.00 fee, and any maintenance fees paid in 1995 will not be charged the difference.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Phlx is increasing its fee for the new registration, maintenance and transfer of RR registration with the Exchange from $8.00 to $10.00. This fee, which was adopted in 1993,[3] was intended to offset Exchange regulatory costs based on the number of registrations maintained by member organizations. In adopting the fee, the Exchange cited the increasing costs associated with the maintenance of a fair and orderly market in Exchange products due to increased trading volume and the resultant need for enhanced automated surveillance capabilities in an increasingly sophisticated trading environment.[4] The Exchange also cited an increase in the number of listed products traded by the Exchange as ''primary issues,'' the number of trading vehicles with new features, and the number of surveillance investigations conducted, including the resultant disciplinary actions.[5]

The Exchange continues to believe that a strong regulatory program is essential to an exchange's ability to maintain a fair and orderly market for the investment community. Since the adoption of the RR fees, the Exchange has listed additional primary issues and new products, triggering additional regulatory costs. The continued automation efforts respecting surveillance functions must also be enhanced as well as updated to include additional issues; increased costs reflective of more sophisticated surveillance technologies are necessary to surveil a more technologically sophisticated market.

Most notably, the Exchange notes that general costs associated with its regulatory program continue to rise. Inflationary increases have affected the cost of staffing, equipment, technology and other continuing expenses, which have risen since the current fee was proposed in June 1993.

2. Statutory Basis

The proposed registration fee increase is consistent with Section 6(b)(4) of the Act[6] in that it provides for the equitable allocation of reasonable dues, fees, and other charges among the Exchange's members and issuers and other persons using its facilities. The Exchange notes that the American Stock Exchange, Chicago Board Options Exchange, New York Stock Exchange, National Association of Securities Dealers, and Pacific Stock Exchange also have implemented similar fees.[7] The Exchange believes that a fee increase from $8.00 to $10.00 is reasonable in light of increasing regulatory costs.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change constitutes or changes a due, fee, or other charge imposed by the Exchange and, therefore, has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and subparagraph (e) of Rule 19b–4 thereunder.[9]

At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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[1] 15 U.S.C. 78s(b)(1).

[2] *See* Letter from Edith Hallahan, Special Counsel, Regulatory Service, Phlx, to Glen Barrentine, Team Leader, Division of Market Regulation, SEC, dated October 3, 1995. In Amendment No. 1, the Exchange submitted Exhibit B, which was not included with the original filing. Exhibit B sets forth the text of the proposed rule change.

[3] *See* Securities Exchange Act Release No. 32883 (September 14, 1993), 58 FR 48922 (September 20, 1993) (approving File No. SR–Phlx–93–24).

[4] *See* Securities Exchange Act Release No. 32692 (July 29, 1993), 58 FR 41535 (August 4, 1993) (Notice of Filing of File No. SR–Phlx–93–24).

[5] *Id.*

[6] 15 U.S.C. 78f(b)(4).

[7] *See* Securities Exchange Act Release Nos. 33456 (January 11, 1994), 59 FR 2886 (January 19, 1994) (Notice of Filing and Immediate Effectiveness of File No. SR–AMEX–93–44); 36119 (August 18, 1995), 60 FR 44372 (August 25, 1995) (Notice of Filing and Immediate Effectiveness of File No. SR–CBOE–95–31); 35796 (June 1, 1995), 60 FR 30625 (June 9, 1995) (Notice of Filing and Immediate Effectiveness of File No. SR–NYSE–95–20); 32342 (May 20, 1993), 58 FR 30208 (May 26, 1993) (File No. SR–NASD–93–33); and 31425 (November 9, 1992), 57 FR 54271 (November 17, 1992) (Notice of Filing and Immediate Effectiveness of File No. SR–PSE–92–31).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–95–59 and should be submitted by November 3, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Jonathan G. Katz,

Secretary.

[FR Doc. 95–25445 Filed 10–12–95; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements imposed upon the public which were transmitted by the Department of Transportation to the Office of Management and Budget (OMB) for its approval in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 USC Chapter 35).

DATE: October 5, 1995.

ADDRESSES: Written comments on the DOT information collection requests should be forwarded, as quickly as possible, to Edward Clarke, Office of Management and Budget, New Executive Office Building, Room 10202, Washington, D.C. 20503. If you anticipate submitting substantive comments, but find that more than 10 days from the date of publication are needed to prepare them, please notify the OMB official of your intent immediately.

FOR FURTHER INFORMATION CONTACT: Copies of the DOT information collection requests submitted to OMB may be obtained from Susan Pickrel or Gemma de Guzman, Information Resource Management (IRM) Strategies Division, M–32, Office of the Secretary of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 366–4735.

SUPPLEMENTARY INFORMATION: Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the Federal Register, listing those information collection requests submitted to OMB for approval or renewal under that Act. OMB reviews and approves agency submissions in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms and the reporting and recordkeeping requirements. OMB approval of an information collection requirement must be renewed at least once every three years.

Items Submitted to OMB for Review

The following information collection requests were submitted to OMB on October 5, 1995:

DOT No: 8.

OMB No: 2127–0042.

Administration: National Highway Traffic Safety Administration.

Title: 49 CFR Part 576—Record Retention.

Need for Information: 49 USC Section 30166(e) requires manufacturers to retain one copy of complaints, reports and other records of malfunctions that may be related to motor vehicle safety. These records may be used to investigate possible defects and noncompliances.

Proposed Use of Information: The information will be used to ensure that records are kept by manufacturers for proper investigation of possible defects related to motor vehicle safety.

Frequency: On occasion.

Respondents: Manufacturers of motor vehicles, Businesses.

Number of Respondents: 1,000.

Burden Estimate: 40,000 hours.

Form(s): None.

Average Burden Hours Per Response: 40 hours.

Issued in Washington, D.C. on October 5, 1995.

Jim Harrell,

Acting Manager, Information Resource Management (IRM) Strategies Division.

[FR Doc. 95–25410 Filed 10–12–95; 8:45am]

BILLING CODE 4910–62–P

[Notice 95–12]

Commercial Space Transportation Advisory Committee; Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 2), notice is hereby given of a meeting of the Commercial Space Transportation Advisory Committee (COMSTAC). The meeting will take place on Thursday, October 26, 1995, from 8:30 a.m. to 12:30 p.m. in Room 2230 of the Department of Transportation's headquarters building at 400 Seventh Street, SW, in Washington, D.C. This will be the twenty-second meeting of the COMSTAC. In addition to reports from the respective COMSTAC Working Groups, the meeting will provide a legislative update on Congressional activities involving commercial space transportation; an activities report from the Office of Commercial Space Transportation; an update on RLV activities; and other related topics. This meeting is open to the public; however, space may be limited. Additional information may be obtained by contacting Patti Grace Smith at (202) 366–5770.

Dated: October 4, 1995.

Frank C. Weaver,

Director, Office of Commercial Space Transportation.

[FR Doc. 95–25587 Filed 10–12–95; 8:45 am]

BILLING CODE 4910–62–P

Federal Transit Administration

[Docket No. 94–B]

Third Party Contracting Requirements

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of availability of Third Party Contracting Requirements, Circular 4220.1C.

SUMMARY: On September 7, 1994, the Federal Transit Administration (FTA) published a Notice in the Federal Register announcing its decision to revise its Third Party Contracting Guidelines, Circular 4220.1B, to incorporate new provisions included in the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102–240,

[10] 17 CFR 200.30–3(a)(12).

October 28, 1991) and to update and streamline third party procurements made with FTA financial assistance. On December 19, 1994, FTA published a Notice in the Federal Register extending the comment period to January 18, 1995. This Notice announces the adoption and availability of FTA's revised Circular 4220.1C, retitled ''Third Party Contracting Requirements,'' and discusses changes FTA made as a result of comments received in response to the two previous Notices.

EFFECTIVE DATE: FTA Circular 4220.1C is effective as of October 1, 1995.

FOR FURTHER INFORMATION CONTACT: Carolyn S. Thompson, Procurement Analyst, Office of Procurement, (202) 366–5470. FTA will mail copies of the Circular to all of its grantees. Other interested parties may obtain a copy of the Circular by sending a self-addressed mailing label to: Office of Procurement, Room 7405, 400 Seventh Street, S.W., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION:

I. Introduction

On September 7, 1994, FTA announced its intent to update its third party procurement requirements in FTA Circular 4220.1B, ''Third Party Contracting Guidelines,'' and solicited public comment (59 FR 46294). On December 19, 1994, FTA extended the comment period until January 18, 1995, to allow interested parties additional time to comment (59 FR 65427).

FTA sought particular comment on two issues. First, FTA proposed to continue its mandatory pre-award review and approval of certain procurements to be made by FTA recipients. Second, FTA proposed to continue to apply the revised circular to procurements made with Federal operating assistance.

After reviewing the comments, FTA determined that most of the difficulties faced by persons engaging in third party contracting stemmed from uncertainty as to what procedures and policies were required by Federal law and regulation and what procedures were recommended but not mandatory. A related problem was the seemingly haphazard way in which procurement information was disseminated to grantees and contractors.

To resolve these difficulties, FTA has considered (1) whether it should cancel Circular 4220.1B and simply require grantees to comply with the Department of Transportation's ''Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,'' and ''Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations, 49 CFR Parts 18 and 19, respectively (collectively, the common grant rules); (2) whether it should continue to issue procurement alerts and oral guidance; (3) whether audits and procurement system reviews are appropriate ways to ensure that grantees understand FTA's third party contracting requirements; (4) whether it should develop additional written guidance and training programs to help grantees understand the applicable contracting requirements; and (5) whether it should continue to require that grantees submit extensive information for FTA's pre-certification and/or pre-award review.

After review of the comments received, FTA has decided that its third party contracting circular should contain only the minimum requirements of the common grant rules, related Executive Orders, and statutes, along with statements of FTA policy, and that provisions interpreting the requirements and recommending practices should be contained in a ''Third Party Procurement Manual,'' which would be updated regularly. The revised Circular, FTA 4220.1C, has thus been renamed ''Third Party Contracting Requirements.'' Consequently, Circular 4220.1C is streamlined, straightforward, and much shorter than its predecessor. The ''best practices'' manual, currently under development, is to be supplemented by additional procurement training for FTA staff and grantees.

For a detailed analysis of the changes reflected in the revised Circular, see the following discussion.

II. Analysis and Comments

FTA received 52 comments in response to its Federal Register Notices:

Transit Agencies	35
Cities and Counties	6
State DOTs	3
Trade Associations	3
Private Businesses	3
Labor Unions	1
Individual Citizens	1

A. Self-certification. FTA proposed to continue 4220.1B's self-certification process whereby certain recipients are required to submit a self-certification and summary description of their procurement procedures. However, recognizing that 49 CFR Part 18 has been in place for nearly a decade and that a reduction of process and paper is desirable, FTA is establishing in Circular 4220.1C a new self-certification process, applicable to all grantees, which does not require submission of supporting documents. The certification will be made through the ''Certifications and Assurances for FTA Assistance'' checklist, which is submitted to FTA at the beginning of each fiscal year and updated and published annually in the Federal Register. In place of reviewing written documents, FTA will verify compliance with FTA's requirements through ''Triennial Reviews'' and ''Procurement System Reviews,'' in which a grantee's procurement procedures are reviewed on-site and in-depth.

B. Pre-award Review of Contracts. FTA proposed to continue to review certain procurement contracts before grantee award to the successful bidder. While the majority of commenters did not respond to this proposal, one commenter argued persuasively that FTA should not conduct pre-award reviews of third party contracts. This commenter wrote that as a State agency it

> operat[es] to a well established procurement law and regulations that are based on the Model Procurement Code for State and Local Governments. All procurements over $10,000, including sole source and single bids, are subject to considerable public scrutiny and public notice. Adding FTA review to such a process is totally redundant and amounts to wasted resources on the part of FTA.

FTA agrees and has eliminated all routine pre-award reviews of third party contracts in favor of periodic, post-grant reviews. Under this new process, FTA may still conduct pre-award reviews if appropriate in a given situation, and grantees may request such reviews.

C. Multi-Year Contracting. FTA had proposed to add a provision addressing ''multi-year contracts,'' a contracting method designed to reduce costs by promising a contractor work over a number of years, even though Federal funds are appropriated for only one year. This technique is intended to save money by enabling the contractor to amortize start-up costs and requiring the same price-per-unit over the life of the contract. FTA further proposed to require an FTA recipient to address the possibility of cancellation.

Commenters expressed some concerns and sought clarification. For instance, one commenter noted that requiring constant unit prices over the life of a contract would cause vendors to inflate their prices during the early years of a multi-year contract. Another asked that the term ''cancellation costs'' be clarified. This proposal has not been adopted in Circular 4220.1C because it is not a mandatory requirement; the use of ''multi-year contracts'' will be addressed in the ''Third Party

Procurement Manual'' in which FTA will discuss the benefits of using this process and include model contract clauses.

D. Bonding Requirements. FTA proposed two general bonding requirements. For construction or facility improvement contracts or subcontracts exceeding $100,000, a grantee could use its own bonding policy if approved by FTA. If not approved by FTA, the grantee would be required to obtain from contractors: (1) A bid guarantee equivalent to 5 percent of the bid price; (2) a performance bond for 100 percent of the contract price; and (3) a payment bond for 50 percent of the contract price for contracts less than $1 million, 40 percent of the contract price for contracts between $1 million and $5 million, and $2.5 million for contracts over $5 million. Although FTA did not propose specific requirements regarding the use of bonds in non-construction contracts, we discouraged their use.

The commenters who responded to this issue generally favored its adoption. Thus, in 4220.1C, FTA addresses construction or facility improvement contracts or subcontracts exceeding $100,000. Whether a grantee requires bonds for non-construction contracts is a matter left to local discretion. Guidance on this subject may be included in the ''Third Party Procurement Manual.''

E. Options. Although only one grantee commented on the proposal regarding the use of options, we are aware that this is a controversial issue. Instead of adopting this proposal, 4220.1C provides that if a grantee chooses to use options, three requirements apply: (1) the option must have been evaluated as part of the contract award (otherwise it is a sole source procurement); (2) the option must be exercised in accordance with contractual terms and conditions at the time the contract is awarded; and (3) at the time it is exercised, the option price must be determined to be the most advantageous for the grantee. Moreover, FTA has removed the restriction that an option may not be greater than 50 percent of the base line item quantity. The discretion to determine option quantities will now reside with the grantee.

F. Bid Protest Procedures. FTA will continue to review protests alleging that a grantee failed to have written bid protest procedures or to follow them. Grantee protest decisions must be in writing; protests to FTA must be in writing and submitted within five working days of the date the protester knew or should have known of the violation. All other information which describes the process FTA will follow in reviewing bid protests has been removed for reissuance, as appropriate, in the ''Third Party Procurement Manual.''

G. Payment Provisions. Although FTA received only two comments concerning the provisions addressing advance and progress payments, FTA has decided to make the following changes. Under Circular 4220.1C, advance payments may now be used if prior written concurrenceis received from FTA. Progress payments may also be used as long as the grantee obtains title to the property being constructed or acquired or an equivalent security equal in value to the progress payment amount. The use of progress payments is at the grantee's discretion.

H. Small Purchase Threshold. FTA did not propose raising the small purchase dollar threshold because we were aware at the time that the Office of Management and Budget (OMB) was considering such a change. In the interim, the common grant rules have been changed to increase the threshold. The Circular has been revised accordingly, and grantees may raise their small purchase threshold to $100,000 if they wish.

I. General Services Administration (GSA) Federal Supply Schedule (FSS). Although the proposal did not contain any provision regarding the use of the FSS in procuring goods, FTA recipients have repeatedly requested permission to use it. FTA supports this request and notes that as soon as GSA has established the requisite procedures, eligible grantees will be able to use them.

J. Operating Assistance. FTA had proposed to continue to require recipients of operating assistance to apply the Circular to all operating procurements. All but one commenter opposed the proposal. Due to the complexity of the legal and policy issues surrounding this particular requirement, no change has been made. FTA does intend, however, to continue to study the issue to determine what, if any, changes can be made consistent with the principles of Federalism and the National Performance Review.

K. Commercial Services. FTA proposed a specific provision applicable to the purchase of ''commercial services'' for the provision of transit, maintenance, or management services. Commenters responding to this proposal were uniformly opposed. One commenter, for example, wrote that ''[t]he essential 'make or buy' question—that is inherent to any sound procurement process—by definition applies to both goods and services.''

We agree with the commenters; a separate provision on the procurement of ''commercial services'' is inappropriate and unnecessary, since such procurements are covered by section 8 of Circular 4220.1C entitled ''Competition,'' which requires that ''all procurement transactions . . . be conducted in a manner providing full and open competition.''

L. Attachment A. FTA proposed to identify and list all of the statutes and regulations that address third party contracting issues. Instead of adopting this proposal, however, FTA decided that recipients should be referred to the ''Master Agreement,'' which contains a comprehensive list of the requirements applicable to the FTA program, including procurement. Unlike the Circulars, the ''Master Agreement'' is updated annually. Moreover, as mentioned above, FTA is developing a ''Third Party Procurement Manual'' which will give FTA recipients detailed guidance on the applicability of various statutes and regulations addressing third party contracting matters.

M. The Use of the Metric System. In our proposal, FTA ''encouraged [grantees] to begin using the metric system of measurement * * * at the earliest possible date in their procurements and other business activities.'' Although grantees would be merely encouraged to use the metric system, the commenters were adamantly opposed. Given FTA's decision to focus on contracting requirements, this provision is not included in Circular 4220.1C. FTA notes, however, that 49 U.S.C. sections 205a *et seq.*, E.O. 12770, ''Metric Usage in Federal Government Programs,'' 15 U.S.C. section 205a, and the ''Master Agreement'' require the use of the metric system by 1997. FTA recipients should note, however, that the use of the metric system is not required in every instance; 49 CFR 19.44(a)(3)(v) exempts its use when not ''practicable and economically feasible.''

N. Architectural and Engineering Contracts. Although FTA has reworded the provisions concerning the requirements for architectural and engineering contracts, the basic requirements have not been changed.

Issued: October 10, 1995.

Gordon J. Linton,

Administrator.

[FR Doc. 95–25407 Filed 10–12–95; 8:45am]

BILLING CODE 4910–57–U

National Highway Traffic Safety Administration

[Docket No. 93–37; Notice 3]

Panoz Auto Development Company, Receipt of Application for Renewal of Temporary Exemption From Federal Motor Vehicle Safety Standard No. 208

Panoz Auto Development Company of Hoschton, Ga., has applied for a renewal of its exemption from paragraph S4.1.4 of Federal Motor Vehicle Safety Standard No. 208 *Occupant Crash Protection*. The basis of the application is that compliance will cause substantial economic hardship to a manufacturer that has tried to comply with the standard in good faith.

This notice of receipt of an application is published in accordance with the requirements of 49 U.S.C. 30113(b)(2) and does not represent any judgment of the agency on the merits of the application.

Panoz received NHTSA Exemption No. 93–5 from S4.1.4 of Standard No. 208, which was scheduled to expire August 1, 1995 (58 FR 43007). However, its application for renewal was filed on May 26, 1995, which was more than 60 days before the scheduled expiration date of its exemption. In accordance with 49 CFR 555.8(e), Panoz' filing of its application before the 60th day stays the expiration until the Administrator grants or denies the application for renewal.

Panoz's original exemption was granted pursuant to the representation that its Roadster would be equipped with a Ford-supplied driver and passenger airbag system, and would comply with Standard No. 208 by April 5, 1995 after estimated expenditures of $472,000. As of April 1993, the company had expended 750 man hours and $15,000 on the project.

According to its application for renewal,

> Panoz has continued the process of researching and developing the installation of a driver and passenger side airbag system on the Roadster since the original exemption petition was submitted to NHTSA on April 5, 1993. To date, an estimated 1680 man-hours and approximately $50,400 have been spent on this project.

Panoz uses a 5.0L Ford Mustang GT engine and five speed manual transmission in its car. Because ''the 1995 model year and associated emission components were revised by Ford'', this caused

> a delay in the implementation of the airbag system on the Roadster due to further research and development time requirements and expenditure of additional monies to evaluate the effects of these changes on the airbag adaptation program.

In addition, the applicant recently learned that Ford will be replacing the 5.0L engine and emission control system on the 1996 Mustang and other passenger cars with a modular 4.6L engine and associated emission components. The 1995 system does not meet 1996 On-Board Diagnostic emission control requirements, and Panoz will have to use the 1996 engine and emission control system in its cars. The majority of the money and man hours to date have been spent on adapting an airbag system to the 5.0L engine car, and the applicant is now concentrating on adapting it to a 4.6L engine car. Panoz lists eight types of modifications and testing necessary for compliance that would cost it $337,000 if compliance were required at the end of a one-year period. It has asked for a two-year renewal of its exemption.

Panoz sold 13 cars in 1993 and 13 more in 1994. It did not state its sales to date in 1995. At the time of its original petition, its cumulative net losses since incorporation in 1989 were $1,265,176. It lost an additional $249,478 in 1993 and $169,713 in 1994.

The applicant reiterates its original arguments that an exemption would be in the public interest and consistent with the objectives of traffic safety. Specifically, the Roadster is built in the United States and uses 100 percent U.S. components, bought from Ford and approximately 75 other companies. It provides full time employment for 7 persons, and ''at least 200 employees from over 80 different companies remain involved in the Panoz project.'' The Roadster is said to ''provide the public with a classic alternative to current production vehicles.'' It is the only vehicle that incorporates ''molded aluminum body panels for the entire car'', a process which is being evaluated by other manufacturers and which ''results in the reduction of overall vehicle weight, improved fuel efficiency, and increased body strength.'' With the exception of S4.1.4 of Standard No. 208, the Roadster meets all other Federal motor vehicle safety standards including the 1997 side impact provisions of Standard No. 214.

Interested persons are invited to submit comments on the application described above. Comments should refer to the docket number and the notice number, and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the application will be published in the Federal Register pursuant to the authority indicated below.

Comment closing date: November 13, 1995.

(49 U.S.C. 30113; delegations of authority at 49 CFR 1.50. and 501.8)

Issued on October 6, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95–25406 Filed 10–12–95; 8:45 am]

BILLING CODE 4910–59–P

Sunshine Act Meetings

Federal Register
Vol. 60, No. 198
Friday, October 13, 1995

This section of the FEDERAL REGISTER contains notices of meetings published under the ''Government in the Sunshine Act'' (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL COMMUNICATIONS COMMISSION

*Corrected

FCC To Hold Open Commission Meeting Thursday, October 12, 1995

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, October 12, 1995, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, DC.

Item No., Bureau, and Subject

*1—Wireless Telecommunications—Title: Amendment of the Commission's Rules to Permit Flexible Service Offerings in the Commercial Mobile Radio Services. Summary: The Commission will consider proposing expansion of the scope of permissible communications for providers of Personal Communications Services and other specified CMRS services to include fixed services.

2—Wireless Telecommunications—Title: Plan for Sharing the Costs of Microwave Relocation (RM-8643). Summary: The Commission will consider action concerning the relocation of microwave facilities in the 1850 to 1990 (2 GHz) band, including cost sharing.

3—Common Carrier—Title: Motion of American Telephone and Telegraph Company to be Reclassified as a Non-Dominant Carrier. Summary: The Commission will consider AT&T's motion for reclassification as a non-dominant carrier under the Commission's rules.

Additional information concerning this meeting may be obtained from Audrey Spivack or Maureen Peratino, Office of Public Affairs, telephone number (202) 418–0500.

Dated October 10, 1995.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–25615 Filed 10–11–95; 3:30 pm]

BILLING CODE 6712–01–F

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, October 18, 1995.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed 1996 Federal Reserve Bank officer salary structure adjustments.
2. Proposed 1996 Federal Reserve Board employee salary structure adjustments and merit program.
3. Eligibility criteria for selection of Federal Reserve Bank directors.
4. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
5. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: October 11, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–25535 Filed 10–11–95; 10:53 am]

BILLING CODE 6210–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Meetings

TIME AND DATE: 9:30 a.m., Thursday, October 19, 1995.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

BOARD BRIEFING:

1. Insurance Fund Report.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. National Credit Union Share Insurance Fund (NCUSIF) Dividend for 1995 and NCUSIF Insurance Premium for 1996.
3. Application for a Community Charter from the Proposed Progressive Neighborhood Federal Credit Union, Rochester, New York.
4. Proposed Rule: Amendments to Sections 701.12 and 701.13, NCUA's Rules and Regulations, Supervisory Committee.
5. NCUA's Serving the Underserved Conference.

RECESS: 10:45 a.m.

TIME AND DATE: 11:00 a.m., Thursday, October 19, 1995.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meeting.
2. Administration Action under Section 125 of the Federal Credit Union Act. Closed pursuant to exemption (8).
3. Administration Action under Section 125 and Section 205 of the Federal Credit Union Act. Closed pursuant to exemption (8).
4. NCUA's Budget for 1996 and 1997. Closed pursuant to exemption (9)(B).

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 95–25612 Filed 10–11–95; 3:15 pm]

BILLING CODE 7535–01–M

Corrections

Federal Register
Vol. 60, No. 198
Friday, October 13, 1995

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 489

[HSQ–156–CN]

RIN 0938–AD94

Medicare and Medicaid Programs; Survey, Certification and Enforcement of Skilled Nursing Facilities and Nursing Facilities

Correction

In rule document 95–23780 beginning on page 50115, in the issue of Thursday, September 28, 1995, make the following correction:

§489.53 [Corrected]

On page 50119, in the third column, five stars should have appeared before paragraph (b).

BILLING CODE 1505–01–D

Federal Register

Friday
October 13, 1995

Part II

Securities and Exchange Commission

17 CFR Parts 231, 232, and 239 et al.

Use of Electronic Media for Delivery Purposes; Final Rule and Proposed Rule Electronic Filings of Forms 3, 4, 5, and 144; Notice

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 231, 241 and 271

[Release No. 33–7233; 34–36345; IC–21399 File No. S7–31–95]

RIN 3235–AG67

Use of Electronic Media for Delivery Purposes

AGENCY: Securities and Exchange Commission.

ACTION: Interpretation; Solicitation of comment.

SUMMARY: The Securities and Exchange Commission (the ''Commission'') is publishing its views with respect to the use of electronic media for information delivery under the Securities Act of 1933, the Securities Exchange Act of 1934, and the Investment Company Act of 1940. This interpretive guidance is intended to assist market participants in using electronic media to provide information under the federal securities laws and to encourage continued research and development and use of such media. The Commission is seeking comment on issues discussed in this release. In a companion release, the Commission is proposing technical amendments to Commission rules that are currently premised on the distribution of paper documents.

DATES: This Interpretation is effective on October 6, 1995. Comments should be received on or before November 27, 1995.

ADDRESSES: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Stop 6–9, Washington, D.C. 20549. Comment letters should refer to File No. S7–31–95. All comments received will be available for public inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW, Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Joseph Babits or James Budge (202) 942–2910, Division of Corporation Finance; and, with regard to questions concerning investment companies or investment advisers, Robert G. Bagnall or Emanuel D. Strauss (202) 942–0660, Division of Investment Management, U.S. Securities and Exchange Commission, 450 Fifth Street, NW, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Commission today is publishing its views with respect to using electronic media as a means of delivering information required under the Securities Act of 1933 (''Securities Act''),[1] the Securities Exchange Act of 1934 (''Exchange Act''),[2] and the Investment Company Act of 1940 (''Investment Company Act'').[3] Advances in computers and electronic media technology are enabling companies to disseminate information to more people at a faster and more cost-effective rate than traditional distribution methods, which have been largely paper-based. The Commission appreciates the promise of electronic distribution of information in enhancing investors' ability to access, research, and analyze information, and in facilitating the provision of information by issuers and others. The Commission believes that, given the numerous benefits of electronic distribution of information and the fact that in many respects it may be more useful to investors than paper, its use should not be disfavored.

Until recently, on-line use of corporate information was generally limited to large corporations and institutional investors. The dramatic growth in personal computer ownership,[4] however, is enabling many small investors to access on-line corporate information just as readily as institutions. Access to information through electronic means permits small investors to communicate quickly and efficiently with companies as well as with each other.[5]

Use of electronic media also enhances the efficiency of the securities markets by allowing for the rapid dissemination of information to investors and financial markets in a more cost-efficient, widespread, and equitable manner than traditional paper-based methods. Recognizing the multiple benefits of electronic technology, the Commission initiated its Electronic Data Gathering, Analysis, and Retrieval (''EDGAR'') system in 1984 to automate the receipt, processing and dissemination of disclosure documents filed with the Commission under the Securities Act, Exchange Act and Investment Company Act.[6] As a result of this automation, filings made with the Commission through EDGAR are available promptly to the public and financial markets. Today, more than 70% of all domestic public companies file electronically through EDGAR, and by May 1996, all domestic registrants will be required to file electronically through EDGAR.[7]

The EDGAR rules apply only to filings made with the Commission; the rules do not affect the obligation of filers to deliver to security holders or potential investors documents such as prospectuses, tender offer materials and proxy or information statements.[8] As the ability to send and receive information in electronic form has become more prevalent, issuers and other market participants have begun requesting interpretive guidance regarding the electronic delivery of these documents.[9]

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[1] 15 U.S.C. 77a *et seq.*

[2] 15 U.S.C. 78a *et seq.*

[3] 15 U.S.C. 80a–1 *et seq.*

[4] While estimates of computer ownership vary from survey to survey, it is anticipated that computer ownership will grow dramatically in the next few years. One recent survey suggests that nearly half of all American households own at least one computer and about 16% of those households that own a computer subscribe to on-line services. *See* B. L. McLaughlan, ''Wired Nations: Half of U.S. Homes Now Have a Computer,'' *The Detroit News*, July 21, 1995, Meet News section. Another survey, however, found that only 31% of American households own a personal computer. *See* J. Morrison, ''Hot Modems, Cold Lives: Refugees From Cyberspace,'' *The New York Times*, April 30, 1995, Section 1, col. 2, p. 45.

[5] *See*, G. Weiss, ''Online Investing—At Your Fingertips Is A Powerful New Financial Tool,'' *Business Week*, June 5, 1995, at 64.

[6] Access to EDGAR filings is generally available through information resellers that have purchased the data from the EDGAR dissemination subsystem and created a variety of on-line and CD-ROM versions. At the present time, 20 firms purchase data and create value-added products for analysts and the investor community. In addition, there is strong interest in ensuring that EDGAR documents are available, especially to individual investors, at the lowest possible cost. In January 1993, the New York University School of Business and the Internet Multicasting Service, a non-profit organization, received a grant from the National Science Foundation to make most EDGAR material available on the Internet. This grant expired on October 1, 1995. The Commission recently announced that it would package EDGAR filings with its own separate Internet service. This service, which began September 28, 1995, makes EDGAR filings as well as certain Commission releases and announcements available on the Internet. The Internet World Wide Web site address is http://www.sec.gov.

[7] In order to encourage the rapid dissemination of additional information considered valuable by many members of the investment community, the Commission today is announcing its intention to expand the capacity of the EDGAR system to accommodate the electronic filing of ownership and transaction reports filed pursuant to Section 16 of the Exchange Act [15 U.S.C. 78p] and Rule 144 [17 CFR 230.144] under the Securities Act. *See* Release No. 33–7231. The necessary programming already has been initiated and filers should be able to file these documents electronically on a voluntary basis by late 1995 or early 1996. A further announcement will be made when the effective date is determined.

[8] See Release No. 33–6977 at Section V.F (February 23, 1993) [58 FR 14628].

[9] For purposes of this release, the term ''electronic'' refers to media such as audiotapes, videotapes, facsimiles, CD-ROM, electronic mail, bulletin boards, Internet Web sites and computer networks (*e.g.*, local area networks and commercial on-line services) to provide documents required by the federal securities laws to investors, security holders, and offerees. Such documents include: prospectuses required to be delivered in connection with offerings under the Securities Act; annual reports to security holders and proxy or information statements required to be furnished pursuant to Section 14 of the Exchange Act [15 U.S.C. 78n];

Moreover, hundreds of issuers are providing information through electronic means, primarily through computer networks.

In February 1995, the Commission's Division of Corporation Finance issued an interpretive letter intending to address certain legal issues relating to electronic delivery of prospectuses (''*Brown & Wood* letter''). [10] The *Brown & Wood* letter established a number of conditions in order for a prospectus to be considered ''delivered'' electronically. The intention at the time of the release of the *Brown & Wood* letter was that the Commission would review this area in greater detail after the issuance of the letter with a view toward, through an appropriate release, providing further interpretive advice or proposed rulemaking. Because of these developments, along with the fact that none of the federal securities statutes exclusively require paper delivery of information, the Commission believes that interpretive guidance on the use of electronic media is appropriate. While the Commission anticipates that issuers and others will rely upon the guidance of this release, continued reliance on the generally more stringent requirements of the *Brown & Wood* letter is no longer required, but would be permissible.

This interpretive release addresses only the procedural aspects under the federal securities laws of electronic delivery, and does not affect the rights and responsibilities of any party under the federal securities laws. [11] This release addresses the delivery of information by or on behalf of issuers, as well as by or on behalf of third parties (such as persons making tender offers or soliciting proxies) with respect to issuers. [12]

Additionally, to facilitate further electronic delivery, the Commission proposes in a companion release to codify certain interpretations regarding Commission rules that are premised on the distribution of paper documents. [13] The rules would be revised to make it clear that paper-based requirements relating to font size, bold-face type, red ink, graphics, and mailing may be modified as appropriate for documents delivered in electronic format. [14] The proposals are not intended to affect any substantive requirement.

Given the numerous benefits of electronic media, the Commission encourages further technological research, development and application. The Commission believes that the use of electronic media should be at least an equal alternative to the use of paper-based media. Accordingly, issuer or third party information that can be delivered in paper under the federal securities laws may be delivered in electronic format.[15] The Commission also expects that paper delivery of information will continue to be made available by issuers and others until such time as electronic media become more universally accessible and accepted, although the Commission recognizes that, for example, various offerings may now be made exclusively through electronic means.[16]

In connection with the June 1995 proposals on permitting the use of abbreviated financial statements in documents delivered to investors,[17] comment was solicited on whether the increasing availability of disclosure through electronic media warrants reassessment of the current overall regulatory framework.[18] Any comments received on the June 1995 proposals will be evaluated and appropriate action will be considered. By issuing this release in the interim, however, the Commission intends to assist issuers and other market participants in using electronic media to comply with the current regulatory scheme.

II. Use of Electronic Media

A. General

The federal securities statutes do not prescribe the medium to be used for providing information by or on behalf of issuers, or by or on behalf of third parties with respect to issuers.[19] The Commission believes that delivery of information through an electronic

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annual and semi-annual reports required by Section 30(d) of the Investment Company Act [15 U.S.C. 80a-29(d)]; documents furnished to investors in connection with tender offers or going private transactions; offering circulars delivered in connection with Regulation A [17 CFR 230.251–263] offerings; and disclosure required to be furnished in connection with Regulation D [17 CFR 230.505, 506] offerings (issuers should be mindful of the current prohibition in Rules 505 and 506 regarding general solicitation, *see* Examples 20 and 21). Other documents may include annual reports on Form 10–K [17 CFR 249.310] and other reports required to be furnished upon request to a security holder or the recipient of a prospectus using incorporation by reference. Additionally, this release addresses the electronic delivery of elective information, such as quarterly reports to security holders and sales literature. But *see* n. 12, below.

[10] *See Brown & Wood* (February 17, 1995).

[11] The liability provisions of the federal securities laws apply equally to electronic and paper-based media. For instance, the antifraud provisions of the federal securities laws as set forth in Section 10(b) of the Exchange Act [15 U.S.C. 78j(b)] and Rule 10b–5 [17 CFR 240.10b–5] thereunder would apply to any information delivered electronically, as it does to information delivered in paper. As another example, Section 17(b) of the Securities Act [15 U.S.C. 77q(b)] would apply to any report circulated on the Internet just as if the report were provided in paper.

In addition, this release does not affect any applicable state laws or self-regulatory organization rules. Consequently, issuers and others need to consider the potential application of state law (*e.g.*, state securities laws and business corporation laws) and other rules. At least one state has addressed issues relating to the use of electronic media in securities offerings. Recently, the Pennsylvania Securities Commission issued an order, effective for a period of one year beginning September 1, 1995, exempting from state qualification requirements securities offers made on the Internet where: 1) the offer indicates directly or indirectly that the securities are not being offered to persons in Pennsylvania; 2) an offer is not being made to any person in Pennsylvania by other means; and 3) no sales of the issuer's securities are made in Pennsylvania as a result of the Internet offer. *See* Order of the Pennsylvania Securities Commission *In Re Offers Effected Through Internet That Do Not Result In Sales In Pennsylvania*, dated August 31, 1995. In addition, the North American Securities Administrators Association, Inc., an association of securities commissioners from each of the 50 states, the District of Columbia, Puerto Rico, Mexico, and several Canadian provinces, has a committee that is addressing various issues, including jurisdictional authority, surrounding the use of electronic media in the offering of securities across state lines.

The National Association of Securities Dealers, Inc. recently reminded its members of the applicability of its Rules for Fair Practice to electronic communications. *See* Special Notice to Members, 95–80, September 26, 1995.

[12] Although Section 2(10) of the Securities Act [15 U.S.C. 77b(10)] defines ''prospectus'' to include a writing that ''confirms the sale of any security,'' this release does not authorize transmission of confirmations, as required by Rule 10b-10 under the Exchange Act [17 CFR 240.10b–10] through electronic means. Consequently, while this release anticipates the electronic delivery of Section 10(a) prospectuses [15 U.S.C. 77j(a)], confirmations that are used to satisfy the delivery of a Section 10(a) prospectus, as permitted by Securities Act Rule 434 [17 CFR 230.434], cannot be delivered electronically at this time, unless specifically permitted as discussed below.

Under current interpretations of Rule 10b-10, confirmations may not be delivered electronically unless the Commission has specifically permitted such delivery. The Commission has recognized the use of a facsimile machine to send customer confirmations. Thus, if a customer has a facsimile machine, a broker-dealer would fulfill its confirmation delivery obligation if it sent the confirmation via facsimile transmission. Release No. 34–34962 (November 9, 1994), 60 FR 59612, 59614 n.28. The Commission, acting by delegated authority, also has allowed, under specified conditions, confirmations to be sent by electronic means. *See, e.g.*, Thomson Financial Services (October 8, 1993). Applications for exemption from the requirements under Rule 10b-10 for delivery by paper or facsimile, pursuant to paragraph (e) of the Rule, may be sent to Catherine McGuire, Chief Counsel, Division of Market Regulation, U.S. Securities and Exchange Commission, 450 Fifth Street, N.W., Mail Stop 5–10, Washington, D.C. 20549.

The Commission has directed the Division of Market Regulation to review this and other rules to determine if and under what conditions electronic delivery of information required by those rules is feasible. The Commission expects that this review will result in the issuance of additional releases relating to these rules.

[13] *See* Release No. 33–7234.

[14] *See* Section III, below.

[15] *See* n. 9 and 12, above.

[16] *See* n. 27, below.

[17] Release No. 33–7183 (June 27, 1995) [60 FR 35604].

[18] *See* Section II.B to Release No. 33–7183.

[19] *But see* n. 12, above.

medium generally could satisfy delivery or transmission obligations under the federal securities laws.

The federal securities laws, among other purposes, seek to promote fair and orderly markets by requiring the disclosure of material information that enables investors to make informed investment and voting decisions. The extent to which required disclosure is made, as opposed to the medium for providing it, should be most important to the analysis of whether sufficient disclosure has occurred under the securities laws. An electronic medium would not provide an adequate means for the delivery of required disclosure, and thus not serve the statutory purposes, if the medium does not permit effective communication to investors or is practically unavailable.[20]

The Commission believes that the question of whether delivery through electronic media has been achieved is most easily examined by analogy to paper delivery procedures. The Commission would view information distributed through electronic means as satisfying the delivery or transmission requirements of the federal securities laws if such distribution results in the delivery[21] to the intended recipients of substantially equivalent information as these recipients would have had if the information were delivered to them in paper form.[22] As is the case with paper delivery, there should be an opportunity to retain a permanent record of the information.

B. Guidance Regarding Electronic Delivery

The Commission believes that the analysis of whether an electronic communication is delivered or transmitted for purposes of the federal securities laws should be determined in accordance with the preceding discussion. In making such determination with respect to information communicated, in particular, over the Internet, through on-line services, or through analogous computer networks, the Commission believes that the following concepts discussed in this section reflect issues that should be considered in determining whether applicable statutory requirements have been satisfied.

This release is intended to provide guidance and a degree of certainty regarding the manner in which electronic delivery can be achieved. An issuer or other party that structures its delivery in accordance with the principles and examples set forth below can be assured that it is satisfying its delivery obligations under the federal securities laws. The Commission wishes to emphasize, however, that the factors discussed below are not the only factors relevant to determining whether the legal requirements pertaining to delivery or transmission of documents have been satisfied. If an issuer or third party develops a method of electronic delivery that differs from those discussed below, but provides assurance comparable to paper delivery that the required information will be delivered, that method may satisfy delivery or transmission obligations. The ultimate responsibility for satisfying the applicable statutory requirements remains with the issuer or other party to whom the law assigns the responsibility.

Notice. When an issuer delivers a paper document through the postal mail, the investor will most likely be made aware that new information exists and that the investor might have to take some action within a certain period of time. The Commission believes that those providing electronic information should consider the extent to which the electronic communication provides timely and adequate notice to investors that information for them is available and, if necessary, consider supplementing the electronic communication with another communication that would provide notice similar to that provided by delivery in paper. If an electronic document itself is provided—for example, on computer disk, CD—ROM, audio tape, videotape, or e-mail—that communication itself should generally be sufficient notice. If the document is provided on an Internet Web site, however, separate notice would be necessary to satisfy the delivery requirements unless the issuer can otherwise evidence that delivery to the investor has been satisfied or the document is not required to be delivered under the federal securities laws.[23]

Access. When a document is delivered through the postal mail, a recipient generally is provided with access to the required disclosure. The Commission believes that recipients who are provided information through electronic delivery should have comparable access; consequently, the use of a particular medium should not be so burdensome that intended recipients cannot effectively access the information provided.[24] Moreover, as is the case with a paper document, a recipient should have the opportunity to retain the information or have ongoing access equivalent to personal retention.[25]

If disclosure is made available by posting it on the Internet, making it available through on-line services, or making it available by similar means, the document should be accessible for as long as the delivery requirement applies.[26]

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[20] Electronically delivered documents must be prepared, updated, and delivered consistent with the provisions of the federal securities laws in the same manner as paper documents. Regardless of whether information is delivered through paper or electronic means, it should, of course, convey all material and required information. If a paper document is required to present information in a certain order, then the electronic document should convey the information in substantially the same order. For example, in an audio or video prospectus, the information required to be on the cover page of a paper prospectus pursuant to Item 501(c) of Regulation S–K [17 CFR 229.501(c)] (*e.g.,* red herring language) must be among the first information presented through the audio or video media.

Information need not be provided solely through one medium. For example, the Commission anticipates that, for practical reasons, many proxy solicitations would continue to be delivered only in paper by an issuer, while that issuer may choose to deliver other documents, such as an annual report to shareholders (''annual reports'') through electronic means.

[21] Under the various federal securities statutes and rules, there are differing delivery obligations depending upon the context of the requirements. This release does not alter these requirements.

[22] Issuers and other persons required to satisfy delivery requirements should consider establishing record-keeping or other procedures to evidence satisfaction of applicable requirements through electronic means. Presumably, such procedures would be analogous to comparable procedures followed when a paper document is delivered.

Those providing information also should take reasonable precautions to ensure the integrity and security of that information, regardless of whether it is to be delivered through electronic means or paper, so as to ensure that it is the information intended to be delivered.

[23] For example, in an offering, notice of an updated or final prospectus and/or the updated or final prospectus itself need not be sent at all, through any means, to persons who have received an electronic preliminary prospectus, but to whom securities are not expected to be sold. Of course, the final prospectus would have to be delivered, through electronic means or otherwise, to those investors to whom securities are sold.

[24] For example, if an investor must proceed through a confusing series of ever-changing menus to access a required document so that it is not reasonable to expect that access would generally occur, this procedure would likely be viewed as unduly burdensome. In that case, delivery would be deemed not to have occurred unless delivery otherwise could be shown.

There are some circumstances where burdensome procedures may be appropriate. *See* Example 48.

[25] In many cases, the investor will be able to download the document from the electronic medium, which is sufficient to satisfy this need.

[26] For example, after a paper preliminary prospectus has been provided, issuers make the most recent version of the prospectus available to all persons to whom they expect to sell. If an issuer posts electronically a preliminary prospectus on its Web site, the prospectus should be updated to the same degree as paper and be available to all persons to whom the issuer expects to sell securities in

Finally, because of possible system failures, computer incompatibilities, and those cases, for example, where consents are used in connection with the delivery of information electronically and the person providing the consent revokes it, a necessary precaution given the current state and use of communications technology is that issuers must be able to make available paper versions of documents delivered in an electronic medium. Specifically, the Commission believes that, as a matter of policy, where a person has a right to receive a document under the federal securities laws and chooses to receive it electronically, that person should be provided with a paper version of the document if any consent to receive documents electronically were revoked or the person specifically requests a paper copy (regardless of whether any previously provided consent was revoked).[27]

C. Evidence To Show Delivery

Providing information through postal mail provides reasonable assurance that the delivery requirement is satisfied. The Commission believes that issuers and others[28] providing electronic delivery of information should similarly have reason to believe that any electronic means so selected will result in the satisfaction of the delivery requirements. Examples of procedures evidencing satisfaction of the delivery requirements include: (1) obtaining an informed consent from an investor to receive the information through a particular electronic medium[29] coupled with assuring appropriate notice and access, as discussed above; (2) obtaining evidence that an investor actually received the information, for example, by electronic mail return-receipt or confirmation of accessing, downloading, or printing (*see* example 36); (3) disseminating information through certain facsimile methods (*see* example 32); (4) an investor's accessing a document with hyperlinking to a required document (*see* examples 15 and 35); and (5) using forms or other material available only by accessing the information (*see* examples 31 and 33).

The Commission requests comment on these concepts and on whether additional or alternative concepts would be more useful.

D. Examples

A series of examples is provided below to illustrate various applications of the above concepts and to provide guidance in applying them to specific facts and circumstances. The analysis required to determine compliance with the delivery requirements is fact-specific, and any different or additional facts might require a different conclusion. Although this interpretation is effective immediately, the Commission requests comment on whether other examples might be appropriate for publication in a subsequent release.

Securities Act

(1) Company XYZ places its final prospectus on its Internet Web site. Company XYZ then confirms by mail the sale of securities to investors with a note stating that the final prospectus is available on its Web site and giving the Internet location of the Web site.

Unlike paper delivery of a final prospectus where access to the document can be presumed with delivery, not all investors purchasing securities could be presumed to have the ability to access the final prospectus via an Internet Web site. Therefore, absent other factors such as express consent from the investor or an investor's actually accessing the document on the Web site, the procedures described above by themselves would not satisfy the delivery requirements under the Securities Act.

(2) Company XYZ places its final prospectus on its Internet Web site. Company XYZ then confirms by mail the sale of securities to those investors who have consented to electronic delivery via the Company's Internet Web site. A note on the bottom of the confirmation[30] states that the final prospectus is available on its Web site and the Internet location of the Web site.

This would satisfy delivery obligations, as it is reasonable to presume that investors who have consented to delivery of the final prospectus via an Internet Web site have the ability to access the final prospectus once such investors are supplied with notice of the Internet location of the Web site.

(3) While reviewing Company XYZ's preliminary prospectus on its Internet Web site, Investor John Doe consented to delivery of all future documents *only through electronic mail, not* by Web site access. Company XYZ subsequently places its final prospectus on its Internet Web site. Company XYZ then confirms by mail the sale of securities to John Doe. A note on the bottom of the confirmation states that the final prospectus is available on its Internet

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reliance on the electronic delivery of the prospectus. It likely would not be sufficient to show effective delivery if the information was merely posted for a brief period of time and then taken off the Web site, absent some other showing that delivery of the updated prospectus actually had occurred. In the case of a continuous offering, the prospectus should remain available for as long as the issuer will rely on its delivery through the electronic system. Annual reports should be available electronically for a sufficient length of time for delivery to be satisfied. In the case of proxy soliciting materials regarding the election of directors, investors might reasonably expect the proxy soliciting materials and annual report to be available on the Web site until their votes have been cast and the meeting adjourned.

[27] This policy would not preclude an issuer from structuring its offering as one that will be made only through electronic documents. However, companies conducting initial public offerings must consider prospectus delivery requirements for secondary market trading under Securities Act Rule 174 [17 CFR 230.174].

Further, if a potential investor makes it known that the receipt of information through electronic means by that person is no longer to be relied upon by the issuer (for example, due to the revocation of a consent previously given), then the issuer would not be able to rely on the electronic delivery of information subsequently to provide information to such person. If such subsequent information is required to be provided under the federal securities laws to such person because, for example, the person is now a shareholder and is entitled to receive a proxy statement then, absent some alternative, the issuer would be required to deliver the information through paper.

[28] For example, broker-dealers, banks, associations and other fiduciary entities may have delivery obligations to forward proxy soliciting materials and annual reports to shareholders under Exchange Act Rules 14b–1 and 14b–2 [17 CFR 240.14b–1 and 240.14b–2]. *See* Example 29.

[29] If a consent is used, the consent should be an informed consent. Recipients generally should be apprised: that information provided would be available through a specific electronic medium or source (*e.g.*, via a limited proprietary system, or at a World Wide Web site); of the potential that investors may incur costs (*e.g.*, on-line time); and of the period during, and the documents for, which the consent will be effective. For instance, investors should be made aware of whether the consent extends to more than one type of document. If an investor revokes a consent that extends to more than one document, and consent is being relied upon by the provider of the information to ensure effective delivery or transmission, future documents should be delivered in paper unless the provider of the information has an alternative mechanism for ensuring effective electronic delivery. If not, it would appear likely that continued electronic delivery, after revocation of the consent, would not be considered to result in the investor's having access to the information and, therefore, the delivery requirement would not be satisfied.

Moreover, an issuer could rely on consents provided to an underwriter, a brokerage firm or other service provider. Similarly, an underwriter or brokerage firm could rely on a consent that its customer provided to the issuer, and deliver that issuer's documents through the same electronic medium.

Information may be provided through more than one medium; for example, proxy statements and proxy cards might continue to be delivered in paper while prospectuses might be delivered electronically. If the recipient of information provides a general consent to receive *all* documents electronically, it would be permissible for a provider of information to attempt to accommodate that request if the provider so desired.

[30] A separate document accompanying the confirmation also may be used.

Web site and the location of that Web site.

Again, absent other factors such as John Doe's actually accessing the final prospectus on the Web site, the above-stated procedure of Company XYZ would not by itself satisfy the obligations to deliver the final prospectus to John Doe, as John Doe consented to delivery only by electronic mail, not via an Internet Web site. If consent is to be relied upon, the consent should indicate the specific electronic medium or media that may be used for delivery.

(4) While reviewing Company XYZ's preliminary prospectus on its Internet Web site, Investor John Doe consented to delivery of all future Company documents by 3½'' floppy disk. Company XYZ places its final prospectus on its Internet Web site. Company XYZ then confirms by mail the sale of securities to John Doe. A 3½'' floppy disk containing the final prospectus is included with the confirmation.

This would satisfy the obligation to deliver the final prospectus to John Doe, since the Company included with the confirmation the final prospectus on a 3½'' floppy disk.

(5) Investor John Doe consents to delivery of all documents electronically via Company XYZ's Web site. Two days after consenting, John Doe realizes that the online service he subscribes to does not allow Internet access. John Doe notifies Company XYZ that he is revoking his consent for any electronic delivery as he is not able to access the Company's Internet Web site. Three weeks later, John Doe receives in the mail a confirmation of his purchase of Company XYZ's securities stating the Internet location of the Company's Web site where the final prospectus can be obtained.

Since John Doe revoked his consent for electronic delivery, the Company's notice to John Doe is insufficient because the Company knows that its attempted delivery through the Internet will not satisfy the statutory requirements for John Doe. A final paper prospectus would have to be delivered to John Doe instead. Although a consent is revocable at any time, revocation would have to be given to the company or its agent a reasonable time before electronic delivery has commenced for the company to be on notice that electronic delivery will not satisfy the statutory requirements.

(6) Company LMN, a non-reporting issuer, commences an initial public offering. Company LMN agrees with its underwriter, Brokerage Firm DFG, to place its preliminary prospectus on the Company's Internet Web site at least 48 hours prior to confirmations being sent. Investors John and Jane Doe are both expected to purchase securities in the Company's initial public offering. Both John and Jane Doe previously provided Company LMN with consents for electronic delivery through the Company's Internet Web site. Brokerage Firm DFG, pursuant to its prospectus delivery obligation under Exchange Act Rule 15c2–8(b),[31] provides notice to John and Jane Doe at least 48 hours prior to sending them confirmations.

The underwriter may satisfy its obligation under Rule 15c2–8(b) to John and Jane Doe by this means since both have consented to electronic delivery through the Company's Internet Web site. Although consent was not provided directly to the underwriter, the underwriter can rely on the consent supplied to the Company. Similarly, had the consent been provided to the underwriter, the Company could rely on it as well.

(7) Company ABC contracts with Company QRS, a computer technology company, to place its preliminary and final prospectuses on Company QRS's Internet Web site. Investor John Doe requests a copy of Company ABC's preliminary prospectus via electronic mail from Company ABC's underwriter, Brokerage Firm DFG. The underwriter sends a return electronic mail to John Doe asking if he would like the electronic or paper version of the preliminary prospectus. John Doe replies that the electronic version via the Internet Web site would be preferable. The underwriter then informs John Doe of the Internet location of Company QRS's Web site where the preliminary prospectus for Company ABC is available.

This would satisfy Brokerage Firm DFG's obligation to take reasonable steps to furnish to any person making a written request for a prospectus a copy of such prospectus.[32] John Doe's request for the electronic version via the Internet indicates that such electronic delivery would be effective.[33]

(8) Company XYZ sends the final prospectus via electronic mail to those investors that previously had requested delivery by electronic mail.

The Company would meet its delivery obligation with this procedure.

(9) Company XYZ places a preliminary prospectus on its Internet Web site. After a material amendment to the registration statement, it is determined that recirculation of an updated prospectus will be required prior to effectiveness. Company XYZ updates the preliminary prospectus on its Web site.

The Company need only send notice of the update to those investors who are expected to purchase securities in the offering (or takes other measures to deliver the information to those investors). There is no need to send notice to individuals who are not expected to purchase securities in the offering.

(10) Company XYZ places its final prospectus on its Internet Web site. Its underwriters mail confirmations of sales to all purchasers. At the same time the confirmations are mailed, the underwriters send via electronic mail notice of the location of the Internet Web site where the final prospectus is available. Notice is sent to all investors who had consented to electronic delivery via an Internet Web site and who provided their electronic mail addresses for purposes of being notified. To those investors that did not provide an electronic mail address but did consent to electronic delivery of the final prospectus, the underwriters mailed the notice of the location of the Internet Web site with the confirmation.

As the notice made investors aware of the availability and location of the electronic document, the delivery requirement would be satisfied.

(11) Company XYZ posts its final prospectus for sale of its common stock on its Internet Web site. Company XYZ's stock is traded on the New York Stock Exchange (NYSE). The NYSE requests 300 paper copies of Company XYZ's final prospectus pursuant to Securities Act Rule 153.[34] Rather than sending 300 copies of its final prospectus to the NYSE, Company XYZ provides the NYSE with notice of its Internet Web site, where the final prospectus can be accessed and downloaded.

This would be insufficient delivery under Securities Act Rule 153. Company XYZ must supply the 300 paper copies to the NYSE. The NYSE must be in the position to provide paper copies of Company XYZ's final

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[31] 17 CFR 240.15c2–8(b).

[32] Exchange Act Rule 15c2–8(c), (d) [17 CFR 240.15c2–8(c), (d)].

[33] In Release No. 34–35705 (May 11, 1995) [60 FR 26604], the Commission stated that a managing underwriter may discharge its obligations pursuant to Rule 15c2–8(g) or (h) by delivering a prospectus (or any portion thereof) electronically to a participating broker-dealer, if the recipient broker-dealer expressly consents to delivery in such form, consistent with the Brown & Wood letter. As reflected in that release and as further discussed in this release and Examples 6 and 7 above, it is the Commission's view that broker-dealers may use a variety of means to satisfy the prospectus delivery obligations of Rule 15c2–8, including electronic delivery.

[34] 17 CFR 230.153.

prospectus because there is no reasonable expectation that delivery would otherwise be satisfied with regard to investors who do not use any electronic means to receive information. The NYSE would, however, satisfy its delivery obligations with respect to any investor who received delivery of the information through electronic means.

(12) Company XYZ places its preliminary prospectus on its Internet Web site. Upon effectiveness of its registration statement, the Company decides to deliver a term sheet pursuant to Securities Act Rule 434. The term sheet, however, will not be placed on the Company's Web site, but will be delivered in paper format with confirmation of the sale to all investors.

Delivery of a mixed medium final prospectus would satisfy delivery obligations. Generally, if investors received the preliminary prospectus electronically, issuers are encouraged to deliver all documents that constitute the final prospectus in electronic format. However, confirmations cannot be furnished electronically unless the Commission has specifically approved such delivery.[35]

(13) Company XYZ wants to deliver to investors a CD-ROM version of its prospectus. The CD-ROM version includes within the prospectus a movie illustrating the Company's operations. Investors viewing the CD-ROM prospectus would not have to exit the prospectus in order to view the movie, as the movie is actually a part of the prospectus.

While Company XYZ may include the movie as part of the prospectus, it would need to file with the Commission as an appendix to the prospectus the script of the movie and a fair and accurate narrative description of the graphic or image material just as it would have to supplementally provide to the Commission scripts and descriptions of such material in sales material.

(14) Company XYZ places a copy of its final prospectus on its Internet Web site. The electronic final prospectus will remain there throughout the period for which delivery is required. Company XYZ also places supplemental sales literature on its Internet Web site. Both the sales literature and the prospectus can be accessed from the same menu, are clearly identified on, and appear in close proximity to each other;[36] the supplemental sales literature may be accessed before viewing or downloading the prospectus.

Sales literature, whether in paper or electronic form, is required to be preceded or accompanied by a final prospectus.[37] In this example, the prospectus would accompany the sales literature since investors can access both the prospectus and sales literature from the same menu. The sales literature and final prospectus should appear in close proximity to each other on the menu. For example, the sales literature should not be presented on the first page of a menu while the final prospectus is buried within the menu.

(15) Company XYZ places its sales literature in a discussion forum located on the Internet World Wide Web. The sales literature contains a hyperlink to the Company's final prospectus. While viewing the literature the individual can click on a box marked ''final prospectus,'' and almost instantly the person will be linked directly to the Company's Web site and the final prospectus will appear on the person's computer screen.

Sales literature, whether in paper or electronic form, is required to be preceded or accompanied by a final prospectus. The hyperlink function enables the final prospectus to be viewed directly as if it were packaged in the same envelope as the sales literature. Therefore, the final prospectus would be considered to have accompanied the sales literature. Consequently, the placing of sales literature in a discussion forum on a Web site would satisfy delivery obligations provided that a hyperlink that provides direct access to the final prospectus is included.

(16) Company XYZ places a preliminary prospectus on its Internet Web site and provides direct access via a hyperlink to a research report on the Company written by ABC Corporation, a registered brokerage firm. The investor reviewing the preliminary prospectus can click on a box marked ''ABC's research report'' and the investor will be linked to the brokerage firm's Web site where the research report is available.

The hyperlink function provides the ability to access information located on another Web site almost instantaneously. This direct and quick access to ABC's research report would be similar to the Company including the paper version of the research report in the same envelope that it is using to mail the paper version of the preliminary prospectus to potential investors. During the waiting period, the Company may make offers only through the use of a preliminary prospectus,[38] whether in paper or electronic format; therefore, its use of the research report under these circumstances would not be permissible.

(17) Company XYZ places its final prospectus on its Internet Web site. The Company then mails sales literature to individuals for whom delivery through the Internet Web site was effective (regardless of whether the individuals consented to delivery). Similarly, Brokerage Firm ABC mails Company XYZ sales literature to its customers for whom delivery through the Internet Web site was effective (regardless of whether the individuals consented to delivery). In the forepart of Company XYZ's sales literature is notice of the availability and Internet Web site location of its final prospectus.

The mailing of sales literature to these individuals is permissible, provided that notice of the availability of the final prospectus and its Internet Web site location accompanies or precedes the sales literature. When notice is included within sales literature, it should be in the forepart of the literature and clearly highlighted to make investors aware of the availability and location of the final prospectus.

(18) Company XYZ places a tombstone advertisement complying with Securities Act Rule 134[39] on its Internet Web site.

This would be permissible, provided that the advertisement otherwise complies with Rule 134.

(19) Company XYZ files a registration statement with the Commission. The Company then places a ''tombstone'' advertisement in accordance with Securities Act Rule 134 in the *Wall Street Journal.* In the advertisement the Company includes the name and address of the underwriter from whom a paper prospectus can be obtained as well as the location of its Internet Web site where an electronic prospectus can be obtained.

This inclusion of an electronic address for obtaining the materials in this ''tombstone'' advertisement would be permissible under Rule 134. (Similarly, an advertisement made pursuant to Rule 14a–2(a)(6)[40] indicating the availability of proxy soliciting materials and the location of an Internet Web site where electronic proxy soliciting materials could be obtained would be permissible.)

(20) Company XYZ wants to raise $5 million by selling its common stock in a private placement pursuant to

[35] See n. 12, above.

[36] In this example, the prospectus is accessible on the same menu as the supplemental sales literature; consequently, the existence of the prospectus and its location are readily ascertainable by the investor viewing the sales literature.

[37] Section 5(b) of the Securities Act.

[38] Section 5(b) of the Securities Act.

[39] 17 CFR 230.134.

[40] 17 CFR 240.14a–2(a)(6).

Securities Act Rule 506 of Regulation D. The Company places its offering materials on its Internet Web site, which requires various information from a person attempting to access the materials to be provided to the Company prior to displaying the offering materials.

The placing of the offering materials on the Internet would not be consistent with the prohibition against general solicitation or advertising in Rule 502(c) of Regulation D.[41] Where prospective purchasers have been otherwise located without a general solicitation, a proprietary computer service could be used to deliver required disclosure documents.

(21) Company XYZ wants to raise $5 million by selling its common stock in a private placement pursuant to Rule 506 of Regulation D to certain individuals who have been located without a general solicitation. The Company transmits the offering materials via electronic mail addresses provided by these persons.

This would not be inconsistent with the offering restrictions in the rule.

(22) Company XYZ pays John Doe $10,000 to write a report about the Company and post the report on the Internet. John Doe writes the report and places it on the Growth Companies Investment Bulletin Board located on the Internet. The report does not disclose the $10,000 that the Company paid John Doe.

The Securities Act requires that the $10,000 compensation paid by Company XYZ to John Doe be disclosed in the report, regardless of whether it is in electronic or paper form.[42]

Exchange Act

(23) Company XYZ places its annual report and proxy soliciting materials on its Internet Web site. The Company then sends notice to *all* its record holders that its annual report and proxy soliciting materials are available on its Internet Web site along with the Internet location of the Web site and a telephone number that shareholders may call to request a paper copy.

Similar to Example (1), a company should not presume that all record holders have the ability to access the annual report and proxy soliciting materials via an Internet Web site. Therefore, absent other factors such as a consent from, or actual access by, a Company shareholder, posting of the annual report and proxy soliciting materials via the Company's Internet Web site would be insufficient to constitute delivery to all record holders. The Company, however, may place the materials on its Web site, but in this instance, it also would need to furnish paper copies of the materials to its record holders.

(24) In January 1995, Company XYZ places a copy of its final prospectus on its Internet Web site. The prospectus will remain there throughout the period for which delivery is required. Prior to viewing the final prospectus, Investor John Doe provides an express consent to the delivery of the prospectus and all future documents related to the offering via Company XYZ's Web site. Investor John Doe subsequently purchases the securities. In connection with its May 1995 annual meeting, Company XYZ places proxy soliciting materials on its Web site and places an advertisement in the *Wall Street Journal* indicating that its proxy materials are now available on its Web site.

This advertisement by itself, even coupled with the express consent that related to the offering documents, is insufficient for the company to assume that it has delivered its proxy statement to Investor John Doe. Although John Doe had provided consent to receiving documents electronically, there is no reason to believe that notice provided in the *Wall Street Journal* would make John aware of the availability of the proxy materials. Company XYZ must provide more direct delivery or notice to John Doe of the proxy materials. Notice by publication in a newspaper or on a Web site or bulletin board is insufficient.

(25) In September 1994, John Doe, a shareholder in Company XYZ, requests all future corporate communications including proxy statements and annual reports to shareholders (''annual report'') to be delivered electronically through the Company's Internet Web site. The consent form states that Company XYZ expects that its annual report and proxy materials for its annual meeting will be available on its Web site on April 1, 1995. On April 1, 1995, the Company places its annual report and proxy soliciting materials on its Web site.

Unlike the delivery of paper annual reports and proxy soliciting materials, where the mere appearance in the mail of such materials places the shareholder on notice within close proximity to the time when shareholder action is requested, the advance request in this example, without more, may not be close enough in time to the requested action to be effective. However, if the Company reasonably expects for other specific reasons, such as a history of communications with that shareholder, that the shareholder would have effective delivery of the information through the Web site, then the procedure could be acceptable.

(26) Record holder Jane Doe consents to delivery of all documents via Company XYZ's Web site. On April 1, 1995, Company XYZ provides notice to Jane Doe that its annual report and proxy materials are available on its Web site for its annual meeting scheduled to be held on May 5, 1995. On April 5, 1995, Jane Doe notifies the Company that her computer is broken and requests a paper copy of the annual report and proxy materials.

Because Jane Doe's notice to the Company indicates that electronic delivery will be ineffective, the Company should provide Jane Doe with paper copies of the annual report and proxy materials within a reasonable time of her request. She does not need to withdraw her consent in order to receive the paper copies.

(27) Company XYZ places its quarterly report to shareholders and Forms 8–K on its Internet Web site and advertises the location of its Web site in the *Wall Street Journal*. The Company takes no other action to deliver these materials to shareholders.

This would be permissible, since there generally is no requirement to deliver such materials to shareholders at all.

(28) Company XYZ places its annual report and proxy soliciting materials for the election of directors on its Internet Web site and provides notice to all record holders that previously had consented to electronic delivery via the Company's Web site. The record holders are instructed to print the proxy card, execute the proxy and then mail it back to the Company.

This would be consistent with the proxy rules.

(29) Brokerage Firm ABC solicits its customers who are beneficial owners of Company XYZ to determine whether they would like to receive Company XYZ's annual report and proxy soliciting materials electronically via the Internet rather than in paper. The Brokerage Firm then informs the Company that 100 beneficial holders would like to receive the materials electronically and 200 beneficial holders would prefer paper materials.

The Company provides the Brokerage Firm with the location of its Internet Web site where the materials are posted and copies of its paper documents for the 200 beneficial owners who do not wish to receive the electronic delivery.

[41] 17 CFR 230.502(c). In Release 33–7185 (June 27, 1995), the Commission solicited comment on the question of whether the prohibition against general solicitation in Regulation D offerings should be reconsidered.

[42] Section 17(b) of the Securities Act.

The Brokerage Firm then forwards the notice of the location of the electronic materials to those beneficial holders who consented to receive electronic delivery and forwards the paper materials to those who did not.[43]

This would be consistent with the proxy rules.

(30) Company XYZ wishes to produce its annual report on videotape and CD–ROM. The videotape and CD–ROM will contain all the material information disclosed in the glossy annual report. Before distributing the Company's annual report, the Company sends a letter asking its shareholders whether they would be interested in receiving the Company's annual report on videotape or CD–ROM instead of paper. The Company then sends the videotape version of its annual report to its shareholders who wish to receive the videotape and the CD–ROM version to those shareholders who wish to receive the CD–ROM. The paper glossy annual report is sent to those shareholders who do not wish to receive either electronic format.

The federal securities laws do not preclude the delivery of a document through different media.

Mutual Funds

The Commission is aware that investment companies, particularly open-end investment companies (''mutual funds'' or ''funds'') have been active in using electronic means to communicate with their shareholders and prospective investors.[44] Given the extent to which funds have embraced the new technologies, the Commission believes that it is appropriate to include the following additional examples, which are tailored to the fund industry. Unless otherwise noted, however, investment companies other than mutual funds and other corporate issuers or third parties may use these examples for guidance as well.

Examples

(31) A fund sends an e-mail to a recipient with a prospectus attached. The prospectus file includes an application form. The recipient fills out the form and mails it with a check to the fund.

Delivery of the prospectus may be inferred from the recipient's use of the form (provided the fund can identify it as coming from the electronically transmitted prospectus).

(32) A current prospectus is faxed to a potential investor who has requested the prospectus and provided the phone number of the fax machine.

This transmission satisfies the prospectus delivery requirements.

(33) A current prospectus and an application are faxed to a potential investor. The investor did not request the fax, but the sender knows the investor's fax machine phone number.

If the investor completes and mails in the application form included in the faxed prospectus, delivery of the electronic prospectus may be inferred.

(34) A fund sends an unsolicited e-mail with a prospectus attached in one file, and supplemental sales literature in a separate file. The investor can access the sales literature and the prospectus with equal ease.

The fund may send the supplemental sales literature in this fashion.[45] Electronic delivery of the prospectus may be inferred even if the prospectus is not accessed. This would be analogous to an investor receiving by mail a prospectus and supplemental sales literature in the same envelope and electing to review the sales literature, but not the prospectus.

(35) A fund posts its supplemental sales literature and prospectus on a file server for open access over the Internet. The supplemental sales literature contains hyperlinks to the fund's electronic prospectus and includes a caption referring the investor to the prospectus. The investor would not need any additional software or need to take burdensome steps to access the prospectus and thus has reasonably comparable access to both documents. This system also provides for the downloading or printing of prospectuses and sales literature. An investor would not be required to retrieve, download, or print a prospectus before viewing the sales literature. The system does not require any consent by its users.

When a user accesses the supplemental sales literature, electronic delivery of the prospectus can be inferred. This scenario is analogous to an investor's selecting an envelope containing a paper prospectus and supplemental sales literature from a display at an office of a broker-dealer. This electronic delivery of the prospectus would be sufficient for other purposes if the fund could reasonably establish that the investor has actually accessed the sales literature or the prospectus.

(36) A prospectus is made available through an on-line system that allows users to access, download or print the entire prospectus and has the capacity to track which users accessed, printed or downloaded which documents.

A fund may rely upon a user's having accessed, printed or downloaded a prospectus for the fund in order to deliver supplemental sales literature or an order form for the fund or to establish delivery of the prospectus in connection with a sale of fund shares.

(37) A fund's prospectus is available through an on-line service that does not have the capacity for downloading or printing or to track retrieval by a user. Investors do not provide any consent. The fund mails or e-mails supplemental sales literature, or an application to all of the service's subscribers, without including a prospectus.

Absent other factors that would indicate delivery of the prospectus, the fund may not send the supplemental sales literature or an application in this fashion, because it is not preceded or accompanied by the prospectus for purposes of Section 2(10)(a) of the Securities Act.[46] This would be true even if the general subscription agreement for the service contained a provision consenting to receipt of documents, because such consent would not be sufficient to give the fund reason to believe that delivery requirements relating to the prospectus will actually be satisfied.

(38) A server available through the Internet contains a fund's prospectus and application form in separate files. Users can download or print the application form without first accessing, downloading or printing the prospectus; the form includes a statement that by signing the form, the investor certifies that he or she has received the prospectus. Logistically it is significantly more burdensome to access the prospectus than the application form (*e.g.*, the investor needs to download special software before accessing the prospectus).

The statement in the form about receipt of the prospectus would not by itself constitute electronic delivery of the prospectus, and the application form is not evidence of delivery of the prospectus, given the need to download special software before the prospectus can be viewed.

(39) A server available through the Internet contains a fund's prospectus. Users must download the prospectus to view or print it. When a user downloads

[43] Exchange Act Rule 14b–1. This example also is applicable to delivery by banks and other entities pursuant to Rule 14b–2.

[44] *See* E. Savitz, ''Let A Thousand Web Site Bloom,'' *Barron's*, June 26, 1995, at 50.

[45] Sections 2(10)(a) and 5(b) of the Securities Act.

[46] This is analogous to printing a fund prospectus in a magazine of general circulation and subsequently mailing supplemental sales literature to the magazine's subscribers, which would not comply with Sections 2(10) and 5(b) of the Securities Act. *See William C. Lloyd (State of Wisconsin)*, June 7, 1990.

the prospectus, the user receives the prospectus and an application form in separate files. It is not significantly more burdensome to access the prospectus than the application form (*e.g.*, no additional software is necessary to read either document, although the documents may be in different formats).

If the fund can identify the application form as coming from the electronic system, electronic delivery of the prospectus can be inferred. The application form is evidence of delivery of the prospectus.

(40) A fund's prospectus and application form are available through an electronic system like that described in the preceding example, except that the investor needs to download special software before the prospectus and application form can be downloaded.

If the fund can identify the application form as coming from the electronic system, electronic delivery of the prospectus can be inferred. The application form is evidence of access to the prospectus.

(41) A fund sends an e-mail with an attached file containing an advertisement satisfying the requirements of Securities Act Rule 482.[47]

There is no prospectus delivery requirement in this context; a Rule 482 advertisement need not be preceded or accompanied by a prospectus.

(42) A fund transmits prospectuses over an electronic bulletin board. Investors provide specific consent to receipt of the prospectus through that system. The consent states that the current version of the prospectus will be made continuously available and notice of material amendments will be given by mail, e-mail, or some other manner specifically directed to investors.

The prospectus delivery requirements will be satisfied with respect to subsequent additional purchases by those investors.

(43) A fund places its prospectus on its Internet Web site and revises the electronic version whenever the prospectus is modified. The fund materially amends the prospectus and decides to send a postcard or e-mail to persons to whom the prospectus has been delivered through electronic means or who have consented to electronic delivery notifying them of the availability of the amended prospectus.

This procedure provides for delivery of the prospectus to those who have consented and to those to whom the prospectus has been previously delivered (if the fund expects those persons to be able to receive the amended prospectus). Alternatively, the fund could choose to satisfy its prospectus delivery requirements by sending a paper copy of the amended prospectus to investors in the fund, including investors who consented to receive documents electronically.

(44) A fund places its prospectus on its Internet Web site. Potential investor John Doe obtains access to the prospectus. John Doe does not purchase shares in the fund. Subsequently, the prospectus is amended.

The fund does not need to provide John Doe with notice of the amendment.

(45) A fund puts proxy solicitation materials on the fund's server on the World Wide Web. At the same time, the fund sends out postcards or e-mail messages (with investors having consented to receive notification by e-mail) giving notification that the proxy materials are available. Investors have signed up to receive documents through the server.

This would be consistent with the proxy rules.

(46) A fund transmits annual and semi-annual reports over an electronic bulletin board system. The fund makes the current versions of these materials available and informs investors who have consented to electronic delivery of this fact. The fund provides separate notification each time a shareholder report is posted by including the notification in the preceding quarterly account statement or shareholder newsletter. The notice informs investors of a date by which the report will be available.

Notification to shareholders in a statement or newsletter delivered within the preceding quarter would be considered sufficient notice under Section 30(d) of the Investment Company Act[48] and the rules thereunder to constitute delivery.

(47) A fund sends investors upon request a CD–ROM containing its current prospectus and registration statement materials for the fund's offering. This would provide delivery to investors.[49]

(48) Prospectuses and other materials are available through a computer server that requires users to obtain a user ID and password before they can access documents on the system. The process for obtaining the ID and password requires significant information from the user and involves a delay of one day or even several days before the user can access the system. After a user accesses a prospectus, a fund sends him or her supplemental sales literature.

The process provides for delivery of the prospectus. Although the system imposes burdens in the process for obtaining access to the prospectus, these burdens are part of the process of providing access to all the information, including the supplemental sales literature, and not burdens upon access to the prospectus that is delivered.

(49) A prospectus is made available through an on-line system that allows users to download the entire prospectus. The system does not permit on-line viewing. An investor downloads the prospectus.

Assuming downloading, this method would satisfy the delivery requirements because on-line viewing is not a prerequisite to electronic delivery.

(50) A fund provides its prospectus, annual and semi-annual reports through an Internet Web site. After one year, the fund decides to terminate the Web site.

The fund may cease making its prospectus available through the Web site as soon as the fund no longer plans to rely on electronic delivery for satisfying its prospectus delivery requirements.[50] Generally, an annual or semi-annual report should be available until superseded by a later report. The fund in this example could terminate the posting of the most recent report when it is superseded by a new one, or earlier if it provides a replacement paper copy to shareholders who received the report electronically.

(51) The text of a fund's prospectus transmitted electronically on a CD–ROM or an Internet Web site follows the sequence requirements of Form N–1A.[51] The prospectus includes a summary, which contains hyperlinks that allow the investor to move to later sections of the prospectus or to other documents (*e.g.*, the fund's statement of additional information or annual report). The summary is part of the prospectus text that is subject to the form's sequence requirements.

Even though the hyperlinks allow an investor to choose to view information out of sequence, the prospectus satisfies the requirements of Form N–1A, because the main text does comply with the sequence requirement.

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[47] Rule 482 [17 CFR 230.482] permits a registered investment company or business development company to use an ''omitting prospectus'' advertisement that contains only information the substance of which is included in the company's Section 10(a) prospectus.

[48] 15 U.S.C. 80a–29(d).

[49] The analysis would be the same if an investor requests and receives information on a diskette.

[50] Continued sales of fund shares or delivery of sales literature or application forms to investors who had received the prospectus electronically would require delivery of paper prospectus to those investors. Funds should consider whether paper prospectuses should also be sent to other investors (*e.g.*, recent purchasers).

[51] 17 CFR 274.11A.

(52) A fund places its prospectus (information required by Part A of Form N–1A) on its Internet Web site. The fund does not put its Statement of Additional Information (''SAI'') (information required by Part B of Form N–1A) on its Web site; instead, it provides a paper copy of its SAI free of charge to any person that requests it.

Delivery of a paper copy of an SAI does not prevent a fund from satisfying its prospectus delivery requirements electronically.

III. Proposed Amendments

This release is intended to address practices involving electronic delivery that are acceptable under current rules; no substantive changes to filing or delivery requirements are contemplated here. However, in order to make it clear that current rules should be read to encompass electronic as well as paper dissemination, the Commission is proposing in a companion release a number of technical amendments to its rules.[52]

IV. Electronic Filing Issues

As emphasized previously, this release addresses only issues relating to electronic delivery of required disclosure documents and does not affect the Commission's electronic filing requirements. However, the Commission recognizes that the same rapid development of electronic communications in recent years that has led to the issuance of this release also has implications for how the Commission should receive, process and make publicly available the documents filed with it pursuant to the federal securities laws. Currently, filings are accepted by the Commission only in the electronic formats prescribed by the EDGAR system, or in paper, where the filer has not yet become subject to mandated electronic filing requirements or where there is an exemption pursuant to the electronic filing rules. While EDGAR may be modified in the future to accept and process a broader array of electronic formats, there may be ways to allow the filing of documents prepared and delivered in other electronic media on a more expedited timetable. As the Commission continues with its review of this area, it intends to issue additional releases. Comment on the costs and benefits to filers and the federal government with respect to these issues should be provided by persons submitting comment on these issues.

V. Solicitation of Comment

Any interested persons wishing to submit written comments relating to the views expressed in this release, or with respect to the rule proposals in the companion release, are invited to do so by submitting them in triplicate to Jonathan G. Katz, Secretary, U.S. Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C., 20549. Commenters should refer to File Number S7–31–95. Comment is requested not only on the specific issues discussed on the release, but on any other approaches or issues that should be considered in connection with facilitating the use of electronic media to further the disclosure purposes of the federal securities laws. Comment is sought from the point of view of both parties providing the disclosure, such as issuers and those acting on behalf of issuers, and parties receiving and using the disclosure, such as investors and shareholders. The Commission further requests comment on any competitive burdens that might result from the adoption of the proposals. Comments on this inquiry will be considered by the Commission in complying with its responsibilities under Section 23(a) of the Exchange Act.[53]

List of Subjects in 17 CFR Parts 231, 241, and 271

Securities.

Amendment of the Code of Federal Regulations

For the reasons set out in the preamble, Title 17 Chapter II of the Code of Federal Regulations is amended as set forth below:

PART 231—INTERPRETIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

1. Part 231 is amended by adding Release No. 33–7233 and the release date of October 6, 1995, to the list of interpretive releases.

PART 241—INTERPRETIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

2. Part 241 is amended by adding Release No. 34–36345 and the release date of October 6, 1995, to the list of interpretive releases.

PART 271—INTERPRETIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

3. Part 271 is amended by adding Release No. IC–21399 and the release date of October 6, 1995, to the list of interpretive releases.

Dated: October 6, 1995.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–25391 Filed 10–12–95; 8:45 am]

BILLING CODE 8010–01–P

[52] *See* Release No. 33–7234 for the text of those amendments. Rule changes are proposed to be made to the following rules and forms: Rule 253 of Regulation A [17 CFR 230.253]; Rule 420 of Regulation C [17 CFR 230.420]; Rules 481 and 482 of Regulation C [17 CFR 230.481, 230.482]; Rule 605 of Regulation E [17 CFR 230.605]; Rule 304 of Regulation S–T [17 CFR 232.304]; Forms F–7 [17 CFR 239.37], F–8 [17 CFR 239.38], F–9 [17 CFR 239.39]; F–10 [17 CFR 239.40] and F–80 [17 CFR 239.41]; Rule 12b–12 [17 CFR 240.12b–12]; Rule 13e–3 [17 CFR 240.13e–3]; Rule 13e–4 [17 CFR 240.13e–4]; Schedule 13E–4F [17 CFR 240.13e–102]; Rule 14a–3 [17 CFR 240.14a–3]; Rule 14a–5 [17 CFR 240.14a–5]; Rule 14a–7 [17 CFR 240.14a–7]; Rule 14c–4 [17 CFR 240.14c–4]; Rule 14c–7 [17 CFR 240.14c–7]; Rule 14d–5 [17 CFR 240.14d–5]; Schedule 14D–1F [17 CFR 240.14d–102]; Schedule 14D–9F [17 CFR 240.14d–103]; and Rule 8b–12 [17 CFR 270.8b–12]; Rule 30d–1 [17 CFR 270.30d–1] and Rule 30d–2 [17 CFR 270.30d–2].

[53] 15 U.S.C. 78w(a).

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230, 232, 239, 240 and 270

[Release No. 33–7234, 34–36346, IC–21400; File No. S7–31–95]

RIN 3235–AG67

Use of Electronic Media for Delivery Purposes

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: The Securities and Exchange Commission (''Commission'') today is proposing technical amendments to its rules that are premised on the distribution of paper documents. These proposals are intended to clarify certain rules in light of the interpretations set forth in a companion interpretive release [Release No. 33–7233] outlining the Commission's view on the use of electronic media in the dissemination of information under the federal securities laws.

DATES: Comments should be received on or before November 27, 1995.

ADDRESSES: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 5th Street NW., Washington, D.C., 20549. Comment letters should refer to File No. S7–31–95. All comments received will be available for public inspection and copying at the Commission's Public Reference Room, 450 Fifth Street NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Joseph P. Babits or James R. Budge, (202) 942–2910, Division of Corporation Finance; and, with regard to questions concerning investment companies and investment advisers, Kathleen K. Clarke, (202) 942–0721, Division of Investment Management, U.S. Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In order to clarify certain rules in light of the interpretations relating to electronic distribution of information under the federal securities laws, as published concurrently in an interpretive release (Release No. 33–7233) (the ''Interpretive Release''), the Commission is proposing minor technical amendments to the following rules and forms: Rule 253 of Regulation A;[1] Rule 420 of Regulation C;[2] Rules 481 and 482 of Regulation C;[3] Rule 605 of Regulation E;[4] Rule 304 of Regulation S–T;[5] Forms F–7,[6] F–8,[7] F–9;[8] F–10[9] and F–80;[10] Rule 12b–12;[11] Rule 13e–3;[12] Rule 13e–4;[13] Schedule 13E–4F;[14] Rule 14a–3;[15] Rule 14a–5;[16] Rule 14a–7;[17] Rule 14c–4;[18] Rule 14c–7;[19] Rule 14d–5;[20] Schedule 14D–1F;[21] Schedule 14D–9F;[22] Rule 8b–12;[23] Rule 30d–1;[24] and Rule 30d–2.[25]

I. Proposed Amendments

In its Interpretive Release, published concurrently, the Commission states its views with respect to the use of electronic media to disseminate information in compliance with the federal securities laws. The rules that are the subject of today's proposals relate to various aspects of how a document is to be sent, given or otherwise distributed to investors or others, and were originally adopted on the assumption that delivery was to be accomplished by means of a paper document. The Commission believes it is appropriate to modify these rules in light of the views expressed in the Interpretive Release to make it clear that the rules do not limit an issuer's (or other person's) delivery options to paper dissemination only, and that compliance with the rules governing legibility or specific methods of delivery may be effected by alternative means reasonably calculated to satisfy the requirements if electronic dissemination is chosen.

These proposals demonstrate that the Commission recognizes the diversity of media available to issuers and others who distribute securities-related materials, as well as the fact that strict compliance with requirements applicable to printed material may not be possible in all electronic media. The purpose of the proposed rule changes is to maintain the intent of the original requirements while allowing flexibility in the choice of distribution medium.

A. General Formatting Requirements

Wherever the Commission's rules prescribe the physical appearance of a paper disclosure document, such as type size and font requirements, the Commission is proposing to add statements to the rules to provide that if the document is being delivered in an electronic version, the issuer may comply with the requirements by presenting the information in a format readily communicated to investors. Where rules require legends to be printed in red ink or bold-face type, or using a different font size, the rules would include a statement that issuers may satisfy such requirements by presenting the legends in any manner reasonably calculated to draw attention to them. Comment is solicited as to whether more specific standards relating to legibility of electronic documents should be required, or whether the more flexible approach proposed today is preferable. If more specific standards are desirable, commenters should indicate which standards should apply.

B. Graphic, Image and Audio Information

In addition to the written word, material information may be effectively conveyed through graphic presentations, such as charts, graphs and photographs, and through audio soundtracks. Some distribution media may be able to accommodate these means of communication, while others may not.[26] As noted in Section II of the Interpretive Release, all versions of a disseminated document, whether paper or electronic, should convey substantially equivalent information to investors. The Commission proposes to incorporate this concept by amending its rules, where appropriate, to provide that if material graphic, image and audio information is included in one version of a disclosure document, but not in other versions, the issuer must include in the other versions a fair and accurate

[1] 17 CFR 230.253.

[2] 17 CFR 230.420.

[3] 17 CFR 230.481 and 230.482.

[4] 17 CFR 230.605.

[5] 17 CFR 232.304.

[6] 17 CFR 239.37.

[7] 17 CFR 239.38.

[8] 17 CFR 239.39.

[9] 17 CFR 239.40.

[10] 17 CFR 239.41.

[11] 17 CFR 240.12b–12.

[12] 17 CFR 240.13d–3.

[13] 17 CFR 240.13e–4.

[14] 17 CFR 240.13e–102.

[15] 17 CFR 240.14a–3.

[16] 17 CFR 240.14a–5.

[17] 17 CFR 240.14a–7.

[18] 17 CFR 240.14c–4.

[19] 17 CFR 240.14c–7.

[20] 17 CFR 240.14d–5.

[21] 17 CFR 240.14d–102.

[22] 17 CFR 240.14d–103.

[23] 17 CFR 270.8b–12.

[24] 17 CFR 270.30d–1.

[25] 17 CFR 270.30d–2.

[26] While graphic, image and audio material may be included by the issuer in an electronically disseminated document, this information may not, in some cases, be reproduced by the persons receiving the electronic version, either because of the technical constraints of the person's equipment or because of an election not to receive these types of communications. Issuers should be mindful of this possibility when using electronic media. If material information is to be furnished by means of graphics, images or audio soundtracks, issuers may need to make investors using electronic media aware of this.

description or transcript of the omitted information.

With respect to filings made on the EDGAR system, issuers may distribute to investors an electronic version of a disclosure document that includes video, audio, and graphic presentations in one package, while the version filed with the Commission on EDGAR could not accommodate this information. Rule 304 of Regulation S–T currently requires fair and accurate descriptions of omitted materials and provides that those portions of the disseminated version would be deemed filed with the Commission. Rule 304, however, is worded in terms of graphic and image material included in ''the paper version'' of an EDGAR filing. In order to reflect the possibility of the delivery of an electronic version that differs from the EDGAR filing, the Commission proposes to amend Rule 304 to provide that wherever the ''document delivered to investors or others'' includes graphic, image or audio information that cannot be reproduced in an electronic filing on EDGAR, the EDGAR filing should include a fair and accurate narrative description, tabular presentation or transcript of the omitted material. Of course, immaterial differences would not need to be described. The rule would retain the provisions that all such omitted material is deemed filed as part of the electronic filing and that copies of the document as distributed should be retained by the issuer for a period of five years. Commenters are requested to address whether there are alternatives to the proposed approach that could better minimize the impact of issuers using different versions of the same disclosure document.

C. Rules Where Mailing is Identified as a Delivery Method

Several of the Commission's rules provide that information may be distributed to investors by mail. Some indicate that reasonably prompt alternative delivery methods may be used,[27] while others speak only in terms of mailing. These rules should be read consistently to allow the use of alternative methods of distribution that are reasonably prompt. The Commission proposes to amend the rules where necessary to reflect that view.[28]

D. Structure of Electronic Filing Rules

This release proposes amendments to individual rules rather than creating a new regulation dedicated to electronic delivery that would work in tandem with the individual rules. This has been done to better integrate and highlight the electronic delivery accommodations in pre-existing rules and to minimize confusion. However, a separate regulation approach (Regulation S–T) has been implemented in connection with electronic filing requirements, which are much more comprehensive and complex than those contemplated here because of EDGAR programming and processing considerations. The Commission solicits comment as to whether, rather than amending the existing rules throughout as proposed, Regulation S–T should be amended to address not only EDGAR filings, but also all electronic issues. In that case, the proposed amendments would be grouped together and would supersede the paper-based formatting requirements where electronic delivery was used.

II. Solicitation of Comments

Any interested persons wishing to submit written comments relating to the rule proposals, as explained above, are invited to do so by submitting them in triplicate to Jonathan G. Katz, Secretary, U.S. Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C., 20549. The Commission further requests comment on any competitive burdens that might result from the adoption of the proposals. Comments on this inquiry will be considered by the Commission in complying with its responsibilities under Section 23(a) of the Exchange Act.[29] Commenters should refer to File No. S7–31–95 for comments on the proposals set forth in this release.

III. Cost-Benefit Analysis

While the Commission expects the increased use of electronic media to benefit securities markets and investors by making disclosure available faster and more cheaply, it does not anticipate that the proposed amendments will, in and of themselves, result in substantial economic costs or benefits. The rule proposals are not intended to change what is permissible under the federal securities laws; rather, they are intended to make it clear how current regulatory requirements may be satisfied using methods made possible by technological developments. However, commenters are encouraged to identify any costs or benefits associated with the rule proposals that the Commission may have overlooked.

In particular, please identify any costs or benefits associated with the rule proposals relating to (1) bold-face type, font size, and red ink requirements, (2) graphic, image and audio information, and (3) alternatives to mailing as a distribution method. Will these proposals result in additional costs and benefits (or will the proposed amendments have no significant effect, as anticipated)? Please describe, and quantify, where possible, any such significant effects that you foresee. Will these proposals affect the current compliance burden?

Commenters should bear in mind that the use of electronic media for delivery purposes is optional, and persons responsible for furnishing disclosure may assess for themselves whether the benefits of using electronic distribution methods would outweigh the costs in a specific circumstance.

In addition, the Commission seeks comment on the following issues in order to better assess the costs and benefits of taking additional actions affecting the dissemination of information under the federal securities laws. Please describe, and quantify where possible, the costs and benefits associated with any proposals that you would recommend.

(1) Should any of the rule changes proposed in this release be crafted in a manner that would reduce compliance burdens? If so, how could that be done?

(2) What actions, beyond what is proposed in this release, should the Commission take to maximize the benefits of document delivery to shareholders, issuers, and others, while eliminating any unnecessary costs?

(3) What kinds of documents should the Commission be able to receive, process, and make publicly available through EDGAR system that are not currently eligible for that system?

(4) Should the Commission allow the filing of documents in electronic media other than EDGAR? If so, please make specific recommendations.

IV. Regulatory Flexibility Act Certification

Pursuant to Section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chairman of the Commission has certified that the amendments proposed herein would not, if adopted, have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to this release as Appendix A.

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[27] *See e.g.*, Rule 14d–4(a)(2)(ii) [17 CFR 240.14d–4(a)(2)(ii)].

[28] Where the costs of distribution are to be calculated under the rules, the proposals would provide that methods analogous to those applicable to mailing should be used where alternative delivery methods are chosen.

[29] 15 U.S.C. 78w(a).

V. Statutory Bases

The amendments to the Commission's rules under the Securities Act and amendments to the Commission's rules under the Exchange Act are being proposed pursuant to Sections 6, 7, 8, 10 and 19(a) of the Securities Act and Sections 3, 4, 10, 12, 13, 14, 15, 16 and 23 of the Exchange Act. The amendments to the Commission's rules under the Investment Company Act are being proposed pursuant to Sections 8(b) and 38(a) under the Investment Company Act, as amended.

List of Subjects

17 CFR Parts 230, 232, 239, 240, and 270

Reporting and recordkeeping requirements, Securities, and Investment companies.

Text of the Proposals

In accordance with the foregoing, Title 17, chapter II of the Code of Federal Regulations is proposed to be amended as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

1. The general authority citation for Part 230 is revised to read as follows:

Authority: 15 U.S.C. 77b, 77f, 77g, 77h, 77j, 77s, 77sss, 78c, 78d, 78*l*, 78m, 78n, 78o, 78w, 78*ll*(d), 79t, 80a–8, 80a–29, 80a–30, and 80a–37, unless otherwise noted.

* * * * *

2. By amending § 230.253 by designating the text of paragraph (b) after the heading as paragraph (b)(1) and by adding paragraph (b)(2), to read as follows:

§ 230.253 Offering circular.

* * * * *

(b) *Presentation of information.*

(1) * * *

(2) Where an offering circular is distributed through an electronic medium, issuers may satisfy legibility requirements applicable to printed documents by presenting all required information in a format readily communicated to investors. If material graphic, image and audio information is included in one version of an offering circular, but not in other versions, the issuer must include in the other versions a fair and accurate description or transcript of the omitted information.

* * * * *

3. By amending § 230.420 by designating the text as paragraph (a) and by adding paragraph (b), to read as follows:

§ 230.420 Legibility of prospectus.

(a) * * *

(b) Where a prospectus is distributed through an electronic medium, issuers may satisfy legibility requirements applicable to printed documents, such as paper size, type size and font, bold-face type, italics and red ink, by presenting all required information in a format readily communicated to investors, and where indicated, in a manner reasonably calculated to draw investor attention to specific information. If material graphic, image and audio information is included in one version of a prospectus, but not in other versions, the issuer must include in the other versions a fair and accurate description or transcript of the omitted information.

4. By amending § 230.481 to add paragraph (h) to read as follows:

§ 230.481 Information required in prospectus.

* * * * *

(h) Where a prospectus is distributed through an electronic medium, issuers may satisfy legibility requirements applicable to printed documents, such as paper size, type size and font, bold-face type, italics and red ink, by presenting all required information in a format readily communicated to investors, and where indicated, in a manner reasonably calculated to draw investor attention to specific information. If material graphic, image and audio information is included in one version of a prospectus, but not in other versions, the issuer must include in the other versions a fair and accurate description or transcript of the omitted information.

5. By amending § 230.482 by removing the note following paragraph (a)(7) and adding a note to paragraph (a)(6), to read as follows:

§ 230.482 Advertising by an investment company as satisfying requirements of section 10.

(a) * * *

(6) * * *

Note to paragraph (a)(6). All advertisements made pursuant to this rule are subject to Rule 420 (17 CFR 230.420).

* * * * *

6. By amending § 230.605 by designating the text of paragraph (c) as paragraph (c)(1) and by adding paragraph (c)(2) to read as follows:

§ 230.605 Filing and use of the offering circular.

* * * * *

(c)(1) * * *

(2) Where an offering circular is distributed through an electronic medium, issuers may satisfy legibility requirements applicable to printed documents by presenting all required information in a format readily communicated to investors. If material graphic, image and audio information is included in one version of an offering circular, but not in other versions, the issuer must include in the other versions a fair and accurate description or transcript of the omitted information.

* * * * *

PART 232—REGULATION S–T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

7. The authority citation for Part 232 continues to read as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77sss(a), 78c(b), 78*l*, 78m, 78n, 78o(d), 78w(a), 78*ll*(d), 79t(a), 80a–8, 80a–29, 80a–30 and 80a–37.

8. By amending § 232.304 by revising the section heading, paragraphs (a), (b)(1), and (c) to read as follows:

§ 232.304 Graphic, image and audio material.

(a) If a filer includes graphic, image or audio material in a document delivered to investors and others that cannot be reproduced in an electronic filing, the electronically filed version of that document shall include a fair and accurate narrative description, tabular representation or transcript of the omitted material. Such descriptions, representations or transcripts may be included in the text of the electronic filing at the point where the graphic, image or audio material is presented in the delivered version, or they may be listed in an appendix to the electronic filing. Immaterial differences between the delivered and electronically filed versions, such as pagination, color, type size or style, or corporate logo need not be described.

(b) (1) The graphic, image and audio material in the version of a document delivered to investors and others shall be deemed part of the electronic filing and subject to the liability and anti-fraud provisions of the federal securities laws.

(2) * * *

(c) An electronic filer shall retain for a period of five years a copy of each document containing graphic, image or audio material where such material is not included in an electronic filing. The five-year period shall commence as of the filing date, or the date that appears on the document, whichever is later. Upon request, an electronic filer shall furnish to the Commission or its staff a

copy of any or all of the documents contained in the file.

* * * * *

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

9. The authority citation for Part 239 continues to read in part as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 77sss, 78c, 78*l*, 78m, 78n, 78o(d), 78w(a), 78*ll*(d), 79e, 79f, 79g, 79j, 79*l*, 79m, 79n, 79q, 79t, 80a–8, 80a–29, 80a–30 and 80a–37, unless otherwise noted.

* * * * *

10. By amending Form F–7 (referenced in § 239.37) by adding a note to Part I, Item 2, to read as follows:

Note—The text of Form F–7 does not, and this amendment will not, appear in the Code of Federal Regulations.

Form F–7—Registration Statement Under the Securities Act of 1933

* * * * *

Part I—Information Required To Be Sent to Shareholders

* * * * *

Item 2. Information Legends

* * * * *

Note to Item 2. If the home-jurisdiction document(s) are delivered through an electronic medium, the issuer may satisfy the legibility requirements for the required legends relating to type size and font by presenting the legends in any manner reasonably calculated to draw investor attention to it.

* * * * *

11. By amending Form F–8 (referenced in § 239.38) by adding a note to Part I, Item 2, to read as follows:

Note—The text of Form F–8 does not, and this amendment will not, appear in the Code of Federal Regulations.

Form F–8—Registration Statement Under the Securities Act of 1933

* * * * *

Part I—Information Required To Be Delivered to Offerees or Purchasers

* * * * *

Item 2. Informational Legends

* * * * *

Note to Item 2. If the home-jurisdiction document(s) are delivered through an electronic medium, the issuer may satisfy the legibility requirements for the required legends relating to type size and font by presenting the legends in any manner reasonably calculated to draw investor attention to it.

* * * * *

12. By amending Form F–9 (referenced in § 239.39) by adding a note to Part I, Item 2, to read as follows:

Note—The text of Form F–9 does not, and this amendment will not, appear in the Code of Federal Regulations.

Form F–9—Registration Statement Under the Securities Act of 1933

* * * * *

Part I—Information Required To Be Delivered to Offerees or Purchasers

* * * * *

Item 2. Informational Legends

* * * * *

Note to Item 2. If the home-jurisdiction document(s) are delivered through an electronic medium, the issuer may satisfy the legibility requirements for the required legends relating to type size and font by presenting the legends in any manner reasonably calculated to draw investor attention to it.

* * * * *

13. By amending Form F–10 (referenced in § 239.40) by adding a note to Part I, Item 3, to read as follows:

Note.— The text of Form F–10 does not, and this amendment will not, appear in the Code of Federal Regulations.

Form F–10—Registration Statement Under the Securities Act of 1933

* * * * *

Part I—Information Required To Be Delivered to Offerees or Purchasers

* * * * *

Item 3. Informational Legends

* * * * *

Note to Item 3. If the home-jurisdiction document(s) are delivered through an electronic medium, the issuer may satisfy the legibility requirements for the required legends relating to type size and font by presenting the legends in any manner reasonably calculated to draw investor attention to it.

* * * * *

14. By amending Form F–80 (referenced in § 239.41) by adding a note to Part I, Item 2, to read as follows:

Note.—The text of Form F–80 does not, and this amendment will not, appear in the Code of Federal Regulations.

Form F–80—Registration Statement Under the Securities Act of 1933

* * * * *

Part I—Information Required To Be Delivered to Offerees or Purchasers

* * * * *

Item 2. Informational Legends

* * * * *

Note to Item 2. If the home-jurisdiction document(s) are delivered through an electronic medium, the issuer may satisfy the legibility requirements for the required legends relating to type size and font by presenting the legends in any manner reasonably calculated to draw investor attention to it.

* * * * *

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

15. The authority citation for Part 240 continues to read in part as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78i, 78j, 78*l*, 78m, 78n, 78o, 78p, 78q, 78s, 78w, 78x, 78*ll*(d), 79q, 79t, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4 and 80b–11, unless otherwise noted.

* * * * *

16. The authority citation following § 240.14d–5 is removed.

17. By amending § 240.12b–12 by adding paragraph (e) to read as follows:

§ 240.12b–12 Requirements as to paper, printing and language.

* * * * *

(e) Where a statement or report is distributed to investors through an electronic medium, issuers may satisfy legibility requirements applicable to printed documents, such as paper size and type size and font, by presenting all required information in a format readily communicated to investors. If material graphic, image and audio information is included in one version of a statement or report, but not in other versions, the issuer must include in the other versions a fair and accurate description or transcript of the omitted information.

18. By amending § 240.13e–3 by designating the instructions to paragraph (e)(3) (immediately following paragraph (e)(3)(ii)(B)) as ''*Instructions to paragraph (e)(3)*'' and by adding instruction 3 thereto, to read as follows:

§ 240.13e–3 Going private transactions by certain issuers or their affiliates.

* * * * *

(e)(3) * * *

Instructions to paragraph (e)(3).

1. * * *

2. * * *

3. If the information delivered to security holders is distributed through an electronic medium and the legend required by paragraph (e)(3)(ii) is included, issuers may satisfy the legibility requirement relating to type size and font by presenting the legend in any manner reasonably calculated to draw security holder attention to it.

* * * * *

19. By amending § 240.13e–4 by revising paragraph (e)(1)(ii)(A), to read as follows:

§ 240.13e–4 Tender offers by issuers.

* * * * *

(e) * * *
(1) * * *
(ii) * * *
(A) By mailing or otherwise furnishing promptly the statement required by paragraph (d)(1) of this section to each security holder whose name appears on the most recent shareholder list of the issuer;
* * * * *

20. By amending Schedule 13E–4F (§ 240.13e–102) by adding a note to Item 2 of Part I, to read as follows:

§ 240.13e–102 Schedule 13E–4F. Tender offer statement pursuant to section 13(e)(1) of the Securities Exchange Act of 1934 and § 240.13e–4 thereunder.

* * * * *

PART I—INFORMATION REQUIRED TO BE SENT TO SHAREHOLDERS

* * * * *
Item 2. * * *
Note to Item 2. If the home jurisdiction document(s) are delivered through an electronic medium, the issuer may satisfy the legibility requirements for the required legends relating to type size and fonts by presenting the legend in any manner reasonably calculated to draw security holder attention to it.
* * * * *

21. By amending § 240.14a–3 by designating the text of paragraph (b)(2) as (b)(2)(i) and by adding paragraph (b)(2)(ii), to read as follows:

§ 240.14a–3 Information to be furnished to security holders.

* * * * *
(b) * * *
(2)(i) * * *
(ii) Where the annual report to security holders is delivered through an electronic medium, issuers may satisfy legibility requirements applicable to printed documents, such as type size and font, by presenting all required information in a format readily communicated to investors. If material graphic, image and audio information is included in one version of an annual report to security holders, but not in other versions, the issuer must include in the other versions a fair and accurate description or transcript of the omitted information.
* * * * *

22. By amending § 240.14a–5 by designating the text of paragraph (d) as paragraph (d)(1) and by adding paragraph (d)(2), to read as follows:

§ 240.14a–5 Presentation of information in proxy statement.

* * * * *
(d)(1) * * *
(2) Where a proxy statement is delivered through an electronic medium, issuers may satisfy legibility requirements applicable to printed documents, such as type size and font, by presenting all required information in a format readily communicated to investors. If material graphic, image and audio information is included in one version of a proxy statement, but not in other versions, the issuer must include in the other versions a fair and accurate description or transcript of the omitted information.
* * * * *

23. By amending § 240.14a–7 by adding a note at the end of the section, to read as follows:

§ 240.14a–7 Obligations of registrants to provide a list of, or mail soliciting material to, security holders.

* * * * *
Note to § 240.14a–7. Reasonably prompt methods of distribution to security holders may be used instead of mailing. If an alternative distribution method is chosen, the costs of that method should be considered where necessary rather than the costs of mailing.

24. By amending § 240.14c–4 by adding paragraph (d), to read as follows:

§ 240.14c–4 Presentation of information in information statement.

* * * * *
(d) Where an information statement is delivered through an electronic medium, issuers may satisfy legibility requirements applicable to printed documents, such as type size and font, by presenting all required information in a format readily communicated to investors. If material graphic, image and audio information is included in one version of an information statement, but not in other versions, the issuer must include in the other versions a fair and accurate description or transcript of the omitted information.

25. By amending § 240.14c–7 by revising paragraph (c), to read as follows:

§ 240.14c–7 Providing copies of material for certain beneficial owners.

* * * * *
(c) A registrant, at its option, may send by mail or other equally prompt means, its annual report to security holders to the beneficial owners whose identifying information is provided by record holders and respondent banks, pursuant to § 240.14b–1(b)(3) and § 240.14b–2(b)(4) (ii) and (iii), provided that such registrant notifies the record holders and respondent banks at the time it makes the inquiry required by paragraph (a) of this section that the registrant will send the annual report to security holders to the beneficial owners so identified.
* * * * *

26. By amending § 240.14d–5 by adding a note at the end of the section, to read as follows:

§ 240.14d–5 Dissemination of certain tender offers by the use of stockholder lists and security position listings.

* * * * *
Note to § 240.14d–5. Reasonably prompt methods of distribution to security holders may be used instead of mailing. If alternative distribution methods are chosen, the costs of the distribution should be calculated using methods analogous to those required in connection with mailing.

27. By amending Schedule 14D–1F (§ 240.14d–102) by adding a note to Item 2 of Part I, to read as follows:

§ 240.14d–102 Schedule 14D–1F. Tender offer statement pursuant to rule 14d–1(b) under the Securities Exchange Act of 1934.

* * * * *
Part I—Information Required To Be Sent to Shareholders
* * * * *
Item 2. Informational Legends
* * * * *
Note to Item 2. If the home-jurisdiction document(s) are delivered through an electronic medium, the issuer may satisfy the legibility requirements for the required legends relating to type size and font by presenting the legend in any manner reasonably calculated to draw security holder attention to it.
* * * * *

28. By amending Schedule 14D–9F (§ 240.14d–103) by adding a note to Item 2 of Part I, to read as follows:

§ 240.14d–103 Schedule 14D–9F. Solicitation/recommendation statement pursuant to section 14(d)(4) of the Securities Exchange Act of 1934 and rules 14d–1(b) and 14e–2(c) thereunder.

* * * * *
Part I—Information Required To Be Sent to Shareholders
* * * * *
Item 2. Informational Legends
* * * * *
Note to Item 2. If the home jurisdiction document(s) are delivered through an electronic medium, the issuer may satisfy the legibility requirements for the required legends relating to type size and font by presenting the legend in any manner reasonably calculated to draw security holder attention to it.
* * * * *

PART 270—GENERAL RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

29. The authority citation for Part 270 continues to read, in part, as follows:

Authority: 15 U.S.C. 80a–1 *et seq.*, 80a–37, 80a–39, unless otherwise noted;

* * * * *

30. The authority citations following § 270.8b–12 are removed.

31. By amending § 270.8b–12 by adding paragraph (f) to read as follows:

§ 270.8b–12 Requirements as to paper, printing and language.

* * * * *

(f) Where a registration statement or report is distributed through an electronic medium, issuers may satisfy legibility requirements applicable to printed documents, such as paper size, type size and font, bold-face type, italics and red ink, by presenting all required information in a format readily communicated to investors, and where indicated, in a manner reasonably calculated to draw investor attention to specific information. If material graphic, image and audio information is included in one version of a registration statement or report, but not in other versions, the issuer must include in the other versions a fair and accurate description or transcript of the omitted information.

32. By amending § 270.30d–1 by revising the word ''mailed'' in paragraph (c) to read ''transmitted'', revising the word ''mailed'' in the last sentence of paragraph (d)(2) to read ''transmitted'', and revising the word ''mailed'' in paragraph (e) to read ''transmitted''.

33. By amending § 270.30d–2 by removing from the first sentence the phrase ''by mail, postage prepaid,''; and in the second sentence, by revising the word ''mailed'' to read ''transmitted'' and by revising the word ''mailing'' to read ''transmitting''.

Dated: October 6, 1995.

By the Commission.

Jonathan G. Katz,

Secretary.

Note: Appendix A to the Preamble will not appear in the Code of Federal Regulations.

Appendix A

Regulatory Flexibility Act Certification

I, Arthur Levitt, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed amendments to Rule 253 of Regulation A, Rules 420, 481 and 482 of Regulation C, Rule 605 of Regulation E, Rule 304 of Regulation S–T, Forms F–7, F–8, F–9, F–10 and F–80, Rule 12b–12, Rule 13e–3, Rule 13e–4, Schedule 13E–4F, Rule 14a–3, Rule 14a–5, Rule 14a–7, Rule 14c–4, Rule 14c–7, Rule 14d–5, Schedule 14D–1F, Schedule 14D–9F, Rule 8b–12, Rule 30d–1 and Rule 30d–2, as set forth in Securities Act Release Number 7234, would not, if adopted, impose additional disclosure or delivery requirements or otherwise alter current requirements, and therefore would not have a significant economic impact on a substantial number of small entities.

The Commission's interpretive release on electronic distribution of information (Securities Act Release No. 7233) clearly indicates that current rules permit the use of alternative electronic delivery methods to satisfy federal securities law disclosure requirements. The technical amendments proposed in Securities Act Release No. 7234 are intended to make it clear that one can comply with current rules even if the delivery method employed is electronic rather than paper based. No new disclosure or delivery obligations are proposed, nor are old methods of disclosure or delivery being terminated. Since no changes to substantive disclosure or delivery requirements are being proposed, the proposals will not have a significant economic impact on businesses, large or small.

It is anticipated that there will be economic benefits resulting from the electronic distribution of information. Those benefits, however, will be derived from advances in technology, and not from the minor technical amendments that are the subject of this proposal.

Dated: October 6, 1995.

Arthur Levitt,

Chairman.

[FR Doc. 95–25390 Filed 10–12–95; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–7231; 34–36337; IC–21395]

Electronic Filing of Forms 3, 4, 5, and 144

October 5, 1995.

The Commission today announced that it intends in the near future to allow voluntary electronic filing on the Electronic Data Gathering, Analysis, and Retrieval (''EDGAR'') system of securities ownership and transaction reports filed pursuant to Section 16(a) of the Securities Exchange Act of 1934 (Forms 3, 4, and 5), as well as notifications of proposed sale of securities under Rule 144 under the Securities Act of 1933 (Form 144). Because many of these forms are filed by individuals and contain information presented in a highly structured format, the Commission excluded them from the mandated electronic filing requirements. At the time the rules were promulgated, however, the Commission indicated that it would revisit the electronic status of these documents at a later time. See Release No. 33–6977 (April 26, 1993) [58 FR 14628] (adopting the EDGAR rules).

Following two years of successful electronic filing, and with the phase-in to mandated electronic filing nearly completed (over 70 percent of all domestic companies filing with the Commission are now electronic filers), the Commission has determined that filers of Forms 3, 4, 5 and 144 should have the option to file them electronically via EDGAR. This will facilitate the speedy dissemination of information considered valuable by many members of the investing public. The necessary programming already has been initiated. It is anticipated that all required programming and rulemaking will be completed by late 1995 or early 1996, and another public announcement will be made when the implementation date is determined. While electronic filing of these forms will not be mandatory, it will be encouraged. Filers who desire to file electronically should submit their Forms ID early in order to obtain the access codes they will need to make their filings on EDGAR. Forms ID are available in the EDGAR Filer Manual; they also may be obtained from the Commission's publications unit by calling (202) 942–4046 and asking for Form ID (SEC 2084).

FOR FURTHER INFORMATION, CONTACT: David T. Copenhafer, Office of Information Technology at (202) 942–8800.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–25389 Filed 10–12–95; 8:45 am]

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Federal Register

Friday
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Part III

Department of Agriculture

Cooperative State Research, Education, and Extension Service

Solicitation for Applications for Fiscal Year 1996 National Research Initiative Competitive Grants Program; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

Solicitation for Applications for Fiscal Year 1996 National Research Initiative Competitive Grants Program

Applications are invited for competitive grant awards in agricultural, forest, and related environmental sciences under the National Competitive Research Initiative Grants Program (NRICGP) administered by the Competitive Research Grants and Awards Management Division, Cooperative State Research, Education, and Extension Service (CSREES), for fiscal year 1996.

Authority

The authority for this program is contained in Section 2(b) of the Act of August 4, 1965, as amended (7 U.S.C. 450i(b)). Under this program, subject to the availability of funds, the Secretary may award competitive research grants, for periods not to exceed five years, for the support of research projects to further the programs of the Department of Agriculture (USDA). Proposals may be submitted by any State agricultural experiment station, college, university, other research institution or organization, Federal agency, private organization, corporation, or individual. Proposals from scientists at non-United States organizations will not be considered for support.

It is expected that Congress, in the final version of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996 (H.R. 1976), will prohibit CSREES from using the funds available for the NRICGP for fiscal year 1996 to pay indirect costs exceeding 14 per centum of the total Federal funds provided under each award on competitively-awarded research grants. In addition, it is expected that, pursuant to the final version of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996 (H.R. 1976), in the case of any equipment or product that may be authorized to be purchased with the funds provided under this program, entities will be encouraged to use such funds to purchase only American-made equipment or products.

Applicable Regulations and Statutory Guidance

The regulations governing the NRICGP currently are found at 7 CFR part 3200. The regulations set forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals and the awarding of grants, and regulations relating to the post-award administration of grant projects.

CSREES published a proposed amendment to those regulations on May 11, 1995 (60 FR 25594). The proposed amendment, among other things, would move the regulations at 7 CFR part 3200 to 7 CFR part 3411. With the one change of deleting ''full-time'' in proposed 7 CFR 3411.3(d)(3)(ii)(C), CSREES expects to publish the text of the proposed rule as the final rule within one month. Any new requirements contained in the proposed 7 CFR part 3411 are incorporated in this solicitation and the Program Description for the FY 1996 NRICGP. Therefore, when effective, 7 CFR part 3411 will apply to the NRICGP, including proposals submitted in response to this solicitation, for the FY 1996 program year.

Other regulations applicable to this program include, but are not limited to, the following: (a) the USDA Uniform Federal Assistance Regulations, 7 CFR Part 3015; (b) the USDA Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 7 CFR part 3016; (c) Section 1402 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3101); and (d) Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3103), which defines ''sustainable agriculture.''

Project Types

The project types for which proposals are solicited include:

I. Conventional Projects

(a) Standard Research Grants: Research will be supported that is fundamental or mission-linked, conducted by individual investigators, co-investigators within the same discipline, or multidisciplinary teams. Any State agriculture experiment station, college, university, other research institution or organization, Federal agency, private organization, corporation, or individual may apply. Proposals from scientists at non-United States organizations will not be considered for support.

(b) Conferences: Scientific meetings that bring together scientists to identify research needs, update information, or advance an area of research are recognized as integral parts of research efforts. Any State agricultural experiment station, college, university, other research institution or organization, Federal agency, private organization, corporation, or individual is an eligible applicant in this area. Proposals from scientists at non-United States organizations will not be considered for support.

II. Agricultural Research Enhancement Awards

In order to contribute to the enhancement of research capabilities in the research program areas described herein, applications are solicited for Agricultural Research Enhancement Awards. Such applications may be submitted by any State agricultural experiment station, college, university, other research institution or organization, Federal agency, private organization, corporation, or individual. Applications from scientists at non-United States organizations will not be considered for support. Agricultural Research Enhancement Awards are available in the following categories, for which the eligibility requirements are defined in 7 CFR 3411.3 and restated in the FY 1996 NRICGP Program Description:

(a) Postdoctoral Fellowships.

(b) New Investigator Awards.

(c) Strengthening Awards: Institutions in USDA EPSCoR states are eligible for strengthening awards. For FY 1996, USDA EPSCoR states consist of the following:

Alaska
Arkansas
Connecticut
Delaware
Hawaii
Idaho
Maine
Mississippi
Montana
Nevada
New Hampshire
New Mexico
North Dakota
Rhode Island
South Carolina
South Dakota
Vermont
West Virginia
Wyoming
All U.S. territories and possessions, including the District of Columbia.

Investigators at other institutions may also be eligible for Strengthening Awards. See the FY 1996 Program Description for complete details on programs and eligibility.

Funding Categories for Fiscal Year 1996

CSREES is soliciting proposals, subject to the availability of funds, for support of high priority research of importance to agriculture, forestry, and

related environmental sciences, in the following research categories (ANTICIPATED FY 1996 funding and ACTUAL FY 1996 funding, rounded to the $M, follows in parentheses):

- Natural Resources and the Environment (FY96: $16M, FY95: $15M).
- Nutrition, Food Quality, and Health (FY96: $7M, FY95: $7M).
- Plant Systems (FY96: $34, FY95: $34M).
- Animal Systems (FY96: $22M, FY95: $21M).
- Markets, Trade, and Policy (FY96: $3M, FY95: $3M).
- New Products and Processes (FY96: $6M, FY95: $6M).
- Water Quality (FY96: $0M, FY95: $4M).*
- Integrated Pest Management (FY96: $0M, FY95: $2M).**
- Pesticide Impact Assessment (FY96: $0M, FY95: $1M).**

Support for research areas listed below may be derived from one or more of the above funding categories based on the nature of the scientific topic to be supported.

*Water quality issues will continue to be supported by programs in the Natural Resources and the Environment research program area.

**Integrated pest management and pesticide impact assessment issues will continue to be supported by programs in the Pest Biology, Biological Control, and Integrated Pest Management research program area.

Pursuant to the provisions of Section 2(b)(10) of the Act of August 4, 1965, as amended (7 U.S.C. 450i(b)(10)), no less than 10 percent (FY96: $9M, FY95: $9M) of the available funds listed above will be made available for Agricultural Research Enhancement Awards (excluding New Investigator Awards), and no more than 2 percent (FY96: $2M, FY: $2M) of the available funds listed above will be made available for equipment grants. Further, no less than 30 percent (FY96: $27M, FY95: $28M) of the funds listed above shall be made available for grants for research to be conducted by multidisciplinary teams, and no less than 20 percent (FY96: $18M, FY95: $19M) of the funds listed above shall be made available for grants for mission-linked research.

The funds appropriated as listed above will be used to support research grants in the following areas:

NATURAL RESOURCES AND THE ENVIRONMENT

Plant Responses to the Environment
Forest/Range/Crop/Aquatic Ecosystems
Soils and Soil Biology
Water Resources Assessment and Protection

NUTRITION, FOOD SAFETY, AND HEALTH

Improving Human Nutrition for Optimal Health
Ensuring Food Safety

ANIMALS

Enhancing Animal Reproductive Efficiency
Improving Animal Growth and Development
Identifying Animal Genetic Mechanisms and Gene Mapping
Sustaining Animal Health and Well-Being

PEST BIOLOGY, BIOLOGICAL CONTROL, AND INTEGRATED PEST MANAGEMENT

Plant Pathology
Entomology
Nematology
Weed Science
Biological Control Research
Assessing Pest Control Strategies

PLANTS

Genomes, Genetics, and Diversity
  Plant Genome
  Plant Genetic Mechanisms
Plant Growth and Development
Energy and Metabolism
  Photosynthesis and Respiration
  Nitrogen Fixation/Nitrogen Metabolism

MARKETS, TRADE, AND RURAL DEVELOPMENT

Markets and Trade
Rural Development

ENHANCING VALUE AND USE OF AGRICULTURAL AND FOREST PRODUCTS

Value-Added Products Research
  Food Characterization/Process/Product Research
  Non-Food Characterization/Process/Product Research
Biofuels Research
Improved Utilization of Wood and Wood Fiber

AGRICULTURAL SYSTEMS

The solicitation, which contains research topic descriptions, and the NRICGP Application Kit, which contains detailed instructions on how to apply and the requisite forms, may be obtained by writing or calling the office indicated below. Please note that applicants who submitted NRICGP proposals for fiscal year 1995 or who have recently requested placement on the list for fiscal year 1996 will automatically receive a copy of the fiscal year 1996 solicitation and any supplements.

Proposal Services Branch, Office of Extramural Programs, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, AG Box 2245, Washington, DC 20250–2245, Telephone: (202) 401–5048

Requests for solicitations and application materials may also now be made via Internet by sending a message with your name, complete mailing address, phone number, and materials that you are requesting to psb@reeusda.gov. Materials will be mailed as quickly as possible.

Materials Available on Internet

Information is available on the USDA Cooperative Research, Education, and Extension Service Home Page at http://www.reeusda.gov.

Information is also available on the USDA Cooperative State Research, Education, and Extension Service Internet Gopher (which may still be listed as the USDA Extension Service). To reach these items using a gopher, starting with ''Gopher Servers in the USA,'' make the following selections:

''Washington, DC''

''Cooperative State Research, Education, and Extension Service USDA Information''

(The Cooperative State Research, Education, and Extension Service USDA Gopher is on port 70 of zeus.esusda.gov.)

The following materials are among those available through these services:

NRICGP Program Description

This document is available for the current fiscal year, and describes all of the NRICGP funding programs. To apply for a grant, it is also necessary to obtain the NRICGP Application Kit as described above (not available electronically).

NRICGP Abstracts of Funded Research

The abstracts available on this searchable database are nontechnical abstracts written by the principal investigator of each individual grant, starting with Fiscal Year 1993. Each entry also includes the title, principal investigators, awardee institution, dollar amount, and proposal number for each grant. The first two digits of the proposal number indicate the fiscal year in which the proposal was submitted.

To be considered for funding during FY 1996, proposals must be shipped by the following dates (as indicated by postmark or date on courier bill of lading):

Postmarked dates	Program areas	Contacts (202)	E-Mail @reeusda.gov
November 27, 1995	Forest/Range/Crop/Aquatic Ecosystems	401–4082	tstrickland.
	Soils and Soil Biology	401–4082	tstrickland.
	Plant Genome	401–1901	ekaleikau.
	Plant Genetic Mechanisms	401–5042	llin.
December 4, 1995	Photosynthesis and Respiration	401–6030	jsmith.
	Improving Human Nutrition for Optimal Health	205–0250	kellwood.
	Plant Responses to the Environment	401–4871	adatko.
	Plant Pathology	401–6466	apark.
December 18, 1995	Ensuring Food Safety	205–0250	kellwood
January 8, 1996	Entomology	401–5114	srockey.
	Nematology	401–5114	srockey.
	Weed Science	401–6466	apark.
	Enhancing Animal Reproductive Efficiency	401–6234	cprofater.
January 16, 1996	Food Characterization/Process/Product Research	401–1952	jconrad.
	Non-Food Characterization/Process/Product Research	401–1952	jconrad.
	Biofuels Research	401–1952	jconrad.
	Sustaining Animal Health and Well-Being	401–6303	pjohnson or pbrayton.
January 22, 1996	Plant Growth and Development	401–5042	llin.
January 29, 1996	Assessing Pest Control Strategies	401–5114	srockey.
	Markets and Trade	401–3487	mbailey.
February 5, 1996	Nitrogen Fixation/Nitrogen Metabolism	401–6030	jsmith.
	Improving Animal Growth and Development	401–6234	cprofater.
February 12, 1996	Improved Utilization of Wood and Wood Fiber	401–4871	adatko.
	Identifying Animal Genetic Mechanisms and Gene Mapping.	401–4399	pbrayton.
	Rural Development	401–3487	mbailey.
February 20, 1996	Research Career Enhancement Awards	401-5042	llin *or* pbrayton.
	Equipment Grants	401–5042	
	Seed Grants	401–5042	
	Agricultural Systems	401–6303	pjohnson *or* ekaleikau.
March 11, 1996	Water Resources Assessment and Protection	401–4501	bschmidt.
May 6, 1996	Biological Control Research	401–5114	srockey.

Done at Washington, D.C., this 5th day of October, 1995.

Colien Hefferan,

Acting Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 95–25421 Filed 10–12–95; 8:45 am]

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Federal Register

Friday
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Part IV

Department of Health and Human Services

Food and Drug Administration

21 CFR Parts 100, 101, et al.
Revocation fo Certain Regulations; Opportunity for Public Comment: Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 100, 101, 103, 104, 105, 109, 137, 161, 163, 182, 186, 197, 200, 250, 310, 500, 505, 507, 508, 510, 570, 601, 620, 630, 640, 650, 660, 680, 700, and 801

[Docket Nos. 95N–0310, 95N–310B, 95N–310F, 95N–310R, and 95N–310V]

Revocation of Certain Regulations; Opportunity for Public Comment

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to revoke certain regulations that are obsolete or no longer necessary to achieve public health goals. These regulations have been identified for revocation as the result of a page-by-page review of the agency's regulations. This regulatory review is in response to the Administration's ''Reinventing Government'' initiative which seeks to streamline government to ease the burden on regulated industry and consumers.

DATES: Submit comments by January 11, 1996. The agency is proposing that any final rule that may issue based upon this proposal become effective 30 days after its publication in the Federal Register.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Regarding general information on FDA's ''reinventing initiative'': Lisa M. Helmanis, Office of Policy (HF–26), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3480.

Regarding food and cosmetic regulations: Corinne Howley, Center for Food Safety and Applied Nutrition (HFS–24), Food and Drug Administration, 200 C. St., Washington, DC 20004, 202–205–4272.

Regarding drug regulations: Christine F. Rogers, Center for Drug Evaluation and Research (HFD–366), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–2041.

Regarding veterinary medicine regulations: Kristi O. Smedley, Center for Veterinary Medicine (HFV–238), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1737.

Regarding biologic regulations: Timothy W. Beth, Center for Biologics Evaluation and Research (HFM–635), Food and Drug Administration, 1401 Rockville Pike, Suite 200N, Rockville, MD 208529–1448, 301–594–3074.

Regarding medical device and radiological health regulations: Joseph M. Sheehan, Center for Devices and Radiological Health (HFZ–84), Food and Drug Administration, 2094 Gaither Rd., Rockville, MD 20850, 301–594–4765.

SUPPLEMENTARY INFORMATION:

I. Background

On March 4, 1995, President Clinton announced plans for the reform of the Federal regulatory system as part of the Administration's ''Reinventing Government'' initiative. In his March 4 directive, the President ordered all Federal agencies to conduct a page-by-page review of all of their regulations and to ''eliminate or revise those that are outdated or otherwise in need of reform.'' The first results of FDA's efforts in implementing the President's plan are contained in this Federal Register document. This document announces the regulations that FDA is proposing to eliminate. In a separate, upcoming issue of the Federal Register, FDA intends to revise a number of regulations in response to the President's initiative.

The following is a section-by-section analysis of the regulations that FDA is proposing to revoke. Each of FDA's Centers has conducted an analysis of the regulations in its respective area of responsibility. These analyses are set forth in the numerical order in which they appear in the Code of Federal Regulations (CFR).

The sections that FDA is proposing to eliminate from the CFR follow.

II. Section-by-Section Analysis

A. Center for Food Safety and Applied Nutrition

All comments submitted in response to the regulations in this section, and pertaining to the Center for Food Safety and Applied Nutrition should be identified with docket number 95N–310F.

1. Section 100.120 *Artificially red-dyed yellow varieties of sweet potatoes* (21 CFR 100.120). This section addresses the adulteration of sweet potatoes with artificial coloring. This information can be more appropriately given as a statement of policy and need not appear in the CFR.

2. Section 100.130 *Combinations of nutritive and nonnutritive sweeteners in ''diet beverages''* (21 CFR 100.130). This section authorizes the mixture of nutritive sweeteners and saccharin to produce a product more acceptable to consumers. This administrative ruling became obsolete with the advent of additional nonnutritive sweeteners.

3. Section 100.135 *Disposition of incubator reject eggs* (21 CFR 100.135). This section addresses the introduction of adulterated eggs into interstate commerce. This information can be more appropriately given as a statement of policy and need not appear in the CFR.

4. Section 100.140 *Label declaration of salt in frozen vegetables* (21 CFR 100.140). This section addresses the failure to disclose salt on the label of frozen vegetables. This section is unnecessary because coverage of this information in § 101.4 *Designation of ingredients* (21 CFR 101.4) is sufficient.

5. Section 100.145 *Notice to packers of comminuted tomato products* (21 CFR 100.145). This section addresses tomato rot. This administrative ruling can be more appropriately given as guidance and need not appear in the CFR.

6. Section 100.150 *Notice to packers and shippers of shelled peanuts* (21 CFR 100.150). This section addresses failure to bear labeling on the bag as required by the Federal Food, Drug, and Cosmetic Act (the act). This section is unnecessary because coverage in §§ 101.3 *Identity statement*, 101.5 *Name and place of business of packer or distributor*, and 101.105 *Statement of net quantity of contents* is sufficient.

7. Section 100.160 *Tolerances for moldy and insect-infested cocoa beans* (21 CFR 100.160). This information can be more appropriately given as a statement of policy and need not appear in the CFR.

8. Section 101.33 *Label declaration of D-erythroascorbic acid when it is an ingredient of a fabricated food* (21 CFR 101.33), is unnecessary because coverage in § 101.4 *Designation of ingredients* is sufficient.

9. Section 101.103 *Petitions requesting exemptions from or special requirements for label declaration of ingredients* (21 CFR 101.103) is duplicative. The procedures in § 10.30 *Citizen petition* (21 CFR 10.30) are sufficient.

10. Part 103—Quality Standards for Foods With No Identity Standards (21 CFR part 103). The definition (103.3) and general principles (103.5)

regulations in this part are no longer needed because there are no substantive regulations in this part; the agency has proposed to establish a standard of identity for bottled water in § 165.110 (21 CFR 165.110), and recodify the quality standard for bottled water (103.35).

11. Section 104.19 *Petitions* (21 CFR 104.19). This section addresses the submission of petitions for a nutritional quality guideline for a class of foods and is duplicative; the procedures in § 10.30 are sufficient.

12. Section 105.67 *Label statement relating to food for use in the diet of diabetics* (21 CFR 105.67), is no longer in accord with current dietary advice for persons with diabetes. The regulations that FDA adopted in response to the Nutrition Labeling and Education Act of 1990 (Pub. L. 101–535), and the new ingredient labeling regulations that FDA adopted, should ensure that food labels contain sufficient information to assist diabetics in making educated food choices.

13. Section 105.69 *Foods used to regulate sodium intake* (21 CFR 105.69) is in conflict with section 403(q) of the act because it allows for optional nutrition labeling of sodium, whereas the act requires that this information be disclosed.

14. Section 109.5 *Petitions* (21 CFR 109.5). This section which addresses the submission of petitions for tolerances, regulatory limits, and action levels, is duplicative. The procedures in § 10.30 are sufficient.

FDA is proposing to revoke the following regulations because they are either obsolete, unnecessary, or because they otherwise serve no public interest. In a future issue of the Federal Register, the agency will seek public comment on the remaining Food Standards not contained below.

15. Section 137.230 *Corn Grits* (21 CFR 137.230).

16. Section 137.235 *Enriched corn grits* (21 CFR 137.235).

17. Section 137.240 *Quick grits* (21 CFR 137.240).

18. Section 137.245 *Yellow grits* (21 CFR 137.245).

19. Section 161.131 *Extra large oysters* (21 CFR 161.131).

20. Section 161.132 *Large oysters* (21 CFR 161.132).

21. Section 161.133 *Medium oysters* (21 CFR 161.133).

22. Section 161.134 *Small oysters* (21 CFR 161.134).

23. Section 161.135 *Very small oysters* (21 CFR 161.135).

24. Section 161.137 *Large Pacific oysters* (21 CFR 161.137).

25. Section 161.138 *Medium Pacific oysters* (21 CFR 161.138).

26. Section 161.139 *Small Pacific oysters* (21 CFR 161.139).

27. Section 161.140 *Extra small Pacific oysters* (21 CFR 161.140).

28. Section 163.150 *Sweet cocoa and vegetable fat coating* (21 CFR 163.150).

29. Section 163.153 *Sweet chocolate and vegetable fat coating* (21 CFR 163.153).

30. Section 163.155 *Milk chocolate and vegetable fat coating* (21 CFR 163.155).

31. Subpart F— Dietary Supplements of part 182 (21 CFR part 182). The 56 regulations under this subpart were made obsolete by the Dietary Supplement Health and Education Act of 1994 (Pub. L. 103–417), which exempted dietary ingredients of dietary supplements from food additive and GRAS regulations.

32. Section 186.1025 *Caprylic acid* (21 CFR 186.1025) is duplicative as the ingredient is already listed as generally recognized as safe under § 184.1025 (21 CFR 184.1025).

33. Part 197—Seafood Inspection Program (21 CFR part 197). The 28 regulations under this part are obsolete and no longer used by the agency or industry.

34. Section 700.10 *Shampoo preparations containing eggs as one of the ingredients* (21 CFR 700.10). Coverage in section 701.1 is sufficient.

B. Center for Drug Evaluation and Research

All comments submitted in response to the regulations in this section, and pertaining to the Center for Drug Evaluation and Research, should be identified with docket number 95N–310.

1. Section 200.100 *Use of ox bile from condemned livers from slaughtered animals in the manufacture of drugs* (21 CFR 200.100). This section was issued in response to a question from the Department of Agriculture concerning whether it would violate the act to release, for use in drug manufacturing, ox bile obtained from the condemned livers of slaughtered animals. This section states that ox bile treated with sodium hydroxide and properly labeled may be released. This specific advice about nonviolation of the act can be more appropriately given in the form of a policy statement than a regulation and need not appear in the CFR.

2. Section 200.101 *Suprarenal glands from hog carcasses prior to final inspection* (21 CFR 200.101). This section specifies how suprarenal glands from hog carcasses which are intended for use in drug manufacturing should be treated in order to eliminate microorganisms or toxins. This specific guidance about the processing of a drug component can be more appropriately given in the form of a policy statement than a regulation and need not appear in the CFR.

3. Section 250.104 *Status of salt substitutes under the Federal Food, Drug, and Cosmetic Act* (21 CFR 250.104). In 1949, FDA announced that it would regard all salt substitutes as new drugs which required new drug applications (NDA's). This regulation states that FDA no longer regards all salt substitutes as new drugs, and provides that FDA will respond to requests as to whether a particular salt substitute requires an NDA. The agency opinion about the new drug status of a particular category of food additives can be more appropriately given in the form of a policy statement than a regulation and need not appear in the CFR.

4. Section 250.203 *Status of fluoridated water and foods prepared with fluoridated water* (21 CFR 250.203). This section was issued in response to questions about the use of fluorine. The regulation states that the addition of fluorine to public water supplies is not actionable under the act as long as the Environmental Protection Agency (EPA) limits are observed. Similarly, the use of fluoridated water in commercially prepared foods is not actionable unless the process involves a significant concentration of fluorine from the water. This specific advice about nonviolation of the act can be more appropriately given in the form of a policy statement than a regulation and need not appear in the CFR.

5. Section 310.101 *FD&C Red No. 4; procedure for discontinuing use in new drugs for ingestion; statement of policy* (21 CFR 310.101). This section describes the conditions under which products with approved NDA's may discontinue using FD&C Red No. 4 and substitute a permitted color additive.This section is unnecessary because there are no longer any ingested new drugs that use FD&C Red No. 4.

6. Section 310.304 *Drugs that are subjects of approved new drug applications and that require special studies, records, and reports* (21 CFR 310.304). This section relates only to methadone. It states that although there is a need for further safety and effectiveness data on methadone, methadone may be distributed under certain controlled conditions. Section 310.304 has been superseded by §§ 291.501 and 291.505 and therefore is obsolete.

C. Center for Veterinary Medicine

All comments submitted in response to the regulations in this section, and

pertaining to the Center for Veterinary Medicine, should be identified with docket number 95N–310V.

1. Section 500.49 *Chlorofluorocarbon propellants* (21 CFR 500.49). This section prohibits the use of chlorofluorocarbons as propellants in self-pressurized containers in animal drugs. Chlorofluorocarbons are prohibited by the Clean Air Act Amendments of 1990 (42 U.S.C. 7671) and can no longer be marketed for this use. This section is unnecessary because coverage in § 2.125 (21 CFR 2.125) of this prohibition is sufficient.

2. Section 505.3 *Warnings on animal drugs intended for administration to diseased animals* (21 CFR 505.3). This section states that no warning or caution statements recommended for use in the labeling of animal drugs intended for administration to diseased animals shall be construed to suggest or imply that a product of diseased animals is suitable for food use. This provision cautions against misuse of language in § 505.20 which is now being withdrawn and is, therefore, unnecessary.

3. Section 505.20 *Recommended animal drug warning and caution statements* (21 CFR 505.20). This section provides recommended animal drug warning and caution statements for specific drugs. The statements provided are voluntary label statements that do not contain requirements and need not appear in the CFR.

4. Part 507—Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers (21 CFR part 507). This part contains the criteria that apply in determining whether the facilities, methods, practices, and controls used by the commercial processor in the manufacture, processing, and packing of low-acid foods for animals in hermetically sealed containers are operated or administered in a manner adequate to protect the public health. Part 507 is identical to part 113 (21 CFR part 113), which applies to human foods. Therefore, the agency is proposing to remove part 507, and proposing to add a new § 500.23 to state that the provisions in part 113 apply to animal foods.

5. Part 508—Emergency Permit Control (21 CFR part 508) covers the requirements and issuance of emergency control permits for the manufacturer or packer of thermally processed low-acid foods packaged in hermetically sealed containers. Part 508 is identical to part 108 (21 CFR part 108), which applies to human foods. Therefore, the agency is proposing to remove part 508, and proposing to add a new § 500.24 to state that the provisions in part 108 apply to food intended for animals.

6. Section 510.120 *Suspension of approval of new-drug applications for certain diethylstilbestrol and diethylstilbestrol-containing drugs* (21 CFR 510.120). This section provides the suspension of approval of the seven listed diethylstilbestrol (DES)-containing animal drug products. There are no approved new animal drug applications for DES-containing products. This regulation is obsolete and should be deleted.

7. Section 510.200 *Export of new animal drug* (21 CFR 510.200). This section states that to export a new animal drug the product must comply with regulations issued under section 512 of the act (21 U.S.C. 360b). This provision has been superseded by changes in the act (see 21 U.S.C. 382).

8. Section 510.310 *Records and reports for new animal drugs approved before June 20, 1963* (21 CFR 510.310). This section sets out separate requirements for recordkeeping and reporting to the agency for drugs approved prior to June 20, 1963. These requirements are outdated and inaccurate. The agency believes it is appropriate to have the same recordkeeping and reporting requirements for drugs approved before 1963.

9. Section 510.413*Chloroform used as an ingredient (active or inactive) in animal drug products* (21 CFR 510.413). This section prohibits the use of chloroform as an ingredient in animal drugs and provides certain requirements for products that contain chloroform that must be met by October 3, 1977. Chloroform is no longer used as an ingredient in any animal drug formulations. Drug formulation is reviewed by the manufacturing chemists in FDA's Center for Veterinary Medicine (CVM), and this regulation is no longer necessary.

10. Section 570.22 *Safety factors to be considered* (21 CFR 570.22). This section sets out a proposed safety factor to be used by CVM scientists when there is not justification of a different safety factor. The safety factors provided in the regulations are scientifically obsolete for food additives intended for animals and are best handled within the review process.

D. Center For Biologics Evaluation and Research

All comments submitted in response to the regulations in this section, and pertaining to the Center for Biologics Evaluation and Research should be identified with docket number 95N–310B.

Many of the regulations proposed for deletion are regulations that duplicate standards that are also specified in product licenses required for biological products intended for human use under section 351 of the Public Health Service Act (42 U.S.C. 262). The additional standards regulations and the individual product licenses provide standards regarding the required methods of manufacture and testing of biological products. In some of these cases, the additional standard regulations are therefore duplicative and unnecessary for the following reasons: The codification by regulation of many of the additional standards for biologicals sometimes does not allow for the flexibility necessary to keep abreast of technological advances in science. For many years, because of the potential for impeding scientific progress, FDA has not codified specific additional standards for licensed biological products, but instead has set the required standards in the product licenses. The deletion of these regulations will increase regulatory flexibility by allowing industry and the agency to more readily use and incorporate current scientific technology in the manufacture and regulation of licensed biological products.

FDA is proposing to retain most of the additional standards for human blood and blood products because many facilities that manufacture these products are intrastate facilities that are registered with FDA but do not hold product licenses that specify the methods of manufacture and testing to be used. Instead of submitting clinical data and license applications to FDA for approval, these intrastate manufacturers of blood and blood products must manufacture their products in conformance with the additional standards in the regulations which have been demonstrated to result in safe, pure, and potent products. Also, these additional standards for blood and blood components function in lieu of safety and efficacy data in blood components and source plasma applications for licensure. Therefore, FDA has determined that it is in the best interest of the public health to retain most of the additional standards for blood and blood products. In this proposed rule FDA is proposing to delete clearly unnecessary regulations. FDA is currently reviewing other biologics regulations, the potential deletion or revision of which involves issues of greater regulatory complexity. As a result of this review, FDA may, in the future, propose to delete or significantly revise other biologics regulations.

1. Section 601.30 *Licenses required; products for controlled investigation only* (21 CFR 601.30). The requirements of this section are contained in section 351 of the Public Health Service Act and in section 505 of the act and in 21 CFR parts 50, 56, 58, and 312. Therefore, § 601.30 is duplicative and unnecessary.

2. Section 601.31 *Procedure* (21 CFR 601.31). The licensing procedures for foreign establishments and products are the same as those that the agency follows for domestic establishments and products, which are codified in 21 CFR part 601, subparts A through C. Therefore, this regulation is duplicative and unnecessary.

3. Section 601.32 *Form of License* (21 CFR 601.32). The form of licenses for foreign establishments and products, including the availability for inspection requirement is the same as the form for domestic establishments and products. Therefore, this regulation is duplicative and unnecessary.

4. Part 620—Additional Standards for Bacterial Products (21 CFR part 620). The 31 regulations in this part are more appropriately specified in the product license. As currently written, these regulations can be too restrictive for certain products because they specify particular methodologies or standards when alternatives may be available that provide the same level of assurance of safety, purity and potency. Allowing the product standards to be specified in the product license will give manufacturers the flexibility to improve their products and make appropriate changes to their methods of manufacture. Therefore, these regulations may be unduly restrictive and are duplicative and unnecessary.

5. Part 630—Additional Standards for Viral Vaccines (21 CFR part 630). The 42 regulations in this part are more appropriately specified in the product license. As currently written, these regulations can be too restrictive for certain products because they specify particular methodologies or standards when alternatives may be available that provide the same level of assurance of safety, purity and potency. Allowing the additional standards to be specified in the product license will allow manufacturers the flexibility to improve their products and make appropriate changes to their methods of manufacture. Therefore, these regulations may be unduly restrictive and are duplicative and unnecessary.

6. Part 640, Subpart K—Measles Immune Globulin (Human) (21 CFR part 640, subpart). There has been no manufacturer licensed for measles immune globulin in the United States since 1982. These five regulations would be more appropriately specified in a product license if manufacture should resume. Therefore, these regulations may be unduly restrictive and are obsolete and unnecessary.

7. Part 650—Additional Standards for Diagnostic Substances for Dermal Tests (21 CFR part 650). These 12 regulations may be unduly restrictive and are duplicative and unnecessary.

8. Part 660, Subpart K—Limulus Amebocyte Lysate (21 CFR part 660, Subpart K). These six regulations for limulus amebocyte lysate products are specified in the product license. Therefore, these regulations may be unduly restrictive and are duplicative and unnecessary.

9. Part 680, Subpart B—Trivalent Organic Arsenicals (21 CFR part 680, Subpart B). There has been no manufacturer licensed for trivalent organic arsenical products in the United States since 1956. These seven regulations would be more appropriately specified in a product license if manufacture should resume. Therefore, these regulations may be unduly restrictive and are obsolete and unnecessary.

10. Part 680, Subpart C—Blood Group Substances (21 CFR part 680, Subpart C). The seven regulations for these products are specified in the product license. Therefore, these regulations may be unduly restrictive and are duplicative and unnecessary.

E. Center for Devices and Radiological Health

All comments submitted in response to the regulations in this section, and pertaining to the Center for Devices and Radiological Health should be identified with docket number 95N–310R.

1. Section 801.403 *Specific medical devices; recommended warning and caution statements* (21 CFR 801.403). This regulation recommends certain warning and caution statements for: denture reliners, pads, and cushions; denture repair kits; infrared generators (including hearing pads); insulin syringes; mechanical massagers and vibrators; steam or turkish baths; and ultraviolet generators. This section does not contain requirements and, therefore, need not appear in the CFR.

2. Section 801.408 *Pessaries for intracervical and intrauterine use* (21 CFR 801.408). This section contains information that can be more appropriately given as statements of policy and need not appear in the CFR.

3. Section 801.427 *Professional and patient labeling for intrauterine contraceptive devices* (21 CFR 801.427). This regulation is no longer necessary because these devices are no longer being marketed. If any intrauterine contraceptive devices are approved for marketing in the future, the labeling will be approved during the premarket approval process.

III. Economic Impact

FDA has examined the impacts of the proposed rule under Executive Order 12866 and the Regulatory Flexibility Act (Pub. L. 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this proposed rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the proposed rule is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because the proposed deletions have no compliance costs and do not result in any new requirements, the agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

IV. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(9) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Request for Comments

Interested persons may, on or before January 11, 1996, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number assigned to the particular center(s) involved. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects

21 CFR Part 100

Administrative practice and procedure, Food labeling, Food packaging, Foods, Intergovernmental relations.

21 CFR Part 101

Food labeling, Nutrition, Reporting and recordkeeping requirements.

21 CFR Part 103

Beverages, Bottled water, Food grades and standards.

21 CFR Part 104

Food grades and standards, Frozen foods, Nutrition.

21 CFR Part 105

Dietary Foods, food grades and standards, Food labeling, Infants and children.

21 CFR Part 109

Food packaging, Foods, Polychlorinated biphenyls (PCB's).

21 CFR Part 137

Cereal(s) (food).

21 CFR Part 161

Food grades and standards, Frozen foods, Seafood.

21 CFR Part 163

Cacao products, Food grades and standards.

21 CFR Part 182

Food ingredients, Food packaging, Spices and flavorings.

21 CFR Part 186

Food ingredients, Food packaging.

21 CFR Part 197

Food grades and standards, Reporting and recordkeeping requirements, Seafood.

21 CFR Part 200

Drugs, Prescription drugs.

21 CFR Part 250

Drugs.

21 CFR Part 310

Administrative practice and procedure, Drugs, Labeling, Medical devices, Reporting and recordkeeping requirements.

21 CFR Part 500

Animal drugs, Animal feeds, Cancer, Labeling, Polychlorinated biphenyls (PCB's).

21 CFR Part 505

Animal drugs, Labeling, Over-the-counter drugs.

21 CFR Part 507

Animal foods, Packaging and containers, Reporting and recordkeeping requirements.

21 CFR Part 508

Animal foods.

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 570

Animal feeds, Animal foods, Food additives.

21 CFR Part 601

Administrative practice and procedure, Biologics, Confidential business information.

21 CFR Part 620

Biologics, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 630

Biologics, Labeling.

21 CFR Part 640

Blood, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 650

Biologics.

21 CFR Part 660

Biologics, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 680

Biologics, Blood, Reporting and recordkeeping requirements.

21 CFR Part 700

Cosmetics, Packaging and containers.

21 CFR Part 801

Labeling, Medical devices, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 *et seq.)* and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR parts 100, 101, 103, 104, 105, 109, 137, 161, 163, 182, 186, 197, 200, 250, 310, 500, 505, 507, 508, 510, 570, 601, 620, 630, 640, 650, 660, 680, 700, and 801 be amended as follows:

PART 100—GENERAL

1. The authority citation for 21 CFR part 100 continues to read as follows:

Authority: Secs. 201, 301, 307, 402, 403, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 337, 342, 343, 348, 371).

§ 100.120 [Removed]

2. Section 100.120 *Artificially red-dyed yellow varieties of sweet potatoes* is removed from subpart G.

§ 100.130 [Removed]

3. Section 100.130 *Combinations of nutritive and nonnutritive sweeteners in ''diet beverages''* is removed from subpart G.

§ 100.135 [Removed]

4. Section 100.135 *Disposition of incubator reject eggs* is removed from subpart G.

§ 100.140 [Removed]

5. Section 100.140 *Label declaration of salt in frozen vegetables* is removed from subpart G.

§ 100.145 [Removed]

6. Section 100.145 *Notice to packers of comminuted tomato products* is removed from subpart G.

§ 100.150 [Removed]

7. Section 100.150 *Notice to packers and shippers of shelled peanuts* is removed from subpart G.

§ 100.160 [Removed]

8. Section 100.160 *Tolerances for moldy and insect-infested cocoa-beans is removed from subpart G.*

PART 101—FOOD LABELING

9. The authority citation for 21 CFR part 101 continues to read as follows:

Authority: Secs. 4, 5, 6 of the Fair Packaging and Labeling Act (15 U.S.C. 1453, 1454, 1455); secs. 201, 301, 402, 403, 409, 701 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321, 331, 342, 343, 348, 371).

§ 101.33 [Removed]

10. Section 101.33 *Label declaration of D-erythroascorbic acid when it is an ingredient of a fabricated food* is removed from subpart B.

§ 101.103 [Removed]

11. Section 101.103 *Petitions requesting exemptions from or special requirements for label declaration of ingredients* is removed from subpart G.

PART 103—QUALITY STANDARDS FOR FOODS WITH NO IDENTITY STANDARDS

Part 103 [Removed]

12–13. Part 103 is removed.

PART 104—NUTRITIONAL QUALITY GUIDELINES FOR FOODS

14. The authority citation for 21 CFR part 104 continues to read as follows:

Authority: Secs. 201, 403, 701(a) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321, 343, 371(a)).

§ 104.19 [Removed]

15. Section 104.19 *Petitions* is removed from subpart A.

PART 105—FOODS FOR SPECIAL DIETARY USE

16. The authority citation for 21 CFR part 105 continues to read as follows:

Authority: Secs. 201, 401, 403, 409, 411, 701, 721 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321, 341, 343, 348, 350, 371, 379e).

§ 105.67 [Removed]

17. Section 105.67 *Certain label statements relating to food for use in the diet of diabetics* is removed from subpart B.

§ 105.69 [Removed]

18. Section 105.69 *Foods used to regulate sodium intake* is removed from subpart B.

PART 109—UNAVOIDABLE CONTAMINANTS IN FOOD FOR HUMAN CONSUMPTION AND FOOD-PACKAGING MATERIAL

19. The authority citation for 21 CFR part 109 continues to read as follows:

Authority: Secs. 201, 306, 402, 406, 408, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 336, 342, 346, 346a, 348, 371).

§ 109.5 [Removed]

20. Section 109.5 *Petitions* is removed.

PART 137—CEREAL FLOURS AND RELATED PRODUCTS

21. The authority citation for 21 CFR part 137 continues to read as follows:

Authority: Secs. 201, 401, 403, 409, 701, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 343, 348, 371, 379e).

§ 137.230 [Removed]

22. Section 137.230 *Corn grits* is removed.

§ 137.235 [Removed]

23. Section 137.235 *Enriched corn grits* is removed.

§ 137.240 [Removed]

24. Section 137.240 *Quick grits* is removed.

§ 137.245 [Removed]

25. Section 137.245 *Yellow grits* is removed.

PART 161—FISH AND SHELLFISH

26. The authority citation for 21 CFR part 161 continues to read as follows:

Authority: Secs. 201, 401, 403, 409, 701, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 343, 348, 371, 379e).

§ 161.131 [Removed]

27. Section 161.131 *Extra large oysters* is removed from subpart B.

§ 161.132 [Removed]

28. Section 161.132 *Large oysters* is removed from subpart B.

§ 161.133 [Removed]

29. Section 161.133 *Medium oysters* is removed from subpart B.

§ 161.134 [Removed]

30. Section 161.134 *Small oysters* is removed from subpart B.

§ 161.135 [Removed]

31. Section 161.135 *Very small oysters* is removed from subpart B.

§ 161.137 [Removed]

32. Section 161.137 *Large Pacific oysters* is removed from subpart B.

§ 161.138 [Removed]

33. Section 161.138 *Medium Pacific oysters* is removed from subpart B.

§ 161.139 [Removed]

34. Section 161.139 *Small Pacific oysters* is removed from subpart B.

§ 161.140 [Removed]

35. Section 161.140 *Extra small Pacific oysters* is removed from subpart B.

PART 163—COCAO PRODUCTS

36. The authority citation for 21 CFR part 163 continues to read as follows:

Authority: Secs. 201, 301, 401, 403, 409, 701, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 341, 343, 348, 371, 379e).

§ 163.150 [Removed]

37. Section 163.150 *Sweet cocoa and vegetable fat coating* is removed.

§ 163.153 [Removed]

38. Section 163.153 *Sweet chocolate and vegetable fat coating* is removed.

§ 163.155 [Removed]

39. Section 163.155 *Milk chocolate and vegetable fat coating* is removed.

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

40. The authority citation for 21 CFR part 182 continues to read as follows:

Authority: Secs. 201, 402, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 371).

Subpart F [Removed]

41. Subpart F, consisting of §§ 182.5013 through 182.5997, is removed.

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

42. The authority citation for 21 CFR part 186 continues to read as follows:

Authority: Secs. 201, 402, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 371).

§ 186.1025 [Removed]

43. Section 186.1025 *Caprylic acid* is removed from subpart B.

PART 197—SEAFOOD INSPECTION PROGRAM

Part 197 [Removed]

44–45. Part 197 is removed.

PART 200—GENERAL

46. The authority citation for 21 CFR Part 200 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 505, 506, 507, 508, 515, 701, 704, 705 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 357, 358, 360e, 371, 374, 375).

§ 200.100 [Removed]

47. Section 200.100 *Use of ox bile from condemned livers from slaughtered animals in the manufacture of drugs* is removed.

§ 200.101 [Removed]

48. Section 200.101 *Suprarenal glands from hog carcasses prior to final inspection* is removed.

PART 250—SPECIAL REQUIREMENTS FOR SPECIFIC HUMAN DRUGS

49. The authority citation for 21 CFR part 250 continues to read as follows:

Authority: Secs. 201, 306, 402, 502, 503, 505, 601(a), 602(a) and (c), 701, 705(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 336, 342, 352, 353, 355, 361(a), 362(a) and (c), 371, 375(b)).

§ 250.104 [Removed]

50. Section 250.104 *Status of salt substitutes under the Federal Food, Drug, and Cosmetic Act* is removed.

§ 250.203 [Removed]

51. Section 250.203 *Status of fluoridated water and foods prepared with fluoridated water* is removed.

PART 310—NEW DRUGS

52. The authority citation for 21 CFR part 310 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 505, 506, 507, 512–516, 520, 601(a), 701, 704, 705, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 357, 360b–360f, 360j, 361(a), 371, 374, 375, 379e); secs. 215, 301, 302(a), 351, 354–360F of the Public Health Service Act (42 U.S.C. 216, 241, 242(a), 262, 263b–263n).

§ 310.101 [Removed]

53. Section 310.101 *FD&C Red No. 4; procedure for discontinuing use in new drugs for ingestion; statement of policy* is removed.

§ 310.304 [Removed]

54. Section 310.304 *Drugs that are subjects of approved new drug applications and that require special studies, records, and reports* is removed.

PART 500—GENERAL

55. The authority citation for 21 CFR part 500 continues to read as follows:

Authority: Secs. 201, 301, 402, 403, 409, 501, 502, 503, 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 342, 343, 348, 351, 352, 353, 360b, 371).

56. Section 500.23 is added to subpart B to read as follows:

§ 500.23 Thermally processed low-acid foods packaged in hermetically sealed containers.

The provisions of part 113 of this chapter shall apply to the manufacture, processing or packing of low-acid foods in hermetically sealed containers, and intended for use as food for animals.

57. Section 500.24 is added to subpart B to read as follows:

§ 500.24 Emergency permit control.

The provisions of part 108 of this chapter shall apply to the issuance of emergency control permits for the manufacturer or packer of thermally processed low-acid foods packaged in hermetically sealed containers, and intended for use as food for animals.

§ 500.49 [Removed]

58. Section 500.49 *Chlorofluorocarbon propellants* is removed from subpart B.

Part 505—INTERPRETIVE STATEMENTS RE: WARNINGS ON ANIMAL DRUGS FOR OVER-THE-COUNTER SALE

Part 505 [Removed]

59–61. Part 505 is removed.

PART 507—THERMALLY PROCESSED LOW-ACID FOODS PACKAGED IN HERMETICALLY SEALED CONTAINERS

Part 507 [Removed]

62–63. Part 507 is removed.

PART 508—EMERGENCY PERMIT CONTROL

Part 508 [Removed]

64–65. Part 508 is removed.

PART 510—NEW ANIMAL DRUGS

66. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 512, 701, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e).

§ 510.120 [Removed]

67. Section 510.120 *Suspension of approval of new-drug applications for certain diethylstilbestrol and diethylstilbestrol-containing drugs* is removed from subpart B.

§ 510.200 [Removed]

68. Subpart C, consisting of § 510.200, is removed and reserved.

§ 510.310 [Removed]

69. Section 510.310 *Records and reports for new animal drugs approved before June 20, 1963* is removed from subpart D.

§ 510.413

70. Section 510.413 *Chloroform used as an ingredient (active or inactive) in animal drug products* is removed from subpart E.

PART 570—FOOD ADDITIVES

71. The authority citation for 21 CFR part 570 continues to read as follows:

Authority: Secs. 201, 401, 402, 408, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 346a, 348, 371).

§ 570.22

72. Section 570.22 *Safety factors to be considered* is removed from subpart B.

PART 601—LICENSING

73. The authority citation for 21 CFR part 601 continues to read as follows:

Authority: Secs. 201, 501, 502, 503, 505, 510, 513–516, 518–520, 701, 704, 721, 801, of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353, 355, 360, 360c–360f, 360h–360j, 371, 374, 379e, 381); secs. 215, 301, 351, 352 of the Public Health Service Act (42 U.S.C. 216, 241, 262, 263); secs. 2–12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451–1461).

§ 601.30 [Removed]

74. Section 601.30 *Licenses required; products for controlled investigation only* is removed.

§ 601.31 [Removed]

75. Section 601.31 *Procedure* is removed.

§ 601.32 [Removed]

76. Section 601.32 *Form of license* is removed.

PART 620—ADDITIONAL STANDARDS FOR BACTERIAL PRODUCTS

Part 620 [Removed]

77–78. Part 620 is removed.

PART 630—ADDITIONAL STANDARDS FOR VIRAL VACCINES

Part 630 [Removed]

79–80. Part 630 is removed.

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

81. The authority citation for 21 CFR part 640 continues to read as follows:

Authority: Secs. 201, 501, 502, 503, 505, 510, 701, of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353, 355, 360, 371); secs. 215, 351, 352, 353, 361 of the Public Health Service Act (42 U.S.C. 216, 262, 263, 263a, 264).

Subpart K [Removed and Reserved]

82. Subpart K, consisting of §§ 640.110 through 640.114, is removed and reserved.

PART 650—ADDITIONAL STANDARDS FOR DIAGNOSTIC SUBSTANCES FOR DERMAL TESTS

Part 650 [Removed]

83–84. Part 650 is removed.

PART 660—ADDITIONAL STANDARDS FOR DIAGNOSTIC SUBSTANCES FOR LABORATORY TESTS

85. The authority citation for 21 CFR part 660 continues to read as follows:

Authority: Secs. 201, 501, 502, 503, 505, 510, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353, 355, 360, 371); secs. 215, 351, 352, 353, 361 of the Public Health Service Act (42 U.S.C. 216, 262, 263, 263a, 264).

Subpart K [Removed]

86. Subpart K, consisting of §§ 660.100 through 660.105, is removed.

PART 680—ADDITIONAL STANDARDS FOR MISCELLANEOUS PRODUCTS

87. The authority citation for 21 CFR part 680 continues to read as follows:

Authority: Secs. 201, 501, 502, 503, 505, 510, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353, 355, 360, 371); secs. 215, 351, 352, 353, 361 of the Public Health Service Act (42 U.S.C. 216, 262, 263, 263a, 264).

88. The heading for Subpart A—Allergenic Products is removed.

Subpart B [Removed]

89. Subpart B, consisting of §§ 680.10 through 680.16, is removed.

Subpart C [Removed]

90. Subpart C, consisting of §§ 680.20 through 680.26, is removed.

PART 700—GENERAL

91. The authority citation for 21 CFR part 700 continues to read as follows:

Authority: Secs. 201, 301, 502, 505, 601, 602, 701, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 352, 355, 361, 362, 371, 374).

§ 700.10 [Removed]

92. Section 700.10 *Shampoo preparations containing eggs as one of the ingredients* is removed.

PART 801—LABELING

93. The authority citation for 21 CFR part 801 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 507, 519, 520, 701, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 357, 360i, 360j, 371, 374).

§ 801.403 [Removed]

94. Section 801.403 *Specific medical devices; recommended warning and caution statements* is removed from subpart H.

§ 801.408 [Removed]

95. Section 801.408 *Pessaries for intracervical and intrauterine use* is removed from subpart H.

§ 801.427 [Removed]

96. Section 801.427 *Professional and patient labeling for intrauterine contraceptive devices* is removed from subpart H.

Dated: October 6, 1995.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 95–25337 Filed 10–11–95; 9:23 am]

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Federal Register

Friday
October 13, 1995

Part V

Department of Justice

Bureau of Prisons

28 CFR Part 501

National Security: Implementation of Administrative Measures To Prevent Disclosure of Classified Information; Final Rule

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 501

[BOP–1046–I]

RIN 1120–AA47

Scope of Rules: National Security

AGENCY: Bureau of Prisons, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This document amends Bureau of Prisons regulations on institutional management with respect to special administrative measures that may be necessary to avoid the risk of disclosure of classified information that could endanger national security. The affected inmate must be notified in writing as promptly as possible of the restrictions to be imposed. Restrictions may be imposed initially for up to 120 days, and may be extended in further increments of 120 days only upon additional written notification that the circumstances identified in the original certification continue to exist.

DATES: This rule shall take effect October 13, 1995; comments must be submitted by December 12, 1995.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 514–6655.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons (''Bureau'') is adopting interim regulations on the correctional management of cases implicating national security. Under these interim regulations, the Warden may implement administrative measures that are reasonably necessary to prevent disclosure of classified information by an inmate committed to Bureau custody. Application of these measures is likely to affect only a minute portion of the inmate population; specifically, only those inmates who are certified by the head of a member agency of the United States intelligence community as posing a threat to the national security through the possible disclosure of classified information.

It is not the intention of the Bureau that the restrictions imposed in these special cases include complete curtailment of privileges. An inmate upon whom these special restrictions are imposed is entitled to notification in writing of the imposed restrictions and the basis for the restrictions. The affected inmate may appeal imposition of restrictions ordered under this section through the Bureau's Administrative Remedy Program, 28 CFR Part 542.

The Bureau is publishing this regulation as an interim rule under the ''good cause'' provision of 5 U.S.C. 553(b) in order to prevent any risk of disclosure of information that would be contrary to the public interest and detrimental to the national security. Members of the public may submit comments concerning this rule by writing to the previously cited address. These comments will be considered before the rule is finalized.

The Bureau of Prisons has determined that this rule is not a significant regulatory action for the purpose of E.O. 12866, and accordingly this rule was not reviewed by the Office of Management and Budget. After review of the law and regulations, the Director, Bureau of Prisons, has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354), does not have a significant impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 501

Prisoners.

Peter M. Carlson,

Acting Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons, in 28 CFR 0.96(p), part 501 in subchapter A of 28 CFR, chapter V is amended as set forth below.

SUBCHAPTER A—GENERAL MANAGEMENT AND ADMINISTRATION

PART 501—SCOPE OF RULES

1. The authority citation for 28 CFR part 501 is revised to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4161–4166 (Repealed as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

2. Section 501.2 is added to read as follows:

§ 501.2 National security cases.

(a) Upon direction of the Attorney General, the Director, Bureau of Prisons, may authorize the Warden to implement special administrative measures that are reasonably necessary to prevent disclosure of classified information upon written certification to the Attorney General by the head of a member agency of the United States intelligence community that the unauthorized disclosure of such information would pose a threat to the national security and that there is a danger that the inmate will disclose such information. These special administrative measures may include placing the inmate in administrative detention and/or limiting certain privileges, including, but not limited to, correspondence, visiting, and use of telephone, as is reasonably necessary to prevent the disclosure of classified information. The authority of the Director under this paragraph may not be delegated below the level of Acting Director.

(b) Designated staff shall provide to the affected inmate, as promptly as possible, written notification of the restrictions imposed and the basis for these restrictions. The notice's statement as to the basis may be limited in the interest of prison security or safety or national security. The inmate shall sign for and receive a copy of the notification.

(c) Initial placement of an inmate in administrative detention and/or any limitation of the inmate's privileges in accordance with paragraph (a) of this section may be imposed for up to 120 days. Special restrictions imposed in accordance with paragraph (a) of this section may be extended thereafter by the Director, Bureau of Prisons, in 120-day increments only upon receipt by the Attorney General of additional written certification from the head of a member agency of the United States intelligence community that the circumstances identified in the original certification continue to exist. The authority of the Director under this paragraph may not be delegated below the level of Acting Director.

(d) The affected inmate may seek review of any special restrictions imposed in accordance with paragraph (a) of this section through the Administrative Remedy Program, 28 CFR Part 542.

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Part VI

Office of Management and Budget

32 CFR Part 2001

Information Security Oversight Office; Classified National Security Information; Final Rule

OFFICE OF MANAGEMENT AND BUDGET

Information Security Oversight Office; Classified National Security Information

32 CFR Part 2001

[Directive No. 1]

AGENCY: Information Security Oversight Office (ISOO), Office of Management and Budget (OMB).

ACTION: Implementing directive; final rule.

SUMMARY: The Information Security Oversight Office, Office of Management and Budget, is publishing this Directive as a final rule and pursuant to § 5.2 (a) and (b) of Executive Order 12958, relating to classified national security information. The Executive order prescribes a uniform system for classifying, safeguarding, and declassifying national security information; it also establishes a monitoring system to enhance its effectiveness. This Directive sets forth guidance to agencies on original and derivative classification, downgrading and declassification.

EFFECTIVE DATE: October 14, 1995.

FOR FURTHER INFORMATION CONTACT: Steven Garfinkel, Director, ISOO. Telephone: 202–395–7450.

SUPPLEMENTARY INFORMATION: This final rule is issued pursuant to the provisions of § 5.2 (a) and (b) of Executive Order 12958 published April 20, 1995 (60 FR 19825). The purpose of the Directive is to assist in implementing the Order; users of the Directive shall refer concurrently to that Order for guidance. As of October 1, 1994, ISOO became a part of OMB. The Director of OMB delegated the implementation and monitorship functions of this program to the Director of ISOO. The drafting and coordination of this Directive fulfills one of the responsibilities of implementation delegated to the Director of ISOO.

List of Subjects in 32 CFR Part 2001

Archives and records, Authority delegations (Government agencies), Classified information, Executive orders, Freedom of information, Information, Intelligence, National defense, National security information, Presidential documents, Security information, Security measures.

Title 32 of the Code of Federal Regulations, part 2001, is revised to read as follows:

PART 2001—CLASSIFIED NATIONAL SECURITY INFORMATION

Subpart A—Classification

Sec.
2001.10 Classification definitions and standards [1.1 and 1.2].
2001.11 Classification authority [1.4].
2001.12 Duration of classification [1.6].
2001.13 Classification challenges [1.9].
2001.14 Classification guides [2.3].

Subpart B—Identification and Markings

2001.20 General [1.7].
2001.21 Original classification [1.7(a)].
2001.22 Derivative classification [2.2].
2001.23 Additional requirements [1.7].
2001.24 Declassification markings [Reserved].

Subpart C—Self-Inspections

2001.30 General [5.6].
2001.31 Coverage [5.6(c)(4)].

Subpart D—Security Education and Training

2001.40 General [5.6].
2001.41 Coverage [5.6(c)(3)].

Subpart E—Declassification

2001.50 Definition [3.1].
2001.51 Automatic declassification [3.4].
2001.52 Systematic declassification review [3.5].
2001.53 Declassification guides [3.5(b)].
2001.54 Mandatory review for declassification [3.6, 3.7].

Subpart F—Reporting

2001.60 Statistical reporting [5.3].
2001.61 Accounting for costs [5.6(c)(8)].
2001.62 Effective date [6.2].

Authority: Section 5.2 (a) and (b), E.O. 12958, 60 FR 19825, April 20, 1995.

Subpart A—Classification

§ 2001.10 Classification definitions and standards [1.1 and 1.2].[1]

(a) Definitions. (1) An *original classification authority with jurisdiction over the information* includes:

(i) The official who authorized the original classification, if that official is still serving in the same position;

(ii) The originator's current successor in function;

(iii) A supervisory official of either; or

(iv) The senior agency official under Executive Order 12958 (''the Order'').

(2) *Permanently valuable information* or *permanent historical value* refers to information contained in:

(i) Records that have been accessioned into the National Archives of the United States;

(ii) Records that have been scheduled as permanent under a records retention schedule approved by the National Archives and Records Administration (NARA); and

(iii) Presidential historical materials, presidential records or donated historical materials located in the National Archives of the United States, a presidential library, or any other approved repository.

(b) Identifying or describing damage to the national security. Section 1.2(a) of the Order sets forth the conditions for classifying information in the first instance. One of these conditions, the ability to identify or describe the damage to the national security, is critical to the process of making an original classification decision. There is no requirement, at the time of the decision, for the original classification authority to prepare a written description of such damage. However, the original classification authority must be able to support the decision in writing, including identifying or describing the damage, should the classification decision become the subject of a challenge or access demand.

§ 2001.11 Classification authority [1.4].

(a) General. Agencies with original classification authority shall establish a training program for original classifiers in accordance with subpart D of this part.

(b) Requests for original classification authority. Agencies not possessing such authority shall forward requests to the Director of the Information Security Oversight Office (ISOO). The agency head must make the request and shall provide a specific justification of the need for this authority. The Director of ISOO shall forward the request, along with the Director's recommendation, to the President through the Director of the Office of Management and Budget within 30 days. Agencies wishing to increase their assigned level of original classification authority shall forward requests in accordance with the procedures of this section.

§ 2001.12 Duration of classification [1.6].

(a) Determining duration of classification for information originally classified under the Order—(1) Establishing duration of classification. When determining the duration of classification for information originally classified under this Order, an original classification authority shall follow the sequence listed in paragraphs (a)(1)(i), (ii), and (iii) of this section.

(i) The original classification authority shall attempt to determine a date or event that is less than 10 years from the date of original classification and which coincides with the lapse of the information's national security sensitivity, and shall assign such date or event as the declassification instruction.

[1] Bracketed references pertain to related sections of Executive Order 12958.

(ii) If unable to determine a date or event of less than 10 years, the original classification authority shall ordinarily assign a declassification date that is 10 years from the date of the original classification decision.

(iii) The original classification authority may assign an exemption designation to the information only if the information qualifies for exemption from automatic declassification as described in section 1.6(d) of the Order. Unless declassified earlier, such information contained in records determined by the Archivist of the United States to be permanently valuable shall remain classified for 25 years from the date of its origin, at which time it will be subject to section 3.4 of the Order.

(2) Extending duration of classification for information originally classified under the Order. Extensions of classification are not automatic. If an original classification authority with jurisdiction over the information does not extend the classification of information assigned a date or event for declassification, the information is automatically declassified upon the occurrence of the date or event. If an original classification authority has assigned a date or event for declassification that is 10 years or less from the date of classification, an original classification authority with jurisdiction over the information may extend the classification duration of such information for additional periods not to exceed 10 years at a time.

(i) For information in records determined to have permanent historical value, successive extensions may not exceed a total of 25 years from the date of the information's origin. Continued classification of this information beyond 25 years is governed by section 3.4 of the Order.

(ii) For information in records not determined to have permanent historical value, successive extensions may exceed 25 years from the date of the information's origin.

(3) Conditions for extending classification. When extending the duration of classification, the original classification authority must:

(i) Be an original classification authority with jurisdiction over the information;

(ii) Ensure that the information continues to meet the standards for classification under the Order; and

(iii) Make reasonable attempts to notify all known holders of the information.

(b) Information classified under prior orders.—(1) Specific date or event. Unless declassified earlier, information marked with a specific date or event for declassification under a prior order is automatically declassified upon that date or event. However, if the information is contained in records determined by the Archivist of the United States to be permanently valuable, and the prescribed date or event will take place more than 25 years from the information's origin, the declassification of the information will instead be subject to section 3.4 of the Order.

(2) Indefinite duration of classification. For information marked ''Originating Agency's Determination Required,'' its acronym ''OADR,'' or with some other marking indicating an indefinite duration of classification under a prior order:

(i) A declassification authority, as defined in section 3.1 of the Order, may declassify it;

(ii) An authorized original classification authority with jurisdiction over the information may re-mark the information to establish a duration of classification consistent with the requirements for information originally classified under the Order, as provided in paragraph (a) of this section; or

(iii) Unless declassified earlier, such information contained in records determined by the Archivist of the United States to be permanently valuable shall remain classified for 25 years from the date of its origin, at which time it will be subject to section 3.4 of the Order.

(c) Foreign government information. The declassifying agency is the agency that initially received or classified the information. When foreign government information is being considered for declassification or appears to be subject to automatic declassification, the declassifying agency shall determine whether the information is subject to a treaty or international agreement that would prevent its declassification at that time. Depending on the age of the information and whether it is contained in permanently valuable records, the declassifying agency shall also determine if another exemption under section 1.6(d) (other than section 1.6(d)(5)) or 3.4(b) of the Order, such as the exemptions that pertain to United States foreign relations, may apply to the information. If the declassifying agency believes such an exemption may apply, it should consult with any other concerned agencies in making its declassification determination. The declassifying agency or the Department of State, as appropriate, should consult with the foreign government prior to declassification.

(d) Determining when information is subject to automatic declassification. The ''date of the information's origin'' or ''the information's origin,'' as used in the Order and this part, pertains to the date that specific information, which is contemporaneously or subsequently classified, is first recorded in an agency's records, or in presidential historical materials, presidential records or donated historical materials. The following examples illustrate this process:

Example 1. An agency first issues a classification guide on the F–99 aircraft on October 20, 1995. The guide states that the fact that the F–99 aircraft has a maximum velocity of 500 m.p.h. shall be classified at the ''Secret'' level for a period of ten years. A document dated July 10, 1999, is classified because it includes the maximum velocity of the F–99. The document should be marked for declassification on October 20, 2005, ten years after the specific information was first recorded in the guide, not on July 10, 2009, ten years after the derivatively classified document was created.

Example 2. An agency classification guide issued on October 20, 1995, states that the maximum velocity of any fighter aircraft shall be classified at the ''Secret'' level for a period of ten years. The agency first records the specific maximum velocity of the new F–88 aircraft on July 10, 1999. The document should be marked for declassification on July 10, 2009, ten years after the specific information is first recorded, and not on October 20, 2005, ten years after the date of the guide's generic instruction.

§ 2001.13 Classification challenges [1.9].

(a) Challenging classification. Authorized holders wishing to challenge the classification status of information shall present such challenges to an original classification authority with jurisdiction over the information. An authorized holder is any individual, including an individual external to the agency, who has been granted access to specific classified information in accordance with section 4.2(g) of the Order. A formal challenge under this provision must be in writing, but need not be any more specific than to question why information is or is not classified, or is classified at a certain level.

(b) Agency procedures. (1) Because the Order encourages authorized holders to challenge classification as a means for promoting proper and thoughtful classification actions, agencies shall ensure that no retribution is taken against any authorized holders bringing such a challenge in good faith.

(2) Agencies shall establish a system for processing, tracking and recording formal classification challenges made by authorized holders. Agencies shall consider classification challenges

separately from Freedom of Information Act or other access requests, and shall not process such challenges in turn with pending access requests.

(3) The agency shall provide an initial written response to a challenge within 60 days. If the agency is unable to respond to the challenge within 60 days, the agency must acknowledge the challenge in writing, and provide a date by which the agency will respond. The acknowledgment must include a statement that if no agency response is received within 120 days, the challenger has the right to forward the challenge to the Interagency Security Classification Appeals Panel for a decision. The challenger may also forward the challenge to the Interagency Security Classification Appeals Panel if an agency has not responded to an internal appeal within 90 days of the agency's receipt of the appeal. Agency responses to those challenges it denies shall include the challenger's appeal rights to the Interagency Security Classification Appeals Panel.

(4) Whenever an agency receives a classification challenge to information that has been the subject of a challenge within the past two years, or that is the subject of pending litigation, the agency is not required to process the challenge beyond informing the challenger of this fact and of the challenger's appeal rights, if any.

(c) Additional considerations. (1) Challengers and agencies shall attempt to keep all challenges, appeals and responses unclassified. However, classified information contained in a challenge, an agency response, or an appeal shall be handled and protected in accordance with the Order and its implementing directives. Information being challenged for classification shall remain classified unless and until a final decision is made to declassify it.

(2) The classification challenge provision is not intended to prevent an authorized holder from informally questioning the classification status of particular information. Such informal inquiries should be encouraged as a means of holding down the number of formal challenges.

§ 2001.14 Classification guides [2.3].

(a) Preparation of classification guides. Originators of classification guides are encouraged to consult users of guides for input when developing or updating guides. When possible, originators of classification guides are encouraged to communicate within their agencies and with other agencies that are developing guidelines for similar activities to ensure the consistency and uniformity of classification decisions. Each agency shall maintain a list of its classification guides in use.

(b) General content of classification guides. Classification guides shall, at a minimum:

(1) Identify the subject matter of the classification guide;

(2) Identify the original classification authority by name or personal identifier, and position;

(3) Identify an agency point-of-contact or points-of-contact for questions regarding the classification guide;

(4) Provide the date of issuance or last review;

(5) State precisely the elements of information to be protected;

(6) State which classification level applies to each element of information, and, when useful, specify the elements of information that are unclassified;

(7) State, when applicable, special handling caveats;

(8) Prescribe declassification instructions or the exemption category from automatic declassification for each element of information;

(9) Specify, when citing the exemption category listed in section 1.6(d)(8) of the Order, the applicable statute, treaty or international agreement; and

(10) State a concise reason for classification which, at a minimum, cites the applicable classification category or categories in section 1.5 of the Order.

(c) Dissemination of classification guides. Classification guides shall be disseminated as widely as necessary to ensure the proper and uniform derivative classification of information.

(d) Reviewing and updating classification guides. (1) Classification guides, including guides created under prior orders, shall be reviewed and updated as circumstances require, but, in any event, at least once every five years. Updated instructions for guides first created under prior orders shall comply with the requirements of the Order and this part.

(2) Originators of classification guides are encouraged to consult the users of guides for input when reviewing or updating guides. Also, users of classification guides are encouraged to notify the originator of the guide when they acquire information that suggests the need for change in the instructions contained in the guide.

Subpart B—Identification and Markings

§ 2001.20 General [1.7].

A uniform security classification system requires that standard markings be applied to classified information. Except in extraordinary circumstances, or as approved by the Director of ISOO, the marking of classified information created after October 14, 1995, shall not deviate from the following prescribed formats. If markings cannot be affixed to specific classified information or materials, the originator shall provide holders or recipients of the information with written instructions for protecting the information. Markings shall be uniformly and conspicuously applied to leave no doubt about the classified status of the information, the level of protection required, and the duration of classification.

§ 2001.21 Original classification [1.7(a)].

(a) Primary markings. On the face of each originally classified document, including electronic media, the classifier shall apply the following markings.

(1) Classification authority. The name or personal identifier, and position title of the original classifier shall appear on the ''Classified By'' line. An example might appear as:

Classified By: David Smith, Chief, Division 5
or
Classified By: ID#IMNO1, Chief, Division 5

(2) Agency and office of origin. If not otherwise evident, the agency and office of origin shall be identified and placed below the name on the ''Classified By'' line. An example might appear as:

Classified By: David Smith, Chief, Division 5
Department of Good Works, Office of Administration

(3) Reason for classification. The original classifier shall identify the reason(s) for the decision to classify. The classifier shall include, at a minimum, a brief reference to the pertinent classification category(ies), or the number 1.5 plus the letter(s) that corresponds to that classification category in section 1.5 of the Order.

(i) These categories, as they appear in the Order, are as follows:

(a) military plans, weapons, or operations;
(b) foreign government information;
(c) intelligence activities (including special activities), intelligence sources or methods, or cryptology;
(d) foreign relations or foreign activities of the United States, including confidential sources;
(e) scientific, technological, or economic matters relating to the national security;
(f) United States Government programs for safeguarding nuclear materials or facilities; or
(g) vulnerabilities or capabilities of systems, installations, projects or plans relating to the national security.

(ii) An example might appear as:

Classified By: David Smith, Chief, Division 5, Department of Good Works, Office of Administration
Reason: Vulnerabilities or capabilities of plans relating to the national security or
Reason: 1.5(g)

(iii) When the reason for classification is not apparent from the content of the information, e.g., classification by compilation, the classifier shall provide a more detailed explanation of the reason for classification.

(4) Declassification instructions. The duration of the original classification decision shall be placed on the ''Declassify On'' line. The classifier will apply one of the following instructions.

(i) The classifier will apply a date or event for declassification that corresponds to the lapse of the information's national security sensitivity, which may not exceed 10 years from the date of the original decision. When linking the duration of classification to a specific date or event, mark that date or event as:

Classified By: David Smith, Chief, Division 5, Department of Good Works, Office of Administration
Reason: 1.5(g)
Declassify On: October 14, 2004 or
Declassify On: Completion of Operation

(ii) When a specific date or event within 10 years cannot be established, the classifier will apply the date that is 10 years from the date of the original decision. For example, on a document that contains information classified on October 14, 1995, mark the ''Declassify On'' line as:

Classified By: David Smith, Chief, Division 5, Department of Good Works, Office of Administration
Reason: 1.5(g)
Declassify On: October 14, 2005

(iii) Upon the determination that the information must remain classified beyond 10 years, the classifier will apply the letter ''X'' plus a brief recitation of the exemption category(ies), or the letter ''X'' plus the number that corresponds to that exemption category(ies) in section 1.6(d) of the Order.

(A) Exemption categories in E.O. 12958.

X1: reveal an intelligence source, method, or activity, or a cryptologic system or activity;

X2: reveal information that would assist in the development or use of weapons of mass destruction;

X3: reveal information that would impair the development or use of technology within a United States weapons system;

X4: reveal United States military plans, or national security emergency preparedness plans;

X5: reveal foreign government information;

X6: damage relations between the United States and a foreign government, reveal a confidential source, or seriously undermine diplomatic activities that are reasonably expected to be ongoing for a period greater than that provided in paragraph (b) above, [section 1.6(b) of the Order];

X7: impair the ability of responsible United States Government officials to protect the President, the Vice President, and other individuals for whom protection services, in the interest of national security, are authorized; or

X8: violate a statute, treaty, or international agreement.

(B) Example. A document containing information exempted from automatic declassification may appear as:

Classified By: David Smith, Chief, Division 5, Department of Good Works, Office of Administration
Reason: 1.5(g)
Declassify On: X-U.S. military plans or
Declassify On: X4

(b) Overall marking. The highest level of classified information contained in a document shall appear in a way that will distinguish it clearly from the informational text.

(1) Conspicuously place the overall classification at the top and bottom of the outside of the front cover (if any), on the title page (if any), on the first page, and on the outside of the back cover (if any).

(2) For documents containing information classified at more than one level, the overall marking shall be the highest level. For example, if a document contains some information marked ''Secret'' and other information marked ''Confidential,'' the overall marking would be ''Secret.''

(3) Each interior page of a classified document shall be marked at the top and bottom either with the highest level of classification of information contained on that page, including the designation ''Unclassified'' when it is applicable, or with the highest overall classification of the document.

(c) Portion marking. Each portion of a document, ordinarily a paragraph, but including subjects, titles, graphics and the like, shall be marked to indicate its classification level by placing a parenthetical symbol immediately preceding or following the portion to which it applies.

(1) To indicate the appropriate classification level, the symbols ''(TS)'' for Top Secret, ''(S)'' for Secret, ''(C)'' for Confidential, and ''(U)'' for Unclassified shall be used.

(2) Unless the original classification authority indicates otherwise on the document, each classified portion of a document exempted from automatic declassification shall be presumed to be exempted from automatic declassification also.

(3) An agency head or senior agency official may request a waiver from the portion marking requirement for a specific category of information. Such a request shall be submitted to the Director of ISOO and should include the reasons that the benefits of portion marking are outweighed by other factors. Statements citing administrative burden alone will ordinarily not be viewed as sufficient grounds to support a waiver.

(d) Classification extensions. (1) An original classification authority may extend the duration of classification for successive periods not to exceed 10 years at a time. For information contained in records determined to be permanently valuable, multiple extensions shall not exceed 25 years from the date of the information's origin.

(2) The ''Declassify On'' line shall be revised to include the new declassification instructions, and shall include the identity of the person authorizing the extension and the date of the action.

(3) The office of origin shall make reasonable attempts to notify all holders of such information. Classification guides shall be updated to reflect such revisions.

(4) An example of an extended duration of classification may appear as:

Classified By: David Smith, Chief, Division 5, Department of Good Works, Office of Administration
Reason: 1.5(g)
Declassify On: Classification extended on December 1, 2000, until December 1, 2010, by David Jones, Chief, Division 5

(e) Marking information exempted from automatic declassification at 25 years. (1) When an agency head or senior agency official exempts permanently valuable information from automatic declassification at 25 years, the ''Declassify On'' line shall be revised to include the symbol ''25X'' plus a brief reference to the pertinent exemption category(ies) or the number(s) that corresponds to that category(ies) in section 3.4(b) of the Order. Other than when the exemption pertains to the identity of a confidential human source, or a human intelligence source, the revised ''Declassify On'' line shall also include the new date or event for declassification.

(2) The pertinent exemptions, using the language of section 3.4(b) of the Order, are:

25X1: reveal the identity of a confidential human source, or reveal information about the application of an intelligence source or

method, or reveal the identity of a human intelligence source when the unauthorized disclosure of that source would clearly and demonstrably damage the national security interests of the United States;

25X2: reveal information that would assist in the development or use of weapons of mass destruction;

25X3: reveal information that would impair U.S. cryptologic systems or activities;

25X4: reveal information that would impair the application of state-of-the-art technology within a U.S. weapon system;

25X5: reveal actual U.S. military war plans that remain in effect;

25X6: reveal information that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States;

25X7: reveal information that would clearly and demonstrably impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services, in the interest of national security, are authorized;

25X8: reveal information that would seriously and demonstrably impair current national security emergency preparedness plans; or

25X9: violate a statute, treaty, or international agreement.

(3) The pertinent portion of the marking would appear as:

Declassify On: 25X-State-of-the-art technology within U.S. weapon system, October 1, 2010 or
Declassify On: 25X4, October 1, 2010

(4) Documents should not be marked with a ''25X'' marking until the agency has been informed that the President or the Interagency Security Classification Appeals Panel concurs with the proposed exemption.

(5) Agencies need not apply a ''25X'' marking to individual documents contained in a file series exempted from automatic declassification under section 3.4(c) of the Order until the individual document is removed from the file.

§ 2001.22 Derivative classification [2.2].

(a) General. Information classified derivatively on the basis of source documents or classification guides shall bear all markings prescribed in § 2001.20 and § 2001.21, except as provided in this section. Information for these markings shall be carried forward from the source document or taken from instructions in the appropriate classification guide.

(b) Source of derivative classification. (1) The derivative classifier shall concisely identify the source document or the classification guide on the ''Derived From'' line, including the agency and, where available, the office of origin, and the date of the source or guide. An example might appear as:

Derived From: Memo, ''Funding Problems,'' October 20, 1995, Ofc. of Admin., Department of Good Works or
Derived From: CG No. 1, Department of Good Works, dated October 20, 1995

(i) When a document is classified derivatively on the basis of more than one source document or classification guide, the ''Derived From'' line shall appear as:

Derived From: Multiple Sources

(ii) The derivative classifier shall maintain the identification of each source with the file or record copy of the derivatively classified document. When practicable, this list should be included in or with all copies of the derivatively classified document.

(2) A document derivatively classified on the basis of a source document that is itself marked ''Multiple Sources'' shall cite the source document on its ''Derived From'' line rather than the term ''Multiple Sources.'' An example might appear as:

Derived From: Report entitled, ''New Weapons,'' dated October 20, 1995, Department of Good Works, Office of Administration

(c) Reason for classification. The reason for the original classification decision, as reflected in the source document(s) or classification guide, is not required to be transferred in a derivative classification action. If included, however, it shall conform to the standards in § 2001.21(a)(3).

(d) Declassification instructions. (1) The derivative classifier shall carry forward the instructions on the ''Declassify On'' line from the source document to the derivative document, or the duration instruction from the classification guide.

(2) When a document is classified derivatively on the basis of more than one source document or more than one element of a classification guide, the ''Declassify On'' line shall reflect the longest duration of any of its sources.

(i) When a document is classified derivatively from a source document(s) or classification guide that contains the declassification instruction, ''Originating Agency's Determination Required,'' or ''OADR,'' unless otherwise instructed by the original classifier, the derivative classifier shall carry forward:

(A) The fact that the source document(s) was marked with this instruction; and

(B) The date of origin of the most recent source document(s), classification guide, or specific information, as appropriate to the circumstances.

(ii) An example might appear as:

Declassify On: Source marked ''OADR'', Date of source: October 20, 1990

(iii) This marking will permit the determination of when the classified information is 25 years old and, if permanently valuable, subject to automatic declassification under section 3.4 of the Order.

(e) Overall marking. The derivative classifier shall conspicuously mark the classified document with the highest level of classification of information included in the document, as provided in § 2001.21(b).

(f) Portion marking. Each portion of a derivatively classified document shall be marked in accordance with its source, and as provided in § 2001.21(c).

§ 2001.23 Additional requirements [1.7].

(a) Marking prohibitions. Markings other than ''Top Secret,'' ''Secret,'' and ''Confidential,'' such as ''For Official Use Only,'' or ''Limited Official Use,'' shall not be used to identify classified national security information. No other term or phrase shall be used in conjunction with these markings, such as ''Secret Sensitive'' or ''Agency Confidential,'' to identify classified national security information. The terms ''Top Secret,'' ''Secret,'' and ''Confidential'' should not be used to identify non-classified executive branch information.

(b) Agency prescribed special markings. Agencies shall refrain from the use of special markings when they merely restate or emphasize the principles and standards of the Order and this part. Upon request, the senior agency official shall provide the Director of ISOO with a written explanation for the use of agency special markings.

(c) Transmittal documents. A transmittal document shall indicate on its face the highest classification level of any classified information attached or enclosed. The transmittal shall also include conspicuously on its face the following or similar instructions, as appropriate:

Unclassified When Classified Enclosure Removed or Upon Removal of Attachments, This Document is (Classification Level)

(d) Foreign government information. Documents that contain foreign government information shall include the marking, ''This Document Contains (indicate country of origin) Information.'' The portions of the document that contain the foreign government information shall be marked to indicate the government and classification level, e.g., ''(UK–C).'' If the identity of the specific government must

be concealed, the document shall be marked, ''This Document Contains Foreign Government Information,'' and pertinent portions shall be marked ''FGI'' together with the classification level, e.g., ''(FGI–C).'' In such cases, a separate record that identifies the foreign government shall be maintained in order to facilitate subsequent declassification actions. When classified records are transferred to the National Archives and Records Administration for storage or archival purposes, the accompanying documentation shall, at a minimum, identify the boxes that contain foreign government information. If the fact that information is foreign government information must be concealed, the markings described in this paragraph shall not be used and the document shall be marked as if it were wholly of U.S. origin.

(e) Working papers. A working paper is defined as documents or materials, regardless of the media, which are expected to be revised prior to the preparation of a finished product for dissemination or retention. Working papers containing classified information shall be dated when created, marked with the highest classification of any information contained in them, protected at that level, and destroyed when no longer needed. When any of the following conditions applies, working papers shall be controlled and marked in the same manner prescribed for a finished document at the same classification level:

(1) Released by the originator outside the originating activity;

(2) Retained more than 180 days from the date of origin; or

(3) Filed permanently.

(f) Other material. Bulky material, equipment and facilities, etc., shall be clearly identified in a manner that leaves no doubt about the classification status of the material, the level of protection required, and the duration of classification. Upon a finding that identification would itself reveal classified information, such identification is not required. Supporting documentation for such a finding must be maintained in the appropriate security facility and in any applicable classification guide.

(g) Unmarked materials. Information contained in unmarked records, or presidential or related materials, and which pertains to the national defense or foreign relations of the United States and has been maintained and protected as classified information under prior orders shall continue to be treated as classified information under the Order, and is subject to its provisions regarding declassification.

§ 2001.24 Declassification markings [Reserved].

Subpart C—Self-Inspections

§ 2001.30 General [5.6].

(a) Purpose. This subpart sets standards for establishing and maintaining an ongoing agency self-inspection program, which shall include the periodic review and assessment of the agency's classified product. ''Self-inspection'' means the internal review and evaluation of individual agency activities and the agency as a whole with respect to the implementation of the program established under the Order.

(b) Applicability. These standards are binding on all executive branch agencies that create or handle classified information. Pursuant to Executive Order 12829, the National Industrial Security Program Operating Manual (NISPOM) prescribes the security requirements, restrictions and safeguards applicable to industry, including the conduct of contractor self-inspections. The standards established in the NISPOM should be consistent with the standards prescribed in Executive Order 12958 and this part.

(c) Responsibility. The senior agency official is responsible for the agency's self-inspection program. The senior agency official shall designate agency personnel to assist in carrying out this responsibility.

(d) Approach. The official(s) responsible for the program shall determine the means and methods for the conduct of self-inspections. These may include:

(1) A review of relevant security directives, guides and instructions;

(2) Interviews with producers and users of classified information;

(3) A review of access and control records and procedures; and

(4) A review of a sample of classified documents generated by agency activities.

(e) Frequency. The official(s) responsible for the program shall set the frequency of self-inspections on the basis of program needs and the degree of classification activity. Activities that originate significant amounts of classified information should conduct at least one document review per year.

(f) Reporting. The format for documenting findings shall be set by the official(s) responsible for the program.

§ 2001.31 Coverage [5.6(c)(4)].

(a) General. These standards are not all-inclusive. Each agency may expand upon the coverage according to program and policy needs. Each self-inspection of an agency activity need not include all the elements covered in this section. Agencies without original classification authority need not include in their self-inspections those elements of coverage pertaining to original classification.

(b) Elements of coverage.

(1) Original classification.

(i) Evaluate original classifiers' general understanding of the process of original classification, including the:

(A) Applicable standards for classification;

(B) Levels of classification and the damage criteria associated with each; and

(C) Required classification markings.

(ii) Determine if delegations of original classification authority conform with the requirements of the Order, including whether:

(A) Delegations are limited to the minimum required to administer the program;

(B) Designated original classifiers have a demonstrable and continuing need to exercise this authority;

(C) Delegations are in writing and identify the official by name or position title; and

(D) New requests for delegation of classification authority are justified.

(iii) Assess original classifiers' familiarity with the duration of classification requirements, including:

(A) Assigning a specific date or event for declassification when possible;

(B) Establishing ordinarily a maximum 10-year duration of classification when an earlier date or event cannot be determined;

(C) Limiting extensions of classification for specific information for successive periods not to exceed 10 years at a time; and

(D) Exempting from declassification within 10 years specific information as provided in section 1.6 of the Order.

(iv) Conduct a review of a sample of classified information generated by the inspected activity to determine the propriety of classification and the application of proper and full markings.

(v) Evaluate classifiers' actions to comply with the standards specified in § 2001.14 and § 2001.53 of this part, relating to classification and declassification guides, respectively.

(vi) Verify observance with the prohibitions on classification and limitations on reclassification.

(vii) Assess whether the agency's classification challenges program meets the requirements of the Order and this part.

(2) Derivative classification. Assess the general familiarity of individuals who classify derivatively with the:

(i) Conditions for derivative classification;

(ii) Requirement to consult with the originator of the information when questions concerning classification arise;

(iii) Proper use of classification guides; and

(iv) Proper and complete application of classification markings to derivatively classified documents.

(3) Declassification.

(i) Verify whether the agency has established, to the extent practical, a system of records management to facilitate public release of declassified documents.

(ii) Evaluate the status of the agency declassification program, including the requirement to:

(A) Comply with the automatic declassification provisions regarding historically valuable records over 25 years old;

(B) Declassify, when possible, historically valuable records prior to accession into the National Archives;

(C) Provide the Archivist with adequate and current declassification guides;

(D) Ascertain that the agency's mandatory review program conforms to established requirements; and

(E) Determine whether responsible agency officials are cooperating with the Archivist in the development and maintenance of a Government-wide database of information that has been declassified.

(4) Safeguarding.

(i) Monitor agency adherence to established safeguarding standards.

(ii) Assess compliance with controls for access to classified information.

(iii) Evaluate the effectiveness of the agency's program in detecting and processing security violations and preventing recurrences.

(iv) Assess compliance with the procedures for identifying, reporting and processing unauthorized disclosures of classified information.

(v) Evaluate the effectiveness of procedures to ensure that:

(A) The originating agency exercises control over the classified information it generates;

(B) Holders of classified information do not disclose information originated by another agency without that agency's authorization; and

(C) Departing or transferred officials return all classified information in their possession to authorized agency personnel.

(5) Security education and training. Evaluate the effectiveness of the agency's security education and training program in familiarizing appropriate personnel with classification procedures; and determine whether the program meets the standards specified in subpart D of this part.

(6) Management and oversight.

(i) Determine whether original classifiers have received prescribed training.

(ii) Verify whether the agency's special access programs:

(A) Adhere to specified criteria in the creation of these programs;

(B) Are kept to a minimum;

(C) Provide for the conduct of internal oversight; and

(D) Include an annual review of each program to determine whether it continues to meet the requirements of the Order.

(iii) Assess whether:

(A) Senior management demonstrates commitment to the success of the program, including providing the necessary resources for effective implementation;

(B) Producers and users of classified information receive guidance with respect to security responsibilities and requirements;

(C) Controls to prevent unauthorized access to classified information are effective;

(D) Contingency plans are in place for safeguarding classified information used in or near hostile areas;

(E) The performance contract or other system used to rate civilian or military personnel includes the management of classified information as a critical element or item to be evaluated in the rating of: Original classifiers; security managers; classification management officers; and security specialists; and other employees significantly involved with classified information; and

(F) A method is in place for collecting information on the costs associated with the implementation of the Order.

Subpart D—-Security Education and Training

§ 2001.40 General [5.6].

(a) Purpose. This subpart sets standards for agency security education and training programs. Implementation of these standards should:

(1) Ensure that all executive branch employees who create, process or handle classified information have a satisfactory knowledge and understanding about classification, safeguarding, and declassification policies and procedures;

(2) Increase uniformity in the conduct of agency security education and training programs; and

(3) Reduce improper classification, safeguarding and declassification practices.

(b) Applicability. These standards are binding on all executive branch departments and agencies that create or handle classified information. Pursuant to Executive Order 12829, the NISPOM prescribes the security requirements, restrictions, and safeguards applicable to industry, including the conduct of contractor security education and training. The standards established in the NISPOM should be consistent with the standards prescribed in Executive Order 12958 and of this part.

(c) Responsibility. The senior agency official is responsible for the agency's security education and training program. The senior agency official shall designate agency personnel to assist in carrying out this responsibility.

(d) Approach. Security education and training should be tailored to meet the specific needs of the agency's security program, and the specific roles employees are expected to play in that program. The agency official(s) responsible for the program shall determine the means and methods for providing security education and training. Training methods may include briefings, interactive videos, dissemination of instructional materials, and other media and methods. Agencies shall maintain records about the programs it has offered and employee participation in them.

(e) Frequency. The frequency of agency security education and training will vary in accordance with the needs of the agency's security classification program. Each agency shall provide some form of refresher security education and training at least annually.

§ 2001.41 Coverage [5.6(c)(3)].

(a) General. Each department or agency shall establish and maintain a formal security education and training program which provides for initial and refresher training, and termination briefings. This subpart establishes security education and training standards for original classifiers, declassification authorities, security managers, classification management officers, security specialists, and all other personnel whose duties significantly involve the creation or handling of classified information. These standards are not intended to be all-inclusive. The official responsible for the security education and training program may expand or modify the coverage provided in this part according to the agency's program and policy needs.

(b) Elements of initial coverage. All cleared agency personnel shall receive initial training on basic security policies, principles and practices. Such training must be provided in conjunction with the granting of a

security clearance, and prior to granting access to classified information. The following areas should be considered for inclusion in initial briefings.

(1) Roles and responsibilities.

(i) What are the responsibilities of the senior agency official, classification management officers, the security manager and the security specialist?

(ii) What are the responsibilities of agency employees who create or handle classified information?

(iii) Who should be contacted in case of questions or concerns about classification matters?

(2) Elements of classifying and declassifying information.

(i) What is classified information and why is it important to protect it?

(ii) What are the levels of classified information and the damage criteria associated with each level?

(iii) What are the prescribed classification markings and why is it important to have classified information fully and properly marked?

(iv) What are the general requirements for declassifying information?

(v) What are the procedures for challenging the classification status of information?

(3) Elements of safeguarding.

(i) What are the proper procedures for safeguarding classified information?

(ii) What constitutes an unauthorized disclosure and what are the penalties associated with these disclosures?

(iii) What are the general conditions and restrictions for access to classified information?

(iv) What should an individual do when he or she believes safeguarding standards may have been violated?

(c) Specialized security education and training. Original classifiers, authorized declassification authorities, individuals specifically designated as responsible for derivative classification, classification management officers, security managers, security specialists, and all other personnel whose duties significantly involve the creation or handling of classified information should receive more detailed training. This training should be provided before or concurrent with the date the employee assumes any of the positions listed above, but in any event no later than six months from that date. Coverage considerations should include:

(1) Original classifiers.

(i) What is the difference between original and derivative classification?

(ii) Who can classify information originally?

(iii) What are the standards that a designated classifier must meet to classify information?

(iv) What is the process for determining duration of classification?

(v) What are the prohibitions and limitations on classifying information?

(vi) What are the basic markings that must appear on classified information?

(vii) What are the general standards and procedures for declassification?

(2) Declassification authorities other than original classifiers.

(i) What are the standards, methods and procedures for declassifying information under Executive Order 12958?

(ii) What are the standards for creating and using agency declassification guides?

(iii) What is contained in the agency's automatic declassification plan?

(iv) What are the agency responsibilities for the establishment and maintenance of a declassification database?

(3) Individuals specifically designated as responsible for derivative classification, security managers, classification management officers, security specialists or any other personnel whose duties significantly involve the management and oversight of classified information.

(i) What are the original and derivative classification processes and the standards applicable to each?

(ii) What are the proper and complete classification markings, as described in subpart B of this part?

(iii) What are the authorities, methods and processes for downgrading and declassifying information?

(iv) What are the methods for the proper use, storage, reproduction, transmission, dissemination and destruction of classified information?

(v) What are the requirements for creating and updating classification and declassification guides?

(vi) What are the requirements for controlling access to classified information?

(vii) What are the procedures for investigating and reporting instances of security violations, and the penalties associated with such violations?

(viii) What are the requirements for creating, maintaining, and terminating special access programs, and the mechanisms for monitoring such programs?

(ix) What are the procedures for the secure use, certification and accreditation of automated information systems and networks which use, process, store, reproduce, or transmit classified information?

(x) What are the requirements for oversight of the security classification program, including agency self-inspections?

(d) Refresher security education and training. Agencies shall provide refresher training to employees who create, process or handle classified information. Refresher training should reinforce the policies, principles and procedures covered in initial and specialized training. Refresher training should also address the threat and the techniques employed by foreign intelligence activities attempting to obtain classified information, and advise personnel of penalties for engaging in espionage activities.

Refresher training should also address issues or concerns identified during agency self-inspections. When other methods are impractical, agencies may satisfy the requirement for refresher training by means of audiovisual products or written materials.

(e) Termination briefings. Each agency shall ensure that each employee granted access to classified information who leaves the service of the agency receives a termination briefing. Also, each agency employee whose clearance is withdrawn must receive such a briefing. At a minimum, termination briefings must impress upon each employee: The continuing responsibility not to disclose any classified information to which the employee had access and the potential penalties for non-compliance; and the obligation to return to the appropriate agency official all classified documents and materials in the employee's possession.

(f) Other security education and training. Agencies are encouraged to develop additional security education and training according to program and policy needs. Such security education and training could include:

(1) Practices applicable to U.S. officials traveling overseas;

(2) Procedures for protecting classified information processed and stored in automated information systems;

(3) Methods for dealing with uncleared personnel who work in proximity to classified information;

(4) Responsibilities of personnel serving as couriers of classified information; and

(5) Security requirements that govern participation in international programs.

Subpart E—Declassification

§ 2001.50 Definition [3.1].

A *file series* is a body of related records created or maintained by an agency, activity, office or individual. The records may be related by subject, topic, form, function, or filing scheme. An agency, activity, office, or individual may create or maintain several different file series, each serving a different function. Examples may include a

subject file, alphabetical name index, chronological file, or a record set of agency publications. File series frequently correspond to items on a NARA-approved agency records schedule. Some very large series may contain several identifiable sub-series, and it may be appropriate to treat sub-series as discrete series for the purposes of the Order.

§ 2001.51 Automatic declassification [3.4].

(a) General. All departments and agencies that have original classification authority, or previously had original classification authority, and maintain records appraised as having permanent historical value that contain information classified by that agency shall comply with the automatic declassification provisions of the Order. All agencies with original classification authority shall cooperate with NARA in carrying out an automatic declassification program involving accessioned Federal records, presidential papers and records, and donated historical materials under the control of the Archivist of the United States. The Archivist will not declassify information created by another agency without the prior consent of that agency.

(b) Presidential records. The Archivist of the United States shall establish procedures for the declassification of presidential or White House materials accessioned into the National Archives of the United States or maintained in the presidential libraries.

(c) Transferred information. In the case of classified information transferred in conjunction with a transfer of functions, and not merely for storage or archival purposes, the receiving agency shall be deemed to be the originating agency.

(d) Unofficially transferred information. In the case of classified information that is not officially transferred as described in paragraph (c), of this section, but that originated in an agency that has ceased to exist and for which there is no successor agency, the Director of ISOO will designate an agency or agencies to act on provisions of the Order.

(e) Processing records originated by another agency. When an agency uncovers classified records originated by another agency that appear to meet the criteria for the application of the automatic declassification provisions of the Order, the finding agency should alert the originating agency and seek instruction regarding the handling and disposition of pertinent records.

(f) Unscheduled records. Classified information in records that have not been scheduled for disposal or retention by NARA is not subject to section 3.4 of the Order. Classified information in records that are scheduled as permanently valuable when that information is already more than 20 years old shall be subject to the automatic declassification provisions of section 3.4 of the Order five years from the date the records are scheduled. Classified information in records that are scheduled as permanently valuable when that information is less than 20 years old shall be subject to the automatic declassification provisions of section 3.4 of the Order when the information is 25 years old.

(g) Foreign government information. The declassifying agency is the agency that initially received or classified the information. When foreign government information appears to be subject to automatic declassification, the declassifying agency shall determine whether the information is subject to a treaty or international agreement that would prevent its declassification at that time. The declassifying agency shall also determine if another exemption under section 3.4(b) of the Order, such as the exemption that pertains to United States foreign relations, may apply to the information. If the declassifying agency believes such an exemption may apply, it should consult with any other concerned agencies in making its declassification determination. The declassifying agency or the Department of State, as appropriate, should consult with the foreign government prior to declassification.

(h) Assistance to the Archivist of the United States. Agencies shall consult with NARA before establishing automatic declassification programs. Agencies shall cooperate with NARA in developing schedules for the declassification of records in the National Archives of the United States and the presidential libraries to ensure that declassification is accomplished in a timely manner. NARA will provide information about the records proposed for automatic declassification. Agencies shall consult with NARA before reviewing records in their holdings to ensure that appropriate procedures are established for maintaining the integrity of the records and that NARA receives accurate information about agency declassification actions when records are transferred to NARA. NARA will provide guidance to the agencies about the requirements for notification of declassification actions on transferred records, box labeling, and identifying exempt information in the records.

(i) Use of approved declassification guides. Approved declassification guides may be used as a tool to assist in the exemption from automatic declassification of specific information as provided in section 3.4(d) of the Order. These guides must include additional pertinent detail relating to the exemptions described in section 3.4(b) of the Order, and follow the format required of declassification guides for systematic review as described in § 2001.53 of this part. In order for such guides to be used in place of the identification of specific information within individual documents, the information to be exempted must be narrowly defined, with sufficient specificity to allow the user to identify the information with precision. Exemptions for general categories of information will not be acceptable. The actual items to be exempted are specific documents. All such declassification guides used in conjunction with section 3.4(d) of the Order must be submitted to the Director of ISOO, serving as Executive Secretary of the Interagency Security Classification Appeals Panel, for approval by the Panel.

(j) Automatic declassification date. No later than April 17, 2000, information over 25 years old in unreviewed permanently valuable records in non-exempt file series will be automatically declassified.

(k) Redaction standard. Agencies are encouraged but are not required to redact documents that contain information that is exempt from automatic declassification under section 3.4 of the Order, especially if the information that must remain classified comprises a relatively small portion of the document.

(l) Restricted Data and Formerly Restricted Data. (1) Restricted Data (RD) and Formerly Restricted Data (FRD) are exempt from the automatic declassification requirements in section 3.4 of the Order because they are classified under the Atomic Energy Act of 1954, as amended. Restricted Data concerns:

(i) The design, manufacture, or utilization of atomic weapons;

(ii) The production of special nuclear material, e.g., enriched uranium or plutonium; or

(iii) The use of special nuclear material in the production of energy.

(2) Formerly Restricted Data is information that is still classified but which has been removed from the Restricted Data category because it is related primarily to the military utilization of atomic weapons.

(3) Any document marked as containing Restricted Data or Formerly Restricted Data shall remain classified indefinitely or shall be referred to the

Department of Energy or the Department of Defense for a classification review.

§ 2001.52 Systematic declassification review [3.5].

(a) Listing of declassification authorities. Agencies shall maintain a current listing of officials delegated declassification authority by name, position, or other identifier. If possible, this listing shall be unclassified.

(b) Responsibilities. Agencies shall establish systematic review programs for those records containing information that is exempt from automatic declassification. Agencies may also conduct systematic review of information contained in permanently valuable records that is less than 25 years old.

§ 2001.53 Declassification guides [3.5(b)].

(a) Preparation of declassification guides. Declassification guides shall be prepared to facilitate the declassification of information contained in records determined to be of permanent historical value. When it is sufficiently detailed and understandable, and identified for both purposes, a classification guide may also be used as a declassification guide.

(b) General content of declassification guides. Declassification guides shall, at a minimum:

(1) Identify the subject matter of the declassification guide;

(2) Identify the original declassification authority by name or personal identifier, and position;

(3) Provide the date of issuance or last review;

(4) State precisely the categories or elements of information:

(i) To be declassified;

(ii) To be downgraded; or

(iii) Not to be declassified.

(5) Identify any related files series that have been exempted from automatic declassification pursuant to section 3.4(c) of the Order;

(6) To the extent a guide is used in conjunction with the automatic declassification provisions in section 3.4 of the Order, state precisely the elements of information to be exempted from declassification to include:

(i) The appropriate exemption category listed in section 3.4(b) of the Order, and, when citing the exemption category listed in section 3.4(b)(9) of the Order, specify the applicable statute, treaty or international agreement; and

(ii) A date or event for declassification.

(c) External review. Agencies shall submit declassification guides for review to the Director of ISOO. To the extent such guides are used in conjunction with the automatic declassification provisions in section 3.4 of the Order, the Director shall submit them for approval by the Interagency Security Classification Appeals Panel.

(d) Internal review and update. Agency declassification guides shall be reviewed and updated as circumstances require, but at least once every five years. Each agency shall maintain a list of its declassification guides in use.

§ 2001.54 Mandatory review for declassification [3.6, 3.7].

(a) U.S. originated information—(1) Receipt of requests. Each agency shall publish in the Federal Register the identity of the person(s) or office(s) to which mandatory declassification review requests should be addressed.

(2) Processing.

(i) Requests for classified records in the custody of the originating agency. A valid mandatory declassification review request need not identify the requested information by date or title of the responsive records, but must be of sufficient specificity to allow agency personnel to locate the records containing the information sought with a reasonable amount of effort. In responding to mandatory declassification review requests, agencies shall either make a prompt declassification determination and notify the requester accordingly, or inform the requester of the additional time needed to process the request. Agencies shall ordinarily make a final determination within 180 days from the date of receipt. When information cannot be declassified in its entirety, agencies will make reasonable efforts to release, consistent with other applicable law, those declassified portions of the requested information that constitute a coherent segment. Upon denial of an initial request, the agency shall also notify the requester of the right of an administrative appeal, which must be filed within 60 days of receipt of the denial.

(ii) Requests for classified records in the custody of an agency other than the originating agency. When an agency receives a mandatory declassification review request for records in its possession that were originated by another agency, it shall refer the request and the pertinent records to the originating agency. However, if the originating agency has previously agreed that the custodial agency may review its records, the custodial agency shall review the requested records in accordance with declassification guides or guidelines provided by the originating agency. Upon receipt of a request from the referring agency, the originating agency shall process the request in accordance with this section. The originating agency shall communicate its declassification determination to the referring agency.

(iii) Appeals of denials of mandatory declassification review requests. The agency appellate authority shall normally make a determination within 60 working days following the receipt of an appeal. If additional time is required to make a determination, the agency appellate authority shall notify the requester of the additional time needed and provide the requester with the reason for the extension. The agency appellate authority shall notify the requester in writing of the final determination and of the reasons for any denial.

(iv) Appeals to the Interagency Security Classification Appeals Panel. In accordance with section 5.4 of the Order, the Interagency Security Classification Appeals Panel shall publish in the Federal Register no later than February 12, 1996, the rules and procedures for bringing mandatory declassification appeals before it.

(b) Foreign government information. Except as provided in this paragraph, agency heads shall process mandatory declassification review requests for classified records containing foreign government information in accordance with this section. The declassifying agency is the agency that initially received or classified the information. When foreign government information is being considered for declassification, the declassifying agency shall determine whether the information is subject to a treaty or international agreement that would prevent its declassification at that time. The declassifying agency shall also determine if another exemption under section 1.6(d) of the Order (other than section 1.6(b)(5)), such as the exemption that pertains to United States foreign relations, may apply to the information. If the declassifying agency believes such an exemption may apply, it should consult with any other concerned agencies in making its declassification determination. The declassifying agency or the Department of State, as appropriate, should consult with the foreign government prior to declassification.

(c) Cryptologic and intelligence information. Mandatory declassification review requests for cryptologic information and information concerning intelligence activities (including special activities) or intelligence sources or methods shall be processed solely in accordance with special procedures issued by the Secretary of Defense and

the Director of Central Intelligence, respectively.

(d) Fees. In responding to mandatory declassification review requests for classified records, agency heads may charge fees in accordance with section 9701 of title 31, United States Code. The schedules of fees published in the Federal Register by agencies in implementation of Executive Order 12356 shall remain in effect until revised.

(e) Assistance to the Department of State. Heads of agencies should assist the Department of State in its preparation of the *Foreign Relations of the United States* (FRUS) series by facilitating access to appropriate classified materials in their custody and by expediting declassification review of documents proposed for inclusion in the FRUS.

(f) Requests filed under mandatory declassification review and the Freedom of Information Act. When a requester submits a request both under mandatory review and the Freedom of Information Act (FOIA), the agency shall require the requester to elect one process or the other. If the requester fails to elect one or the other, the request will be treated as a FOIA request unless the requested materials are subject only to mandatory review.

(g) FOIA and Privacy Act requests. Agency heads shall process requests for declassification that are submitted under the provisions of the FOIA, as amended, or the Privacy Act of 1974, in accordance with the provisions of those Acts.

(h) Redaction standard. Agencies shall redact documents that are the subject of an access demand unless the overall meaning or informational value of the document is clearly distorted by redaction.

Subpart F—Reporting

§ 2001.60 Statistical reporting [5.3].

Each agency that creates or handles classified information shall report annually to the Director of ISOO statistics related to its security classification program. The Director shall solicit recommendations from the member agencies of the Security Policy Forum regarding the reporting requirements. The Director will instruct agencies what data elements are required, and how and when they are to be reported.

§ 2001.61 Accounting for costs [5.6(c)(8)].

(a) Information on the costs associated with the implementation of the Order will be collected from the agencies by the Office of Management and Budget (OMB). OMB will provide data to ISOO on the cost estimates for classification-related activities. ISOO will include these cost estimates in its annual report to the President. The agency senior official should work closely with the agency comptroller to ensure that the best estimates are collected.

(b) The Secretary of Defense, acting as the executive agent for the National Industrial Security Program under Executive Order 12829, and consistent with agreements entered into under section 202 of E.O. 12829, will collect cost estimates for classification-related activities of contractors, licensees, certificate holders, and grantees, and report them to ISOO annually. ISOO will include these cost estimates in its annual report to the President.

§ 2001.62 Effective date [6.2].

Part 2001 shall become effective October 14, 1995.

Alice M. Rivlin,

Director, Office of Management and Budget.

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